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Comment on	<u>Proposed amendments to the Aggregate Resources Act (/notice/019-0556)</u>
ERO (Environmental Registry of Ontario) number	019-0556
Comment ID	Comment ID will be generated on submission
Commenting on behalf of	AWARE Simcoe: Social and Environmental Solutions Inc.

Comment

Proposed Amendments to the Aggregate Resources Act (ERO #019-0556)

By AWARE Simcoe: Social and Environmental Solutions Inc.

November 3, 2019

AWARE Simcoe is a citizens' group that works for transparency and accountability in government and to protect water, the environment and health.

ENVIRONMENTAL REGISTRY

We are disappointed that the proposed amendments to the Aggregate Resources Act (ARA) have appeared in omnibus Bill 132 announced on October 28th, a full 7 days BEFORE the public comment period was scheduled to close on the Environmental Registry of Ontario (ERO #019-0556). We consider the Environmental Registry to be an invaluable resource for the Government of Ontario. The tool, when used as intended, provides a key platform for soliciting feedback and hearing the voices of Ontarians. However, under the current

government, the ERO is being ignored and information squandered. We hereby provide our comments about the proposed amendments to the ARA for the record and without faith that our concerns will be considered.

AGGREGATE SUMMIT

The March 2019 Aggregates Summit hosted by the Government of Ontario only included government and industry participants with no involvement of residents' groups and environmental organizations. The location was held secret from the public by government staff and it was necessary to picket the hotel in protest of the lack of inclusion. Yet the summit is referred to in the ERO posting as part of the process that led to these amendments. This exclusion does not help the aggregate industry's reputation and encourages an "us" versus "them" opposition. While the Government of Ontario accepted comments via e-mail and online survey, we can see that the resulting amendments primarily support aggregate industry goals.

ACCESS TO AGGREGATE RESOURCES

AWARE Simcoe disagrees that improving access to aggregate resources is a priority. Gravel Watch Ontario makes a good case that new aggregate resources are not required in Ontario at this time. Additionally, we note that there are 5,987 active aggregate licences of which 1,469 have unlimited annual tonnage, and close to 2 billion tonnes allowed annually for the other 4,518 sites combined listed in Ontario's Interactive Pits & Quarries map database as at November 1, 2019. The data does not include grandfathered or other aggregate operations in Northern Ontario that are not regulated under the ARA. Ontario Stone, Sand & Gravel Association states that Ontario uses roughly 164 million tonnes of aggregate per year. In other words, there is plenty of existing supply for decades to come.

PROVINCIAL PLAN

AWARE Simcoe suggests that a provincial plan be established to study and monitor the aggregate industry from the point of view of consolidated impacts on health, water quality, water use, farmland, culture, transportation, recycling, rehabilitation, and other factors. A provincial plan is necessary to determine where and when Ontario needs to develop new aggregate resources with the least impact on Residents. We cannot know what we need until we know what we have.

PROTECTING AGRICULTURAL LANDS

AWARE Simcoe is concerned that the Government of Ontario is not doing enough to protect prime farmland and food security for Ontarians. We are also a strong supporter of the Greenbelt legislation and would like to see that protection expanded.

PROTECTING WATER RESOURCES

It is insufficient that the current proposal relies primarily on the public and municipalities to protect water. Water protection must be a priority and we would like to see water be protected by default. We expect decisions around water use, water taking and watershed impact to be made according to the best science and technology available. Municipalities do not have the staff or resources to access expertise on this matter and members of local councils are being set up to make poor decisions for which future generations will pay. Most important, Aggregate extraction below the water table in drinking water source areas must be prohibited.

REHABILITATION

AWARE Simcoe agrees that aggregate site rehabilitation should be encouraged and monitored. Lack of rehabilitation is a major complaint about aggregate operations, coupled with the complaint of incessant expansion. Communities need to see and experience the light at the end of the tunnel.

PUBLIC ENGAGEMENT

It is of the utmost importance that municipalities and the public be involved in the decision-making in their areas. Limiting municipalities and residents to having their concerns heard by the Local Planning Appeal Tribunal (LPAT) is too late in the process and too expensive. Issues raised by municipalities and other concerned parties should be considered and addressed at no cost to the same. Additionally, removing municipalities' rights to specify extraction depth of aggregate operations would be detrimental to a cordial relationship between the aggregate operation and local residents. Removing municipalities' rights to set zoning on local crown land would also be detrimental to long-term planning. Municipalities and residents must have voice in their own futures.

HAUL ROUTES

Removing haul routes as condition(s) for agreement at the Local Planning Appeal Tribunal and by the Minister sends a message that haul route resolution is not important when, in fact, the haul route(s) impact people near and far. Haul routes are a key factor to be included in the cost/benefit analysis of an aggregate operation.

TRUCK TRAFFIC

AWARE Simcoe suggests that truck inspection, maintenance, speed and driver condition be factors considered in the ARA amendments. Management of aggregate operations have no say re: non-staff drivers and trucks, yet these customers have tremendous impact on the reputation of the site and acceptance by residents. Truck size, noise, quantities and safety are key factors to be considered in the cost/benefit analysis of an aggregate operation.

SOCIAL LICENCE

Aggregate operators must earn the right to continue extraction through responsible operation, timely and progressive rehabilitation, by maintaining a good reputation and interaction with local municipalities and residents. Social licence is defined as having the ongoing approval of a company or industry's standard business practices and operating procedures by its employees, within the local community and from other stakeholders.

REGULATORY

History has shown that allowing aggregate operations to self-file and police themselves does not work and is not a good idea.

NEW SITE APPLICATIONS

The Ontario Government is also considering "reviewing application requirements for new sites, including notification and consultation requirements". AWARE Simcoe finds this disturbingly vague and emphasizes that more notification and consultation is better than less.

AGGREGATE FEES

Road maintenance costs are easily calculated, and it is obvious that the current fee schedule does not cover the costs of aggregate operations to municipalities, regions or the Ontario government. Understanding that municipalities and the Ontario government are the largest buyers of aggregate, it would still be better accounting practice to assign costs where they belong. This would lead to better decision-making and likely a more realistic valuation of virgin aggregate compared to recycled material.

RECYCLED MATERIAL

AWARE Simcoe is disappointed to note that recycling has not been addressed in the ARA amendments. Recycling done correctly would be beneficial to industry, government and the public.

RECOMMENDATIONS

1. Make conservation of aggregate, a non-renewable resource, a priority over approval of new extraction sites. Conservation can occur through aggregate recycling and use of alternative materials. All three levels of government need to be encouraged to use recycled product.
2. Reserve virgin aggregate, a non-renewable resource, for use within Canada.
3. Prohibit aggregate extraction below the water table without a full Environmental Assessment and full understanding of the impact on all areas, near and far.

4. Prohibit aggregate extraction below the water table in drinking water source areas.
5. Develop a process and guidelines for identifying and designating new Specialty Crop Areas to safeguard unique agricultural land resources. Prohibit aggregate extraction in Specialty Crop Areas.
6. Conduct a thorough study of all existing aggregate reserves in Ontario. We cannot know what we need until we know what we have.
7. Develop an Aggregate Provincial Plan and disallow new aggregate mining licenses within environmentally protected spaces until the Aggregate Provincial Plan has been fully approved by the people and the province. Align the Aggregate Provincial Plan with existing environmental protection legislation including but not limited to the Greenbelt, the Niagara Escarpment Plan and the Oak Ridges Moraine.
8. Provide an assessment of the cumulative effects (dust, noise, air quality, traffic emissions; effects on water) of the Aggregate Provincial Plan on Ontario residents by district.
9. Require that new aggregate proposals demonstrate need for additional aggregate resource extraction in meeting the demands of the Ontario market.
10. Mandate that an Environmental Assessment occur for all new or expanding aggregate operations.
11. Realign the cost of virgin aggregate to reflect reality. Economically, aggregate is a low-priced, heavy-weight commodity that takes the bulk of its cost from transportation. Today, however, the price of virgin aggregate must include the activism necessary by residents to fight for their best interest despite the elected and public institutions designed to represent and protect the public interest. As well, the cost must encompass the environmental cost on residents. In other words, the market cost for virgin aggregate is unrealistically cheap. Create a management system that works for residents and price the product accordingly. This is called full cost accounting.
12. Implement “social licencing” where operators must earn the right to continue extraction through responsible operation, and timely and progressive rehabilitation.
13. Include an end to the aggregate licence, a “sunset clause”. Legally, all contracts require a termination point. Give communities a light at the end of the tunnel. Operators have a tendency to keep a near exhausted site active

enough to avoid rehabilitation due to the expense. Or, they extend the life of the operation by accepting commercial fill – the more contaminated/suspect the fill the higher the fee earned.

#ProtectOurWater #ProtectPrimeFarmland #GrowOurGreenbelt
#FoodAndWaterFirst

Supporting links

[AWARE Simcoe's website \(http://aware-simcoe.ca\)](http://aware-simcoe.ca)

Submitted November 4, 2019 2:56 PM

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