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**Official Report  
of Debates  
(Hansard)**

**Wednesday 16 May 2012**

**Journal  
des débats  
(Hansard)**

**Mercredi 16 mai 2012**

**Standing Committee on  
General Government**

Aggregate Resources Act review

**Comité permanent des  
affaires gouvernementales**

Examen de la Loi sur  
les ressources en agrégats

Chair: David Oraziotti  
Clerk: Sylwia Przedziecki

Président : David Oraziotti  
Greffière : Sylwia Przedziecki

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES**

Wednesday 16 May 2012

Mercredi 16 mai 2012

*The committee met at 1603 in room 228.*

**SUBCOMMITTEE REPORT**

**The Chair (Mr. David Oraziotti):** Good afternoon, folks. Welcome to the Standing Committee on General Government. We're here to continue hearings on the Aggregate Resources Act. Before we do that, we've got a subcommittee report to discuss, so I'm going to ask Ms. Scott to read that into the record. Ms. Scott?

**Ms. Laurie Scott:** Thank you, Mr. Chair.

Your subcommittee on committee business met on Monday May 7, 2012, to consider the method of proceeding on the motion moved by Mr. Smith pursuant to standing order 111(a) with respect to a study on grid-lock in the greater Toronto area and the national capital region, and recommends the following:

(1) That the committee meet for the purpose of holding public hearings on Monday, June 4, 2012, and Wednesday, June 6, 2012, in Toronto.

(2) That the committee clerk post information regarding public hearings in the Toronto Star, the Ontario edition of the Globe and Mail, the Ottawa Citizen, and Le Droit for one day during the week of May 21, 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 Tuesday, May 29, 2012.

(5) That an invitation be sent to the Ministry of Transportation and that this organization be offered 20 minutes for their presentation followed up by 30 minutes for questions on a rotational basis by committee members.

(6) That an invitation be sent to Metrolinx and that this organization be offered 20 minutes for their presentation followed up by 20 minutes for questions on a rotational basis by committee members.

(7) That invitations be sent to the Toronto Transit Commission and OC Transpo and that these organizations be offered 15 minutes for their presentations and 10 minutes for questions on a rotational basis by committee members.

(8) That invitations be sent to the city of Toronto, city of Ottawa, York region and Durham region and that these organizations be offered 15 minutes for their presenta-

tions and 10 minutes for questions on a rotational basis by committee members.

(9) That if the city of Toronto, city of Ottawa, York region and Durham region are unable to present at committee, invitations to be sent out to Halton and/or Peel region and that these organizations be offered 15 minutes for their presentations and 10 minutes for questions by committee members.

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

(11) 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.

(12) That the members of the subcommittee prioritize and return the list of requests to appear by 12 noon on Wednesday, May 30, 2012, and that the committee clerk schedule witnesses based on those prioritized lists.

(13) That the research officer provide the committee with background material by June 4, 2012.

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

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

(16) That the deadline for written submissions be determined at a later date.

(17) 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):** Ms. Scott moves adoption. Any further comments? Seeing none, all those in favour? Opposed? The motion is carried. Thank you very much.

**AGGREGATE RESOURCES ACT REVIEW  
GREATER TORONTO COUNTRYSIDE  
MAYORS ALLIANCE**

**The Chair (Mr. David Oraziotti):** We will move to the first order of business. The first presentation is the Greater Toronto Countryside Mayors Alliance.

Good afternoon. Welcome to the Standing Committee on General Government. You have 10 minutes for your

presentation, and there will be five minutes for questions. Any time you don't use for your presentation will be divided among members. If you can simply state your name for our recording purposes and proceed when you're ready.

**Mr. Rick Bonnette:** Rick Bonnette. Thank you very much for having me here today, and good afternoon, Mr. Chair and members of the Standing Committee on General Government. My name is Rick Bonnette, and I'm the mayor of the town of Halton Hills. I am here today in the role of vice-chair of the Greater Toronto Countryside Mayors Alliance to address the committee regarding the review of the Aggregate Resources Act.

By way of background, the Greater Toronto Countryside Mayors Alliance is made up of 14 near-urban, predominantly rural communities representing more than 650,000 Ontarians in the greater Toronto area. Municipalities included are such places as Milton, Halton Hills, Caledon, Uxbridge, Scugog and East Gwillimbury, right through to the other side of Toronto, including Pickering.

Our 14 municipalities produce about 21.4 million tonnes of virgin aggregate, approximately 14% of the provincial total. The GTCMA communities are stewards of much of Ontario's greenbelt lands, and while we accept and respect this important responsibility, it poses unique and difficult challenges. Quite simply put, the vast majority of the Greater Toronto Countryside Mayors Alliance communities have a significant rural area, and their economic base and their ability to provide municipal services are affected by the substantial economic restraints imposed by various provincially mandated policies, plans and legislation.

These challenges have been detailed in a comprehensive economic analysis prepared by the GTCMA in 2011, but the bottom line is that there are restrictions placed on our local revenue streams that are not faced by other GTA mayors and neighbours. This, of course, has implications for our ability to service the needs of our citizens. We must be creative in order to plan for progressive economic development, and, like many of our municipal colleagues, we struggle to build and maintain the infrastructure that supports our residents and businesses.

Quarries are here to stay and have benefits to the economy, but the question is, do the benefits outweigh the costs to GTA countryside municipalities? We recognize the value of the aggregate industry to our communities in terms of jobs, assessment and spinoff revenue. We estimate the real cost of heavy vehicle traffic associated with aggregate production on local roads, bridges, and culverts to be about 12 times greater than the 7.5 cents a tonne we are paid in royalties each year. Any review of the Aggregate Resources Act must begin to align these royalty payments with the real costs of aggregate production to local taxpayers.

#### 1610

In a recent example of road resurfacing costs associated with damage caused by aggregate traffic, a 1.3-kilometre stretch of rural road in Halton Hills cost

\$344,000 to resurface—that's not reconstruct, just to resurface. That is \$250 a metre.

I've learned in the past couple of weeks that the aggregate producers have now initiated an appeal of their property assessments to MPAC. Of the 14 aggregate-licensed sites in the town, eight have appealed their 2009 to 2012 assessment, which, if obtained, would result in a \$2.6-million overall decrease in assessment, bringing about an almost \$1-million reduction in the town's share. For a small community like mine, that is a huge hit.

Communities are made up of innumerable small villages and hamlets connected by rural roadways. As aggregate producers open up new sites in our municipalities, these heritage communities are faced with social, environmental and indeed economic impacts from which many will never fully recover. Example: There's a new proposed Brampton Brick shale quarry 200 metres outside the Halton Hills border in the city of Brampton. The site is to be accessed by a two-lane roadway, Winston Churchill Boulevard. Heavy truck traffic will have significant infrastructure impact—cost to local tax base—not to mention the traffic safety issues. Environmental impacts include noise, excessive dust and a potential negative effect on water supply. These trucks will be going through the very heritage community of Norval, where Lucy Maud Montgomery had lived for eight years.

While the environmental and economic costs of aggregate production are challenging at best, the social, quality-of-life disruptions to our residents bring an indefinable, incalculable cost to the issue. Example: Holcim quarry/Dufferin has been a fixture in Halton Hills for 50 years. More than 100 trucks pass through the centre of Georgetown each day on rural roads, through school zones, residential areas and past retail business. Noise, dust and safety issues from the heavy truck traffic have all had an impact on the local residents' quality of life in Georgetown and the surrounding rural area.

Depleted quarries have also posed a challenge to the GTCMA municipalities. We believe the ARA must encourage more innovative and impose more environmentally stringent strategies for progressive rehabilitation of sites. I can assure you, some landowners are very creative when it comes to quarry rehabilitation. Example: In Scugog, one of our communities, new owners of former quarries are claiming depleted sites are aerodromes, thereby using federal aviation legislation to bypass municipal oversight. When concerns are raised over the nature of the fill being dumped in the abandoned pit, municipal staff is told that local bylaws don't apply since federal aviation regulations superseded them.

The source of drinking water for many rural areas is groundwater, and commercial fill is being dumped in pits that have been quarried below the water table—a serious health risk. Without access and authority to monitor these operations, local officials can't be sure what is contained in the commercial fill. In January 2011, GTCMA passed a resolution insisting provincial and federal authorities

spell out exactly who has jurisdiction with respect to fill operations in exhausted quarries.

We need to become much more deliberate in our efforts to manage not only the licensing and operation of our aggregate industry, but perhaps more importantly, ensure that the rehabilitation of spent quarries adds benefit to the economic, social and quality of life in the host communities.

The Aggregate Resources Act is perhaps one of the most complex and challenging pieces of legislation in Ontario, if not in Canada, and on behalf of my GTCMA colleagues, I would like to congratulate the provincial government for the desire to bring about real, positive change where it is needed.

I want to assure you the Greater Toronto Countryside Mayors Alliance will continue to be a committed partner. We want to provide positive, meaningful input and advice to the government in its deliberations on this very important piece of legislation.

On behalf of the Greater Toronto Countryside Mayors Alliance and its 14 member municipalities, Chair Oraziotti, I want to thank you for having this opportunity to come before the standing committee. Thank you very much.

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

Folks, we fell a bit behind last meeting just trying to get through all the questions, and rather than have one caucus ask questions for five minutes, trying to get rotation in, I just ask that one person from each party ask a question of the presenter, if we're going to get through that in five minutes.

Go ahead, Ms. Jones.

**Ms. Sylvia Jones:** Okay. Thank you very much. Thank you for your presentation, Mayor Bonnette?

**Mr. Rick Bonnette:** Yes, that's correct.

**Ms. Sylvia Jones:** My first question is, I guess, more of a comment. You're not the first presenter who has talked about the need for the levy to be increased. Just for clarification, in fact, the levy and what the rate is is not set out in legislation, so that could be changed without opening up the ARA and has been changed previously. But point taken about the fact that you want to see it increased.

One of the comments relating to the levy was that part of the interest in increasing the levy is to put some transparency in it to see where the money has been spent and would be spent, both on the MNR side and I suppose, by extension, on the municipal side. Do you have any thoughts on that?

**Mr. Rick Bonnette:** Yeah. If the levy is increased, I think it should go toward the local roads, the ones that are getting pounded every day. If it's something that we have to have a report on every year for transparency, I'm sure every municipality would be pleased to say, "Well, \$200,000 was spent on the 4th Line for restructuring or resurfacing." I don't think that's a problem at all.

**Ms. Sylvia Jones:** Does the Greater Toronto Countryside Mayors Alliance have a number that they'd like to see the levy increased to?

**Mr. Rick Bonnette:** A lot more than 7.5 cents.

**Ms. Sylvia Jones:** This is your opportunity.

**Mr. Rick Bonnette:** Well, I'm sure we would have to be reasonable, and it would be probably around 10 cents. I would think at least 10 cents. That would be a huge increase. That's up 25% from what's going on now. But when you look at the cost of restructuring, the cost of repairs, they've almost gone up 25%.

**The Chair (Mr. David Oraziotti):** Okay, thank you for that response.

Next question, Mr. Marchese.

**Mr. Rosario Marchese:** Thank you very much, Mr. Bonnette. Do you speak French?

**Mr. Rick Bonnette:** Un petit peu. Mon français est très mauvais.

**Mr. Rosario Marchese:** Pas mal, merci. No, I agree, but you're not the only one, as the previous speaker said, talking about the need for increasing infrastructure funds for local municipalities. So there's agreement that we need to increase it.

Some environmentalists are saying that it would be good to raise the fees in order to be able to hire inspectors, because the ministry has lost 40% of its staff or its money over the last 15 years or longer. It would be nice to have inspectors to send to some of those sites as well. Maybe we should increase it enough so that we could have money for inspectors and money for infrastructure support for municipalities. What do you think?

**Mr. Rick Bonnette:** I think that's a good point. I wasn't thinking about the inspectors.

**Mr. Rosario Marchese:** I understand.

**Mr. Rick Bonnette:** I wasn't thinking about that; I was thinking more about the municipality. But obviously, inspectors are very important. The example I gave in Scugog: They don't know what's in that fill. Obviously, you need the inspectors. I'm sure we'd be very supportive of that.

**Mr. Rosario Marchese:** And by the way, with respect to rehabilitation of some of these sites, the Canadian Environmental Law Association gave us a study that shows that about 8,000 or 9,000 places need to be rehabilitated, and at the rate at which we put money in, it would take about anywhere from 100 to 300 years to rehabilitate, and who knows in what state. It's pretty sad, isn't it?

**Mr. Rick Bonnette:** Yeah. But there have been some good examples of quarries that have been rehabilitated: Butchart Gardens out in Victoria, and that wasn't 100 years. So there are some that have been. If you have responsible quarry owners, they'll start doing it immediately rather than waiting until it closes.

**Mr. Rosario Marchese:** Thank you.

**The Chair (Mr. David Oraziotti):** Okay, thank you. Mr. Colle.

**Mr. Mike Colle:** Yeah, just quickly, Mr. Mayor, thank you for the very clear presentation with a lot of

meaning. What's the rationale that the companies are using for the appeal to MPAC?

**Mr. Rick Bonnette:** To be honest with you, I just found out about this about a week ago, so I haven't delved into it as much. I would just assume that they don't want to pay as much taxes—

**Mr. Mike Colle:** So it's with Halton Hills that they're located?

**Mr. Rick Bonnette:** It's across Ontario.

**Mr. Mike Colle:** So those 14—that's what I was going to ask you—

**Mr. Rick Bonnette:** That's 14 in our community, but many of the quarries across Ontario are all appealing, similar to what the golf courses did a couple of years ago—

**Mr. Mike Colle:** Okay, and we'll follow up on that. Thanks for bringing that to our attention.

The second thing is in terms of this aerodrome scheme here. What is an aerodrome?

**Mr. Rick Bonnette:** I wish I could answer that. I'm not from Scugog, but this is just—an aerodrome is obviously—I won't even try to pretend I know exactly what it is because it's on the other side of Toronto. I'm sorry, I can't answer that.

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**Mr. Mike Colle:** And we'll try and find out what it is. Anyway, thank you very much for the presentation.

**Ms. Sylvia Jones:** It's an airport.

**Mr. Rick Bonnette:** Well, it's an airport.

**Ms. Sylvia Jones:** It's an airport.

**Mr. Rick Bonnette:** It is an airport.

**Mr. Mike Colle:** So they're saying the quarry is now an airport.

**Mr. Rick Bonnette:** Yes, to bring fill—

**Mr. Mike Colle:** Where float planes land now. But they got this exemption through the federal ministry of transportation?

**Mr. Rick Bonnette:** Yes, and that's a huge issue in Scugog. Mayor Mercier is not pleased.

**Mr. Mike Colle:** Okay. Thank you for bringing that—

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

**Mr. Rick Bonnette:** Thank you very much, everybody.

#### LAFARGE CANADA INC.

**The Chair (Mr. David Oraziotti):** The next presentation: Lafarge Canada. Good afternoon and welcome to the Standing Committee on General Government. As you're aware: 10 minutes for your presentation. You can start by stating your name and proceed when you're ready. Thank you.

**Mr. Bruce Semkowski:** My name's Bruce Semkowski. Mr. Chair, committee members, thank you for the opportunity to speak with you today on this important public policy issue.

My name is Bruce Semkowski, and I'm the vice-president of aggregates in eastern Canada for Lafarge Canada.

I want to begin my remarks today by saying that we at Lafarge welcome the opportunity to participate in the review of the Aggregate Resources Act.

In the context of this review, as one of the largest players in the aggregate business with site locations in major markets in many rural communities, Lafarge brings a unique perspective to this committee. Our company ships more than 20 million tonnes of aggregate and has more than 160 licences to operate in communities across Ontario.

The Aggregate Resources Act was last modernized 15 years ago, and we support the legislative effort to update and renew this legislation. While we believe the existing act works, we think its application and intersection with legislation could be improved upon to better serve the needs of Ontarians and their communities.

Turning to page 3 in the handout, aggregate is a key industrial commodity that assists Ontario in creating jobs and economic growth through the construction and development of infrastructure. Our products build the roads, bridges, homes, hospitals and community centres that Ontario families use each and every day.

The Ministry of Natural Resources commissioned the State of the Aggregate Resource in Ontario study, and it is a valuable reference point. Two key points that it identified are:

(1) The GTA must import 50% of its aggregate needs; Toronto, Mississauga, Brampton, Newmarket, Aurora, Whitby and Oshawa must import 100% of their needs.

(2) There will be shortages of high-quality aggregate reserves within a 75-kilometre radius of Vaughan within a decade if we rely upon existing aggregate sourcing.

Turning to page 4, this visual illustration shows where the demand for aggregates is coming from and where we and other partners in the industry are providing the supply from. The largest importers and users of aggregates are the municipalities that make up the GTA, or the greater Toronto area. The largest suppliers are communities that surround the GTA. It is unlikely that this dynamic is going to change in the foreseeable future.

Turning to page 5, therefore, the key issue is, where will the future demand for GTA aggregates be sourced? There are many factors to consider. However, the one that I want to place front and centre is that for economic prosperity and environmental sustainability it is essential that aggregate supply is sourced close to aggregate demand. Ontarians consume large quantities of aggregates. Each citizen annually consumes less than one tonne of food but consumes 13.5 tonnes of aggregate.

Aggregates are heavy. To save costs and reduce environmental impact, we must minimize the movement of aggregates. Every kilometre reduced shrinks expenditure on infrastructure, the emissions of CO<sub>2</sub> and the overall cost to the environment and the economy.

In a market like the GTA, we have had the good fortune to have close-to-market reserves. This has

eliminated the need for major urban and industrial rail and/or dockyard infrastructure to support the importing of millions of tonnes of aggregates from rural areas many hundreds of kilometres away. One must remember that once the material's imported, it would still need to be transported by truck to its final destination.

Turning to page 6, the benefits to the economy and the environment of having a close-to-market supply of aggregate must be balanced against social impacts. We have a footprint in the communities where we are located. In order to be successful, we must work hard to reduce that impact. It is an important part of our day-to-day operations. We aim to be good neighbours and contribute to the social, environmental and economic well-being of the local communities where we operate.

We also place a great amount of importance in our company on working hard with community leaders, non-governmental organizations and concerned citizens. We know first-hand how important it is to engage with members of the communities where we're located, and we try to be as proactive as possible in communicating and consulting with them on initiatives.

It goes without saying that even though we may have the operational licence to work in a community, maintaining our social licence to operate is just as vital. We need the ongoing support of those communities where we work, and the only way we maintain that support is through ongoing community and stakeholder engagement.

More broadly, we support initiatives that bring together industry and stakeholders in order to enhance collaboration and co-operation, such as the Aggregate Forum of Ontario, which has brought industry and ENGO leaders together to work towards more sustainable outcomes.

At Lafarge, we firmly support sustainable resource development and biodiversity. We are working with the province to protect species at risk, and we are committed to progressive and final rehabilitation of our aggregate sites.

Turning to page 7, in an integrated global economy, where competition has never been greater, we believe that the government has a responsibility to ensure that Ontario can compete against the very best in the world to create prosperity here at home. At the same time, government also has a responsibility to ensure that jobs and economic growth are adequately balanced with the environmental and social needs of our communities.

Lafarge supports amendments to the Aggregate Resources Act that modernize licence approvals and reduce the red tape involved in the process for aggregate site development. New aggregate licence applications are significant and require proper oversight from government, but government also needs to be responsible to the industry in the process of reviewing applications.

All combined, there are more than two dozen laws and regulations that span the federal, provincial, and municipal sectors governing the licence application process. This process needs to be reformed. The current process is

cumbersome, costly and subject to lengthy delays due to overlapping of various responsibilities.

By providing regulatory certainty and transparency, the government can ensure access to local aggregates so that we can grow the Ontario economy. Ultimately, greater business investment will provide more jobs and increased economic activity, which in turn will benefit all Ontarians. The federal government has recently introduced administrative and regulatory changes with respect to resource development projects, and we encourage the committee to look at this as an example of reducing overlap and red tape and reducing timelines to reach important decisions on these complex projects.

One thing that cannot be overlooked, however, is the importance of community engagement through the permitting process. We believe it is important to have local community partners at the table when discussing local projects, and we support a longer time period for community engagement and consultation under the Aggregate Resources Act.

Turning to page 8, our second recommendation today is specifically related to the aggregate levy. Lafarge supports a significantly increased levy in order to sustain ongoing community development where quarries are located and to further support the Ministry of Natural Resources aggregate program and the management of abandoned aggregate properties program.

With respect to our municipal partners and our communities, we believe the revenues from an increased levy should be directed to infrastructure development and community projects. These funds should not be pooled into the general revenue base of municipal budgets; they should be put into a dedicated envelope to be used for vital and necessary infrastructure projects that benefit local communities in an environmentally responsible way.

With respect to the Ministry of Natural Resources, we also believe that increased revenue from an increased aggregate levy should be explicitly directed to the MNR's aggregate program and not to general revenues for the government of Ontario. Lafarge believes that the program is not adequately supported and requires additional resources to effectively review and process licence applications and enforce existing provisions of the act and the site plan. As such, this increased revenue will go towards greater compliance and enforcement of provisions under the act, so that every aggregate producer is operating on a level playing field and to the highest environmental standards.

#### **1630**

In closing, the Aggregate Resources Act has served Ontario well. Continued economic growth will result in increasing demand for aggregates. This means that government, industry and the NGO community must continue to work together to ensure Ontario has a long-term and sustainable supply of aggregates to meet the current and future needs of all Ontarians. At Lafarge, we are committed to working with all interested parties in order to strengthen our industries and our communities.

Ontario needs smarter regulation and more certainty around the licensing process. This will lead to increased business investment in Ontario. Higher aggregate levies can lead to greater investment in community infrastructure and stronger enforcement of regulatory provisions. These are competitive advantages that will continue to keep Ontario's economy competitive. We believe these changes are evolutionary and strengthen an already robust piece of legislation.

And one last item before I finish—

**The Chair (Mr. David Orazietti):** I need you to wrap it up.

**Mr. Bruce Semkowski:** I've tabled a letter with the clerk inviting the committee to visit and tour our sites.

I'd be pleased to answer any questions.

**The Chair (Mr. David Orazietti):** Okay. Thank you very much for your presentation. Mr. Marchese, go ahead.

**Mr. Rosario Marchese:** Thank you. Mr. Semkowski, some quick questions. Do you export any aggregates to the US?

**Mr. Bruce Semkowski:** Yes, we do.

**Mr. Rosario Marchese:** How much of the total?

**Mr. Bruce Semkowski:** It's a much smaller amount this year, and the last several years. It's probably in the range of about three million tonnes.

**Mr. Rosario Marchese:** And what's that percentage-wise?

**Mr. Bruce Semkowski:** Of our business?

**Mr. Rosario Marchese:** Yes.

**Mr. Bruce Semkowski:** About 15% of the Ontario business, and we also operate many quarries on the Great Lakes as well, in the US.

**Mr. Rosario Marchese:** There are a number of environmental groups who say that applicants for aggregate licences under the ARA should be required to demonstrate need for aggregate extraction in a particular area. Do you agree or disagree with that?

**Mr. Bruce Semkowski:** I disagree with that. I've said in the presentation here that we have many communities that don't have any resource available to them. I look at the resource, and we believe that the resource is something for all Ontarians, not for one particular municipality. We have "have" and we have "have-not" municipalities in the province.

**The Chair (Mr. David Orazietti):** Okay, thank you. Next question?

**Mr. Mike Colle:** I want to applaud you for working with the government in protecting our endangered species in Ontario, and I hope you continue to do that.

The question I had is, in terms of the difference between using virgin aggregates and recycled aggregates, is there a possibility of developing a hybrid aggregate which mixes both so you get a high-grade aggregate that supposedly all municipalities want?

**Mr. Bruce Semkowski:** We do, in some instances, blend recycled with virgin aggregate. However, there are a lot of instances in the standards today in concrete and asphalt where you can't do that, although we do recycle a

large amount of asphalt and make it available. We recycle as much as we can.

**Mr. Mike Colle:** And your amount of recycling over the last number of years—is there any idea you can give us about the increase in the use of recycled material in your operations?

**Mr. Bruce Semkowski:** Well, with Lafarge, we've just come out with a branded product for recycle. We'd like to do more of it. The challenge is getting the feed of the recycled material into the —

**Mr. Mike Colle:** The what?

**Mr. Bruce Semkowski:** The feed. So you need a source of the rubble to be able to be close to where the demand is.

**Mr. Mike Colle:** Okay, thank you.

**The Chair (Mr. David Orazietti):** Okay, thank you for your question. Conservative caucus, question? Ms. Scott, go ahead.

**Ms. Laurie Scott:** Thank you very much for appearing here today, and for your presentation.

I'll just follow up a little bit with what Mr. Marchese said about shipping some of your product. Now, you have the—I guess the quarry, I'm sorry, at—

**Mr. Bruce Semkowski:** Manitoulin Island.

**Ms. Laurie Scott:** Manitoulin, right. Is that the only spot that you ship from?

**Mr. Bruce Semkowski:** No, we have quarries in Presque Isle, in Michigan; we have in Marblehead on Lake Erie as well. So we are moving aggregates around the Great Lakes.

The one thing I would say, too, is that coming from Manitoulin to the GTA is a long, long way and it's very hard on the carbon footprint. It takes a lot of fuel to come through Lake Huron, Lake St. Clair, Lake Erie.

The other thing I would say is that there is not the infrastructure, once you get it here—remember that each time that you handle it, you have to drop it and then you have to truck it to where it's needed, so the carbon footprint isn't exactly the same as just putting it on a boat and that's the end of it. I think people need to recognize that.

**Ms. Laurie Scott:** That's what I was wanting you to highlight. It's just not as easily done as said.

Now, do you ship all that product to the States from Manitoulin?

**Mr. Bruce Semkowski:** No. We've brought material into downtown Toronto. We have a dock in downtown Toronto, but it's economically very challenging to get it here. You're travelling it a long, long way, as I said, and environmentally, I don't believe it makes sense. The carbon footprint of that material coming out of Manitoulin to downtown Toronto is not very good.

**Ms. Laurie Scott:** Okay. I just wanted to clarify, because some people thought it was 100% that you sold to the States from the Manitoulin quarry. I just wanted to clarify that.

One quick question: You also mentioned in your presentation about streamlining the review process but enhancing local input, and you talked about extending the

time frame available to receive comments. How long do you think it would be appropriate to extend it to?

**Mr. Bruce Semkowski:** Presently, it's at 45 days. We think it should go to at least 120, and it could go to 180 days.

**The Chair (Mr. David Oraziotti):** I need to stop you there. Thank you very much. That's the time for your presentation.

#### CLEARVIEW COMMUNITY COALITION

**The Chair (Mr. David Oraziotti):** The next presentation is Clearview Community Coalition.

**Ms. Sylvia Jones:** Do we want to start, or do we—

**Ms. Laurie Scott:** It's only eight minutes.

**The Chair (Mr. David Oraziotti):** I think we should try and start the presentation; otherwise, we're going to be here for quite a while with individuals who have come and expected to be on at a certain time. We'll be here after 6, and if somebody makes a point of that on the time, we'll be calling the time at 6 if somebody makes an issue of that and the hearings will be over, so people who have scheduled to come—

**Ms. Sylvia Jones:** I have no issue with sitting beyond 6 o'clock to ensure that the people who have driven here can present. The reality is that we will need to stop for the vote, so the question is, is it better to get halfway through a presentation or—

**The Chair (Mr. David Oraziotti):** I understand that. Thanks, Ms. Jones. Let me just discuss that with the presenter.

Folks, are you comfortable with—there's seven minutes on the clock here. We can wait. We have to adjourn to allow members to go and vote, because, as you can tell, the bells are ringing in the Legislature, so—

**Mrs. Ruth Grier:** I can probably do my presentation in seven minutes if you want to then come back for questions. I'm happy to do that.

**The Chair (Mr. David Oraziotti):** You know, we need 30 seconds to get over there, but we're certainly prepared—

**Mrs. Ruth Grier:** It's up to you, Mr. Chair. I can wait.

**The Chair (Mr. David Oraziotti):** Why don't you start, then, if you're comfortable with that. We're prepared to come back and give you the balance of the time.

**Mrs. Ruth Grier:** Thank you. With me is Bill Saunderson, another former member of this place, and we are both members of the Clearview Community Coalition, and our chair, Janet Gillham, is in the audience.

CCC is a group of citizens who are concerned about the destruction of the Niagara Escarpment and the adverse effects of quarries on local communities. Clearview is a municipality in the northwest corner of Simcoe county, and the Niagara Escarpment, from Blue Mountain to Devil's Glen, is a wonderful resource for hiking, snowshoeing, nature study and other outdoor activities.

CCC was formed in 2009 when residents became concerned about an application by Walker Industries for

a new quarry just north of the highest and most scenic part of the escarpment west of Duntroon. CCC opposed the application at the Niagara Escarpment Commission, and the commission voted against the application. Walker Industries took the NEC refusal to a hearing. CCC and the NEC were then parties at a joint board hearing. That hearing began in May 2010 and ended in October 2011, and as yet, there has been no decision from the hearing board.

CCC is supported by hundreds of full- and part-time residents of Clearview as well as people from all over southern Ontario. Just last Saturday, we had over 250 hikers out hiking on the Bruce Trail as part of a fundraiser, and over 1,000 people made donations, large and small, to help us in our efforts to protect the escarpment.

We want to support the points the Environmental Commissioner made in his submission to this committee. The commissioner was subpoenaed as a witness on behalf of CCC at our hearing, and we share his concerns.

But we want to make five recommendations:

(1) The Niagara Escarpment plan area should not be considered as a long-term source of aggregate supply.

(2) To achieve an orderly phase-out of aggregate extraction in the NEP area, no new aggregate operations should be approved.

(3) Existing licensed aggregate operations should be permitted to fulfill all the provisions of their current licences but should not be permitted any expansions in either size or depth of the extraction area.

(4) The Ministry of Natural Resources should no longer remain the host ministry for the Niagara Escarpment Commission. Instead, responsibility should be returned to the Ministry of the Environment, where Premier Peterson placed it in 1990.

(5) Lastly, MNR must have the capacity to monitor aggregate operations and ensure compliance with licence provisions rather than allowing the industry to be self-monitoring.

The Niagara Escarpment is one of the most beautiful and cherished parts of Ontario, and runs from Niagara Falls to Tobermory. Public concern about protecting the escarpment began to emerge in the early 1960s. The concern was focused on the need to regulate—guess what?—the establishment and environmental impacts of aggregate operations on or near the brow. After much consultation, dozens of public meetings, and many compromises with the original recommendations, in 1985, then-minister Norm Sterling announced that cabinet had approved a Niagara Escarpment plan.

The 1,837 square kilometres protected by the Niagara Escarpment plan is only 0.17% of the area of all Ontario. It is 1.63% of the area of southern Ontario. That 1,837 square kilometres is 63% smaller than the area originally proposed to be protected by the Niagara Escarpment Commission in 1979. One of the compromises made in order to get the plan approved was that pits and quarries would be a permitted use in the "escarpment rural area" designation after application for a plan amendment.

Nearly 30 years later, pits and quarries have become enormous mines, many escarpment rural areas have re-naturalized into woodlands, farms have been severed into lots and new homes built. Yet the boundaries of the “escarpment natural” and “escarpment protection” land use designations in the plan have not been updated in 27 years, allowing new aggregate applications to proceed in areas that clearly should be protected. It’s long past the time that aggregates should be removed as a permitted use in the Niagara Escarpment area. The escarpment has been designated by UNESCO as a world biosphere reserve.

The policy titled “New Mineral Resource Extraction Areas” in section 1.9 of the Niagara Escarpment plan should be repealed. It’s that simple and all you have to do.

In addition, as CELA has so cogently argued in their submission to this committee, applicants for aggregate licences should be required to demonstrate the need for extraction in a particular area, and the 2005 PPS should be modified to be consistent with this recommendation.

Furthermore, existing licensed aggregate operations should not be permitted any expansions in size or depth so that aggregate extraction is gradually phased out of the NEP.

**The Chair (Mr. David Oraziotti):** Ms. Grier, thank you very much. We’re going to just hold that thought. We’re happy to continue and give you the time. I just need members to be able to have the opportunity to vote.

**Mrs. Ruth Grier:** Thank you. You should take my submission with you; you can look at the maps at the back while you’re voting.

**The Chair (Mr. David Oraziotti):** Okay.

*The committee recessed from 1643 to 1652.*

**The Chair (Mr. David Oraziotti):** Folks, if everyone can grab a seat, we’ll continue. Thank you very much. I know that seating’s tight. Everybody’s finding a seat. That’s great.

Ms. Grier, it looks like you’ve got about five minutes or so. I’m being flexible on that, so just a ballpark for you. If you want to just continue. We appreciate your cooperation.

**Mrs. Ruth Grier:** Thank you, Mr. Chair. I wanted to move on to my recommendation number 4, anyway, and talk a bit about the plan.

When the Niagara Escarpment plan was approved in 1985, the Niagara Escarpment Commission was made an agency of municipal affairs. When Jim Bradley was Minister of the Environment, in his first incarnation, the commission was moved to MOE and remained there until 1997. Then responsibility was moved to MNR, where it remains today.

The purpose of the Niagara Escarpment plan and its underlying legislation is as follows: “To provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment.”

Having the aggregate industry as a client of MNR and hence the NEC, while at the same time being responsible for protecting the escarpment, puts the ministry in an impossible position of irreconcilably competing interests. In the case of the Walker hearing, which we were involved in, the NEC opposed the application at the consolidated hearings board, while MNR continued to work with the applicant to help them secure approval.

You’ve already heard time and again from the industry, from the planners and from environmental groups that the existing aggregate approval regime is a mess. To quote the Ontario Professional Planners Institute: “Since MNR is responsible for both aggregate planning and (to a large extent) the protection of natural heritage, there is a perception that tradeoffs between these areas of interest should not be taking place within a single ministry.”

Moving the Niagara Escarpment Commission back to MOE would be a first step in reducing some of the conflicts that have been described to you.

You’ve also heard before that MNR’s capacity to enforce compliance with licences and rehabilitation plans is very limited. At the Walker hearing, we heard evidence that one official was responsible for monitoring, investigation and conducting enforcement for 180 quarries in the Midhurst district and that the ministry had one hydrogeologist for the entire province. MNR itself recommends no more than 150 pits for any one inspector. The capacity crisis has to end.

Ontario’s Environmental Bill of Rights emphasizes the need for precautionary principles to be applied to all environmental decisions. From the first steps in the aggregate approval process to the final rehabilitation of a worked-out quarry 30 or 40 years later, it seems that taking precautions to ensure the protection of our natural heritage is low on the priority list. This committee has an opportunity to make some long-overdue improvements to the way the Ontario government deals with aggregates. There are many, many people hoping you will do just that. Thank you, Mr. Chair.

**The Chair (Mr. David Oraziotti):** Thank you very much for your presentation. The Liberal caucus is up. Mr. Flynn, go ahead.

**Mr. Kevin Daniel Flynn:** Thank you, Ruth, for coming today. I really appreciate your presentation and the clarity and the recommendations that are contained therein.

Fate has a funny way of working out. The first speaker, Rick Bonnette and I, were newly elected to Halton regional council in about 1985; we were both in our 20s. One of the first things we had to deal with was a landfill site. We were shipping our landfill to the States at that point in time. Nobody wanted it but we knew we needed it, and I think there’s a lot of similarities that I’m hearing today from a variety of presentations.

Somehow in your role as minister, my role as council, regional chairs, somehow we worked that out, and we’ve got a landfill site in Halton today that, as much as landfill

is the last resort, I think, by all indications, is working well. Somehow we got it right through all that.

**Mrs. Ruth Grier:** I think I gave it final approval.

**Mr. Kevin Daniel Flynn:** That's right; exactly. So is there anything you can draw from that exercise and this exercise?

**Mrs. Ruth Grier:** Well, certainly there's a lot to be drawn about consultation. It's laid out in the aggregates act. There is some pro forma consultation but there isn't the kind of discussion about options and alternatives that I think there ought to be.

Secondly, look at the recycling. I heard some of the figures in some of the presentations to you, but when you look at what's happening in other jurisdictions you can see that virgin aggregate is much less used. What's it, 14 tonnes per person here? I think it's six or seven tonnes per person in some countries in Europe. So I think we are profligate because it has been close to the GTA, and in doing so we are destroying irreplaceable parts of our province.

**Mr. Kevin Daniel Flynn:** Thank you.

**The Chair (Mr. David Oraziotti):** Ms. Jones?

**Ms. Sylvia Jones:** Nice to see you, Ms. Grier, Mr. Saunderson. I have a question related to page 3 in your presentation when you talk about the Walker hearing, and "the NEC opposed the application at the" hearing board "while MNR continued to work with the applicant to secure approval."

Now, I've never felt that it was MNR's role to work with applicants. I always felt that MNR's role was to make sure that the application was complete, but never to advocate for it. You are sending quite a different message there. Can you explain that or expand on that?

**Mrs. Ruth Grier:** I think I'm probably making a distinction between advocacy and providing all the information and assisting the applicant to update the various applications that had been in. The process was ongoing, while the hearing was there, that was going to look at the fundamental question of whether or not the quarry ought to be allowed.

**Ms. Sylvia Jones:** Okay. So you're not saying that they were playing an advocate's role. MNR was not playing an advocate's role in supporting the application; they were playing a regulatory role in ensuring that the application was complete before it went before a hearing?

**Mrs. Ruth Grier:** As an opponent at a 15-month hearing with not quite the legal, planning and professional assistance at our fingertips as the proponents had, when requests for information got answered very quickly for one side and it took much more digging for us to get it, we are in an adversarial position. These hearings are an incredible burden on citizens and on community groups. MNR is certainly not seen by many of us as an independent entity.

**Ms. Sylvia Jones:** That's concerning.

*Interjections.*

**The Chair (Mr. David Oraziotti):** Very briefly, we need to move on to the next question, so if you want to add something, go ahead.

**Mr. Rosario Marchese:** Bill, did you want to comment?

**Mr. Bill Saunderson:** No, I—well, yes, I do, but I know you're under time constraints.

The other thing from our point of view is, from an economic development, trading and tourism point of view—and that was my ministry here at Queen's Park—I think little consideration has been given to the economic development aspects and of the tourism aspects that quarries can damage. No doubt that is happening up there in Collingwood, where we have a huge tourism industry growing all the time. It started off as skiing; it has now moved into many other sports. From an economic development point of view, gravel pits, although they are bringing the gravel to the city for construction purposes, I think it's hurting the economic development of a community where you get the roads and the environment not as pleasant as it should be.

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

1700

**Mr. Rosario Marchese:** I want to thank you both for being here as former members, cabinet ministers, and now as interested citizens who have a huge interest in aggregates and the effects they have on the environment.

I had two quick questions, if there's time. First of all, to you, Ruth: When you were Minister of the Environment the Niagara Escarpment Commission reported to you. Maybe you can tell us what you did to prevent the escarpment from being used as a source of aggregates for the GTA, and, if you have time, to talk about the need. You heard the Lafarge representative saying that they ought not to do any studies with respect to need for aggregates. If there's time, you might want to comment on that as well.

**Mrs. Ruth Grier:** On the first point: Yes, the escarpment was one of my responsibilities and one I loved. We began a review of the Aggregate Resources Act. As part of that, we put a moratorium on any new quarry applications during the time in which the review of the act was being done. Sadly, the review of the act, as you will find, took longer than we had anticipated, so when the next government came in, the review of the act was not completed and the moratorium was lifted. The act, as it's emerged today, is what we have.

The other thing we did was that we were very careful in our appointments to the commission. The commission is made up of citizen appointees as well as municipal representatives. We were very diligent in ensuring that the people who were appointed as citizen members to what is almost, in many times, a sort of quasi-judicial commission were people without any interest in any particular industry and were there as advocates for the escarpment and the natural heritage and able to be totally independent in the views that they took.

**Mr. Rosario Marchese:** Thanks very much. I don't know whether you have a comment on Bruce Semkow-

ski's response to my question about demonstrating the need for extraction in a particular area.

**Mrs. Ruth Grier:** I think it's essential that the need, both in the area but also in a broader area—I mean, to say the need in that particular township where the quarry is is perhaps not realistic, but there has to be a better handle on what we need, what we use, where it's coming from and how much we can reduce what we're using. Applicants have to be cognizant of that and the applications have to be reviewed in that spirit.

**Mr. Rosario Marchese:** Thank you both.

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

#### EASTERN ONTARIO AGGREGATE PRODUCERS

**The Chair (Mr. David Oraziotti):** The next presentation: Eastern Ontario Aggregate Producers. Good afternoon, folks. Welcome to the Standing Committee on General Government.

**Mr. Erwin Schulz:** Erwin Schulz.

**The Chair (Mr. David Oraziotti):** As you're aware, you have 10 minutes for your presentation. You're on it already. Go ahead. You can proceed when you're ready. Just state your name for our recording purposes.

**Mr. Erwin Schulz:** We did bring a handout.

Good afternoon. My name is Erwin Schulz. I'm with the Karson Group in Ottawa. My colleague here is Domenic Idone of the Tomlinson Group, also based in Ottawa.

Eastern Ontario produces over 30 million tonnes of aggregate per year, 20% of the province's total. We also provide employment for over 8,000 people directly and indirectly. We would like to offer this committee some perspective on behalf of 14 companies that produce and use the lion's share of that 30 million tonnes.

Most of the companies that we represent are vertically integrated. In other words, we supply aggregates to consumers and to the projects that our own construction divisions undertake. These projects include hospitals, schools, roads, bridges, water and sewer systems, housing developments and the manufacturing of concrete and asphalt.

You've been inundated with facts regarding the importance of aggregates to the province of Ontario. Without regurgitating all of the data and based on our practical, hands-on experience, we wish to offer some additional emphasis.

We understand that we are not a popular industry. But we also know that we are an essential industry. Just ask the patient who requires medical care in a new hospital; ask the drivers how they like their newer, safer road. Even the people who brush their teeth in the morning probably don't even realize that aggregate forms the base of their toothpaste, but we do.

As contractors and consumers, we can tell you that on virtually any one of our construction sites on any given day, if our trucks don't deliver aggregate, the job stops. It

doesn't slow down; it stops. We are forced to shut it down and send everyone home.

We are not opposed to the review of the Aggregate Resources Act. We believe that the act has served the provincial interest well since its inception in 1997. We believe that this review can serve to streamline the application process and enhance the operational compliance of existing sites. We are also aware that this review has the potential to undermine the economic health of this province. And having read the Hansard, we are comfortable that this committee is dedicated to finding balance in an extremely complex issue, and we can ask no more than that.

The first issue I'd like to address is recycling. We can sit here and hypothesize that recycling 100% of construction site materials is simply a matter of will, but if you talk to job site supervisors, and we have, most will tell you that we need to improve the way we process recyclable materials. If a job site has enough room to set up proper processing equipment, one can produce an engineered, acceptable material that can be reused on-site. Those conditions don't always exist. So, rather than reusing an inferior conglomerate material, they put it on a truck and haul it to the nearest waste facility that will accept it.

The answer to that problem is really quite simple. All recyclable aggregate-based materials that cannot be properly reprocessed and reused on a construction site should come back to a licensed pit or quarry on the returning truck. These facilities have all the necessary equipment to reprocess the material and add it to the virgin aggregate. Provincial standards and specifications already allow for a significant percentage of recycled material to be added to the virgin aggregate. The next step is to demonstrate the reliability of the blended products to the municipal engineers who will, in turn, recommend their use. Reuse and conservation: Everybody wins.

Secondly, we recently read a blog where the author expressed a fear that mega quarries were the future. He or she suggested to this committee, "Address what will happen to the operators of small aggregate resources if a mega quarry becomes the sanctioned approach. What will small operators do when they are subjected to the monopolistic power of the Goliath-like mega quarry?"

So let's do that. Let's address that one. But as a prelude, I'd like to play out a scenario for you. You're a banker. I come into your bank and, after some small talk, you ask me what I need. I say, "Well, I've got a 200-acre parcel of land that has quality aggregate on it, and I'd like to borrow some money and develop a quarry."

"Okay. What's the value of your land today?"

"Oh, it's worth about a million dollars, \$5,000 an acre."

"Okay. How much do you need?"

"Well, I'll need anywhere between \$3 million and \$10 million."

"Really? And how long will you need that for?"

“Well, let me see. The process can take anywhere between three and 10 years, so I guess I’ll need it for 10 years.”

“Really? And what are your chances of success?”

“Well, I’m not sure, but lately it seems like 50-50.”

“Really? Now, let me get this straight. You want me to give you a \$10-million line of credit on a piece of property with a collateral value of \$1 million for an application that could take up to 10 years with no guarantee of success? Am I hearing this right?”

“Yes.”

Would you, as a banker, lend me that money? I doubt it. There is not a bank in Ontario that would lend any business or person that kind of money on those terms.

The government has always assured us that if we diligently followed the process as prescribed in the Aggregate Resources Act, and if our application was consistent with the provincial policy, we could be confident in the process.

Ray Pichette, in his deputation, assured this committee that the conditions imposed upon the applicant were very rigorous, and I quote: “Then there is a requirement with regard to reports. Reports are predominantly the science side of the equation—hydrogeology reports, particularly if there is potential for below-water extraction. Natural environment reports are required. Cultural heritage reports are required. Haulage road reports are required. There can be noise requirements etc. These are all articulated in the standards, in terms of upfront, minimum-requirement reports that we expect to see. Also in there now is a requirement we introduced in 1997 that they need to be done by qualified individuals.”

We agree with Mr. Pichette. The Aggregate Resources Act does have rigorous requirements. Unfortunately, the consistency that we, as investors, have historically relied upon is being eroded. We have witnessed the introduction and application of conditions and tactics that are clearly superfluous to the process.

We can assure the blogger that if this review does not streamline the process and return confidence to the investment community, there will be no new small operators.

Concurrently, larger operators and investors, faced with a much riskier return on investment, will be forced to offset that risk with size and, by default, mega quarries will become the sanctioned approach. That’s a mathematical certainty.

Finally, we’d like to comment on close-to-market sources. The Environmental Commissioner has stated that close-to-market aggregates are a moot point. He and much of the concerned public suggest that future aggregate will eventually come from sources in northern Ontario anyway, so let’s just bite the bullet and get it done.

Assume we do that. Let’s bite that bullet. As a businessman, why would I care if the source is 300 kilometres from the market? One of my primary concerns is the bottom line, so I’d just transport my aggregates in bulk, either by rail, marine or truck. My top line would

be about the same, and my bottom line, if I manage the business properly, should be the same also. It’s a wash, so why would I care?

Well, I care because I read the 2010 State of the Aggregate Resource in Ontario Study and then spent a little time with a calculator. The SAROS report suggests that the massive distribution network for marine or rail is currently not in place and is going to require a dedicated infrastructure program of massive proportion. We can’t imagine how and when this will happen. So the short answer is, we’re probably going to truck it.

The province’s current infrastructure budget is \$35 billion over three years. We realize that without increasing taxes, cutting programs or, even worse, borrowing money, that \$35 billion is a finite pot of money. Over the three-year period, the province will produce approximately 510 million tonnes. Let’s make an assumption that 50% of the aggregate will remain close to market. That leaves 255 million tonnes that we need to truck. You know from the SAROS report that the public authorities consume about 60% of that aggregate. Again, from the report, the average cost of delivering one tonne of aggregate to the market in 2009 is \$9.46. The cost of owning, operating, maintaining, and realizing a return on a truck is about 10 cents a kilometre. If we have to go another 250 kilometres for the aggregate, the cost of the province’s aggregate supply has increased by \$3.8 billion, or 11% of the infrastructure budget. I think if we call the infrastructure ministry and tell them to cancel 11% of their planned projects, they might give us a quick lesson on the economic consequence of increasing the infrastructure deficit.

To recap:

(1) Recycling materials and adding to virgin aggregates will create quality products and conserve aggregate resources.

(2) Uncertainty in the application process will paralyze new investment.

(3) Far-from-market sources will negatively impact the infrastructure deficit and, ultimately, the economy of this province.

We understand that the task before you is not an easy one. You have, and will continue to have, input from a huge variety of interests. Everyone here, including us, has some vested interest in the outcome of your deliberation. The task ahead of you is, to say the least, daunting. As producers, consumers, investors and taxpayers, we ask that in your deliberations you don’t ignore the math.

Thank you for your time.

**The Chair (Mr. David Oraziotti):** Thank you, folks. Given the time on the clock, I think we’ll postpone until—

**Mr. Mike Colle:** This has been going on for two months: bells, bells, bells.

**Mr. Rosario Marchese:** David, are we coming back for questions?

**The Chair (Mr. David Oraziotti):** Folks, members need to vote, so we’re going to just recess until members have that opportunity. We’ll come back, and we’ve got

five minutes to ask you questions about your presentation if you—

**Mr. Erwin Schulz:** That gives you guys too much time to ask questions I won't have the answer to.

**The Chair (Mr. David Oraziotti):** We appreciate the opportunity. Thanks for your co-operation.

*The committee recessed from 1713 to 1722.*

**The Chair (Mr. David Oraziotti):** Okay, folks, we'll continue. Thanks for your co-operation and indulgence here. We've got a few minutes for questions, so Ms. Scott will start off the Conservative caucus. Go ahead.

**Ms. Laurie Scott:** Thank you very much for appearing here today and for noticing what went on in committee before and rebutting some of the comments and analysis. It is good to put things in perspective every once in a while.

You mentioned several things, and I can only ask about one question here, I think, but recycling: We've heard that the province is doing a good job at using recycled materials and the municipalities are not. You mentioned municipal engineers. Is there something—that they do not feel the recycled material is of good quality? Because it seems from all the reports we've got that it is. I just didn't know what was the municipal barrier.

**Mr. Domenic Idone:** In eastern Ontario, in Ottawa in particular—I think the city of Ottawa is taking a more proactive approach with it—we're not having those problems. We have the ability to request—to ask—to substitute materials, and sometimes, in a lot of the cases, we are successful.

The reason why we do it is because the product and the message we're trying to get across is that getting these recycled materials into a facility, a licensed facility like a pit or a quarry, which has the equipment and is properly sited, has the safeguards that can actually produce a quality material. You can control the input and the output and you can get it. So we're having good luck in the east.

I think that should be something that, as part of this review, you continue to be encouraged about. I know that with any new applications that we've gone through with the MNR lately, that's been one of the issues that they've pushed as well, to be able to recycle material in our—

**Ms. Laurie Scott:** I don't know what you need to recycle, but is there a problem getting any type of rezoning or permitting for recycling on your sites at all from the MNR? Is that something we need to look at?

**Mr. Domenic Idone:** There have been some concerns. In some of the processes at the municipal level, I know there have been concerns about the material coming in. That's why I say, in a licensed facility like we have, you have the safeguards already in place. You have not only the licence, but you have the other pieces of legislation: your permit to take water and your testing of that water as it goes off-site, the sewage discharge permit. You have those safeguards that are in place that allow you to control and see what's coming off to ensure that you're not contaminating. So we've been able to work with our local politicians to address those issues.

**Ms. Laurie Scott:** Thank you.

**The Chair (Mr. David Oraziotti):** Thank you. NDP caucus: Mr. Marchese.

**Mr. Rosario Marchese:** Thank you both, Mr. Idone and Mr. Schulz.

Mr. Schulz, I've got a question for you. Of the 30 million tonnes of aggregate that you extract, how much goes to the US?

**Mr. Erwin Schulz:** None.

**Mr. Rosario Marchese:** So none of your—that's good to hear. Many people are concerned, as you would imagine, because it does create jobs, I understand, your industry, but a lot of people who have come here in the last week and a half have huge concerns about the environment, about the taking away of good farmland, about water problems, including infrastructure damage to municipalities. So there are huge concerns. You're going to have to deal with them on a regular basis, and we politicians are going to have to deal with that on a regular basis.

**Mr. Erwin Schulz:** Absolutely.

**Mr. Rosario Marchese:** So we're concerned about how much is extracted that goes outside of the country, in terms of what we need versus what we extract that goes elsewhere. That's a concern for me and many. Connected to all this is that there is a growing desire, of course, to conserve based on what we need, and recycling. You touched on that. I'm very keen, and many people are keen, on the need to recycle as much as we can. Then we need to ask: Who should be doing that? Are you a big part of that?

**Mr. Erwin Schulz:** Yes.

**Mr. Rosario Marchese:** Is it government regulations that need to happen? What do we need to do?

**Mr. Erwin Schulz:** Well, we need to produce a product that we can take to the municipal engineers who have a ring and look for the gold standard. They're not going to take crappy material. They want good material. So if we can give them a good product and demonstrate to them that this is a product where your building is not going to fall down, your bridge is not going to fall down, then they recommend it to the municipality and the whole thing will take off.

*Interjection.*

**The Chair (Mr. David Oraziotti):** You have something brief? Go ahead.

**Mr. Rosario Marchese:** Many have said that we need to increase the levies. Many in your industry said that we should do that. You probably agree with that, right?

**Mr. Erwin Schulz:** I agree that a lot of people have said that, yes.

**Mr. Rosario Marchese:** But you don't agree with increasing levies? Is that what I hear you saying?

**Mr. Erwin Schulz:** Well, actually, there are benefits to it.

Do you want to take this one?

**Mr. Domenic Idone:** Yeah. Again, in eastern Ontario, we're finding that the levy—from our standpoint we feel it's adequate, but if there is going to be an increase in the

levy, where we would like to see it go is towards the MNR's aggregate program. That will help with some of the concerns that people have had with—

**Mr. Rosario Marchese:** Enforcement, inspectors.

**Mr. Domenic Idone:** —enforcement, compliance.

**Mr. Rosario Marchese:** We agree with that. What about infrastructure for municipalities?

**Mr. Domenic Idone:** Well, if there's any left after that, that's where we think it should go. We don't want to see it go into the general coffers of the province. It should go back into an infrastructure fund.

**The Chair (Mr. David Oraziotti):** Good. Thank you. We appreciate the response.

Liberal caucus: Mr. Colle.

**Mr. Mike Colle:** Thank you. Yes, your vested interest aside, Mr. Schulz, an excellent presentation; excellent.

I was just thinking that it takes nine or 10 years for the process for approval. What if we scoped it down to five years? You would save money, right? Because time is money, big money. All the lawyers and planners certainly might not like that, but if we scoped it down to five years and, in return, you would pay higher levies to support the impacts of the industry and also put more money in the rehabilitation trust—if we could work out those figures to the industry's satisfaction, would it make sense, or am I just being too naive in saying—

**Mr. Erwin Schulz:** I think absolutely we should sit down and try to figure out how to streamline the process and see where we can help and where—a contribution to the municipalities or whatever we need to do, we're certainly willing. We're members of the community; we have kids and stuff. We want to see everyone be successful. So, absolutely, we're willing to sit down.

**Mr. Mike Colle:** And then this very interesting point you made about these mega quarries: that perhaps we're almost driving the whole situation into more mega quarries, because a small quarry can't get through the process.

**Mr. Erwin Schulz:** Absolutely. It's going to end up there.

**Mr. Mike Colle:** So should we look at ways of perhaps, again, streamlining, scoping the applications for small quarries, so we won't get the mega quarries?

**Mr. Erwin Schulz:** Well, you need to re-evaluate the process that the smaller quarries have to go through because, as I explained in my presentation, it's almost financially impossible. Unless you are self-financed, you're not going to borrow money to open a quarry. You're just not going to be able to do it.

**Mr. Mike Colle:** So therefore, we get the derivative guys coming in from Boston to basically finance the quarries.

**Mr. Erwin Schulz:** I don't know anything about that. I'm sorry; I can't comment.

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

## SOCIALLY AND ENVIRONMENTALLY RESPONSIBLE AGGREGATE

**The Chair (Mr. David Oraziotti):** The next presentation is Socially and Environmentally Responsible Aggregate. Good afternoon. Welcome to the Standing Committee on General Government. You have 10 minutes for your presentation, as you're aware. I don't hear bells yet, so we might get through all of this in one shot. Just state your name for the purposes of our recording Hansard, and you can begin when you're ready.

**Mr. Lorne Johnson:** Great. Lorne Johnson. I'm the executive director of Socially and Environmentally Responsible Aggregate. It's a bit of a mouthful. We tend to use the term SERA to refer to it.

1730

Thank you, Mr. Chair and members of the committee, for accepting our request to appear here this afternoon.

As I said, I am the executive director of SERA. It is a not-for-profit organization with a mandate and mission to create, administer and promote widespread support for certification of responsibly sourced aggregates in Ontario.

In the last year, our organization has been convening a diversity of stakeholders—industry, municipal voices, First Nations, local community groups and NGOs—in what has developed into a consensus-based process to develop a set of voluntary standards on social and environmental issues for the aggregate sector in Ontario.

As you continue review of the ARA, you will hear from a number of the individuals, companies and organizations that participate in our work; I think you already have. I just want to be clear about something: I am here today not speaking on behalf of any of them but, rather, I'm speaking on behalf of myself and the organization I represent that is the convener of these organizations and helps to resolve some of the disputes, helps bring them closer together on some of the hot-button issues and to try to codify those in a set of voluntary standards.

I guess I'd also say that I am not an aggregate expert by any stretch of the imagination. I suspect that every person behind me right now in this room knows far more about the aggregate sector than I ever will, but I have spent the bulk of my career working around resource conflicts and environmental conflicts, and helping industry, First Nations, local communities and environmental groups to actually resolve those differences, often the result being trying to codify those and other agreements or practices, so it's in that background and experience that I'm largely coming to you.

If you're interested, copies of our draft standards are available on our website. We're in the process of revising those standards based on the input from that array of stakeholders I just said, and we will be releasing those for public comment later in the summer and the fall.

Before proceeding, I also want to recognize that there is indeed another organization called the Aggregate Forum of Ontario, or AFO, that is also in the process of developing voluntary certification standards for the ag-

gregate sector. It too is a mixture of NGOs and progressive industry with a similar mandate to ours.

Just in order to kind of avoid a question I often get asked and to kind of pre-empt it, I would just go on the record as saying, for the sake of trying to avoid duplicating efforts, competition for scarce resources and simply embracing the spirit that there is safety in numbers: Representatives of our organization and the Aggregate Forum of Ontario are in the midst of good-faith discussions around a potential integration or a merger of those two initiatives.

Before taking on my current role, I spent a large chunk of time developing voluntary, third party environmental and social standards for the forest industry in Ontario and elsewhere in this country. In fact, up till last week, I was serving as the acting president of the Forest Stewardship Council of Canada, which is the FSC. It's the little logo you often get on paper or lumber that certifies it as coming from a responsibly managed or well-managed forest.

From those experiences, I've seen first-hand the ways that voluntary standards can interact with regulations, regulation review and revision of regulations. In a nutshell, I think I've got really three key messages, but the first of them today is that voluntary standards, in my view, can be a great complement to good and smart regulations but are in no way a replacement for those.

Regulations are there to set a clear industry-wide—across the whole industry—bar for what are acceptable practices on a range of issues. On the flip side, voluntary standards and voluntary best practices can provide incentives for individual companies to go above and beyond regulatory requirements. So, simply put, in my view, regulations and voluntary standards offer uniquely different niches and are somewhat complementary.

While not universally true, in my experience, voluntary standards initiatives like ours and like others—there are lots of them out there on different sectors—can also be helpful by providing a space for these disparate interests to try to resolve their issues in a way that is unencumbered by potential policy outcomes that are always at stake whenever government convenes those discussions.

In my experience, often, when government is convening stakeholders around those discussions, you tend to get quite positional bargaining or positional negotiations and points of view. Interestingly, while we do have the MNR as an observer at our table, they're actually not the primary convenor. So I find that voluntary standards initiatives can be helpful in actually, to some extent, kind of toning down the conflict in the debate surrounding some of these policy discussions. While not always true, at least in my experience, as a rule, generally, the lower the temperatures and the less the conflict, the more thoughtful and deliberate the policy review and revisions can be made.

The second point that I was going to make—and to some extent you've kind of pre-empted me on this—was to encourage you to take the time to hear from the diver-

sity of views that are out there in the course of your work. I suspect you were somewhat surprised by the degree of public interest in this issue. Maybe not; okay. It is about as topical an issue as you can get in this province right now. In short, I just want to say that I am very pleased to hear that the standing committee has decided, in the second phase, to travel to some of the communities where these issues, these debates have been front and centre and actually hear from the voices that are out there.

While there are strong opinions on all sides in the debate in these regions, in my experience in talking and working with a number of these folks, even the most ardent supporter or detractor of an aggregate application, in my view, has ideas and even solutions that can be built upon. Often, it requires kind of cutting through some of the stuff and trying to get at what the underlying interest is, but doing that and taking the time to do it can be quite helpful.

Finally, I just wanted to share with you some of the hot-button issues that we've been hearing from the different stakeholders that we've been convening over the course of our work over the last year. Again, I just want to reinforce, at least in our experience, that there seems to be a surprising appetite out there from a number of the groups, a number of the folks at the back of this room, to work towards sort of mutually acceptable solutions. There is a strong appetite for that.

The first, and I think you've heard it here already: time limits. We've heard from many stakeholders at our organizations that establishing some degree of certainty amongst communities as to when operations will cease would address a number—not all of the concerns but a number—of the concerns that the communities have. A one-size-fits-all approach saying, “The term is going to be X” is not going to work, but there are approaches that could be developed that I think are workable.

In terms of rehab, you've heard it. More needs to be done. We still have a large inventory of unrehabilitated pits. I think the history and legacy of those no doubt actually plays into the degree of public scepticism that's out there. More can be done in terms of accelerating the rehabilitation of this legacy of unrehabilitated sites that we've got.

Municipal and community involvement: There is clearly an appetite for more and earlier community and municipal involvement in proposed new aggregate operations. I was taught a new term over the last year from some of the community groups, and they referred to it as the DAD principle. They refer to that as the decide, announce and defend paradigm that they feel that we're in today. I'm not offering a comment on that, but there seems to be a sense that that's where we're at today, and they would really like to get out of that. There is an appetite for early involvement in some of these decisions. On the flipside, if you talk to the industry, on the first hand they'll say that they have legitimate concerns about raising alarm bells in communities on what is potentially a purely hypothetical development. On the flipside, I

think they're also concerned, and they're legitimate concerns about, for instance, revealing their hands to their competitors too early in the process. That being said, these two views, the desire for municipalities and community groups to be involved earlier on and the legitimate interest around competitiveness and not fanning the flames of communities, can be addressed.

Last but not least, I'll just say that enforcement is an issue that has been raised time and again. While our voluntary standards can help with transparency, they're not a solution for it. Clearly, MOE and MNR need a stronger mandate and more resources to do it.

Actually, one last thing, if you'll give me about 30 seconds: You'll hear about "closer to market" over and over again. I'm not really sure that Gord Miller actually meant to say that it's a moot point. It's not a moot point, but at some point it's going to be a moot point. At some point in the next 10 years from now, 20 years from now, we will have depleted these close-to-market resources, but the demand is not going to go away. The demand for aggregate resources is going to continue to be there—and I think this is the role of government, to be honest, and it may not be your role right now as the standing committee—but somebody in government needs to start thinking about: How do we access resources beyond that close-to-market fringe in a way that is economically viable to the point of the eastern Ontario manufacturers and that can be done in a way that respects the interests of the environment and local communities?

Anyway, thank you very much.

**The Chair (Mr. David Oraziotti):** Thank you for your presentation. The NDP caucus is up: Mr. Marchese. 1740

**Mr. Rosario Marchese:** Yeah. Mr. Johnson, welcome. I have to tell you, I'm not a big fan of self-regulation—never have been, never will be, I don't think. I don't think it works.

I understand what you say, that "voluntary standards can provide incentives for individual companies that are willing to go above and beyond regulatory requirements." It's a nice thought. It may be even true. I just don't think it is. I really believe that when you have oversight and greater transparency, particularly through oversight, people are more honest. Transparency and oversight make people honest, in general, is my view. When you see that the ministry has been cut by 40% in terms of their budget, there is no enforcement and there are very few inspectors, we are at the mercy of the aggregate sector doing the right thing. I don't see it. A quick comment?

**Mr. Lorne Johnson:** I guess we'll just have to agree to disagree on that one. I mean, I agree with you that there is a strong role for smart regulation—this is no substitute for that—but I personally have seen dramatic changes in practices and transparency in sectors like fisheries, forestry, trade in diamonds; all sorts of things as a result of voluntary standards.

Don't get me wrong: I'm not suggesting it's a replacement. But have there been massive changes in terms of

social and environmental performance as a result of it? Absolutely.

**Mr. Rosario Marchese:** I should also say that with respect to time limits, I think that the communities in general and citizens and other groups feel strongly that there should be time limits in terms of when operations will cease, and I tend to lean in that direction. I understand one size doesn't fit all, but I think it would give communities a great sense of satisfaction to know that it begins here, might end there, and then we rehabilitate, and I would like to have time-specific limits for rehabilitation so that it doesn't take 100 to 300 years.

**Mr. Lorne Johnson:** I agree, and the companies that I've worked with are also trying to wrestle with this issue around certainty and to provide some greater certainty. I think there are solutions. I don't think it's one-size-fits-all, but there are solutions to provide greater certainty around time limits.

**The Chair (Mr. David Oraziotti):** Okay. Thanks. We're going to move on. Mr. Colle.

**Mr. Mike Colle:** Thank you very much for an excellent presentation, Lorne. I really commend you and SERA for really being proactive and bringing some of the good players together in trying to find some co-operative solutions. I think part of our long-term strategy that the government's got to look at is bringing people together and at least doing some of the work in a co-operative way. I think that is to be commended—the First Nations, municipalities and everyone.

I guess the question that I had is, perhaps—there is the Forest Stewardship Council. Is there a comparable body here for aggregates, an aggregates stewardship council?

**Mr. Lorne Johnson:** Not at present. In fact, that's what we're almost trying to get going here.

**Mr. Mike Colle:** And getting there would, you think, help get more upfront co-operation, more upfront good things done, rather than waiting till after the process at the Ontario Municipal Board etc.?

**Mr. Lorne Johnson:** That's clearly the hope of the communities, the representatives who are at our table and the companies themselves, which is: Is this a way to, while government does its work, the ARA review has to take place, but is there a way that we can try to resolve our differences and codify them in a form of standards that, in effect, if applied and then monitored and audited by independent third party auditors, may not completely get rid of those 10-year, \$20-million processes, but will they expedite them? I think the hope is that they will.

**Mr. Mike Colle:** Because up until now, that hasn't gone on at all, basically. It's been very ad hoc, piecemeal, municipality-to-municipality. There's been no coordinated attempt between all the stakeholders to try to come together at least to mitigate some of the contentious issues.

**Mr. Lorne Johnson:** I wouldn't disagree.

**Mr. Mike Colle:** Okay.

**The Chair (Mr. David Oraziotti):** All right. Thank you. Ms. Jones.

**Ms. Sylvia Jones:** Thank you, Mr. Johnson. Just a point of clarification: While you were absolutely correct that we did pass a motion in committee expressing our interest to travel, we have not received the approval to do so.

**Mr. Lorne Johnson:** Okay, I'm sorry. I misunderstood.

**Ms. Sylvia Jones:** So I do not want to leave that on the record as thinking—

**Mr. Lorne Johnson:** I hope you do.

**Ms. Sylvia Jones:** Well, amen, brother. I agree.

**Mr. Rosario Marchese:** It's being worked out.

**Ms. Sylvia Jones:** We're working on it.

My question is—and I understand you are relatively new to SERA?

**Mr. Lorne Johnson:** Well, SERA itself is only about a year old.

**Ms. Sylvia Jones:** A year old?

**Mr. Lorne Johnson:** Yeah.

**Ms. Sylvia Jones:** And you've been the executive director for—

**Mr. Lorne Johnson:** Right from the get-go.

**Ms. Sylvia Jones:** Okay. Who pays you?

**Mr. Lorne Johnson:** The bulk of our funding, three-quarters of it, comes from charitable foundations. That would include the Trillium Foundation, thanks to the Ontario government. I mean, it's on our website, all of our funders. The Schad Foundation contributes funding; the EJLB Foundation, which is a foundation out of Montreal; the McLean Foundation, which is based here in Toronto; and we had some initial seed funding from Holcim, which was one of the early founders, along with Environmental Defence, behind—

**Ms. Sylvia Jones:** Right, Lafarge.

**Mr. Lorne Johnson:** —SERA, yes.

**Ms. Sylvia Jones:** Okay, thank you. My question is: Have you had any discussions about the value or interest in having aggregate mapping in official plans of municipalities?

**Mr. Lorne Johnson:** No, we haven't.

**Ms. Sylvia Jones:** Okay, thank you.

**The Chair (Mr. David Oraziotti):** Thanks for your presentation. We appreciate you coming in today.

**Mr. Lorne Johnson:** Thank you. Thanks for letting me appear.

## ENVIRONMENTAL DEFENCE

**The Chair (Mr. David Oraziotti):** The next presentation: Environmental Defence. Good afternoon, folks. Welcome to the Standing Committee on General Government. You get, as you're aware, 10 minutes for your presentation. Simply state your name for our recording purposes and you can start when you're ready.

**Mr. Rick Smith:** Thank you for the opportunity to speak to you today. My name is Rick Smith. I'm the executive director of Environmental Defence. My colleague David Donnelly, our legal counsel, is here with me today.

We're here to represent the views of Environmental Defence, and I'd just like to start by congratulating all parties on your thorough investigation of this critical matter. We've talked to all the parties around this table about this issue over the last few years, and I'm really pleased that this constructive dialogue is happening.

Since 1984, Environmental Defence has been inspiring change by connecting people with the environmental issues that affect their daily lives and their homes and their workplaces and their neighbourhoods, and this mandate has included working with numerous community partners in opposition to inappropriately-sited new aggregate resource quarries. This has been happening and has been on our priority list for nearly three decades.

I'm quite sure that we can safely make the claim that no non-profit organization has fought as many quarries under the ARA as Environmental Defence. As a result, we're just as tired of its vague and loose rules as everybody else you've heard from.

Since our inception, our organization has also played an important role in land use reforms, such as protecting the Oak Ridges moraine, the establishment of the greenbelt and the all-party-supported Lake Simcoe Protection Act. I think it's safe to say that while the world around aggregate quarries and the aggregate issue has changed substantially—most especially, the public's engagement with environmental protection has dramatically increased—not much has changed under the Aggregate Resources Act in almost 50 years.

So, our primary submission today is that aggregates need to be subject to tight regulation that requires consumers to recycle as diligently as homeowners currently do; operators to conduct themselves as cordially as civil neighbours around this province are expected to do; and sites to respect ecological planning criteria in the same way that municipalities and other land developers already must. Under the present ARA, all of these things rarely occur.

In the past three years alone, we've fought alongside four citizens' groups, opposing over 100 million tonnes of new aggregate operations, covering an area equal to something approaching Central Park. Together, the extraction from these quarries would constitute an amount roughly equivalent to the proposed Melancthon mega quarry. All told, these four licence appeals required 46 months of hearing time—almost a year each, on average. It bears repeating here that your average criminal trial, your average murder trial, seldom runs more than three months, so something is clearly out of whack with the ARA.

Our second primary conclusion is that the process is broken and needs to be fixed. Lengthy ARA licence hearings consume resources better applied to environmental protection and mitigation, and through our work and that of Mr. Donnelly with our community partners, that has led us to conclude that the public and the industry are ready to adopt a green building standard that incorporates a proper certification system. Quite simply, such a system would ensure future aggregate extraction is

more, so that a developer building a LEED-standard building or a homeowner repaving their driveway don't inadvertently blow a hole in a Jefferson salamander habitat.

**1750**

It has been through our work over the last three decades that we've come to believe that a standard like SERA, like Mr. Johnson has just outlined, would be a huge step forward. I'd like to add our voice to his and others to commend that standard to your attention.

With respect to our specific recommendations for ARA reform, I'd like to turn to my colleague David.

**Mr. David Donnelly:** Thank you, Dr. Smith. My name is David Donnelly. I'm counsel to Environmental Defence and also three of the citizens' groups that participated in the aggregate licence hearings over the past three years: the Clearview Community Coalition, Grey Matters, and PERL—you may have heard it as Sarah Harmer's advocacy group.

First and foremost, the groups involved in these hearings have asked that a new ARA put fixed terms to the licences of all new aggregate quarries. This is not an academic matter. In the Duntroon quarry hearing, there is an existing quarry up there on the highest point of the Niagara Escarpment that the Clearview Community Coalition fought, including Ms. Grier. That quarry opened when the Toronto Maple Leafs were winning Stanley Cups.

**Mr. Mike Colle:** That's 1967.

**Mr. David Donnelly:** It's 1965.

In the case of Mount Nemo and Burlington and PERL, the existing quarry up there started before professional hockey was invented. By the time you add these new expansions, including rehabilitation, those quarries will be operating into the 22nd century. That's not fair, and this industry needs to have a fixed limit upon which it can impact communities.

The second matter that I want to raise is with respect to a commitment to efficient resource use. You've heard that there are many other jurisdictions doing far better than Ontario. It's inexcusable that we don't do better. We talk to the municipalities that buy the aggregate from these virgin aggregate producers, and they want to use recycled material. By and large, they're frustrated by a building code that lags behind in this area. A simple updating of the building code and some other standards would allow us to use a lot more recycled aggregate. It's something that can be easily fixed, just not through this process.

With respect to best operational processes, there are aggregate quarries in this province that operate without fixed operating hours. Trucks queue up at 4:30 in the morning, disturbing sleep. The compromise that is often offered by the industry is that the trucks won't queue up until 6 a.m. Who wants to be awoken by Jake brakes in the middle of the night? It's just not fair, and it should be fixed.

I should also add on the close-to-market: There was an interesting discussion with Mr. Flynn about garbage. We

don't impose a close-to-market standard for garbage; why do we for aggregate? It's a political choice; it's a choice around costs. But we should have the same standard for everything from food to almost anything else we consume. The aggregate industry shouldn't enjoy this preferential advantage.

With respect to siting, it is high time that we updated and harmonized our land use plans with respect to new siting activities. The Niagara Escarpment plan is 27 years out of date. There are regionally significant woodlands, provincially significant wetlands that have not been evaluated, that are the subject of site applications or will be the subject of future applications. It's time that the environmental protection mandate made its way into the Aggregate Resources Act, which currently only has one line, a single line, outlining environmental protection standards under the act.

Finally, the most important thing that you can do here through this review exercise is to fix a broken review process. I was involved in 36 months out of the 46 undertaken in those four aggregate reviews, and I can tell you that a conservative estimate is that proponents spend, on their own lawyers, their own experts and funding the municipalities and their experts, \$1 million a month in those hearings. That means that in Ontario, the proponents in the aggregate industry have spent \$460 million advocating on behalf of their licence applications. Their opponents, including three of my clients, have spent just over \$2 million. That's \$460 million applied to approvals versus \$2 million. Nobody in their right mind would consider that a fair process.

Now, there is a change that's required in the Planning Act to level the playing field. Currently, under section 69 of the Planning Act, municipalities may have their legal and expert planning fees paid by the proponent, if the proponent supports the quarry application. In a case where a municipality opposes a quarry application, no such relief is provided. This is a dangerous loophole and it makes people cynical about the process. The act should not allow this kind of favouritism of proponents over citizens.

Finally, I draw your attention to the matter of transparency. Ms. Grier was asked about the MNR competing, in essence, with the Niagara Escarpment Commission. In the case of the Walker application, it was the MNR continuing to deal with site plan changes, changes to conditions, even including changes to the adaptive management plan. In a more egregious case, involving Sarah Harmer and PERL, the Ministry of Natural Resources went back with the proponent and devised an entirely new mitigation system to protect the threatened Jefferson salamander on the Harmer property, not on Nelson's property but on the Harmer farm, and yet they didn't advise the Harmers, they didn't advise the Niagara Escarpment Commission that that mitigation and negotiation was going on, even though the proponent was sitting in on part of it, and now that application is subject to a freedom-of-information request that the MNR is

denying. There should be transparency for the proponent and for the citizens' groups.

With that, I would like to ask you to consider one last thing, which is participant funding for citizens' groups opposed to aggregate licence applications. We subsidize, in many, many ways, the aggregate industry in the province of Ontario. There should be enough in the tonnage fee to rehabilitate pits, which is favouring proponents. There should also be money available to citizens' groups for participant funding so that they can scope issues at the outset of the hearing process.

**The Chair (Mr. David Oraziotti):** Thank you for your presentation. Mr. Colle, go ahead, briefly.

**Mr. Mike Colle:** Thank you, Mr. Smith and Mr. Donnelly. I just, again, want to put on the record, because many people don't realize the incredible role that Environmental Defence did play in establishing the Oak Ridges Moraine Protection Act, the greenbelt, and that in itself saved millions of tonnes of aggregates from being used to pave all of the Oak Ridges moraine and pave all the greenbelt. I want to just remind folks of the incredible leadership that the Environmental Defence had, way before this started.

The question I have, though, is: In terms of section 69, Mr. Donnelly, you said that the act says that the proponent, if he or she gets support from the municipality, then the municipality can have their costs offset. I think you had it reversed. Can you just explain that section 69 again?

**Mr. David Donnelly:** Section 69 of the Planning Act allows municipalities to collect reasonable fees associated with the processing of development applications. That clause in the act is supposed to be for reasonable processing fees, administrative fees. It was never intended to be allowed to have municipalities write by-laws that permit them to then have their expert and legal fees funded by proponents.

In the case of Walker, for example, in Duntroon, Ontario, both Clearview township and the county of Simcoe had their legal expert fees paid for by the proponent through this part of the Planning Act.

**Mr. Mike Colle:** But as long as the municipality was on favour of the application?

**Mr. David Donnelly:** Right, but in the case of Nelson Aggregate and PERL and Sarah Harmer, both the region of Halton and the city of Burlington were opposed to Nelson's licence application, but they could not avail themselves of taking money or having money given to them by the proponent, because they were in opposition. So what you have is, you have the proponent getting two bites at the apple in the hearing process. You have a proponent that says—their expert comes on and says, "We won't disturb the hydrogeology," for example, and then you have a second expert that appears on behalf of the municipality, who says exactly the same thing, and yet he's being paid by the same actor.

**Mr. Mike Colle:** By the proponent.

**The Chair (Mr. David Oraziotti):** Okay, thank you. Next question, Ms. Scott.

**Ms. Laurie Scott:** Thank you for appearing here before us today. You mentioned that the building code has restrictions, so the municipality doesn't want to use recycled matter. It's just that we were under the impression that the MTO uses 40% recycled, and so they don't seem to have a restriction. I just wondered if I was missing something with the municipalities being different. Whoever wants to take that.

**Mr. David Donnelly:** Roadways require different materials than, for example, foundations for housing or different types of building materials. Municipalities are too conservative. There's a concern that the material that might be used might be contaminated, that it might not be structurally sound, but all the engineers and developers that I've talked to, including many people in municipalities, insist that there can be a much higher proportion of recycled aggregate material in all kinds of building processes and projects unrelated to roads.

**1800**

**Ms. Laurie Scott:** Okay, so there is a restriction, you think, in the building code right now that's prohibiting them? That's why I was confused. Somebody mentioned the building code, anyway.

**Mr. Rick Smith:** One other thing, just before I get to that.

**Ms. Laurie Scott:** Sure.

**Mr. Rick Smith:** You've heard about SERA. Lorne Johnson was just here talking about SERA. We've been trying to take a look at acknowledging that through a voluntary certification process we're not going to be able to straighten out all these various municipal bylaws and building codes that penalize the use of recycled material. I think what you're going to see—I hope what you're going to see through the SERA process is organizations like ours and companies coming together to advocate separately that these things be changed.

**The Chair (Mr. David Oraziotti):** Thanks. I need to stop you there, folks.

Next question: Mr. Marchese.

**Mr. Rosario Marchese:** Thank you both. We are getting a number of presenters who are talking about fixed-term licences. Apart from the industry, I think everybody else is in agreement with that, including me.

More and more people are talking about the need to recycle. Your suggestion was that changing the building code was the necessary thing to do.

You heard Mr. Schulz, his presentation, because they're eager to do recycling as well. Do you have any comment on the presentation he made with respect to recycling? Did you hear it?

**Mr. Rick Smith:** I didn't. I'm sorry, I didn't hear what his presentation was.

**Mr. Rosario Marchese:** They were talking about making sure that we get the experts to get that right, getting the reliability of blended products. Did I get that right, more or less? So we need to pay the experts to do that well.

Your point is: Change the building code in terms of what is allowable by way of reusable stuff, and that

should do it. Is that correct, or is there more that you want to add to that?

**Mr. David Donnelly:** Well, I think that the SERA process may offer the answer. I think that two things have to happen. One, there has to be a total review of all the types of building, whether it's road construction, infrastructure like bridges, or home building or development, and changes to the building code is one element of that that would improve things, as would a government-wide review of just increasing the content of recycled material.

SERA comes into the picture by actually inducing people to use a higher proportion of recycled material to gain certification points. So just like with a LEED standard, for example, you get a point for putting a bicycle ring outside of your office building; under SERA, if you would have a higher degree of recycled—if SERA gets rolled out across a broad range of materials, then having a higher component of recycled material in that product will then give the developer additional SERA points, or the seller of the product additional SERA points, that will contribute to your green building standards. That would be an incentive built in. So it can work both ways.

**Mr. Rosario Marchese:** Thank you.

**The Chair (Mr. David Oraziotti):** Thanks. That's time for your presentation. I appreciate it.

#### ONTARIO FEDERATION OF AGRICULTURE

**The Chair (Mr. David Oraziotti):** Next presentation: Ontario Federation of Agriculture. Good afternoon, folks. Welcome to the Standing Committee on General Government. As you're aware, you've got 10 minutes for your presentation. Whoever may be speaking, just state your name before you speak, and you can start when you're ready. Thanks.

**Mr. Mark Reusser:** Good afternoon, ladies and gentlemen. I'll introduce us all. My colleague here to my left is Keith Currie. He's a cash crop farmer from Collingwood. He's a director on the Ontario Federation of Agriculture. My colleague to my far left is Peter Jeffery. He's a senior researcher with the OFA. I am Mark Reusser. I'm a chicken farmer from near Kitchener, also a director on the Ontario Federation of Agriculture.

Just by way of introduction: The OFA is the voice of Ontario's farmers, supported by approximately 37,000 individual members. The OFA represents farm-family concerns to governments and to the general public. Constituted in its present form since 1970, the organization is active at the local level through 51 county and regional federations of agriculture. OFA is also a member of the Canadian Federation of Agriculture, the farmers' voice on the national stage.

It has been said that despite all of the accomplishments humans have made during their existence, the fact is that our existence depends on some soil and the fact that it rains. We're here today to talk about the soil and agriculture.

While Ontario covers approximately one million square kilometres, a mere 5% of Ontario's land mass is suitable for agriculture. Of that 5%, approximately half of it or two-and-a-half per cent of Ontario's land mass is class 1 through 4 farmland.

Currently, there are almost seven billion people in the world. The UN projects that number to rise to over nine billion by 2050, less than 40 years from now. Feeding ourselves on an ever-reducing supply of productive agricultural land will be an ever-increasing challenge. To do so, Ontario needs to maintain as much of its limited arable land as possible in agricultural production. So, too, must every other nation across the globe. We must ensure that our actions and policies do not unduly limit our ability to produce food, fibre and fuel from our limited agricultural base.

According to the 2006 census, there were 13.3 million acres of farmland in Ontario. Recently released data from the 2011 census shows an alarming decline in the area being farmed. Ontario farms now encompass 12.6 million acres, down 636,000 acres over the previous five years. While this loss is due to urban expansion, aggregate extraction or both, Ontario cannot sustain an annual loss of 127,000 acres of land per year. Just so you know how big that is, that is bigger than the city of Toronto.

As the stewards of highly productive agricultural land, the majority lying in southern Ontario, farmers require and deserve certainty and clarity that the presence of aggregates on or adjacent to one's farm will not be the death knell for that farm.

The OFA believes that society places too little value on our agricultural lands, the finite resource that we depend on for our very existence. We need and deserve legislation that protects domestic agricultural land. Unfortunately, our prime agricultural lands are the one land use designation that seems to be sacrificed for urban uses, aggregate uses and others.

The OFA, as Ontario's largest general farm organization, does not apologize for its strong agricultural land protection bias. Our mandate is to advocate on behalf of our 37,000 individual farm families for prosperous and sustainable farms.

We cannot diminish the critical role played by primary agriculture, i.e. farmers, in the production of our food. As a province, we must minimize activities that lead to the loss of our agricultural lands and endeavour to strike a more appropriate balance between the need to protect agricultural land and the need for aggregates.

We have some recommendations with regard to the aggregates act. First of all, the OFA recommends that the Aggregate Resources Act regulations and operating standards be amended to reflect and protect the vital role of our agricultural lands. The public policy statement makes some regard to agriculture. It says, for instance, that long-term economic prosperity should be supported by "Promoting the sustainability of the agri-food sector by protecting" farmland. It also says, "Prime agricultural areas shall be protected for long-term use for agriculture."

The protection and preservation of our valuable food-producing agricultural lands must not be treated in such a confusing and conflicting manner because the PPS and the aggregates act also allow for extraction of aggregate on those very same lands.

The OFA recommends that the Aggregate Resources Act, regulations and operating standards be amended to reflect and protect the vital role of our agricultural lands.

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Secondly, the OFA recommends that aggregate extraction be prohibited on prime agricultural land, classes 1 through 4, including specialty crop areas. We see little solid evidence of widespread rehabilitation of former aggregate extraction sites, which likely were agriculture before extraction, back into agricultural uses. Too often rehabilitation means the creation of new recreational uses—for instance, parks and golf courses etc., residential developments and/or woodlots, grasslands and wetlands—not that any of those are bad, but they're not agriculture. Agricultural land is a strategic resource, just like aggregates, necessary to grow food for an increasing population—provincial, national and global.

The OFA firmly believes that long-term protection of agricultural land for food production provides a greater societal value than does aggregate production. In our 2010 submission on the public policy statement review, we wrote this: “aggregate extraction be prohibited on prime agricultural land, classes 1 through 4, including specialty crop lands.”

In the interim, nothing has changed to convince us otherwise. Agricultural land is not only a strategic resource; it is a perpetual resource. It is a non-renewable resource.

The OFA also recommends that the provincial government, under the Ministry of Agriculture, Food and Rural Affairs, report on the state of the agricultural soils resource in Ontario. Agricultural potential and the value of agricultural lands for food production have not been assessed, neither have they been acknowledged in the State of the Aggregate Resource in Ontario study, February 2010, or the State of the Aggregate Resource in Ontario study, aggregate resource advisory committee recommendations, June 2010.

These deficiencies emphasize the low value placed on our agricultural lands. Nevertheless, we view undisturbed agricultural soils as a perpetual resource, meaning that they can produce food forever if left undisturbed, providing food for Ontario, Canada and beyond.

The OFA also recommends that in areas where agriculture is the predominant land use, rehabilitation must be to restore to agriculture. No other option is acceptable. So many times we see site plans that call for land to be restored back to agriculture restored back to something else. That's just not right.

We also have some views with regard to rehabilitation. Keith, would you like to address those?

**The Chair (Mr. David Oraziotti):** Your time is just about up, so I need you to be brief.

**Mr. Keith Currie:** Okay. Thank you.

Aggregate extraction below the water table will definitely lead to the permanent loss of agricultural land. Reflecting on what Mark just touched on about rehabilitation, quite often companies will come in, extract the aggregate just above the surface, do a slight rehabilitation, leaving the licence open to go back and extract later when it's convenient for them. While the site may undergo rehabilitation, it is nevertheless permanently lost to agricultural production, a loss that Ontario cannot afford to allow to continue.

Currently, the provincial policy statement does not require rehabilitation to an agricultural use if there is a substantial quantity of mineral aggregates below the water table, and nowhere is “substantial quantity” defined or described. Who determines the parameter and on what basis is that decision made? Otherwise, we have no means to measure the success of rehabilitation. There needs to be a stronger commitment to rehabilitation in general, and rehabilitation back to agriculture, in particular.

**The Chair (Mr. David Oraziotti):** I need to stop you there. We're over the time allotted for your part of the presentation. We've got some questions, so we're going to move to that. We're obviously going to get all of your material and your written submission for part of the record. Ms. Scott or Ms. Jones, who's—Mr. Yurek?

**Mr. Jeff Yurek:** Surprise, surprise.

**The Chair (Mr. David Oraziotti):** There we go. Go ahead.

**Mr. Jeff Yurek:** Thanks, Chair. Thanks for your presentation. I appreciate the work the OFA does in our province. Coming from a rural riding, I really respect the work that you do.

A question, just a quick one: You talk about fees being levied and you don't know how high to increase them. You say on the crown lands, 50 cents a tonne. You talked about rehabilitation of lands. Do you think some money should be set aside from that fee in itself to help the rehabilitation back to agricultural land when it's done or do you think that should be an additional fee added on?

**Mr. Keith Currie:** I think the fees need to be set to meet appropriate rehabilitation. We are strongly advocating to have that rehabilitation back into agricultural production. We are certainly not experts in the field of setting levies or fees to adequately assess what needs to be paid out to rehabilitate it. We're leaving that up to the experts. Currently, we know that that level's not high enough, because it's obviously not being done.

**The Chair (Mr. David Oraziotti):** Okay, thank you. Mr. Marchese?

**Mr. Rosario Marchese:** I know that a lot of people in the agriculture sector think that city people don't think about agriculture very much, but I think a growing number of people do, and they do worry about the loss of agricultural land. I think a growing number of people realize that only 5% of landmass is prime agricultural and 0.5% of Canada's landmass is class 1 farmland. I think more and more people understand that, and they want to

protect it. Your sector does contribute billions to the economy.

You get the other side, the aggregate sector, saying, “We contribute too. We create jobs. We need the aggregates. They should be close to markets”—which means in agricultural land. “If we go further north”—which is what some people are suggesting—“the cost will be greater to society in terms of infrastructure costs, trucking and environmental problems.” How do you respond to that?

**Mr. Keith Currie:** We certainly understand the value of aggregates and the need for our society to have them, but let me answer that in the form of a question: Would our society, or yourself, like to take a bumpy road to the supermarket or a smooth road to starvation?

*Laughter.*

**The Chair (Mr. David Oraziotti):** All right. Thank you. We need to move on.

**Mr. Rosario Marchese:** Just remember, I’m on your side.

**The Chair (Mr. David Oraziotti):** All right. Anything, Mr. Colle?

**Mr. Mike Colle:** Yeah, I agree. I think we should all be taking more bumpy roads.

But I guess the root of the problem is, we’ve got such demand. Everybody wants spanking new hospitals, spanking new roads, spanking new community centres, spanking new arenas, and then they say, “Oh, they’re putting another aggregate pit over there.”

So how do we get the public to maybe temper their demand for those smooth highways and start thinking that it’s better to have rolling fields of hay or apple orchards? How can we get the public to do that? What could we, as the government, do to help?

**Mr. Keith Currie:** Well, for me to use the term “long-term vision” is probably something that won’t work within government, because that doesn’t seem to happen, but that, essentially, is what we need. There seems to be a hierarchy in place with aggregates right at the top. Agriculture, as has been mentioned many times—we are the ones that are first sacrificed for roads, for shopping malls, for urban sprawl, for natural heritage, for aggregates, for everything.

**Mr. Mike Colle:** Housing.

**Mr. Keith Currie:** There has to be a balance. We understand the important need for aggregates, but there has to be a balance.

We’ve heard lots of talk today about recycling. Somehow this industry has to understand how recycling fits into the big picture, because, let’s face it, when building codes require a specific specification, it doesn’t really matter whether it’s virgin material or recycled material, if it meets the specification. There’s an avenue for the government to play a role there. We need food to survive. We have to have food to survive. That’s a no-brainer.

**Mr. Mike Colle:** And another pet peeve of mine is, I can’t read the writing—

**The Chair (Mr. David Oraziotti):** Thanks, Mr. Colle.

**Mr. Mike Colle:** —on some of these food products, the imported products, because I’m looking for the Canadian ones. Can’t we get a big sticker that says, “Grown in Ontario. Grown in Canada. Buy the Canadian fruits and vegetables and products”—

**The Chair (Mr. David Oraziotti):** Thanks, Mr. Colle. I appreciate the comment—

**Mr. Mike Colle:** —shouldn’t we have a sticker on our food so we can buy—

**Mr. Keith Currie:** Foodland Ontario.

**Mr. Rosario Marchese:** Mike, respect the Chair.

**The Chair (Mr. David Oraziotti):** Thanks. That’s time for your presentation. We appreciate you coming in.

#### NORTH DUFFERIN AGRICULTURAL AND COMMUNITY TASKFORCE

**The Chair (Mr. David Oraziotti):** All right, folks, the next presentation, final presentation: Carl Cosack. Good afternoon. Welcome to the Standing Committee on General Government. You’ve got 10 minutes for your presentation.

*Interjections.*

**The Chair (Mr. David Oraziotti):** The troops are getting restless here. Go ahead.

**Mr. Carl Cosack:** Thank you, Mr. Chair. I’ll make good use of my time.

**The Chair (Mr. David Oraziotti):** Thanks.

**Mr. Carl Cosack:** Good afternoon, ladies and gentlemen. My name is Carl Cosack and I am the chair of the North Dufferin Agricultural and Community Taskforce, or NDACT. Thank you for the time you’re allowing me to speak to you and to share some of our thoughts with regard to the review of the Aggregate Resources Act.

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A bit of background: NDACT was formed three years ago when the larger North Dufferin community learned about the Highland Companies plans for a massive quarry in the potato fields of Melancthon, which is 90 minutes from where we all sit right now. We have several hundred members and thousands of supporters actively engaged in the effort to save the land and its water. My comments will address agriculture and water issues only.

While these hearings are not about the proposed Highland Companies mega quarry, it is because of the mega quarry application that we’re here today. The application for the largest quarry in Canadian history in the midst of a 15,000-acre plateau of farmland has highlighted the ongoing conflict between aggregate and agriculture. This committee has a unique opportunity to bridge those conflicts because, really, aggregate operators and agriculture have much in common. We all use aggregate, we all raise children, we all eat food, and we all need clean, fresh water. Non-partisan thinking will develop better policies for a better Ontario.

Representatives from the aggregate industry argue that Ontario must maintain a close-to-market approach when it comes to aggregate. That approach is part of the PPS. The PPS is policy, not law, and it is within your mandate

to improve those policies that are not working for the people of this province. In southern Ontario, “close to market” means too close to prime farmland, the very land that is extremely rare, highly productive and a major factor in the province’s economy. Close-to-market policy should not be restricted to the aggregate industry. “Close to market” is equally important to the food-producing sector of our economy.

You already know that a mere 0.5% of the Canadian land mass is class 1 agricultural land. It’s the finest soil in which we grow our food. Of that 0.5%, more than half of it is right down here in southern Ontario. In fact, the farmland at the centre of the mega quarry controversy is class 1 soil known as Honeywood silt loam. It exists nowhere else in Ontario in this contiguous manner.

Agriculture contributes to the economic well-being of this province 100 acres at a time, just like aggregate contributes to the province’s economy one pit or quarry at a time. I can only second the voices you heard from Mark and Keith: Our prime farmland is a unique resource, and it is providing Ontario with tremendous economic benefits.

Our food sector is bigger than the auto sector. The industry contributes some \$33 billion to the provincial economy every year, and jobs for 700,000 Ontarians who draw some \$7 billion in wages. Our agri-food industry is the largest in the country. According to the government’s own figures, agri-food exports hit a record high last year of nearly \$10 billion. Ontario, our beloved province, contributes 22% of Canadian agri-food exports.

We’re truly blessed with land that will always produce crops, fruit, vegetables, dairy products and meat, thanks to our soil and climate conditions. The land is a resource that will continue pouring billions of dollars into our economy, providing jobs and food for as long as humans need to work and eat, but we have to protect it. It is vital to our province’s economy and its citizens.

ARA policy should recognize that we cannot support the aggregate sector of the economy at the expense of the agricultural community. ARA policy should ensure that the sector that is renewable deserves at least the same considerations as aggregate does.

NDACT strongly argues that our prime farmland, which includes classes 1, 2 and 3 soils, whether in Melancthon or elsewhere in the province, should be protected from all aggregate extraction.

As Keith says, we’re not against aggregate. We need it for our roads, buildings, and many other products. We believe we should pursue other options, such as recycling—already discussed—alternative technologies, and investigate other kinds of rock to build our infrastructure and other locations which don’t impact prime food-producing lands.

One example: The Ontario Stone, Sand and Gravel Association has some really bright people working on research to recycle old concrete, a process that would allow old concrete to be used as concrete again—a couple of years away likely, but good work is being done. Your committee can help create policies that will

lever the expertise that is out there to find solutions. We have the technology today that we didn’t have 40 years ago to develop those new products. We can develop criteria, a framework, for willing host communities.

There is unprecedented public involvement in the issue and unprecedented offers to help find solutions. As an example, you will receive a written submission, prepared by Garry Hunter for Rutledge Farms, and we endorse most of the technical recommendations it includes. You can challenge us collectively to do better than the status quo, because we must do better.

In addition to the ongoing threat to prime farmland, there is also the issue of water. The aggregate industry states that aggregate operations are not “water consumers” but “water handlers.” This makes it seem as though water handling is like a benign process. We respect that the hearing is not about the mega quarry, yet the Highland application symbolizes all that is wrong with the current ARA legislation. A policy that would even consider permitting excavation 200 feet below the water table and the handling of 600 million litres of fresh water daily, in perpetuity, is not putting the needs of the people of this province first.

We believe that any application involving below-the-water-table extraction should automatically be referred to a full environmental assessment and that source water regions and watersheds should be protected in perpetuity, not pumped in perpetuity.

Any policy that would allow a private company, foreign or domestic, to effectively control the amount of fresh water used by eight million Ontario residents is deeply flawed and, at best, reckless and irresponsible.

The Highland Companies’ application would impact the drinking water of up to one million people downstream, along with fish, wildlife and whole ecosystems. All would have to depend on this “water handling” to operate without complications, human error or contamination.

As a society, we have learned, through the Walkerton tragedy and other water contamination issues, that our number one priority today, and for our children tomorrow, is to ensure safe drinking water and to eliminate all man-made risks to our fresh drinking water sources. The Aggregate Resources Act must not allow applications that pose such an enormous risk to the health of Ontarians.

We are not alone in this sentiment. Last October, NDACT helped organize an event called Foodstock—some of you were likely there—and it was held on a potato farm adjacent to the proposed mega quarry site. Some 28,000 people came out from across the province to enjoy gourmet dishes prepared by 100 chefs, using local ingredients. The slogan of the day was, “Save the Land that Feeds Us.” It is an appropriate motto for all of Ontario’s food-producing regions facing aggregate applications.

In conclusion, I would like to say that NDACT’s position is clear, and we thank the committee for giving it careful consideration. There are some additional notes

attached to this written presentation which can help kick-start dialogue. I also thank you for agreeing—and I was just told differently—to travel the province, because you just must go out there and see what things are like out there. You owe it to your constituents in all regions that you engage and allow them to engage in that critical debate.

I understand an invitation has already been sent to the committee to visit us in Honeywood. Our community would be happy to give you all a tour of the proposed mega quarry site, and we would enjoy offering you some real rural hospitality and toss in a barbecue. You probably could use some home cooking while you're on the road. Thank you so much.

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**The Chair (Mr. David Oraziotti):** That's certainly the best offer yet. Thanks, Mr. Cosack, for your presentation. We appreciate you coming in. We've got some brief questions for you. Ms. Jones, go ahead.

**Ms. Sylvia Jones:** Thank you, Carl. I think you have a faster car than I do if you get here in 90 minutes.

My question is related to page 3, where you talk about the soil that is Honeywood silt loam. I am by no means an expert on soil, but as I understand it, part of the reason why it drains so effectively and is such an excellent producer of agricultural product is in fact the makeup of the subsoil and basically the aggregate that is underneath it. So the suggestion that, post-extraction, that site could go back to agriculture, I'd like your feedback on.

**Mr. Carl Cosack:** It's ludicrous. That's all I need to say.

**Ms. Sylvia Jones:** Thank you.

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

**Mr. Rosario Marchese:** Thank you, Carl, for your very balanced and sincere presentation.

I agree with everything you say. I like the reminder: "Close to market" means close to farmland, which is a problem. Aggregates not at the expense of our agriculture—that was a good reminder.

For me—and I think some of us are talking about recycling as a big issue for us. We've got to get the industry to work with us and we've got to get the provincial government to establish the appropriate policies to make that happen. We can't continue to extract forever—we just can't do it—for a variety of reasons that everybody's talking about. We've got to do recycling better. The technologies are there, and we simply have to get this right. I hope we do. Thank you.

**The Chair (Mr. David Oraziotti):** Mr. Colle.

**Mr. Mike Colle:** Well, thank you for the passionate and very comprehensive presentation, Carl.

I'm wondering if you could help us with the whole issue of agricultural sensitivity. I don't think the public understands the connection between water, agricultural land and future generations. How can we get people to understand that, rather than put the needs of the smooth highways and these new fancy buildings always ahead of what's been here, as you said, for a millennium, and only

0.5% of all the land in Canada, right? It's 0.5%. How can we do that?

**Mr. Carl Cosack:** Well, I think the government is doing a good job with Foodland Ontario. It's not all up to the government. Local food: Ontario is playing a major role. You cannot escape the local food movement, 100-mile diet—you name it; it's out there. Just establish a policy framework to allow it.

**Mr. Mike Colle:** I'm wondering, through this act—see, this is one of the challenges: This act is quite narrow. But the good thing is that it's the first time it has been looked at since 1997, and things have changed dramatically. I think the ideas you and others put forward could help us reshape this with the urgency to save farmland. I think that's what our committee's going to try to grapple with—how we get that sense of urgency—and maybe use this as a lever or a wedge to get this on the table through this act.

**Mr. Carl Cosack:** I think part of the urgency is well-established, because you had a record number on fairly short notice trying to present to your committee; and the public involvement—the gallery has been full at every time. So the public knows there's urgency. Now government needs to know there's urgency.

**Mr. Mike Colle:** And the public needs to buy Canadian, locally grown food and stop—

**Mr. Carl Cosack:** And they do.

**Mr. Mike Colle:** Oh, they're buying Chinese garlic and they're buying all this fruit from the States and berries from Florida. They also have to play that role: Buy local, buy Canadian, buy Ontario.

**Mr. Carl Cosack:** You're right.

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

**Mr. Carl Cosack:** Thank you to the committee.

#### COMMITTEE BUSINESS

**The Chair (Mr. David Oraziotti):** That's all the presentations for today. Other committee business? Ms. Jones.

**Ms. Sylvia Jones:** I have a motion. The government and the minister called for a legislative review of the Aggregate Resources Act. Stakeholder and public interest in the legislative review is high. The Standing Committee on General Government has had overwhelming response vis-à-vis interested parties wanting to present and speak before the committee. It is essential that any legislative review of the ARA needs to include holding public hearings and conducting investigations and studies in communities that actually produce and/or process aggregates or aggregate by-products. I move that the committee again reinforce with the government House leader—sorry, with all House leaders—

**Mr. Mike Colle:** With all three House leaders, please—

**Ms. Sylvia Jones:** Fair enough.

**Mr. Mike Colle:** —not just one. You two have the majority, so—

**The Chair (Mr. David Oraziotti):** Mr. Colle, let her read the motion, please. Thanks.

**Ms. Sylvia Jones:** —again reinforce with the three House leaders that the committee wishes to extend the number of days for public hearings for the legislative review of the ARA in Toronto and from place to place in Ontario, to hold meetings, hearings and investigations once the House rises.

Chair, I have had an opportunity to put together a list of some of the communities where we have already received requests for deputations. They include, but are not limited to, London, Lanark, Port Elgin, Waterloo, Shelburne, Stratford, Schomberg, Port Perry, Erin, Guelph, Walkerton, Meaford, Midland, Hamilton, Bradford, Wasaga Beach, Creemore, Singhampton, Bracebridge, Caledon, Brampton, Kitchener, Dundalk, Mansfield, Port Colborne, Orangeville, Caledonia, Alliston, Barrie, Timiskaming, Southhampton, Maxwell, New Lowell, Bracebridge, Woolwich, Oakville, Blue Mountain, Ingersoll, Woodstock and a lovely community called Annan in Grey county.

**Ms. Sarah Campbell:** You forgot Dryden.

**Ms. Sylvia Jones:** And Dryden.

**The Chair (Mr. David Oraziotti):** Thanks for your motion. As everyone on the committee is aware, the subcommittee dealt with this request—it's a matter of record—May 9, last week, on Wednesday. We approved the motion that was read into the record, that was made as a request to all of the House leaders. On Thursday, May 10, as a follow-up, I sent on behalf of the committee a letter doing absolutely what you're requesting. So thank you for reading that on to the record yet again, to reinforce that point, but the motion has been dealt with, so I'm going to rule it out of order and indicate that—

**Ms. Sylvia Jones:** But that means we're done on this until we hear anything back from the House leaders.

**The Chair (Mr. David Oraziotti):** We've all agreed. We've made the motion and approved it in subcommittee and by letter to the House leaders, and we would expect to hear back from the House leaders on that. So, as much as the committee—

**Ms. Sylvia Jones:** So we can't send a reinforcement?

**The Chair (Mr. David Oraziotti):** As much as the committee wants to continue to discuss this and talk about it—and I think we've made it crystal clear for our

House leaders to bring this back—I would say that the motion is redundant, it's out of order and that's it. We're not going to have further debate on it.

**Mr. Rosario Marchese:** Can I ask you, Mr. Chair, just for a second—I don't know what Mike feels or the others, but this is a repetition of what we already said. I understand that. But if it makes the Conservative member feel better and if the Liberals are okay, I'm okay with sending it again. I'm okay with reaffirming it again.

**Mr. Mike Colle:** Yeah, it could be as a letter from the committee, if it's not—

**Mr. Rosario Marchese:** We are sending it again—

**The Chair (Mr. David Oraziotti):** Further to the letter we sent last Thursday?

**Mr. Rosario Marchese:** Further to, exactly.

**Mr. Mike Colle:** Yes, appended to the other motion.

**The Chair (Mr. David Oraziotti):** Is the existing letter that we've already agreed on—

**Mr. Rosario Marchese:** We all agree.

**The Chair (Mr. David Oraziotti):** —okay, re-dated?

**Mr. Rosario Marchese:** Further to.

**Ms. Sylvia Jones:** Further to. Reinforced. Put the word "reinforced" in there.

**Mr. Mike Colle:** And just to reaffirm that—

**Mr. Rosario Marchese:** That we all support it.

**Mr. Mike Colle:** —that when we come back—the House reconvenes some time in September, October—we want to continue this process so it's not just during the summer. I'd like to see it go on right up until Christmas, if possible.

**The Chair (Mr. David Oraziotti):** The House isn't in recess yet. We've got a constituency week; we've got a couple more weeks of session here in the Legislature. I would expect that we'll hear something back from the House leaders, so that's fine—

**Mr. Rosario Marchese:** But Mr. Chair, it's no skin off your back. If you just allow us to re-send it. If we agree, let's just re-send it.

**The Chair (Mr. David Oraziotti):** Fine.

**Ms. Sylvia Jones:** Call it a friendly reminder.

**The Chair (Mr. David Oraziotti):** A friendly reminder. All in agreement? Okay, carried.

The committee is adjourned.

*The committee adjourned at 1840.*



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