

The Coalition of Concerned Citizens of Caledon
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Clerk pro tem of the Standing Committee on General Government
Legislative Assembly of Ontario
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To Whom It May Concern:

Thank you for the opportunity for the Coalition of Concerned Citizens of Caledon (The CCC) to provide input on the need for reform of the Aggregate Resources Act (ARA). Aggregate pits and quarries are by their nature, highly destructive and intrusive industrial sites in a community. Although there is no doubt, mineral aggregates are important non-renewable resources, we need to grant fewer greenfield operations and encourage more recycling and conserving within the supply chain.

The Coalition has had extensive in-the-trenches experience with the ARA as we were involved in the 13-year engagement over the Rockfort Quarry application. The following are the highest priorities we would recommend for reform, given our experience.

SUMMARY RECOMMENDATIONS: (discussion of each section to follow)

- 1. Amend the ARA Standards and Manual to include stronger enforcement and prevention of the negative environmental and social impacts resulting from aggregate extraction.**
- 2. Social and environmental impacts from operations extend far beyond the 120-meter zone around a site. The notification area should be extended to 1500 meters for sand and gravel and 2000 meters for stone quarries.**
- 3. Increase the fees and levies paid by the industry to fund annual site inspections by MNR staff and independent audits, to ensure proper enforcement and compliance of all the ARA standards and regulations.**
- 4. Extend timelines for the public to examine and respond to applications and have those timelines align with the EBR posting.**
- 5. Source water protection should be acknowledged and supported in the ARA. To state the obvious, water is more important than gravel.**
- 6. Ensure that the public has prompt access to all the information that the proponent has provided to government agencies regarding an application; plus provide public consultation provisions during the life cycle of the pit.**

7. **Eliminate the ability for the MNR to make unilateral site plan amendments without proper consultation with the Municipalities, other government agencies and the public.**
8. **Reinstate the rehabilitation levies and address, in a timely fashion, the thousands of abandoned pits that exist in Ontario.**
9. **Tighten timelines for current pit rehabilitation through the use of “maximum disturbed area” provisions.**
10. **Institute mandatory standards and monitoring of dust or airborne particulate matter from extraction or production activities.**
11. **“Close to market” no longer makes sense in Southern Ontario and we should be providing incentives for alternatives such as rail and marine transport.**
12. **Develop a long-term comprehensive strategy for the management and conservation of aggregates, including looking at alternative sources and recycling.**
13. **Reforms to the ARA should support good land use planning in the local context, with a balance between the ARA and the Planning Act.**
14. **Inventory information provided by the producers should be independently verified.**
15. **Licensed pits should have a reasonable time limit in which they may exhaust the site of its resource, while at the same time providing some closure for the community.**

DISCUSSION POINTS:

1. **Amend the ARA Standards and Manual to include stronger enforcement and prevention of the negative environmental and social impacts resulting from aggregate extraction.** The ARA lacks critical regulations that would consider the wide range of hidden costs affecting the communities of the tax-paying public. These significant costs are **environmental**, (impact on source waters, food production, natural heritage, Co2, dust and noise) **social quality of life costs**, (truck traffic, industrial pollution, degrading of cultural and natural heritage) and **economic costs** (impacts on public infrastructure, forgone tax revenues and inefficient use of a resource). Whole cost accounting would encourage a balanced approach to resource extraction.
2. **Social and environmental impacts from operations extend far beyond the 120-meter zone around a site. The notification area should be extended to 1500 meters for sand and gravel and 2000 meters for stone quarries.** As stated in the Environmental Commissioner’s 2005-2006 Annual Report, *“Aggregate operations remove virtually all vegetation, topsoil and subsoil to reach the sand, gravel or bedrock beneath. By necessity, extraction also removes all natural habitat, disrupts pre-existing stream flows, changes final grades on the land, and alters drainage patterns.”* The existing 120-meter standard is not reflective of the true zones of impact and it needs to be expanded to reflect the reality of those influences.
3. **Increase the fees and levies paid by the industry, to fund annual site inspections by MNR staff and independent audits, to ensure proper**

enforcement and compliance of all ARA standards and regulations. MNR is clearly not able, or perhaps does not have the will, to enforce the existing policies. In 2006 it was noted that only 10-13% of pits were being inspected annually which works out to a pit being inspected about once every 5-7 years. The MNR survey of compliance in the Oak Ridges Moraine of 121 pits showed 82% of operations were not in compliance. There is so little oversight that the Vice-Chair of the OMB at the Rockfort quarry hearing stated: *“There was nothing in the evidence of Ms Douglas or her colleague Steven Strong that gives the Board any certainty that even if it decided that it would be appropriate for MNR to take on the responsibilities assigned to it in the AMP (adaptive management plan), that MNR has the resources to deal adequately with those responsibilities.”* This lack of certainty is particularly troubling in light of new applications that are rapidly becoming larger, more industrialized engineering projects, with the capacity for more risk to water and ecosystems. The public has lost all confidence in the ability of MNR in its present state, to ensure compliance. By adding staff, independent audits, and public reporting, we could go a long way toward creating a more arm’s-length relationship between MNR and aggregate producers while having more accountability to the public. In the case of non-compliance, MNR should be obliged to consult with the Municipality in which the pit operates.

4. **Extend timelines for the public to examine and respond to applications and have those timelines align with the EBR posting.** From the public viewpoint the ARA “process” is convoluted, non-transparent and extremely frustrating. There is extensive time given to the proponent to prepare his proposal and extremely short timelines given to the public for study and response. This does not promote good land use planning, and intensifies the adversarial atmosphere of the whole issue. A community may have to tolerate a pit for 50 years, once licensed, yet may only get a few weeks to respond within the present ARA process. This is not an adequate timeline. In addition, the discrepancy with the EBR commenting period needs to be brought in alignment to prevent confusion by the public as to when their comment deadline arrives.
5. **Source water protection should be acknowledged and supported in the ARA.** To state the obvious, water is more important than gravel, and there should be integration and support of the Source Water Protection initiative in the ARA. Pits and quarry operations are not just “handlers of water”. Their operations can effect profound changes to the surface water, ground water, wells, springs, wetlands and functionally connected features.
6. **Ensure that the public has prompt access to all the information that the proponent has provided to government agencies regarding an application, plus provide public consultation provisions during the life cycle of the pit.** The public often has difficulty getting data and information in a timely fashion, as to a proposed application or proposed changes to an existing site plan. Considering that these proposals may have profound effects on those living in the area, this is a significant omission. We suggest that a website is maintained by the proponent for

the information to be made available as soon as it is discussed or sent to government agencies.

7. **Eliminate the ability for the MNR to make unilateral site plan amendments without proper consultation with the Municipalities and other public agencies.** Once a site has been granted a license, we need to uphold the agreed upon site plan conditions, as these were the conditions under which stakeholders agreed the license could be granted. Currently, the MNR can then turn around after the fact and change those conditions without consulting with the same stakeholders. This makes a mockery of the process. Changes need to go through a public consultative process with full transparency, as these changes can have profound impacts to the host community.
8. **Reinstate the rehabilitation levies and address, in a timely fashion, the thousands of abandoned pits in Ontario.** In MNR's August 2006 review of the aggregates program they acknowledged that approximately 6,900 abandoned pit and quarry sites have been identified, of which 2,700 were considered candidate sites for restoration. Very few (about 45 annually) abandoned sites were being rehabilitated at present through the industry-led program; Strengthened oversight and auditing of operations will improve current extraction sites, but old abandoned pits need a more direct approach of fines or refusal of further license approvals to address this abysmal track record.
9. **Tighten timelines for current pit rehabilitation through the use of "maximum disturbed area" provisions.** Even though progressive rehabilitation is the current law in the ARA, some producers are still not in compliance. Tightening the targets and timelines with resulting fines should be implemented.
10. **Institute mandatory standards and monitoring of dust or airborne particulate matter from extraction or production activities.** Crystalline silica dust is a common by-product from processing crushed stone, sand and gravel and is a known carcinogen. At the very least, when it is inhaled over time, your effective lung capacity is reduced. Mitigation measures for pits and quarries are inadequate and this needs to be updated in the standards.
11. **Close to market no longer makes sense in Southern Ontario and we should be providing incentives for alternatives such as rail and marine transport.** In looking at the movement of aggregates and Co₂ emissions, if the Province were to invest in public transit, rail incentives and alternative non-truck based transportation options, the economies of scale would make these options more viable. This analysis needs to include a complete "life cycle" value assessment, which includes external costs associated with air pollution, greenhouse gas emissions, safety and time. There is no question that rail and marine transport are the cheapest mode of transport for aggregates over long distances. At the same time they increase safety and reduce the stress on public road infrastructure. This long-term planning and investment is the way of the future and we need to start addressing it.

12. **Develop a long-term comprehensive strategy for the management and conservation of aggregates, including looking at alternative sources and recycling.** One of the truly frustrating things the public sees is that the Provincial Government has set up a system which is weighted towards approving aggregate operations, to the detriment of communities and watersheds--yet they have made no effort to develop a conservation strategy for this non-renewable resource. We can and must do far better and we need to make this a priority. The Province is the body that can most efficiently put these long-overdue standards in place.
13. **Reforms to the ARA should support good land use planning in the local context, with a balance between the ARA and the Planning Act.** As we grow more populated, good land use planning is paramount and the ARA needs to support appropriate siting of these heavy industrial open pit mines, in balance and integrated with, the ecosystem and social and economic goals of the Municipality.
14. **Inventory information provided by the producers should be independently verified.** When the aggregate producers talk about the need for supply, it's a self-serving exercise. All the inventory information is provided by the producers and is not independently verified. Inventory numbers often do not include all the land banking that companies hold in waiting. This involves thousands of acres held in numbered companies. The Province and the public need the correct numbers, for obvious reasons.
15. **Licensed pits should have a reasonable time limit (sunset clause) in which they may extract the resource according to the site plan conditions.** Aggregate producers have long enjoyed open-ended licenses, which unfortunately have encouraged unfulfilled rehabilitation plans, and abandoned pits without operators relinquishing the license. This has happened all over Ontario, and is unfair to the members of the community who live in close proximity to an aggregate operation with no end date. A reasonable buffer (of say ten years) could accommodate market fluctuations while at the same time provide an incentive for the operator to exhaust the resource. Residents have a right to more certainty as to when the resource will be exhausted.

In closing, the Coalition would like to thank you for taking time over our submission. Through your reforms, we look forward to the improvement of the management of aggregate, with increased accountability and transparency.

Respectfully submitted,
Penny Richardson, President,
The Coalition of Concerned Citizens of Caledon