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Mercredi 9 mai 2012

**Standing Committee on
General Government**

Aggregate Resources Act review

**Comité permanent des
affaires gouvernementales**

Examen de la Loi sur
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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Wednesday 9 May 2012

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The committee met at 1606 in room 228.

AGGREGATE RESOURCES ACT REVIEW

The Chair (Mr. David Oraziotti): Good afternoon, folks. Welcome to the Standing Committee on General Government. We're here to continue the review of the Aggregate Resources Act and hear presentations this afternoon.

We have a number of items on the subcommittee that we will deal with later, following the presentations that have been scheduled. I think as a courtesy to our guests, we'll continue hearing that, and then we'll get to the other items at the end of the agenda.

**ONTARIO STONE, SAND AND GRAVEL
ASSOCIATION**

The Chair (Mr. David Oraziotti): We can start with the Ontario Stone, Sand and Gravel Association. Ms. Miller, welcome to the Standing Committee on General Government. Good afternoon. You have been scheduled, according to committee, for a half-hour presentation. So you have 15 minutes for your presentation, then there'll be five minutes allocated to each caucus for questions. Any time that you don't use in your presentation will be divided among members equally for questions.

You can just start by stating your name for our recording purposes and proceed when you're ready.

Ms. Moreen Miller: Thank you very much. My name is Moreen Miller. I'm the chief executive officer of the Ontario Stone, Sand and Gravel Association.

Chair and members of committee, good afternoon. It's my pleasure to be before you today to convey the thoughts and ideas from the Ontario, Stone, Sand and Gravel Association. OSSGA represents 265 member companies that produce over 70% of the stone, sand and gravel in the province.

The aggregate industry is a primary engine for economic growth and prosperity in the province. Nothing gets built without aggregate: safe roads, power stations, municipal water supply systems, homes, schools, churches and hospitals. High-quality aggregate products are the very foundation of the provincial economy. Stone, sand and gravel are non-renewable resources. Once depleted or sterilized, they are lost forever.

The provincial interest in aggregate resources is based on long-standing principles that have served Ontario

well. We hope that this review does not change the main tenets of the provincial interest in aggregates that include provincial regulation and control, the protection of dwindling aggregate supplies for future extraction and the concept of extracting non-renewable resources close to where they will be consumed.

OSSGA understands that the last major revision to the ARA was in 1997 and that it is time to review the legislation again, but a review should not be used as a forum to undermine the provincial interest or to jeopardize the provincial economy. This review is an opportunity to rationalize and eliminate duplication of process and policy. There is an opportunity to make the application process more efficient, more transparent, more understandable and less bewildering for both proponents and opponents of new pits and quarries.

When the ARA was introduced in the Legislature in 1989, it was hailed as leading-edge, environmentally focused legislation. While it may be time to undertake a review, please don't lose sight of what is working well. The ARA isn't broken, but it does need updating.

The location of aggregate resources is fixed. Stone, sand and gravel have to be extracted where they occur. It's not like other forms of development, such as homes, stores or recreation areas, that can be built in many different places.

Not all areas of the province have aggregate deposits. They are only found in certain geologic formations and certain locations. Many of the geological formations that provide our aggregate resources also provide our agricultural resources, our recreation lands, our forests and our tourism destinations. The challenge is to strike the appropriate balance between these competing resource interests.

Not all aggregate deposits make good products, either. Many geological formations are not suitable for high-quality construction aggregates and do not meet the specifications required for high-quality concrete and asphalt mixes.

A fundamental premise of our provincial policy is that those municipalities that have aggregate resources have a responsibility to supply those that do not have a supply, as well as meet their own needs.

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Location matters, because approximately 50% of the cost of aggregates is the cost of transportation. It is important to develop aggregate resources close to the consumption areas.

We have all heard of the 100-mile diet, and we all understand that buying food locally makes sense. It makes sense from an environmental standpoint and from an economic standpoint. Exactly the same principles apply to aggregate supply. We should buy our aggregates locally; that is, we should embrace a 100-kilometre infrastructure envelope. It's sound environmental and economic policy. Location matters.

The aggregate industry is critically important to the province's economy. Even those who oppose pits and quarries recognize that a reliable and secure supply of aggregates is essential for a healthy provincial economy. Concrete and asphalt are, by volume, more than 85% aggregate. So when we discuss aggregates, we're talking about those products also. Current economic data is provided in the package in front of you.

In 2010, 166 million tonnes of aggregate were produced in the province, and 60% of that was consumed by public authorities, the majority of which was used to build public infrastructure. We consume approximately 13.5 tonnes per person in Ontario each year. While this may seem high, consumption in Ontario is in line with consumption in northern European countries having a similar climate, as illustrated in the materials in your package. It is safe to assume that even with conservation practices, consumption will increase as population increases. If, by 2031, the population of Ontario increases by 3.7 million people, as set out in the growth plan, by then we will need 50 million more tonnes each year.

It must also be acknowledged that Ontario's current infrastructure is aging. The growth plan is clear: "Decades of neglect and lack of sufficient investment have resulted in the current infrastructure deficit. Tens of billions of dollars beyond current levels of investment will be required before the situation is back in balance."

Close-to-market supply of aggregates is also being depleted quickly. The SAROS study illustrated that there will be shortages in the GTA for high-quality stone in the next decade. The GTA currently only produces 50% of what it consumes.

Currently, the top 10 producing municipalities produce 30% of the provincial tonnage. Interestingly, these 10 municipalities only have 13% of the population. As a contrast to this, the cities of Toronto, Mississauga, Brampton, Newmarket, Aurora, Whitby and Oshawa contain 4.3 million people and no longer produce aggregates. These figures are illustrated in your information package.

There's a long history of development of legislation, regulation and policy to govern the operations of pits and quarries in Ontario. There's been an evolution of the provincial interest in aggregates dating back to 1971, with the original Pits and Quarries Control Act, right up to the most recent changes to the levy in 2007. This demonstrates that the province has been responsive and has made changes on a reasonably regular basis over the years. We've included that chart of history in your information package.

This legislative and policy evolution has reflected the growth of our industry, in terms of environmental

performance and continuous improvement, but has also reflected the challenges of balancing Ontario's natural resource interests to ensure that future generations will prosper. As much as there has been change, we believe that more change is needed.

The components of the ARA before you as a committee speak to a number of issues that are governed by the ARA, but also to a number of issues that fall outside of the act and its implementing documents.

The consultation process is set out in the provincial standards. It's proponent driven. It has inherent requirements for public input, including public meetings, and obligates the proponent to respond to every expression of concern or objection in an attempt to address issues. This has proven to be a lengthy but generally workable process. However, the process could be fine-tuned and could be made more efficient. We are open to changes that bring clarity, efficiency, more public input and opportunity for the development of good ideas surrounding individual applications. Our detailed recommendations to you on this are included in your package.

OSSGA's view is that siting and aggregate resource protection are matters of provincial policy covered under the provincial policy statement, and are outside a review of the ARA legislation. Strong policy regarding siting already exists.

A related consideration is the method by which aggregate is transported in Ontario. At the turn of the century, almost all aggregate was moved by rail. Trucks did not become the mainstay of transportation until after World War II. If we fast-track to today, less than 5% of Ontario's aggregates are moved by water and even less by rail.

This is a significant issue for all Ontarians and speaks clearly to the importance of keeping our sources of stone, sand and gravel close to where they will be consumed. Right now in the GTA, three million trucks move into the GTA every year loaded with product, and those same trucks return empty to their source three million times. Moving these sources further from market increases fuel consumption, greenhouse gas emissions and wear and tear on our roads. It also makes trucks pass through more communities and by more individual residences.

Do we have options? OSSGA believes that we have a significant challenge ahead of us to try to find suitable alternative means of transportation. Given the fact that much of our rail transportation infrastructure has been ripped up and given a lack of viable deep water ports, truck transportation is the only viable option we have right now.

Section 48 of the ARA requires progressive and final rehabilitation for all pits and quarries. These sites become wildlife habitats, wetlands, recreational parks, farms and new communities. Once sites are rehabilitated to new lands uses, communities forget what used to be there. There are no better examples of this than the Royal Botanical Gardens in Hamilton, Kelso Quarry Park in Milton and East Park Gardens in London. OSSGA members are committed to minimizing disturbed area

during extraction and completing excellent final rehabilitation.

OSSGA disagrees with some of the statements on rehabilitation made by the Environmental Commissioner to this committee on May 7. OSSGA will be publishing the results of its comprehensive rehabilitation study very shortly, which demonstrates that Mr. Miller's concerns are not realized. We will send that study to you once it's released.

OSSGA believes that the licensing procedure has become too confusing, complex and onerous for opponents, proponents and other community members interested in following an application through the process. People lose faith in the process when it becomes too complex.

In addition, there is substantial uncertainty, time and cost to license new facilities for both aggregate producers and local communities. Included in your package is a list of recent applications that have frustrated everyone. This ARA review provides an opportunity to make the ARA application process more efficient, productive and transparent for proponents, opponents and others.

OSSGA recommends a rationalization of the licence approval process. There are approximately 25 pieces of federal and provincial legislation which are applicable to pits and quarries. There are also overlapping policies and numerous approval authorities, and simplifying this process would be helpful to re-engage everyone in finding the right solution.

OSSGA strongly recommends that remaining aggregate reserves be protected from sterilization as per the existing policy set out in the provincial policy statement, as well as through regional and local official plans.

Now my favourite part, new developments in the industry: OSSGA members produce the majority of recycled products in Ontario. As a result of that, OSSGA and six other industry associations launched Aggregate Recycling Ontario in 2011. ARO aims to educate Ontarians about aggregate recycling, adopt new best practices, engage our municipal partners and further encourage the province to support more recycling. We do, however, have some challenges to overcome.

One criticism is that other countries recycle more than we do. The chart contained in your packages shows the recycling rates of many European countries, and you will see that there is a large variation in the recycling that's done in Europe. Ontario is somewhere in the middle. However, we can do more.

The problem is benchmarking—not all of the material recycled in Ontario is being recorded. The production of 450,000 tonnes of recycled aggregate product from the demolition of Toronto airport terminal 1 several years ago shows that not all recycled products are processed in pits and quarries. We need a way to record all of this recycling.

The obstacles to recycling are also not necessarily with the aggregate industry. ARO did a study last year of 121 municipalities, and the results show that many municipalities are still not allowing recycled aggregate to be used in their infrastructure projects. This must change.

OSSGA also recommends that the provincial policy statement and the provincial standards be revised to require aggregate recycling where materials are available. Aggregate recycling should be a mainstream activity of responsible aggregate production.

OSSGA also promotes innovative and sustainable water management. Aggregate producers are water handlers, not water consumers. Where appropriate, adaptive management plans are being implemented by OSSGA members, incorporating current technology around water management in pits and quarries.

OSSGA also embraces the study of cumulative impacts as evidenced by the best practices guidelines for pits below the water table, prepared jointly by the Ministry of Natural Resources, Grand River Conservation Authority and OSSGA in 2011. This year, the independent OSSGA cumulative impact study currently being conducted on the Carden Plain east of Orillia will be completed.

You have also probably heard that the aggregate industry is exploring certification outside of the regulatory framework. Two incorporated groups, SERA, Socially and Environmentally Responsible Aggregate Canada, and the Aggregate Forum of Ontario, known as AFO, are working towards a framework and a set of industry standards that would be the start of the process of certification. This is exciting and challenging, and OSSGA looks forward to continuing to work with its partners on this initiative.

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Like the government, OSSGA has heard complaints that the system is not working, such as insufficient MNR oversight over new applications, insufficient MNR inspection of operating pits and quarries, insufficient MNR enforcement, operators not paying a sufficient aggregate levy to cover wear and tear on local and regional roads, insufficient time available to respond to ARA applications and insufficient opportunity for input on those same applications.

The existing PPS provides clear direction to decision-makers that environmental and social impacts be minimized. That is already required.

The real issue is a funding issue: funding of the MNR aggregates program. The program needs money to run effectively. A strong MNR is needed to properly implement government legislation and policy, and to protect communities by exercising existing enforcement controls currently found in the Aggregate Resources Act. OSSGA supports enforcement efforts and raising the bar through implementation of strong legislation, that being the Aggregate Resources Act.

Regulation 244/97 sets out that producers pay 11.5 cents per tonne to be split between the local municipality, the county or region and the province. OSSGA recommends a thorough examination of how the levy might be appropriately apportioned between local and regional governments, the province and the Ontario Aggregate Resources Corp. OSSGA further recommends that the standing committee consider increasing this levy. The

levy should be directed to managing the aggregate resource and should be administered in a special-purpose account, allowing for complete transparency in terms of where the dollars are spent. At the municipal level, the levy should be directed to infrastructure development to build and strengthen these communities for the future.

That will solve the real issue. The other issues can be resolved by modifying the provincial standards for public notification and public process, as we noted earlier.

In summary, OSSGA recommends the following as solutions for moving forward:

- implementing a more efficient approval process that provides clarity, certainty and solutions for all parties;

- maintaining the provincial interest in aggregates that has served Ontario so well through maintaining close-to-market policies, protection of dwindling aggregate supplies for future extraction and continued provincial regulation;

- increasing the aggregate levy to help fund the MNR aggregate program to address issues raised by other parties; and

- implementing the changes to the provincial standards set out in this submission.

OSSGA sincerely thanks the committee for their time today.

The Chair (Mr. David Oraziotti): Thank you very much for your presentation. The Conservative caucus, Ms. Jones, go ahead.

Ms. Sylvia Jones: Thank you for your presentation, Ms. Miller. You are not the first presenter who has talked about recycling and the need for more. I was familiar with the stat that talks about many municipalities in fact not allowing anything but virgin material when they resurface their roads or do new road construction. We're a provincial committee. How do we motivate our municipal partners to up that?

Ms. Moreen Miller: Well, one of the challenges we have is that the words "aggregate recycling" don't appear anywhere in the provincial policy statement. We would very much recommend that the provincial policy statement—it is under review right now with the current government—reflect very clearly that aggregate recycling is a mainstream part of our industry. The second recommendation we would make, as I said in my presentation, is that aggregate recycling should be a mainstream part of every operation. Operations should be encouraged to recycle, and they should be encouraged to include that as part of their licence application process. That could certainly be covered through changes to the provincial standards.

Ms. Sylvia Jones: Okay. How much time do we have?

The Chair (Mr. David Oraziotti): A couple of more minutes.

Ms. Sylvia Jones: Okay, I'd better let—

Ms. Laurie Scott: I'll just ask quickly what Sylvia's thinking. I know that when the Environmental Commissioner was in on Monday—I believe you were here and heard his presentation—he did mention the recycling

thing and about the United Kingdom. I don't know if you know about that or could expand on that a little bit further.

Ms. Moreen Miller: I'm sorry, on which?

Ms. Laurie Scott: The United Kingdom. I think you mentioned it.

Ms. Moreen Miller: Yes. Interestingly enough, part of the Aggregate Recycling Ontario forum, on December 15 last year, was to actually engage the president of the European association that deals with recycling in the UK. One of the challenges the UK has found is that while they have a large levy on virgin products in the UK, most of that money goes toward the paperwork required to maintain and benchmark the system. While they do a lot of recycling, they also have a lot more recycling material available, and they have a very, very complex process of benchmarking the information. So we have some choices. We can do the benchmarking or we can just get out and recycle more aggregates. I'm not sure I have an answer for you, but I think they're somewhere in the middle.

Ms. Laurie Scott: I thank you for that. I just wanted to kind of clarify, because we hear one side, and I do appreciate you coming in today.

I'll tag back over to Sylvia, who has another one if we have another minute.

Ms. Sylvia Jones: Thank you. On page 7, you talk about the 11.5-cent-per-tonne levy. You're very diplomatic about it, but if I'm reading between the lines, it sounds like you would like a little more strength in where that money is going and what it is being used for. Am I misinterpreting how you are presenting that?

Ms. Moreen Miller: I think, to be fair to all of the players, all Ontarians who want to see the Aggregate Resources Act and the mandate of the Ministry of Natural Resources work better, we believe that there needs to be certainty and full transparency with the money that comes from the levy. So if there is an increase in the levy, we certainly expect that that can be tracked completely transparently. Currently, it goes into general revenues in government. We would like to see that separated out into a special-purpose account so that everybody can be very clear where that money goes and what it goes for.

The Chair (Mr. David Oraziotti): Thank you. That's time. I appreciate it.

We'll move to the NDP caucus. Mr. Marchese, go ahead.

Mr. Rosario Marchese: Thank you, Mr. Chair. Thank you, Ms. Miller. I appreciate some of the comments you've made, particularly around recycling, because that's a big interest of mine and of many.

We know that the costs are going to get higher and higher. We've been told that excavation is likely to move further and further north because of the demand in the next 20 years. We understand from these reports that the costs are going to be extremely high. So it seems to me that recycling will become more and more important. We went from six million tonnes in 1991 to 13 million tonnes in 2006, which I suppose, in some people's minds, might

be a big deal, but it's not a lot considering that we're talking about 15 years or more.

Clearly there's more that should be done, and you're recommending that we need to do more. Part of the levy that you're recommending could go into research, which is what they're doing in the UK in terms of recycling. So you're encouraging the ministry, or us and the ministry, to do more in this area because some municipalities are not involved. So you're saying that the ministry should do more or the minister should deal with that in a much more proactive way. Is that what I hear you saying, more or less?

Ms. Moreen Miller: Yes. I think there are two ways. This is one of the areas where we feel that the Aggregate Resources Act is one method to encourage, but we also think that, through the provincial policy statement, aggregate recycling could be further encouraged.

Industry has a lot of work to do on this as well. We take responsibility for the fact that we need to do more education. We need to be more engaged with our municipal partners, but they need to understand that it is no longer acceptable to say no to virgin aggregate, to new aggregate sources, and also say no to recycled products. We're finding that that is occurring—not everywhere, but with a regularity that we would like to see reduced.

Mr. Rosario Marchese: How much time do I have, because I have a couple of questions, and I want to be sure that I get them in?

The Chair (Mr. David Oraziotti): You've got about three minutes.

Mr. Rosario Marchese: Three minutes. Good.

What about the industry itself creating some special initiative, a project, so that you could show leadership in the recycling sector? I know the ministry should do it, but would you, because you sound so progressive on this issue, not be a proponent of creating some pilot project in the area of recycling where you honour someone in this area for doing more?

Ms. Moreen Miller: You must have been sitting in on our meetings, because we have, in fact, talked about those exact ideas.

The Ministry of Transportation is one of the biggest proponents of recycled aggregates. You don't drive on a 400-series highway in this province without driving on recycled aggregates. So the demonstrated ability for that material to meet the specification challenge is not a question.

To get our municipal partners to understand that that doesn't mean that the product is a lesser product is very difficult. This is dealing with big pieces of change.

Mr. Rosario Marchese: True.

Ms. Moreen Miller: So that is exactly what Aggregate Recycling Ontario is doing: gathering together everyone. We were a little surprised, as we started it. We actually had municipalities ask to become members of ARO, and we never believed—we thought it was an initiative just for industry. So we're really excited about it, and we think it has huge potential.

We believe we've already done these pilot projects. If we need to do more, we'll certainly take that under advisement and move ahead.

Mr. Rosario Marchese: And we'll force the minister and the ministry to do more on this.

But you're also a member of the Niagara Escarpment Commission.

Ms. Moreen Miller: I am in fact a sitting commissioner on the Niagara Escarpment Commission, yes.

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Mr. Rosario Marchese: Right. And MNR appointed you to that, right, a while back?

Ms. Moreen Miller: Yes.

Mr. Rosario Marchese: Can I ask you—because there almost seems to be a contradiction between that position and your position as president of the Ontario Stone, Sand and Gravel Association. Do you see any contradiction yourself in that?

Ms. Moreen Miller: I see none whatsoever. In fact, I think I have added significant contributions to the escarpment commission. One of the things I'm working on right now is developing a strategic plan with a number of other commissioners, and part of that is enhancing the Niagara Escarpment parks and open space system. We believe we can do that by some of the rehabilitative projects—26 of them—that are actually existing on the Niagara Escarpment. We'd like very much to show that those can become part of a NEPOSS system.

Mr. Rosario Marchese: Have you ever had to declare a conflict of interest?

Ms. Moreen Miller: In my former life, when I was with a private company, I had to declare a conflict of interest several times. Whenever issues come forward that are directly being challenged by the OSSGA, I also declare a conflict.

Mr. Rosario Marchese: Thanks very much.

The Chair (Mr. David Oraziotti): Thank you. Mr. Colle, go ahead.

Mr. Mike Colle: Thank you, Ms. Miller. The first question I have is that the Environmental Commissioner said it would be reasonable to look at rail transport to replace truck transport—not for all of the transportation of aggregates. I notice you basically said it's almost non-existent, the possibility of rail transport.

Ms. Moreen Miller: No. To clarify my comments, I said that at the current time it will be very difficult to implement. It's something that we feel is an absolutely critical component of managing aggregate resources into the future: to find alternative methods of transportation.

We, over the years, have argued very strongly that some of the rail lines that were torn out—the one that, for example, used to go to Flesherton; it went up through Dufferin county and up to Flesherton. I have letters in our office from 1973 saying, "Please don't take that rail line out, because we think there are aggregate resources that should go by rail from that area in the future."

The rail line was removed and now we don't have that opportunity. So we have, in fact, been very clear to say that we are absolutely willing to engage in a multi-modal

transportation system. We need some help from the government and some partnership to do that.

Mr. Mike Colle: Okay. Has there been or is there any official comprehensive recording of the amount of recycling of aggregates that takes place? Does any ministry do that?

Ms. Moreen Miller: The Ministry of Natural Resources covers all recycled products that are produced in licensed pits and quarries in the province. The rest of the recycled products, where they're recycled, are recycled on site. So no ministry gathers that, and that's one of our big challenges.

The significant recycling that took place at the airport didn't get captured in those numbers. So one of the challenges we have is benchmarking, and that is a big challenge. It's one that Aggregate Recycling Ontario has put front and centre on its mandate for 2012.

Mr. Mike Colle: In terms of municipalities, what percentage of municipalities do not allow recycling? If you don't have that right now, if you would just—

Ms. Moreen Miller: I have it right here, in fact. Let me quickly tell you. When we asked the question, "Does your municipality allow the use of recycled aggregate materials in your public tenders?", some 77% said yes. When we asked them, "Does your municipality allow recycled aggregate products to be used interchangeably with primary aggregates?", 47% said no; 53% said yes. When we asked them if their planning documents allowed for recycling to take place in pits and quarries—I'm sorry, I don't have the exact number here. I have it recorded as a bar chart. But when we asked them if they allow recycling of aggregates in their municipalities outside of pits and quarries, 83% said no.

So there are two challenges there: One is that recycling as of right needs to be allowed more frequently, and the other challenge is that they need to be able to use these materials interchangeably, the same way that MTO does now.

Mr. Mike Colle: So there's no recycling allowed as of right?

Ms. Moreen Miller: In many municipalities, no. That's what they're saying; 83% said no.

Mr. Mike Colle: And what rationale do they give for not allowing recycling?

Ms. Moreen Miller: I think there has been a challenge with recycling. It has been a new activity that we've done. It's very similar to when we started recycling plastics. I think there's some uncertainty as to how it gets done and where it gets done. Part of the work that we need to do as an industry is to prove 100% that we can do that within the existing environmental standards and do a good job of that.

Mr. Mike Colle: And, as you said, it would be helpful if, in our provincial policy statement, we encouraged the use of recycled aggregates.

Ms. Moreen Miller: That would be great.

Mr. Mike Colle: And, as you said, one of the leading examples is what MTO does, and that's recorded.

The other question I have: I asked the Environmental Commissioner about this notification protocol—120-metres notification protocol and a 45-day window. Don't you think that if you expanded those upfront windows, you would maybe truncate the long time it takes for one of these applications to get through all the processes; in other words, if you expanded it to 120 days, as in the Municipal Act, and you gave it the 2,000-metre notification, wouldn't you get rid of a lot of the upfront angst by this wider notification window?

Ms. Moreen Miller: I would argue that this land use is no more permanent or complicated than other types of land use that also have a 120-metre notification process under the Planning Act. So, would that resolve it if you notified more people? Perhaps it would.

The time frame of the notification? It's important to understand that there's 45 days under the Aggregate Resources Act, but there is an endless amount of time where proponents and opponents move back and forth in a process to try to address concerns. So, is there some value in maybe trying to get those time periods to be more consistent with other acts? Potentially. The Planning Act—the requirement for notification and comment is 180 days, but at the end of 180 days, there is no more opportunity to engage back and forth with people in the community. Is there some middle ground or some way to make those work more consistently together? I think there may be.

Mr. Mike Colle: The last question—

The Chair (Mr. David Oraziotti): Thank you. No, it's—

Mr. Mike Colle: Anyway, thank you.

The Chair (Mr. David Oraziotti): I appreciate it. Thank you very much for coming in today.

I'm trying to keep us on schedule here, folks.

ST MARYS CEMENT

The Chair (Mr. David Oraziotti): The next presentation: St Marys Cement. Good afternoon, sir. Welcome to the Standing Committee on General Government. You've got 15 minutes for your presentation: 10 minutes for your presentation and five minutes for questions among members. Any time you don't use will be allocated to members to ask questions. You can start by stating your name, and proceed when you're ready.

Mr. John Moroz: I'm John Moroz, vice-president and general manager of St Marys CBM Aggregates. Thank you, Mr. Chair and members of the committee. Good afternoon. I am grateful for the opportunity to appear before you this year as St Marys celebrates a century of operations in Ontario as a leading manufacturer of cement and related construction products.

Since our founding in St. Marys, Ontario, 100 years ago, we have invested hundreds of millions of dollars in the province, from Windsor to Ottawa, and employed thousands of Ontario men and women. Our construction products have been major and critical components of schools, hospitals, many of the large buildings prominent

in the cityscapes of our communities—such as the CN Tower, Roy Thomson Hall, Darlington Nuclear, Seneca College and the Sir William Osler hospital in Brampton—and the roads and highways critical to Ontario's economy and our people.

Today, we have 1,200 employees working at our two cement plants, more than 40 ready-mix concrete plants and 22 aggregate operations and our transportation division.

St Marys has an outstanding environmental record. Every St Marys Cement plant operates to the highest environmental standards to control emissions, using the world's most advanced technologies to minimize greenhouse gases and manage down energy consumption. Our Bowmanville cement plant was the first facility of its kind in North America to achieve ISO 50001 certification, the new globally recognized energy management standard. We are understandably very proud of that record.

This committee begins its work from the existing act and regulations, which are thorough, tough, and have done an admirable job of protecting Ontario citizens and their environment and promoting intelligent, measured growth. We believe that your work, however, has the potential to reverse a disturbing trend in the way our industry is regulated, and I appeal to you to carefully consider my remarks as you work to ensure the protection of that environment, while fostering an economy that will encourage investment and create jobs for our children and grandchildren.

While our industry association has appropriately focused on the mechanics of the bill, I want to provide you with a more strategic view. My sole intent is to contribute to a stronger Ontario. We are not proposing a major overhaul of the act. We are encouraging the committee to look at ways to modernize the process, remove overlap and create a clear, reasonable process that will always be followed.

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It has been observed that every person in this room, your staff, all of your children and family members, every resident of Ontario—13 million men, women and children—consume 13.5 tonnes of aggregate every year, each one of them.

Half the cost of aggregate is borne by the taxpayer. The cost of aggregate is rising sharply. The principal reason for that cost increase is that our industry has been forced to look further and further afield from where the aggregate is needed. Half the cost of aggregate lies in its transportation, not to mention the greenhouse gases emitted by tens of thousands of truck trips that grow lengthier and lengthier by the year.

The sustainability of our business in Ontario is dependent on a long-term supply of high-quality aggregate reserves. The process of locating and licensing these reserves can take five to 10 years and requires a significant investment. We rely on provincial and local planning policy as our guide to siting new aggregate operations, and we reject dozens of potential sites every year because they are constrained by overlapping re-

source areas, like prime agricultural land, sensitive wetlands, woodlots and cultural heritage features.

We are not asking that the province's environmental standards or technical thresholds be compromised. We are simply asking for a clear, reasonable, consistent, consistently applied and predictable process for licensing and permitting of Ontario's much-needed aggregate resources and the removal of duplicate reviews and approvals. If the aggregate companies know and understand exactly what process will be followed, and can be assured that it will be followed, they can make the best investment decisions.

One of the most frequent criticisms that I hear is that the consultation process for aggregate license applications is confusing and inadequate. We encourage the committee to explore changes to the act that would improve the consultation process.

Our company was recently involved in an application in Northumberland county where we created a community forum to exchange information and discuss concerns with our application for a new gravel pit. The group met frequently over a period of several months, and although we were not able to resolve all the issues, the feedback we received about this process was overwhelmingly positive. People simply wanted an opportunity to access appropriate information and a forum for meaningful dialogue. The act should update the minimum requirements for public consultation on aggregate applications.

We echo the remarks from the Ontario Stone, Sand and Gravel Association with respect to the need for adequate funding to implement and enforce the act. We would support the association's proposal for an increase in the aggregate levy, provided that the funds are directed to a special-purpose account for administration of the aggregate program.

I noted earlier the disturbing trend in the way our industry is regulated in the province of Ontario. It is my respectful submission that much of this situation, which now approaches crisis proportions, grows from inappropriate and shameful political interference.

Many here will be familiar with our proposed quarry in north Hamilton, in Flamborough. I won't take the committee's valuable time in setting out its entire history. Further information is available at flamboroughquarry.ca, and it has been closely and independently covered by the local newspaper, which can be reviewed at flamboroughreview.com; just search for the word "quarry."

In 2006, St Marys acquired this site and entered, in good faith, into a thorough, lengthy and costly approval process. We understood and encouraged that all involved parties—citizens, municipalities and the province—would follow the usual approvals process. To date, we have invested over \$20 million demonstrating the project's suitability. We engaged external consultants with national and international reputations for independence and excellence. We looked forward to a time, subject to the proposal's suitability, of providing a minimum of 110 full-time jobs, \$80,000 a year in municipal

tax revenue, \$4 million to government through the aggregate licence fee over the life of the quarry and \$3 million a year spent locally on small and medium businesses for supplies and services.

We recognize that quarrying is not without controversy, and we typically run into some local opposition by special-interest groups, which may include political, environmental or even competitive interests who do not want a quarry in their backyard. Flamborough is no exception. But the government's unprecedented actions in Flamborough portray a glaring and unacceptable example of regulatory failure in which St Marys has been totally deprived of its right to participate in the normal approval processes by virtue of the government of Ontario having issued a ministerial zoning order specific only to St Marys and only to the Flamborough site, and then having followed it up with a declaration of provincial interest. We are unaware of any other aggregate license application that has been treated in this fashion.

St Marys has had no choice but to seek relief in a variety of legal proceedings against Ontario and federally against the government of Canada by way of a NAFTA arbitration claim. Our allegations are set forward in our notice of arbitration under NAFTA and elsewhere. We can provide copies of these documents to any interested parties.

Briefly, our allegations are as follows: Following the issuance of the ministerial zoning order, St Marys obtained a number of government documents pursuant to freedom-of-information requests. Although the documents are heavily redacted, we learned some surprising things; namely, that as the application had been making its way through the regulatory process, behind the McGuinty Liberal government's closed doors a political passion play was apparently under way.

Based on our exhaustive research, we learned that prominent political insiders in the governing Ontario Liberal Party were leaders of the group Friends of Rural Communities and the Environment, or FORCE, which was established with the sole purpose of opposing the quarry. Indeed, St Marys is alleging that these insiders used their force to convince ministers of the governing Ontario Liberal Party and the Premier's and ministers' staff members to use unprecedented unilateral ministerial powers targeting only lands owned by St Marys and interfering with St Marys' vested property rights.

In our notice of arbitration under NAFTA on this issue, St Marys alleges that the McGuinty Liberal government facilitated funding and legal assistance to FORCE through the greenbelt foundation and that the very Liberal insiders behind FORCE have quite publicly admitted to personal financial interests in stopping the St Marys quarry.

St Marys alleges that Minister Bradley responded to this hidden influence by first declaring a ministerial zoning order killing the quarry. Later, the McGuinty cabinet declared the lands a matter of provincial interest, thereby depriving St Marys of any right to have an independent decision-maker rule on its appeal of the ministerial zoning order—

The Chair (Mr. David Oraziotti): Mr. Moroz, sorry to interrupt you. That's 10 minutes for your presentation. If you want some very brief concluding remarks—30 seconds to wrap up your presentation. We can get to questions and you can add more to it in a minute.

Mr. John Moroz: Absolutely. I close with four straightforward recommendations for the committee's consideration:

- (1) The termination of political influence of any kind on deciding the merits of an application under the act;
- (2) An increase to the aggregate levy, conditional on the funds being directed to a special-purpose account to fund the administration of the act and regulations;
- (3) Changes that would improve the consultation process with all stakeholders; and
- (4) An act that would allow flexibility for straightforward applications that do not attract the same level of interest that Flamborough has.

The Chair (Mr. David Oraziotti): Thank you. We appreciate the presentation. The NDP caucus is up first. Ms. Campbell, go ahead.

Ms. Sarah Campbell: Thank you for your presentation. You said that you would support an increase in the levy, which is currently at about 11.5 cents per tonne. What kind of an increase do you think would be reasonable?

Mr. John Moroz: I don't know that I'm in a position to put a number on it. I think that through a consultation process with municipalities, perhaps there's a certain portion of the levy that goes to TOARC, which is a fund that manages abandoned quarries and that type of thing. So I think you need to gather information from all the different sources and poll the field—but we certainly think that if it's properly directed, and by saying that, I mean that for the municipal piece, we'd like to see it contribute to municipal projects that are aggregate-related.

So I wouldn't give a specific number, but I would encourage consulting all the groups that are involved to come up with a number.

Ms. Sarah Campbell: Okay.

The Chair (Mr. David Oraziotti): Thank you. We appreciate it. Folks, we have five minutes combined, so we need to move on. It's time.

Interjection.

The Chair (Mr. David Oraziotti): Liberal caucus, we need to move on.

Mr. Rosario Marchese: We only have one question.

The Chair (Mr. David Oraziotti): That's it. That's all we have time for. This is shorter than the last presentation.

Mr. Mike Colle: The question I have is that if you look—I was going to ask this of Ms. Miller. Maybe you could help me on this. Is the price of these huge stone mansions we see popping up all over the place—you know, \$1 million, \$2 million, \$3 million, \$4 million, \$5 million. We see condos that are selling, 500 square feet for \$500,000. It seems that the price of these buildings is going sky-high.

What percentage of increase has occurred in the price of the raw materials and what part does that make of the

increased cost of these stone mansions and these condos in the sky? Has the price of aggregates helped to drive the prices up, or at what level has the price of aggregates gone up to coincide with the increasing price of housing?
1650

Mr. John Moroz: I don't know. I can't derive dollars-and-cents numbers, that this amount of dollars of aggregate is in a house or a condominium. But the rapidly increasing prices in the aggregate business in order to supply the high-quality materials—when you build an 80-storey or 60-storey building, it requires a very high-quality material that goes into that. A bridge, for instance—we can't have bridges falling down. So the very high-end materials that go into those buildings are increasing very rapidly.

The Chair (Mr. David Oraziotti): Thank you. Ms. Jones, go ahead.

Ms. Sylvia Jones: I'd actually like to get back to your presentation. Clearly, the way the Aggregate Resources Act is set up now, it is supposed to be separate and apart from political interference. You are suggesting in your presentation that with the Flamborough quarry, by the Ministry of Municipal Affairs and Housing putting forward a ministerial zoning order, the ARA was essentially trumped. Is that what I'm hearing?

Mr. John Moroz: Yes. Our rights to go through the process were broken. There's a good process that is open to everybody: the players, the producers. We know when we're getting into that process what we need to go through. We can quickly assess which properties don't work and which do. There's a whole series of overlaying constraints that you need to go through in order to get there. We went through that with Flamborough. I believe that others evaluated the likelihood on the political and the scientific merit of our application. I believe they understood that it was going to pass, and it was nixed through the MZO and the declaration of provincial interest. Absolutely.

Ms. Sylvia Jones: Thank you. I understand that we don't have time to hear the entire presentation, but if you were able to provide the committee with any additional background information, that would be helpful. Specifically, I'm wondering if you have a number for how much funding came via the greenbelt foundation.

Mr. John Moroz: We can back into that. I'll go away, and if I can get the details, we'll put them forward.

Ms. Sylvia Jones: Any additional information you could provide the committee related to it would be helpful.

The Chair (Mr. David Oraziotti): Thank you. That's your time for your presentation. We appreciate you coming in today.

Mr. John Moroz: Thank you.

HOLCIM CANADA

The Chair (Mr. David Oraziotti): Okay, folks, our next presentation is the Ontario Professional Planners Institute.

Interjection.

The Chair (Mr. David Oraziotti): Sorry, Holcim Canada. I apologize.

Good afternoon, sir. Welcome to the Standing Committee on General Government.

Mr. Bill Galloway: Good afternoon, and thank you very much. For a moment, I thought I was getting a raise, being a professional engineer.

I'm Bill Galloway. I'm senior vice-president with Holcim Canada. We trade in cement under Holcim and, in Ontario, in ready-mix construction and aggregate as Dufferin.

Like St. Marys, we've been around for 100 years and are celebrating our Dufferin centennial this year and our Holcim centennial worldwide.

The Chair (Mr. David Oraziotti): Just before you get into your presentation, you're just aware—I know you were here, but you've got 10 minutes, and then questions from members. Go ahead and continue. Thanks.

Mr. Bill Galloway: Thank you, Mr. Chairman.

So as Holcim, we're one of your largest road builders, as I said, in both construction aggregate and concrete. We're involved with the 410/401 project at the moment, Sir Adam Beck, and also we are building the Calgary airport by exporting Ontario technology to western Canada.

The fundamental of our company is that we believe in a balanced approach, the triple bottom line. We work at it every day; we work this balance every day between planet, profit and people. We're very much committed to sustainable construction development in the province.

I'm sure my colleagues, and particularly Ms. Miller from the OSSGA, have told you of the importance of aggregates, and I assume, given that we're all here today, we all agree about the overall importance of aggregates in the province.

Certainly we've got conflicting resources, and although we're scarce in overall aggregates, when you look at the type of structures that we're building in downtown Toronto today—there are 170 different condos being built today. The really scarce materials to build those get scarcer and scarcer every day.

Our collective challenge is to figure out how we get a balance between making sure that the aggregates are close to market and are available for the Places to Grow strategy, and we have to make sure that we protect the overall key ecological and social resources that we have in the province.

When you look at page 5, our position is that the basic principles of the ARA legislation remain appropriate; however, there are three interrelated challenges combined that make the legislation less effective. Our task is presenting to you and your task is to look at the review of the ARA. Again, I think it's more of an implementation issue as opposed to saying that the actual ARA legislation is broken. It's a lot like when you're sitting at a concert and you're listening to bad violin music. You end up thinking that maybe the problem is the violin; the problem may be the music; it could be that the violinist is actually the problem, or a combination of all three. I

think that's where we are in terms of the ARA. I think there's an interrelationship going on between policy, inconsistent rules and application, and inadequate resources.

All too often, what happens is, you have a good base of legislation in the ARA, and as we continue to make this province better and we continue to look at other ways to protect our social fabric and our environmental footprint, we end up layering on other legislation, but at the time we don't take the necessary time to figure out how we go about harmonizing that legislation. What that really means is that those that are trying to implement those things on behalf of the people of Ontario—we have difficulty providing the right level of direction and overall implementation. So you've got competing policies, and it leads to an inconsistent and an uncertain interpretation of what we intend under the Aggregate Resources Act.

You've heard today, and I'm sure you've heard it from various sources, that we have resource issues. It's one thing to have resource issues when you have a very efficient process, but when you have resource issues and you have an inefficient process and inefficient implementation, it becomes much more difficult to achieve what you're actually trying to achieve in the management of the aggregate resources of the province.

I'd like to talk just briefly about policy, which starts on page 6. In the Drummond report, he talks specifically about employing a risk-based approach for environmental approvals that focuses on improving outcomes and on prevention. One of the things that we believe you can do is that we can go back to the certainty that was contained in the PPS and make sure that we affirm the role of balancing the PPS and we embrace net gain in the principle of balancing, which is basically environmental net gain. I think you have to clarify the relationship between aggregate resources and other environmental values such as species at risk. Third—I heard one of the committee members asking about it earlier—we have to include in the PPS the full and complete use of recycled aggregates.

With regard to implementation, Drummond talks about rationalizing roles and responsibilities for environmental protection that are currently shared across levels of government. Our recommendation would be that we would reaffirm responsibility leads, establish timelines and protocols for defining issues and potential resolution, and reduce the number of approval authorities. Our goal should be to be looking at something the federal government is doing: an environmental assessment that takes one to two years versus the nine-year process that you need to get an aggregate licence in this province.

The third would be in the area of resources. Drummond feels that we should be reviewing opportunities to further streamline the environmental process, such as coordinating further with the federal government's process or integrating with certain approvals. Certainly, Ontario can do their own job and they can do their own job very well, so whether you want to integrate or not, I think we

can manage this on our own home turf. But we should make sure that we employ rigorous case management for applications and adhere to timelines for technical reviews and decision-making. We should use methods to change how we approach regulation of aggregates. Government certainly can do better, but I also believe there's an opportunity for industry to contribute.

1700

On the last page, and I'll close with this, to us this is not just a government problem; this is something that the industry should also embark on, trying to make the process more effective. There are a lot of good things going on in our industry, particularly with certification processes with the association, with the aggregate reform, and we also have another certification process called SERA. These certification processes would be a market-based solution that works hand in hand with government legislation to make the process more effective, not only for the industry and the people of Ontario, but also to make sure that we cover off the right environmental footprint and also with the social impact of any quarry in our communities. Just from an Ipsos Reid poll, we did a survey, and it fundamentally said—on the bottom of page 9—that 85% of Ontarians felt that they would be more supportive of an operation in their municipality if there was a voluntary certification process in place.

I'd ask you to consider our comments, and we'd be delighted to meet with you and provide any other information at a time of your convenience.

The Chair (Mr. David Orazietti): Thank you very much for your presentation. The Liberal caucus is first up for questions. Mr. Colle, go ahead.

Mr. Mike Colle: Thank you, Mr. Galloway, for the suggestions. I guess the only thing I take umbrage with is that you're saying we should now follow the new federal approach in terms of environmental processes?

Mr. Bill Galloway: I'm suggesting that it would be appropriate for the government to consider a one- to two-year process to file and process an aggregate application versus the length of time that it takes us with our current process. One to two years is a suggestion, and it's certainly a long way from nine years, but nine years is a long way from a process that would strike you as efficient and serving the interests of all the various stakeholders when you go through an aggregate application.

Mr. Mike Colle: I just know there's a hue and cry out there by many people about the stripping down of environmental protections with the new omnibus bill in the federal House and the issue of having time for the public to be involved in the process. Many of our constituents feel there's never enough time to have input in government processes, so by us trying to truncate some of them—and I'm not disagreeing with you about the nine years. That seems to be quite out of place in terms of the time, but I'm just saying, in terms of what the public mood out there is, they're saying, "We want more input." They want these hearings to go on across many months. They want the review to take place in many centres. If we start to say we're going to go the

federal route, we're almost going against what the public mood seems to be out there and the public demand for having a role.

Mr. Bill Galloway: I believe there are two separate issues. We certainly, and I'm sure all of my colleagues that are here as part of the association, speaking individually, we're not in favour of reducing the environmental process in terms of the level of scrutiny that is required for an aggregate application. I think you can do it in a shorter period of time, and I think you can have some realistic timelines. We also believe—

The Chair (Mr. David Oraziotti): Sorry, I'm going to have to stop you there. We need to move to the other caucus members for questions. Ms. Jones or Mr. Yurek, go ahead.

Mr. Jeff Yurek: Thank you very much for the presentation. I find it's great that you've read Drummond and see how important it is to getting our economy back on track.

I'd really like to look at partnerships out there. I'm just wondering who you're working with with SERA?

Mr. Bill Galloway: Initially we started off with Holcim and Environmental Defence. We worked with Environmental Defence for roughly two years prior to June 1, 2011. Prior to meeting Environmental Defence, we fundamentally hated each other, but we didn't know each other. We worked and came up with a standard, launched it, and right now we're operating with a group of—we have a municipal caucus, we have an industry caucus, and we have an ENGO caucus that's part of it, and we're currently working, hopefully, with the association and the rest of industry to have a merger between the AFO and SERA.

Mr. Jeff Yurek: Thank you.

The Chair (Mr. David Oraziotti): NDP caucus? Mr. Marchese.

Mr. Rosario Marchese: Mr. Galloway—is that your name?

Mr. Bill Galloway: Galloway.

Mr. Rosario Marchese: The industry basically is self-regulated.

Mr. Bill Galloway: That's correct.

Mr. Rosario Marchese: I'm not a big fan. I'm a big believer that if you have a watchdog—I'm a big supporter of the Ombudsman's oversight over many things, and he would like more oversight over many other things, because I think that when you have oversight, people tend to be a little more honest with what they are doing. I understand that many probably are, but without a watchdog and without strong regulation in that sector, I think it can be abused. Do you agree?

Mr. Bill Galloway: We firmly support the self-regulation. We would probably take it a little bit further in the sense that—we like the process; we would like to see something similar to what Mr. Moroz talked about. His plant is ISO-certified; our plant is ISO-certified. We end up having independent auditors come in, look at our processes, see what we're doing right, see what we're doing wrong, any gaps, so we in effect are self-compliant, but

we use a third party auditor to make sure that we're actually doing what we say we're doing.

Mr. Rosario Marchese: Ms. Miller was saying that we should have more enforcement. What do you think of that?

Mr. Bill Galloway: I think the issue comes from—over the last few years, there have been some comments in terms of the capability, the number of aggregate resource officers that we have in the field to be able to cover all of the applications and all of the licences that we have, moving forward. I think there is a resource issue, but I would rather correct the process first, before I start adding more dollars to the government in process.

The Chair (Mr. David Oraziotti): Thank you very much for your presentation today. We appreciate you coming in.

Mr. Bill Galloway: Thank you.

MR. DAVID WHITE

The Chair (Mr. David Oraziotti): Our next presentation: David White. Good afternoon, sir. Welcome to the Standing Committee on General Government.

Mr. David White: Thank you. Good afternoon.

The Chair (Mr. David Oraziotti): As you've heard, you've got 10 minutes for your presentation, and the time you don't use will be divided among members for questions. Members also have five minutes combined to ask you some questions at the end of your presentation. You can start by stating your name and proceed when you're ready.

Mr. David White: My name is David White, Mr. Chairman and members of the committee. I'm a lawyer, and I practise out of Barrie. My practice concentrates in the area of natural resources.

Over the last 10 years, I have probably been involved in the application and hearing process for somewhere between 20 and 30 applications. I'm here as a frustrated person. The system isn't working. It's not working for the public, and it's not working for the industry.

When I saw the terms of reference for your committee, sir, I thought it was important that I come and speak my mind, because the problem is not with the Aggregate Resources Act in isolation. There's a multitude of legislation that impacts this industry and is involved in the approval process of a licence and involved in the hearing process. If we don't take a look at the whole package, you're not going to accomplish anything because, in my view, the act—I think I agree with Ms. Miller on this—actually is working reasonably well. It requires some updating; it requires some massage. Provincial standards do require some review and updating, but generally, I think the act is performing reasonably well.

The problem is, it's not coordinated and integrated with all of the legislation dealing with water resources, environmental resources, highways, land use planning and the multitude of other pieces of legislation that impact an application, impact the hearing process that most of these applications end up going through. The hearing

process is extremely frustrating for the public, extremely frustrating for the industry. It's extremely expensive, it's extremely lengthy, and we don't always get the best results.

1710

So I think what I'm urging you, sir, is to take your message back to the Legislature that you can't look at the Aggregate Resources Act in isolation. You have to look at the environmental legislation—the Environmental Protection Act, now the Environmental Assessment Act in view of the mega quarry being deemed subject to a full environmental assessment. You have to look at the Ontario Water Resources Act—the separate appeal process that's under the Ontario Water Resources Act that still, believe it nor, has an appeal to the minister, and there's absolutely no room for a political appeal in this process. So these multiple processes, multiple applications can lead to multiple hearings. The Aggregate Resources Act is not a scheduled act in the Consolidated Hearings Act, so you don't get automatic consolidation with the other legislation you have to go through. It can be a two-year process just to get your hearings consolidated.

In a nutshell, that is my message to this committee: You can't look at the act in isolation. You're just not going to solve or even identify the problem.

The Chair (Mr. David Oraziotti): Okay. Thank you very much for your very poignant comments. We'll turn it over to Ms. Jones right now.

Ms. Sylvia Jones: Thank you, Mr. White. I had one question. You mentioned that you've been working in the industry with applications for a number of years, specializing in them.

Mr. David White: Probably 20 years.

Ms. Sylvia Jones: I don't know if I didn't hear it or I missed it—for proponents or opponents?

Mr. David White: I act for proponents. I've acted for national companies, regional companies, private companies—

Ms. Sylvia Jones: So you've worked with the ARA on both sides?

Mr. David White: No, I have not worked on the other side. I've not opposed an aggregate operation. I act for the proponent, the industry.

Ms. Sylvia Jones: Okay. You mentioned that in the act, there is no room for a political appeal. Do you believe there should be?

Mr. David White: No, in the Ontario Water Resources Act, there is a political appeal to the minister.

Ms. Sylvia Jones: Oh, I'm sorry.

Mr. David White: The problem that you have is that, now, you go through—the Ministry of the Environment will not deal with your permit-to-take application until you've established your licence. So once you finish your licence process, you start your permit-to-take application. It's a separate application, a separate public hearing, separate appeals, with an appeal to the minister at the end of the day.

Ms. Sylvia Jones: I understand. Okay. Thank you.

The Chair (Mr. David Oraziotti): Ms. Scott.

Ms. Laurie Scott: Thank you for coming here and appearing today. As you've said, you've worked for a long time. I guess maybe the best thing I can say is, how would you like to see—the hearings can go on, the process. I mean, I've heard of people spending millions of dollars. The government also spends millions of dollars sometimes on this too, right? They hire lawyers, they work for the MNR. It costs all of us as taxpayers a lot of money for a long, detailed, bureaucratic process that overlaps many ministries.

I didn't know if you had some type of more specific suggestion of what you'd like to see done with the inter-ministries, and maybe an example that you could give us just to kind of explain the frustration level that you certainly are at for this process.

Mr. David White: I think I can give you a couple of examples. One is that the Aggregate Resources Act has a very defined consultation notification process under the provincial standards, and this can take up to two years. Then you go through that process and you narrow down your objectors. Let's say you start with two dozen objectors and you, through that process, narrow it down to half a dozen objectors. Then, once you go before the Ontario Municipal Board, you're operating under their rules, and they open the door again. So I can then be faced with not only the two dozen objectors I started with, but another two dozen on top of that, even though I've gone through a two-year mandatory consultation notification process.

I've had a situation where I'm nine years into an application, I'm two months into a hearing, and a new endangered species comes down the pipe without any consultation from COSSARO. They didn't consult with the Ministry of Natural Resources, the Ontario Federation of Agriculture or the industry and they dropped the bobolink on us. There, I have an applicant with several million dollars, nine years of work, and he gets ambushed by this without any transition provisions or notification. It's a fact that the legislation isn't coordinated.

The Chair (Mr. David Oraziotti): Okay. Thank you for that response. NDP caucus, you're up. Ms. Campbell, go ahead.

Ms. Sarah Campbell: I understand that there's a lot of frustration with the process and you'd like to see a more streamlined process, maybe one that's a little more truncated and not so elaborate. But do you see any problems, having worked in the industry, with oversight within the MNR?

Mr. David White: No, I don't. I think the MNR was stretched a few years ago. I think they've made great strides in the last number of years, especially in the last year, addressing that. I think the James Dick decision got some attention at the ministry, and they've improved their resources and training and their risk management approach.

My frustration is that I ask people to give me an example of an aggregate resource operation that is causing significant negative environmental harm or impact. I've

asked that question to 50 people over two years, and I've never received an answer. I think the problem is that the public just doesn't want aggregate resources in their neighbourhood. It's a problem that we have something everybody needs but nobody wants. It's a fundamental conflict of land use planning. How you solve that fundamental conflict is—

Mr. Rosario Marchese: That is the question, isn't it? How do you solve it?

Mr. David White: That is the absolute question.

Mr. Rosario Marchese: I understand that the industry wants predictability; I understand that. They would like a process that's much more limited or shorter, and that all these various acts somehow come together in some streamlined fashion. But even if we did that, you would still face the same problem.

Mr. David White: Well, I was talking to a labour relations lawyer one time, and he was saying, "Why do these hearings go on so long? In labour relations, we resolve it in one night's meeting." And I said, "Yeah, but there, you're not trying to shut down the factory; you're just dividing the pie. In my case, they want to shut my client down. They don't want him in the neighbourhood."

Mr. Rosario Marchese: But you see the problem: Even if we could get all these approval processes in place, because you've got to go through all these various acts, and let's just say we can do that, even in a year, we're still going to have the same political problem. If communities disagree, we have to deal with that. So in the end, the person you're working for may not be able to get the approval process.

Mr. David White: Except that I think we all recognize we need some level of approvals to go through the system, because we need the resource. Nobody wants airports, nobody wants garbage dumps and nobody wants gravel pits or quarries. It's a fundamental fact of life.

The Chair (Mr. David Oraziotti): Okay, I've got to stop you there. We need to move on. Thank you.

Mr. Colle, go ahead.

Mr. Mike Colle: Thank you, Mr. White, for your very candid insights. I think they're very valuable, really, given your experience.

I think it really is a good message for this committee that, basically, we're not going to be able to ameliorate the situation by just looking at the Aggregate Resources Act. It's going to take more than that. And it's not going to be a magic bullet of making some adjustments in the act and hiring a few more people at MNR. We're going to have to find, in a strategic way, as you said, ways of linking the reality of this act with the others: the species at risk act that we now have before us, the Environmental Protection Act, the water resources protection act, the Oak Ridges moraine act, the Greenbelt Act and on and on. So I guess your message is very clear. I think it's very, very appropriate that you give us that overview.

I guess the question I have for you is, is the real problem here that the public has no sort of insight into the reality of where the resources come from? In other words, everybody wants to have paved roads, everybody

wants their condo in their sky, everybody wants their stone mansion, but they don't want to know where it comes from. Whose job is it to try to link that reality with the public, and how can we do that to maybe get a more realistic approach to this whole issue?

Mr. David White: I would suggest you take a look at the OSSGA website and some of the material they've produced, because they certainly recognize exactly that issue: it's an issue of educating the public that this is something we need, it's part of our society, and we're going to have to learn how to live with it and make the best of it, because no one is going to want one of these next door to their house. It's an accepted fact, I think, for you or for me, but education is important. I think the government has some responsibility. I think the industry is undertaking an education program: Both individual operators and certainly Ms. Miller's OSSGA is definitely making a real effort producing material, educating the public and educating our children on the industry.

Mr. Mike Colle: So one of the recommendations you would make to this committee is that we find a way of making that happen?

1720

Mr. David White: Absolutely.

Mr. Mike Colle: Despite all the changes in the act etc., it might be very fruitful to go down this road also.

Mr. David White: Public awareness is very important.

Mr. Mike Colle: Thank you very much. I appreciate it.

The Chair (Mr. David Oraziotti): Thank you very much, Mr. White. Thank you for your presentation.

Mr. David White: Thank you all.

The Chair (Mr. David Oraziotti): Good afternoon, folks. That's it for presentations this afternoon.

SUBCOMMITTEE REPORTS

The Chair (Mr. David Oraziotti): We've got a couple of items of committee business and subcommittee reports that are before you.

If members of the public want to stay, they're welcome to stay; otherwise, that's it for presentations today.

Ms. Jones, go ahead.

Ms. Sylvia Jones: Could I ask a question before we get into actually discussing the specifics of committee reports?

The Chair (Mr. David Oraziotti): Sure; no problem.

Ms. Sylvia Jones: Would the clerk be able to provide the committee with a quantitative number as to how many individuals have requested—

The Chair (Mr. David Oraziotti): We're going to get into that, yeah.

Ms. Sylvia Jones: So is that going to be part of the subcommittee?

The Chair (Mr. David Oraziotti): We're going to talk about that in a few minutes.

Ms. Sylvia Jones: Okay. Perfect. Thank you.

The Chair (Mr. David Oraziotti): The first order of business that we've got here—I think we should deal with the item that Mr. Marchese put before us with respect to the auto insurance review and the dates and times that were agreed upon through subcommittee. We're going to deal with these—

Interjection.

The Chair (Mr. David Oraziotti): Yeah. My understanding is, Ms. Campbell is going to read these into the record. Ms. Scott has hers and Mr. Marchese has his. We're going to deal with this because I understand there's an amendment coming to what you've put forward. So let's deal with this. We'll deal with them one at a time. Ms. Campbell, do you want to read this into the record?

Mr. Rosario Marchese: Mr. Chair, there are copies of this, right, for the other members?

The Chair (Mr. David Oraziotti): Everyone has a copy. Everyone should have a copy of this, yeah.

Go ahead, Ms. Campbell.

Ms. Sarah Campbell: Your subcommittee on committee business met on Monday, May 7, 2012, to consider the method of proceeding on the motion moved by Mr. Marchese pursuant to standing order 111(a) with respect to a review of the auto insurance industry, and recommends the following:

(1) That the committee meet for the purpose of holding public hearings on Monday, May 28, 2012, and Wednesday, May 30, 2012, in Toronto.

(2) That the committee clerk post information regarding public hearings in the Toronto Star and the Ontario edition of the Globe and Mail and Le Droit for one day during the week of May 14, 2012.

(3) That the committee clerk post information regarding public hearings on the Ontario parliamentary channel, the Legislative Assembly website and Canada NewsWire.

(4) That interested parties who wish to be considered to make an oral presentation contact the committee clerk by 12 noon on Wednesday, May 23, 2012.

(5) That an invitation be sent to the minister responsible for auto insurance, the Honourable Dwight Duncan, to speak at committee.

(6) That the length of presentations for witnesses be 10 minutes and up to five minutes for questions on a rotational basis.

(7) That, in the event all witnesses cannot be scheduled, the committee clerk provide the members of the subcommittee with a list of requests to appear.

(8) That the members of the subcommittee prioritize and return the list of requests to appear by 12 noon on Thursday, May 24, 2012, and that the committee clerk schedule witnesses based on those prioritized lists.

(9) That the research officer provide the committee with background material by May 28, 2012.

(10) That the research officer provide the committee with a summary of presentations.

(11) That further public hearing dates be scheduled at a later date outside of Toronto, pending authority from the House.

(12) That the deadline for written submissions is to be determined at a later date.

(13) That the committee clerk, in consultation with the Chair, be authorized, prior to the adoption of the report of the subcommittee, to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

I move that the subcommittee report be adopted.

The Chair (Mr. David Oraziotti): Okay. Any comments with respect to—

Mr. Mike Colle: I have just one comment. I know that this is a perennial issue in terms of notifying. I know we put notifications in the Globe and Mail and the usual. There are a lot of issues with auto insurance that affect people who don't have English as a first language. I think we have to find a way—and I don't know the perfect way of doing it—of reaching those communities so they can participate in the hearings too.

I'm not saying that we have the answer right now, but I hope the committee looks at that as a way of including in the process those newcomers who have many issues with auto insurance. I just want the committee to consider that, rather than looking for a specific amendment right now.

Mr. Rosario Marchese: It's a good point.

The Chair (Mr. David Oraziotti): Mr. Yurek, go ahead.

Mr. Jeff Yurek: Thank you, Chair. I'd like to propose two amendments to this list. On number five about inviting Minister Dwight Duncan to speak: I think his knowledge would be pretty limited on auto insurance, and I'd request we sub that in to FSCO superintendent Philip Howell.

My second amendment would be that Philip Howell, superintendent, release his report on catastrophic injury before we meet so that we can have a good discussion on it when he shows up, so, I'd say, by May 24.

The Chair (Mr. David Oraziotti): Okay. Further comment on that? Mr. Marchese.

Mr. Rosario Marchese: I'm prepared to accept that as a suggestion. With respect to the second amendment, do we need to have it in the minutes in order to be able to ask him to bring that report, or can we just ask for it through you?

The Chair (Mr. David Oraziotti): I think we can make the request in here if we put it in as a condition on the subcommittee report that we're not going to meet on this until he releases the report. We can't make him release the report. If he doesn't release the report, then you're saying, "We're not going to meet on that until that's released, so we're not going to have this discussion if that report's not out," if you want to put that in as a condition.

Mr. Rosario Marchese: Mr. Chair, the report is ready, as far as we know. He has it, as far as we know. So if it is available, it's a matter of sending it. So there should be no complication.

The Chair (Mr. David Oraziotti): Okay. I'm prepared to accept that. If the committee wants this amendment—

Mr. Rosario Marchese: I will accept those two amendments to the report, Mr. Chair.

The Chair (Mr. David Oraziotti): Okay. Further comment?

Mr. Mike Colle: I don't have any problem. I just want to make sure that there's a presentation made by the task force on automobile insurance fraud—that we ask the authors of that report to come forward and make a presentation before the committee.

The Chair (Mr. David Oraziotti): So you're proposing that an additional item be added to this subcommittee report.

Mr. Mike Colle: Yeah, because if we're asking Phil Howell and we're asking the minister, we should also ask the authors of the auto insurance fraud report to make a presentation to the—

The Chair (Mr. David Oraziotti): Okay. What Mr. Yurek had suggested is substituting the minister—

Mr. Rosario Marchese: Substituting the minister for the superintendent—

Mr. Mike Colle: And I'm saying, I just want to make sure they come forward and make a presentation too.

Mr. Rosario Marchese: Would the superintendent have access to this—

Mr. Mike Colle: He was involved, but I'm saying, we need the authors of the report to come forward.

Mr. Rosario Marchese: Okay; not a problem. We could include that too, unless, Jeff, you have any suggestion on that regard.

Mr. Jeff Yurek: I'd just like to add in: The fraud task force report isn't going to be finished till September, so they might not have a full report for you.

Mr. Mike Colle: But the interim, I think, would be very helpful.

Mr. Jeff Yurek: The interim? Sure. I have no problem with the interim being discussed.

Mr. Rosario Marchese: Let's include that, then.

The Chair (Mr. David Oraziotti): That's a separate item. We're going to request that they come and make a presentation as one of the requested delegations for the hearings.

So we have an agreement on substituting the minister for Philip Howell?

Mr. Mike Colle: Yeah.

Mr. Rosario Marchese: Yes.

The Chair (Mr. David Oraziotti): And the request that the report be released or provided at the time?

Mr. Rosario Marchese: Yes.

Ms. Sarah Campbell: Mr. Chair, can you provide some clarification on the wording of that? My understanding of what you just said previously is that we would be unwilling to meet unless we had a copy of the report. I think that was an opinion but not—

The Chair (Mr. David Oraziotti): Okay. So if, for whatever reason, the report isn't released prior to that, you still want to continue with these days?

Mr. Rosario Marchese: Of course.

Ms. Sarah Campbell: Yes.

The Chair (Mr. David Oraziotti): You're prepared to do that.

Interjection: If he can.

The Chair (Mr. David Oraziotti): If he can, we'll make the request.

Mr. Rosario Marchese: That's right. That's quite clear. We're asking for the report. He will appear and we're also asking him to bring the report before or at the time of the meeting. Either way, he will be appearing—

The Chair (Mr. David Oraziotti): Mr. Yurek had made a comment about perhaps not meeting until the report was released.

Mr. Jeff Yurek: No, no. I'd like the report prior to our meeting with him so we have time to digest it so it would be appropriate for discussion.

The Clerk pro tem (Ms. Tamara Pomanski): If available.

The Chair (Mr. David Oraziotti): All right. Any further comment?

So to clarify, we're going to substitute the minister; request that the minister present for Philip Howell, superintendent of FSCO; make the request that the report be provided in advance to the committee, if it's available, and also make the request that the fraud task force be requested to come and make a presentation before committee as one of the deputations.

All those in favour of the subcommittee report, as amended? Opposed? Carried.

Thank you. Subcommittee report, as amended, carried.

1730

Okay, let's get on to the next motion.

Interjection.

The Chair (Mr. David Oraziotti): We're going to get to that in the context of this motion. Ms. Scott has brought forward a request here. Do you want to read this into the record, Ms. Scott? Go ahead.

Ms. Laurie Scott: Your subcommittee on committee business met on Monday, May 7, 2012, to further consider the method of proceeding on its review of the Aggregate Resources Act (ARA) and recommends the following:

(1) That the standing committee seek the authorization from each of the House leaders of the recognized parties in the House to permit that the committee be able to sit so as to hold public hearings and investigations after the House rises during the month of June, and that it be able to sit as many days as the committee deems necessary to hear from the public and concerned stakeholders; and,

(2) That the Standing Committee on General Government travel from place to place in Ontario for the purposes of holding public hearings and that such locations in Ontario include, but not limited to: Windsor, London, region of Waterloo, Brampton, Barrie, region of Durham, Peterborough, Ottawa, Sudbury, Sault Ste. Marie, Dryden and Manitoulin Island; and that other locations be agreed upon by the subcommittee as necessary, with particular consideration being given for the regions of the province of Ontario whereby the communities are impacted by the act.

(3) That, during the aforementioned hearings, that the committee, in addition to holding public hearings, also be able to undertake to visit and tour various aggregate resource facilities, processing centres and/or quarries that are: in current operation; and/or are proposed to be in operation; and/or are no longer in operation; and/or facilities that have been “rehabilitated.”

The Chair (Mr. David Oraziotti): Thank you. The motion is on the floor. Mr. Marchese.

Mr. Rosario Marchese: I understand that the House leaders are working on this. I think there’s general agreement that we need to travel, but no agreement has yet been reached as to how long, and that’s something they’re still working out. Can I recommend that we defer dealing with this report until Monday?

The Chair (Mr. David Oraziotti): You can certainly make that recommendation. If you’re saying that the House leaders are working on it, if they’re working on a request—we need to adopt the request and make the request of the House leaders for them to work on it. I mean, that’s great if they’re having that discussion now, but there has been no formal request made by this committee to the House leaders to do what is in this motion.

Mr. Rosario Marchese: Ms. Scott, we can defer it. We can send it on a different date.

Ms. Laurie Scott: Yes, I’ll just get some clarification from the clerk, what she’d like us to do with this, then. Do you need us to adopt it in order, then, for it to be officially sent to the—

The Clerk pro tem (Ms. Tamara Pomanski): We need this adopted. We need the committee’s full agreement in order for me or for the Chair to send letters to the House leaders asking for a request to meet. However, we could defer this until Monday. If you would agree then, then I would send the letters, as soon as it was agreed, to the House leaders—it depends on timing—within a few days.

Mr. Rosario Marchese: It’s up to you. We could read it on the record on Monday and hopefully House leaders will have dealt with it, and then come back Wednesday.

The Chair (Mr. David Oraziotti): If you want to make a request, then we need to approve what the request is; otherwise, the discussion is not necessarily coming from the committee. To get to Ms. Jones’s question around the number of—

Ms. Sylvia Jones: I have a different question now.

The Chair (Mr. David Oraziotti): Okay, go ahead.

Ms. Sylvia Jones: As I understand it, the three House leaders are discussing this. If we adopt this today, it is quite possible that the House leaders will come back with an alternative proposal, which we will then review on Monday. If that’s how we have to do it, that’s fine.

The Chair (Mr. David Oraziotti): And that’s potentially—

Ms. Sylvia Jones: It may not stay as is.

The Chair (Mr. David Oraziotti): Absolutely. I think everybody understands that the request is simply a request and that the final decision will be made—

Mr. Rosario Marchese: If you want to send this report, the House leaders will deal with it one way or the other. So, if you want to do that, we can do that, or we can simply defer it—either way.

Ms. Sylvia Jones: I mean, the reality is, we all know that they are dealing with it right now—

Mr. Rosario Marchese: So you decide.

Ms. Sylvia Jones: —because we’ve all been dealing with it, but—

Mr. Rosario Marchese: What do you want to do?

Ms. Sylvia Jones: If the clerk is saying that she wants the formal process—

Mr. Rosario Marchese: Well, what do you want to do?

The Chair (Mr. David Oraziotti): The issue is whether or not it’s going to be a matter of record that the committee made a recommendation for the House leaders to have a discussion of this. If you don’t want any record that the committee made any request of House leaders on that, then we defer this.

Ms. Sylvia Jones: Let’s get ’er done.

The Chair (Mr. David Oraziotti): If you want that proposed, then that’s fine.

The Clerk pro tem (Ms. Tamara Pomanski): We could also still do it next week.

Ms. Sylvia Jones: Yes, which we will. Okay.

The Chair (Mr. David Oraziotti): And to answer your question, there have been—the running total is currently 76 requests for presentation.

Ms. Sylvia Jones: Seventy-six.

Ms. Laurie Scott: To appear before committee.

The Chair (Mr. David Oraziotti): To appear before committee, correct.

Ms. Sylvia Jones: Okay, that’s great. Thank you. I did receive one additional email today, and I’m hoping that it has also gone through to the clerk, about an offer to appear in Horning’s Mills.

Mr. Rosario Marchese: Should it go to the clerk? It should be sent to the clerk.

The Clerk pro tem (Ms. Tamara Pomanski): Yes, to our office.

Ms. Sylvia Jones: Okay, so if you could confirm that with me—

The Clerk pro tem (Ms. Tamara Pomanski): Sorry?

Ms. Sylvia Jones: That a request, or an offer, has been made to have the committee appear in the Honeywood Arena, Horning’s Mills.

Mr. Rosario Marchese: Sylvia, can you just give the clerk’s number so that the person can call her and get on the list?

Ms. Sylvia Jones: Yeah, I believe it has gone in. Really, I’m looking for clarification that it has gone in.

The Clerk pro tem (Ms. Tamara Pomanski): Okay. I’ll look out for it.

The Chair (Mr. David Oraziotti): Further discussion on this? Mr. Colle.

Mr. Mike Colle: Mr. Chairman, just a point of clarification: I hope that this motion doesn’t preclude this committee from meeting and travelling beyond June, July,

August and into October, November, December, if we so choose.

Mr. Rosario Marchese: That would be set by the House leaders.

Mr. Mike Colle: But I just wondered, because there's just a reference to June here. So just in the indication to the House leaders that—

Ms. Sylvia Jones: The House rises in June. That's the reference.

The Chair (Mr. David Oraziotti): It says “during the month of June,” so it does specifically say in the month of June, but again, I think it's a request. It would be discussed at House leaders' meetings and they can do what they—they can come back—

Ms. Sylvia Jones: Do you want to do the amendment, Mike?

Mr. Mike Colle: Yeah. I'm saying there's nothing to limit it to June. We should make that clear to the House leaders and say, “Just don't meet in June,” and if we may choose to ask for meetings beyond June—

Ms. Sylvia Jones: So could we say after the House rises?

Mr. John O'Toole: When the House is not in session.

Ms. Sylvia Jones: After the House rises, period.

The Chair (Mr. David Oraziotti): Yeah. We can just eliminate “the month of June.”

Ms. Sylvia Jones: Is that okay?

The Chair (Mr. David Oraziotti): Yeah. All agree?

Mr. Mike Colle: Leave it more open-ended.

The Chair (Mr. David Oraziotti): Do we have agreement on that, eliminating “in the month of June” and just saying “after the House rises”? We're in agreement?

Mr. Mike Colle: Yeah.

The Chair (Mr. David Oraziotti): Okay, so that's being amended. Any further discussion on this? Mr. Coteau?

Mr. Michael Coteau: What's the actual motion right now? Is it deferral? Referral?

The Chair (Mr. David Oraziotti): Not unless the mover or anybody else is making a motion to defer this.

Mr. Michael Coteau: I know that there's an amendment to make that small change, but where is it going at this point? Are we voting on it to go to the House leaders?

The Chair (Mr. David Oraziotti): That's where it stands right now, unless there's any further discussion around what the content of this is.

Mr. O'Toole, you had your hand up.

Mr. John O'Toole: Thank you, Chair. I just want to put on the record—I'm not a member of the committee, so I cannot move a motion. As such, what I am saying is, I'm asking people to add a section that deals with the issue of commercial fill. I talked on it yesterday, and I have a formal—but I'll allow our lead on this committee to deal with it. It is not insignificant. It's part of the rehabilitation, section 6. I am putting that on the record as this can come back to the committee, can still be amended when it comes back to the committee, and it

would be done by unanimous content. It's not intrusive. It's about one section that isn't specifically addressed.

But if I may, with your indulgence: How it works today—and there is a meeting tomorrow where the Ministries of Natural Resources, Environment, and Municipal Affairs are all meeting in Uxbridge tomorrow—I'm not involved. It's the mayors and the conservation authorities. The fill that in the last 20 years has moved out of Durham is all going to be coming back in the form of commercial fill to rehabilitate those sites.

The Chair (Mr. David Oraziotti): This motion, this request—I mean, unless you're proposing—

Mr. John O'Toole: I know, it's not directly in there.

The Chair (Mr. David Oraziotti): It isn't, and unless you're suggesting that there be something added to this request for the House leaders, then—

Interjection.

The Chair (Mr. David Oraziotti): Individuals, obviously, can make requests, and if those individuals want to come and present before committee and talk about that as an issue, then they're certainly welcome to come here, like anyone else is, to—

Interjections.

The Chair (Mr. David Oraziotti): Ms. Jones, go ahead.

1740

Ms. Sylvia Jones: My only other question is: As I understand it today, the cut-off for delegates to appear in the committee is actually today. So how do we deal with that? Would we end up re-advertising if we are successful in getting our House leaders to extend the hearings?

The Clerk pro tem (Ms. Tamara Pomanski): If we're going to be travelling, we're going to have to advertise anyway, because we have to figure out what places and dates we're going to go. This was just for Toronto, so that's why the deadline was—because technically, we're only meeting on the 16th in Toronto. So we will have to re-advertise if we're going to—

Ms. Sylvia Jones: Could I suggest that the clerk's office not further exasperate people by saying that the cut-off is today, that, as you accept those requests to delegate, you make no reference to cut-off?

The Chair (Mr. David Oraziotti): Unless we're having more hearings.

Mr. Rosario Marchese: We're having hearings here in Toronto for those four days, right? It's based on that.

Ms. Sylvia Jones: Yes, but there's clearly not enough time; 76 requests to appear, and we only have 24 presentation slots.

Mr. Rosario Marchese: Most people will not get on, and they'll have to go to some other city when we open it up.

The Chair (Mr. David Oraziotti): Okay, one second. Mr. Coteau has got his hand up. Go ahead.

Mr. Michael Coteau: Thank you, Mr. Chair. I'd like to make an amendment to the subcommittee report. I believe I've given some copies to the clerk. You can just hand those out.

The Chair (Mr. David Oraziotti): Okay, Mr. Coteau, do you want to just—I think it's fairly self-explanatory, but if you want to just comment on it.

Mr. Michael Coteau: Okay. Thank you very much for the opportunity, Mr. Chair.

I think that this response is in regard to the concern that we've heard from stakeholders, from different community members and even the parties opposite about the lack of time we've allocated for this quite important piece of legislation review.

Our government moved forward with initiating this review with the agreement of the two additional parties. It does have support from all three parties. We're concerned, however, that on April 16, each opposition party put forward new business. The NDP put forward a review of auto insurance and the Progressive Conservatives asked for a comprehensive review of traffic gridlock. Our concern is that these two pieces, in addition to this important review that we're focusing on, are really taking a lot of time from the committee to work on this most important issue.

We'd like to move forward with taking the two dates, the 4th and the 6th of June, which were allocated for other business, and allocate it for this review.

The Chair (Mr. David Oraziotti): So Mr. Coteau moves a motion here.

The Clerk pro tem (Ms. Tamara Pomanski): He has to move it.

The Chair (Mr. David Oraziotti): You want it for the record? Okay.

Mr. Michael Coteau: Yes, would you like me to read the motion? Okay. That, owing to the significance of the review—

The Chair (Mr. David Oraziotti): Please say, "I move that..."

Mr. Michael Coteau: I move an amendment to the subcommittee report on the Aggregate Resources Act that, owing to the significance of the review of the Aggregate Resources Act currently before the Standing Committee on General Government and in order to accommodate the large number of individuals and organizations that have expressed an interest in appearing before the committee, the committee's schedule shall be amended to provide that public hearings on the review will take place during the committee's regular sitting hours on June 4, 2012, and June 6, 2012.

The Chair (Mr. David Oraziotti): Further comment?

Ms. Sylvia Jones: Thank you. I appreciate the intent behind the motion. I think it's probably a few days premature. If we do get success and agreement from the House leaders to travel, I firmly believe that you will find that a number of those people who have requested to delegate would prefer to do it closer to the communities that they live in. So while I appreciate the intent behind the extension, I'd like to hold off until we get a yea or nay from the House leaders on whether they are going to allow us to travel.

The Chair (Mr. David Oraziotti): Mr. Marchese?

Mr. Rosario Marchese: I agree with Sylvia on this. We will have had four days of hearings here in Toronto. I was happy with the idea that we would do gridlock in those two days, because that interests me as well. The idea is that we're going to travel. I think we all agree that we need to travel on this motion. We're going to get plenty of days to travel and we're going to get more hearings, and more and more people will get more opportunities. It will not be for a couple of hours; it will be from 9 o'clock till whenever we decide—5 o'clock; and that will allow plenty of people to come and deputize in different parts of Ontario. So I think we'll be fine.

The Chair (Mr. David Oraziotti): Further comment?

Mr. Michael Coteau: I believe that this issue is a very important issue, not only for this government but for all parties involved. We've heard from the clerk's office today that there have been 76 requests. Is that correct?

The Chair (Mr. David Oraziotti): Yes, 76 to date.

Mr. Rosario Marchese: And they're probably from all over the map. Is that correct?

Mr. Michael Coteau: So what I'd like to suggest and I'd like to humbly ask the two parties again if they would reconsider and allow for two additional days so we can have people come in and express their concerns about this most important piece of legislation that our government is planning to review.

The Chair (Mr. David Oraziotti): Ms. Jones, do you want to comment on that?

Ms. Sylvia Jones: Great idea; just a few days earlier than we need to. I have great faith in our House leaders that they will give us the ability to travel, and I would like to see that come forward first before we ask people to drive to Toronto. I think you will find that the vast majority of people who have asked to appear do not live in the GTA, and it would be an act of faith on our committee's behalf to say, "We are willing to come to your municipality, to your community."

The Chair (Mr. David Oraziotti): Mr. Marchese.

Mr. Rosario Marchese: Just to the clerk: Am I correct in assuming that many of the people wanting to appear are not just from Toronto; they are from beyond? Would you know that by their telephone numbers or—

The Clerk pro tem (Ms. Tamara Pomanski): Honestly, my assistant was doing a lot of that, so I can't say.

Mr. Rosario Marchese: I'm prepared to vote on this right now, Mr. Chair.

Mr. Michael Coteau: Just one final point, Mr. Chair. We've put out an advertisement for four days, we've received 76 responses to come into this building and make a deputation. All I'm saying is, I'd like to ask the Progressive Conservative Party and the NDP to reconsider and allow for two additional days so we can hear from more participants who have agreed to come to Toronto. So we can call the question on this.

Ms. Sylvia Jones: Can I make a suggestion, a friendly suggestion, that we defer this motion until Monday?

Mr. Michael Coteau: No. I'd like to call the question, Mr. Chair.

The Chair (Mr. David Oraziotti): Okay. The question has been called. I don't know if there are any other comments anybody wants to make?

Mr. Rosario Marchese: Yeah, I do, because he makes his statement and then he wants to call the question. The point is this—

The Chair (Mr. David Oraziotti): You said to call the question too.

Mr. Rosario Marchese: People didn't know that we were going to travel. That's why there are 76 people who want to get on the list. It means they're coming from all over the place, Michael; that's the point. So to make it appear like—

Mr. Michael Coteau: We would love to travel—

The Chair (Mr. David Oraziotti): You know what, folks? We're not going to have the back and forth.

Mr. Michael Coteau: We've extended it until the end of the year.

Mr. Rosario Marchese: I've got the floor. To make it appear like we are not going to let people speak by giving two more—

The Chair (Mr. David Oraziotti): Okay—

Mr. Rosario Marchese: Mr. Chair, I've got the floor.

The Chair (Mr. David Oraziotti): I understand.

Mr. Rosario Marchese: To make it appear like we're not going to let people speak is silly. I am now prepared to vote.

The Chair (Mr. David Oraziotti): So you make your comment, then you say to vote; the member opposite does the same thing. Let's get on with it and have the vote.

All those in favour of Mr. Coteau's amendment to the subcommittee report? All those in favour of the amendment?

Mr. Mike Colle: Recorded vote.

Ayes

Colle, Coteau, Dickson.

Nays

Campbell, Jones, Marchese, Scott, Yurek.

The Chair (Mr. David Oraziotti): The motion is lost.

The subcommittee report is before us as is, with the minor amendment of eliminating "the month of June." Any further comment or amendments proposed to what is before us now on the subcommittee report?

I call the question on this. All those in favour of the subcommittee report, as amended? All those opposed? Carried. The subcommittee report is carried, as amended.

Committee is adjourned.

The committee adjourned at 1750.

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