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Mercredi 27 juin 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

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Wednesday 27 June 2012

Mercredi 27 juin 2012

The committee met at 1351 in the Best Western Plus Orangeville Inn and Suites, Orangeville.

AGGREGATE RESOURCES ACT REVIEW

The Chair (Mr. David Oraziotti): We'll call the committee to order. Good afternoon, everyone, and welcome to the Standing Committee on General Government review of the Aggregate Resources Act. We had the opportunity this morning to tour a number of sites—very informative—and we're continuing this afternoon with deputations. We're going to start a little bit early as everybody's here and we're ready to go.

MR. KEN CRESSEY

The Chair (Mr. David Oraziotti): I'm going to call our first presenter, Ken Cressey. Welcome, Ken. Thanks for being here today. As you're aware, you have 10 minutes for your presentation and roughly five minutes for questions by members of the committee. Any time you leave will be allocated to members for questions. You simply need to state your name for the purposes of our recording Hansard, and you can start your presentation.

Mr. Ken Cressey: My name is Ken Cressey. Thank you very much for having me here today, and good afternoon, Mr. Chair and members of the Standing Committee on General Government. I thank you for this opportunity to address the committee regarding the review of the Aggregate Resources Act.

I would like to focus on three key issues: people's health, non-compliance of aggregate operators and penalties for non-compliance. I think for many people the concern over the environmental impacts that these operations do have should be put first in any decision-making on new and established pits or quarries. The concern is well-warranted and should be addressed.

Before I begin, I would like to point out that my late wife's name was Jeanine Filiatreault Cressey.

My late wife and I purchased a home in March 2008 at Snow Road Station, North Frontenac. Unknown to us was that a gravel pit was across the road. When we viewed the home, there were no signs of activity, just three and a half feet of snow. We were never told by anyone that a gravel pit was across the road.

In late October 2008, trucks came and hauled material for two weeks. We spoke to the township about this,

since the property was zoned residential and in a hamlet where their own bylaws state that no pits or quarries are permitted. The township spoke to the MNR and referred the MNR to me. I wrote to the MNR asking that the site be brought up to a better standard than existed. We also complained about the dust. In a reply from the MNR on February 13, 2009, they said:

“The requirement of operators to construct tree screens and perimeter berms is not controlled by the ARA or provincial standards but through the site plan. The site plan for a pit is normally drafted and approved by this ministry in a licence application while the site is virgin. The operator often chooses to add site screening on the site plan as a consideration to the impact on existing local landowners. The practice of screening has become commonplace in new applications for pits and quarries in Ontario but is not a requirement. In this case of a grandfathered licence, the site plan is a requirement after the licence has been issued, and no such considerations are required because the pit has been established in the area for many years with the authority to operate a pit without screening.

“However the operator is still bound by the ARA, provincial standards, and a site plan (when submitted and approved). I personally have visited this site for matters related to the licence application and have not completed a formal licence audit of the site yet. This licensee is required to erect a sign at each entrance and exit and to keep dust down to a minimum. I will notify the licensee of these deficiencies and have them corrected.”

On March 11, 2009, again, we stated our position about dust and noise to the township when they wanted to sell the right-of-way to two gravel pit owners—the one that is causing our problems, the other pit was on the other side of the right-of-way which they wanted to sell. In the letter we sent to council we asked for an environmental assessment, again stressing the issues of noise and dust. We also stated that the issues had not been addressed and that it would have a direct effect on our quality of life. We were informed by the mayor of the township that an environmental assessment was denied.

In April, the gravel pit owner stopped at our home. He came to discuss the issues that we had been complaining about. In that conversation, Jeanine and I asked for a berm. His reply was no; that would cost him money. We asked for trees for a screen. He said that that he could do. They put in saplings two to three feet tall. The weeds

were taller. We told him that his site was depreciating our home. He said that his home was beside a gravel pit and that it was just fine. We asked what he was going to do about the dust, and he said he would use calcium or water to mitigate it.

Up to this point, no one had worked the site since we purchased the home in April 2008 except for two weeks in late October when they hauled material from the site.

At the end of April 2009, they began working in the site. In the later part of May, Jeanine began coughing for no apparent reason. We went to her doctors, where they ran tests on her to find the cause. They believed that the dust from the site was the reason for her coughing. Jeanine still continued to cough, and on June 29 Jeanine was advised to move from our home. Her coughing only became more severe, to where, on one occasion, she had bruising on her stomach from coughing. On August 6, 2009, the pit owner installed a portable crusher 300 feet from our home. This was totally insane. The noise and the dust was outrageous.

We called the township that day and asked for a bylaw officer to come. The reply we were given was, “We will not take the complaint, we will not send the bylaw officer, and the gravel pit owner can do whatever he wants from 6 a.m. till 9 p.m., and there is nothing you can do.”

From the time the company started in late April 2009 till they finished in late September 2009, not once were any mitigation measures taken at all. On October 25, 2009, Jeanine, still coughing, died.

It took a letter to Dalton McGuinty to have an investigation started. It took 15 months, and on October 27, 2011, two days after the second anniversary of Jeanine’s death, the trial was held. I was to appear at that trial as a witness. On the evening before the trial, the MNR prosecutor called me to discuss my testimony. I had asked if all the evidence—videos, photos, letters, including a letter from her medical practitioner advising her to move because of the continued respiratory distress—would be allowed. His reply was yes. A moment later he said, “I have another call.” A few seconds later he comes back on the line. He says, “You will never guess who that was. It was the gravel pit owner and he has just pled guilty to a plea bargain.” He says, “Thank you very much for your willingness to testify, but your testimony will not be required.”

In the court transcript, all the evidence was suppressed and all questions put by the judge were avoided. The operator knew his obligations under the ARA and the EPA, but went ahead and did what he wanted. He was fined \$1,000. Anything concerning Jeanine was dismissed by the prosecutor. Two days after the trial, I received a call from the MOE asking why no charges for the dust were brought up. In a question to the MNR about the dust, their response was, “The scope of my investigation is directly related to the operation of processing equipment without a certificate of approval ... any concerns regarding dust or other tests relating to the environment should be directed to the MOE.” That was Barrie Wilson from the MNR.

In a question put to the MOE concerning testing at aggregate sites, their reply was, “The MOE has not done testing at this or other aggregate sites around the province that I’m aware of. I’m not sure about MNR as the lead agency for these types of operations.” That was from David Arnott, MOE.

I had a test done on a sample, and it found that it contained crystalline silica, a known and listed carcinogen. It took from February 7, 2009, which was the date of the initial complaint, till June 8, 2010, before any ministry officials came to this site. We were constantly telling the township of what was happening to Jeanine, yet nothing was done. We had asked for site plans, and in an email to the MNR, their reply was:

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“As stated in my email dated February 13, 2009, the gravel pit in Snow Road Station has had a licence since 2007. A site plan has not been approved for the licensed site yet. When a site plan is approved for the site, I will let you know and you can submit a request under the freedom of information and privacy protection act.... As of January 13, 2012, there is still no formal site plan.”

In conclusion, I would like to say that no one has the right to treat anyone’s environment in this way, whether it was Jeanine’s or any human being’s, especially not for profit. There needs to be accountability, greater enforcement with severe penalties imposed—including suspensions of licences—and acknowledgment to those who have been directly affected, and what actions and remedies have been taken by way of a public inquiry.

Jeanine should have never died, not like this. On behalf of my late wife, I thank you for the opportunity to speak to you.

The Chair (Mr. David Oraziotti): Thank you, Mr. Cressey, for your heartfelt presentation.

I’ll turn it over to the Conservative caucus for questions. Ms. Scott, go ahead.

Ms. Laurie Scott: Thank you for appearing before us today. I do pass my sympathies on for your late wife.

Mr. Ken Cressey: Thank you.

Ms. Laurie Scott: What we’re doing is trying to figure out what parts of the process seem to be broken here. You have presented a very good case, that seems to be well-documented, of what went on. I apologize; it certainly should not have worked that way. Whether it’s due to the enforcement that just was not done—and then having to go to trial for it to that extent, it just seems that that’s not the way it should be done.

Mr. Ken Cressey: It took 15 months just to even get it to trial. When they did get it to trial, the prosecutor just dismissed everything. The worst part was that I was on the phone with this man, and I had told him how severe it was, and he just totally ignored it.

Ms. Laurie Scott: And the man was?

Mr. Ken Cressey: He was the MNR prosecutor. When he went to court, I just said, “Well, I guess you’ve changed sides. You’ve decided to become a defence attorney instead of a prosecutor,” because that’s what he sounded like.

Ms. Laurie Scott: So some of the stuff that was brought up should have been dealt with stage by stage, as soon as—

Mr. Ken Cressey: Yes.

Ms. Laurie Scott: Just to get this straight, you were there before the pit was—

Mr. Ken Cressey: Before they came in and started working.

Ms. Laurie Scott: But was it zoned that way before?

Mr. Ken Cressey: No. My wife died on Sunday, and they rezoned the property on the Friday just before she died. From what I understand, and even when I read the court transcript, even the owner didn't know if it was grandfathered. He said, "Maybe yes, maybe no." The prosecutor said he didn't even know if it was grandfathered.

I've got a letter from Minister Gravelle saying that as far as he knows, everything was legal—whatever that's supposed to mean. But the bylaws in that hamlet state that there are no pits or quarries permitted in a hamlet. So unless they altered it in order to accommodate them—would be the only way.

Ms. Laurie Scott: We only have limited time for questions, but if it's correct what's there in the area, the MNR needs some more tools for enforcement. Again, we're hearing consistent municipal awareness that there are possibly pits and quarries in the area—

Mr. Ken Cressey: I know Gord Miller struck on that, too. The municipalities will favour somebody within the area, "Oh, we can let it slide." I understand that part of it—but not to do what they did.

Ms. Laurie Scott: MNR oversight needs to be tightened up somewhat, from what I can gather.

Mr. Ken Cressey: The worst part was that the gravel pit owner himself came directly to our home, and we stood right there and talked to him. He gave us all these assurances that he was going to make sure that no dust and no noise, no nothing, was going to happen, and he turned around and did absolutely nothing.

I actually brought a whole valise of drugs because I ended up with the same thing. They said, down the road for me, I'm looking at having silicosis.

There's no accountability by anybody. Nobody is taking any responsibility for it. I've got condolences right up from Peter Kent. I even asked the federal government to intervene, because I knew that once it got in the hands of the MNR, it was going to get buried.

Ms. Laurie Scott: Thank you for that example. We appreciate your presenting today.

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

Mr. Rosario Marchese: Mr. Cressey, based on your experience, what do you recommend to this committee by way of what we should do as we review the Aggregate Resources Act?

Mr. Ken Cressey: I think the one thing that has to be done is you're going to have to have more personnel for the MNR. You can't work with skeleton crews. That's impossible. There has got to be a better system for

enforcing it and there has got to be stricter penalties. If it comes down to taking their licences away, then so be it. It's no different than you or I. If we were in a car and we're impaired, we lose our licence. This man here just totally ignored all the regulations, all the laws, the EPA; just forgot everything and said, "Well, I can do what I want." It's even in the court transcript. He said, "I wanted to get this work done and I decided I was going to do it. I brought in a crusher that wasn't approved, so I went ahead and did it anyway."

Mr. Rosario Marchese: Mr. Cressey, just as a question, based on your desire to see more personnel, you're probably aware that the Ministry of Natural Resources has been cut down by 30% or 40%—

Mr. Ken Cressey: I realize that.

Mr. Rosario Marchese: —30%, as far as I know, over the years. You're saying that's not a good thing.

Mr. Ken Cressey: Of course it's not. You can also draw more revenue just out of bringing up the cost on a per tonne, out of the royalties that the ministry does have, in order to help finance the extra, additional personnel.

But it's no different than any police force. Do we start cutting back the police forces because we don't have the money? We can't. You have to maintain something, because they are going to get away with it, and it's no different than some of us, I guess, that try to get away with the odd thing now and then. It's the same thing with them, but with them it's more severe because of the amount of people that can be involved in it.

Mr. Rosario Marchese: Thank you, Mr. Cressey.

The Chair (Mr. David Oraziotti): Liberal caucus. Mr. Colle?

Mr. Mike Colle: I guess you're saying that there obviously have to be certain preconditions met before they can begin operations, and these preconditions were not met.

Mr. Ken Cressey: No, none of them were.

Mr. Mike Colle: And that being, there's got to be a buffer, a berm; there has got to be proper screening, and that wasn't in place?

Mr. Ken Cressey: None of that was, but there are also things within the regulations themselves, where it's a point of—

Mr. Mike Colle: Interpretation.

Mr. Ken Cressey: It's not an interpretation, but a point from where they exist to where any local landowner would be. It's like a buffer zone. With us, fence line to fence line is 60 feet.

Mr. Mike Colle: So you think there might be a recommendation we should consider about there being a buffer zone that would protect the local residents in proximity to the operation?

Mr. Ken Cressey: Yes. It's the same thing too: Nobody even knows what's in the dust that you're getting. Anything coming out of these sites, nobody even has a clue what you're getting, unless the MNR knows, and they're not telling you. I asked them about whether or not they were aware that crystalline silica was present, and as

far as I know, both officers at the time that were there didn't have a clue.

Mr. Mike Colle: So there might be another recommendation you would make, that there should be an inspection made of the site to do an analysis of the air conditions, air quality etc.?

Mr. Ken Cressey: Exactly, if not constantly monitored, because it's the fallout that everyone else gets.

Mr. Mike Colle: But also, there's got to be an inspection done of the air quality.

Mr. Ken Cressey: Yes. Actually, in my own opinion, I think a lot of these places do require environmental assessments, and I think even on established pits you need environmental assessments because they've continually grown. The policies are still 40 years ago, and now you've got a pit that started out as a one-man operation with one little dump truck, and now some company walks in, takes the whole thing over, and now we've got a pit the size of this mall.

Mr. Mike Colle: Thank you. I think you've made some very constructive recommendations. I appreciate it. Again, I think all of us know the tragedy you've been through.

Mr. Ken Cressey: Thank you very much for having me here.

Mr. Mike Colle: Thank you.

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

Just one other item before we go to the next presenter: For the benefit of the public and folks that are here and to ensure that it's on the record for the committee, committee members and other MPPs have received correspondence from individuals requesting a visit to the Melancthon site, or what has been referred to as the mega-quarry. The committee discussed that earlier today, and the committee will be making a visit to the Melancthon site at the end of hearings today, so we'll be doing that later today.

We'll continue with the hearings.

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MR. ROBERT WELLS

The Chair (Mr. David Oraziotti): Our next presenter: Robert Wells. Good afternoon, Mr. Wells.

Mr. Robert Wells: Good afternoon. Thank you very much.

The Chair (Mr. David Oraziotti): As you're aware, you have 10 minutes for your presentation and five for questions. If you'd simply state your name, and you can start when you're ready.

Mr. Robert Wells: Thank you very much for having me here today. My name is Bob Wells. My wife and I have a home near the site of the proposed mega-quarry in Melancthon, which you'll be visiting later today. I'm retired. I have a post-graduate degree in economics and my working career was in finance, initially as a chartered accountant, then as a finance executive and as chief

financial officer of a large financial institution; hence my interest in the mega-quarry and the financial aspects of it.

The Chair (Mr. David Oraziotti): Sorry, can you just put the microphone a little closer? Members of the public are having a hard time hearing you. Thank you.

Mr. Robert Wells: In this presentation, I propose that the Aggregate Resources Act include the requirement to calculate total costs to the public of aggregate extraction. This information would be used as a basis for review of applications and a determination of licence fees. This can help Ontario meet the demand for aggregates, better understand and quantify the conflicts over land use, and pay for the public costs of quarries.

To save time, I will not go into details. Instead, I have provided a list of references in the handout.

I will cover three things. First, I will give examples of full costs to the public; second, I will describe how the minister would use these costs; and third, I will review the benefits of using costs to the public.

First, what I mean by "full costs to the public" is all the costs that the people of Ontario will have to pay as a result of aggregate extraction. Today the public, rather than the companies that extract and process aggregates, ends up incurring many costs of extraction, often long after the fact.

The things that cause such costs have been covered in these hearings: quarry rehabilitation, road construction and maintenance, lost farmland and rivers, polluted or exported water, air contamination and other environmental damage.

To show how determining full costs would work, I will talk about two costs from this list, air pollution and water, and I will add one type of cost not mentioned so far: legal avoidance of corporate income taxes. I will refer, as an example, to the proposed mega-quarry owned by Baupost, a Boston-based hedge fund.

My first example of cost is air pollution. This is the cost to society of carbon emissions and pollutants. The British Columbia government has determined rates for their carbon tax. The Ontario Minister of Natural Resources could use the BC rates or similar rates not as a tax, but to determine the cost of air pollution from a quarry.

The second example is water. Using the Melancthon mega-quarry again as an example, the Baupost application states that up to 600 million litres of water a day will be extracted in perpetuity. That's about half of Toronto's consumption. If this water is polluted or exported and therefore no longer available, there will be a resulting cost to the people of southern Ontario. Orangeville 2012 water rates, applied to this volume of water, would give a cost of about \$300 million per year; if you used Toronto rates, about half a billion dollars a year. Again, the minister could use these rates to determine water costs. Both these costs could be adjusted for risk.

My third example of a cost that the minister should consider is legally avoided corporate income taxes. We don't usually think of taxes avoided by companies as

being a cost to us. However, if companies legally avoid paying income taxes, then the result is lost tax revenues, and that eventually becomes a cost to the people of Ontario.

I've provided references that explain the following:

—Legal avoidance of corporate income taxes occurs in Canada, and Ottawa is concerned about it.

—Nova Scotia unlimited liability companies are used by sophisticated investors to legally avoid corporate income taxes.

—Also, these structures can protect shareholders from creditors.

—Baupost, the owner of the Melancthon mega-quarry properties, is using these Nova Scotia unlimited liability companies.

This is how Baupost can legally avoid income taxes and protect itself from future claims. Therefore, the minister should consider this as a cost to the people of Ontario when deciding on aggregate applications and licence renewals.

All these public costs could be in the billions of dollars in the case of Baupost's Melancthon mega-quarry.

That concludes my three examples of costs.

The second part of my presentation addresses how to use the costs in the administration of the ARA. I suggest that the minister should calculate total costs to the people of Ontario for large, risky, below-water-table aggregate extraction projects and not approve applications or licence renewals if these costs are unacceptably high; and approve applications and licence renewals if these costs are acceptable, but with the requirement that the annual fee covers total costs. Smaller, less risky, above-water-table quarries would be exempt from this requirement.

It is noteworthy that the United Kingdom aggregate levy rate applied to the estimated one billion tonnes of aggregate in the proposed mega-quarry would result in total fees of over \$3 billion.

The third part of my presentation is the expected benefits of using full costs to the public as part of the evaluation of quarry applications.

The first one is, operators of smaller, less risky, above-water-table quarries could better compete with the large, risky, below-water-table quarries. This would increase supply from smaller operators.

Second, low-cost quarry operations located far from market could better compete with high-cost operations close to market. This would encourage a greater supply of aggregate from distant suppliers and therefore reduce demand for aggregates from near-market, more populated areas and farmlands.

Third, the price of aggregates would obviously increase because the costs would include all the costs to the public, but this higher price should better regulate and reduce demand, and, in some cases, reduce excess profits.

Fourth, the increased fee would pay for all the public costs of aggregate extraction.

And lastly, any quarry applications or licence renewals that have unacceptably high costs and risks and are there-

fore deemed unacceptable by the minister would be rejected.

In conclusion, the value of the Baupost quarry is estimated at \$20 billion. Baupost's total land holdings in this area is four times that, so the total value that Baupost now has is probably much higher. Much of this new value to Baupost was gained at a cost to the people of Ontario. Using public costs to review the Baupost application and others like it will contribute to correcting this situation. Thank you.

The Chair (Mr. David Oraziotti): Thank you for your presentation. The NDP caucus is up first. Ms. Campbell.

Ms. Sarah Campbell: Thank you very much for your presentation. I think you did a really good job of presenting a kind of holistic approach that has addressed many of the issues that we've heard through several of our meetings. I appreciate the fact that you're looking at alternate ways where we can address the real cost—that's a recurring theme that we've heard. Also, by looking at ways that we can increase the fees, we can deal with such issues as MNR oversight, the real cost to municipalities and stuff like that.

Just more so a comment, so you can go ahead with your question.

Mr. Rosario Marchese: Yes, just quick comments—because I liked the presentation. I think the whole idea of increasing cost to those who extract aggregate as a way of covering some of the social costs that we have is a very useful idea. Many of the aggregate companies agree that we should increase the levy. They're saying this voluntarily, which is interesting. Maybe they're anticipating the fact that it's going to happen anyway. But your twist is that it should cover the total social cost it has to society, and I find that that is an interesting idea.

The legally avoided corporate income tax is something that doesn't just happen in this sector; it happens in all sectors. There are many parties here who like the idea of being open to business and they like the whole notion of legally avoided corporate taxes. I'm not a big fan. I think we need to tighten it up. So I wanted to articulate the fact that I like your suggestion. If we have more people saying these things, we could get all political parties to agree, but it will take time. But I wanted to say that I support your suggestion. Thank you.

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The Chair (Mr. David Oraziotti): Thank you. Mr. Colle?

Mr. Mike Colle: Yes, I'm wondering if I can get research to give us some background on this Nova Scotia unlimited liability legislation and how it impacts on determining any kind of oversight that Ontario may have over a company that's registered in Nova Scotia in this manner. If we could get a bit of background on that.

Thank you on that, I think, very pragmatic presentation. So you're not against quarries, but you're saying there should be some reward and costs applied? In other words, if a small quarry doesn't go below the water table, it's much different than a mega-quarry that goes below

the water table and uses incredible amounts of water. So this should be looked at differently.

Mr. Robert Wells: Yes, if I understand your question, it's should we segregate or have a two-track process, I guess. To start off, I think I'm not against quarries. I mean, we're surrounded by cement here, so no one can really take a position that they're against quarries.

What appears to me to be happening from, again, a finance perspective is that the existing policies incorporated into the act and the administration of the act seem to favour some suppliers of quarries. Close to market has a big factor. Large quarries is a big factor. In the case of the Baupost purchasing this aggregate supply here, both those things apply.

What I think is that you have to allow quarries, but you have to take a decision on allowing quarries and setting the fees based on the total cost. In the case of the Baupost one, for instance, if you take a realistic view of the costs, I don't think society in this area of the world can afford to permit that quarry to go ahead. If the cost of water materializes, there's no way of paying for that. Baupost has set itself up to be protected from liabilities so they can avoid paying for it. So where costs are prohibitively high, I think the minister should reject the quarry application outright, no matter what.

Smaller quarries that don't demonstrate any of the fundamental characteristics of high cost, be they small or remote or well above water tables—those quarries you could probably give a fast track to, which would give them a competitive advantage, which I think would be a good thing, because one of the presenters to these hearings in the last session was representing those small quarries and saying that they were burdened by the same process as large quarries and that it was really putting them out of business. So open it up to the smaller, less-risky quarries and allow them to compete.

This also advocates opening it up to the faraway quarries, allowing them to compete. Now, the ministry's close-to-market policies really prohibit anybody from far away, even if they have less cost, from competing. So open it up and have a level playing field.

The Chair (Mr. David Oraziotti): Thanks, Mr. Wells. I need to stop you there. Ms. Jones, go ahead.

Ms. Sylvia Jones: I'm actually going to continue in that same vein. Would you be suggesting, in terms of the levy right now that's paid per tonne as the material is taken out—there's a set levy. As we've already heard, there has been a lot of discussion at these hearings already that that levy should be increased. Would you suggest that if the quarry is operating above water table, below water table, the levy would be different? Large and small would be different? Is that where you're going? I don't want to put words in your mouth.

Mr. Robert Wells: What I'm suggesting is that the minister take into account costs in his decisions about, "Do I approve? Do I not approve?" You could extend that to the fees. A logical extension into the fees would be if the minister consistently sees that the cost of what I would call risky quarries is higher than those of less-risky

quarries, which is pretty obvious to me. But anyways, it needs to be researched.

If there are levels of cost, then obviously you'd apply a lower fee to less-risky, less-costly quarries than the others. But start not with people's notions or ideas or copying something; start with some research on costs. As a ballpark number, the UK fee is, I think, £2.10 per tonne, which is roughly 30 times the existing fee here. At the same time as you're looking at costs, don't be afraid of a really, really large increase, because that's probably what you're talking about.

Ms. Sylvia Jones: Thank you for your presentation.

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

MR. RON LEHMAN

The Chair (Mr. David Oraziotti): Folks, our next presentation: Ron Lehman. Good afternoon, Mr. Lehman. Welcome to the Standing Committee on General Government. As you're aware, you have 10 minutes for your presentation—

Mr. Ron Lehman: Pardon? I can hardly hear you.

The Chair (Mr. David Oraziotti): Sorry. You have 10 minutes for your presentation—welcome to the Standing Committee on General Government. You have 10 minutes. Please state your name for our recording purposes.

Mr. Ron Lehman: Good afternoon. My name is Ron Lehman. I am a resident of Orangeville who is deeply concerned about the proposed Highland mega-quarry. I thank the members of the committee for traveling here today and allowing me to share those concerns.

"Red herring" is defined as "a clue to be misleading." This is and has been the modus operandi of the Highland Companies since landing in Melancthon township in 2006. It is a red herring of monumental proportions aimed at making billions of dollars at the expense of an ecosystem/farmland unique in its composition anywhere in Canada. According to statistics, Canada has less than 1% of class 1 land of its land mass to produce food for the 34 million inhabitants, and that includes, ladies and gentlemen, the vastness of the grain-producing prairies.

With a short growing season, disappearing farmland to housing expansion and other venues, we don't need to lose approximately 10,000 acres of prime farmland to a lake and other forms of destruction of the Honeywood silt loam in and around Melancthon township. Lakes are nice, but we have enough in Ontario now.

This is very important what I'm going to say now. I pray you please listen very carefully. On May 15, 2000, Walkerton, Ontario, residents began getting sick from drinking tap water from the municipal water system due to pollution. Today, the Ministry of the Environment has an ambitious program under way to protect drinking water with source protection, to uncover any and all sources which might contaminate our drinking water, meaning sewers, road salt, chemicals, farm runoff etc., all

with citizens' participation. We had an open meeting with MOE employees on April 17 of this year here in Orangeville seeking to find anything which will contaminate our drinking water.

With all the talk of contamination from digging a 200-foot deep quarry and pumping 600 million litres of water daily to keep the aquifer viable to grow food in Melancthon township, it seems to me the Ministry of Natural Resources is at cross purposes with the Ministry of the Environment. One wants clean drinking water; the other could potentially contaminate it forever.

The new 2012 summer edition of *In the Hills* has a very disturbing article on page 4 by publisher/editor Signe Ball where she makes reference to Highland Companies seeking a take-water permit to extract—strangely enough—600 million litres of water a day to probably sell on the open market. This comes as no surprise to me, hearing of this just last Friday. I suspected something like this when I first heard of the vastness of the mega-quarry scheme two years ago.

So, initially Highland told us they were going to pump 600 million litres of water a day. They didn't tell us they may want to pump it into bottles to sell for profit. Maybe there won't be a lake or rivers or wells or fish or birds or trees and, strangely, potatoes growing under water.

A great book to read, *The Man Who Planted Trees*, is the story of a Frenchman who went to live in a remote region in France devastated by deforestation after losing his wife and daughter. He planted millions of trees over many years, lost his gift of speech because of isolation but brought back the rivers, birds and, finally, the people. Before he died he was cited by the French government of the day for his efforts. You can find it all on Google. We don't want this in Melancthon or any other township in Ontario.

So is it limestone and water Baupost hedge fund manager Seth Klarman is after? The end result will be destruction of a large part of southern Ontario and five or more rivers by a profit-seeking foreign entity, and it needs to be stopped post haste.

I do not have time or resources here to present all the facts in the publication *In the Hills* or the Clean Water Act proposed. Instead, I respectfully request those with interest to read them.

As much as any government wants it both ways, this is one time someone in government is going to lose, and I hope and pray it's not the MOE. This large corporation—referring to government—must divulge what both the left and the right hands are doing. Taxpayers in this province deserve nothing less than an open, honest flow of information on the results of what can be called a very rude intervention on our lives by the outdated Aggregate Resources Act and Highland's proposed mega-quarry.

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We also deserve nothing less than pure drinking water and excellent food production from existing farms. With the world's population exploding, food production must take precedence over rock picking. If Highland wants to pick rocks, there are over 2,000 miles straight north and

over 4,000 miles east to west to select from, which are outside the farmland we need for food production. Let them go there or back to their respective countries, because we can't grow food on the rock in the north country. Or Highland/Baupost could go to the 25,000 acres of ranchland they own in northern California for water and limestone before they develop it for their wealthy clientele.

I have worked in our marvellous Northwest Territories and seen the pristine lakes, rivers, permafrost, oceans and the vastness of a lonely land that allows very little to grow higher than eight or 10 inches during summer months. As harsh as it may seem, it is very fragile, and so is our land in Melancthon and area. Like our Inuit brothers and sisters, we, too, rely on the land for our livelihood. Inuit do not destroy the land they live on; mining companies do.

If you want to know what a huge quarry looks like, perhaps you noticed the quarries south of the town of Caledon on each side of Highway 10 on your way here today. If you missed them, stop and have a look on your way home to Toronto, and multiply that by six or seven to realize what Highland Companies wants Melancthon township to look like. I've lived in this area since 1970 and followed many gravel trucks down Highway 10 and had many windshields broken by flying stones over the years, going to work in the morning. I am overjoyed at the prospect, now that I am retired, of not having to negotiate my way through up to 300 trucks an hour, 24-7, using the local roads to deliver their rock loads if this quarry is approved. Perhaps their loss of gravel will relieve the Ministry of Transportation from salting the roads in winter, making us all healthier, happier and richer.

If you go to Wall Street in New York City and randomly ask any well-dressed businessperson going to work in the big buildings on that famous street about Melancthon township, they will tell you that it's in Ontario, Canada, and it will be host to a very large limestone quarry expected to make the owners of a hedge fund extremely wealthy. One such person was heard to remark, "The stupid backwoods Canadians don't know a good thing when they see it." Well, I am neither stupid nor am I backwoods. If I want to meet people like this, I'll go to the Ozark Mountains in the United States of America.

In conclusion, I passionately and respectfully petition all MPPs to update the ARA to disallow this mega-quarry and any other because of its size, in view of its impact on the citizens of Ontario and our precious lands and rivers, this to include the taking of our water for profit. Both land and water are ours and are not for sale.

Thank you for your time and your interest. I hope wise decisions will come of these hearings.

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

We'll go to questions. Mr. Colle, Liberal caucus.

Mr. Mike Colle: I'd like research to give us a bit of context in terms of taking water permits and what's

allowed, since the presenter made reference to the fact that the company he referenced is looking at potentially selling bottled water—just to see if there are processes in place that regulate the selling and extraction of water.

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

Mr. Mike Colle: And what is the name of that man who planted the trees in France? You didn't mention his name.

Mr. Ron Lehman: I looked it up, but I didn't write it down; I should have, perhaps. He's quite an individual. He died maybe 15 years ago. He was an amazing human being. The book is a very famous book.

Mr. Mike Colle: Thank you very much for your excellent presentation.

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

Ms. Sylvia Jones: Because these hearings are related to looking at the current Aggregate Resources Act, seeing what needs to be changed, what needs to be updated, would you like to see a change in the ARA that would trigger either an automatic EA with a certain size application—near the end, you talked about, because of the size. Is there a specific recommendation that you have for us as committee members? Should there be a trigger based on size?

Mr. Ron Lehman: Sylvia, you're my MPP, and you and I know one another a little bit. There are enough quarries in this area now. When I made reference to go north, there's lots of areas outside of this area. Sure, as Bob said, there's lots of concrete in the ground here in this area, and I think we should just leave it alone. This is an area that's got millions of people who rely on this—food, the water and all the beautiful countryside that we have. Stop having quarries. Size, as far as I'm concerned, shouldn't matter. Big or small, we've got enough now.

I knew Conn Smythe when he was alive. He started this quarry down here in Caledon. His name used to be on that little building that's still there. I talked to him. For him, it was just money—money, money, money; they can't get enough money, these people, and they don't care. When they're all finished with this whole thing, they're going to walk away and leave us with a mess, guaranteed. That's just the way these people operate. They don't give a damn.

Ms. Sylvia Jones: But we, as a committee, also have a responsibility to make sure that no matter where they are, they are done safely and in relation to respect for the environment. While I understand your point about "When is enough enough?" we have to make sure that the ARA is set up in such a way that all of Ontario is protected, quite frankly, whether you're protecting a single bird or thousands of—

Mr. Ron Lehman: Sylvia, what I would really like to see is the Ministry of Natural Resources draw a line way north of this area where our farmland is. We're screwing up our farmland. We're taking it every day. Take a look at what's going on—go down all the highways north and south. My God, it'll just be a big subdivision, before you know it, from here to Toronto.

Ms. Sylvia Jones: So would the ARA amendment be that A1, A2—certain classes of farmland—are protected? I mean, I'm looking for suggestions on how the ARA can be updated.

Mr. Ron Lehman: Do I have to make myself totally clear on this?

Ms. Sylvia Jones: Yes.

Mr. Ron Lehman: Stay away from farmland. Anything where there's food grown, stay away from it. No quarries, period. Period. Absolutely period. I mean, is that clear enough for everyone to understand that?

The Chair (Mr. David Oraziotti): Crystal. We've got it.

Mr. Ron Lehman: Thank you very much.

The Chair (Mr. David Oraziotti): Thank you. We need to—

Mr. Ron Lehman: Go north. There's lots of rock up there. I've been to the Northwest Territories. I've been in every province and in every city in this great country. I've been to the Magdalen Islands. I've seen everything in this country, believe me. I'll tell you, there's lots of rock to be had anywhere. They don't have to come here and ruin our great farmland. This farmland we have up here is unique, and I mean utterly unique. I've driven across the prairies when the grain is coming and seen what's going on there year after year. I love this country, and I can't stand people coming in here to ruin it. And you people in government have got to wake up and say, "No more." Put your foot down and say, "No more."

The Chair (Mr. David Oraziotti): Mr. Lehman, thank you—

Mr. Ron Lehman: Never mind all this nonsense about, "Oh, should it be class 1 or class 2?" No. Draw the bloody line and say, "This is as far as you guys can go."

The Chair (Mr. David Oraziotti): Just one more question. NDP caucus: Go ahead, Ms. Campbell.

Ms. Sarah Campbell: Thank you for your presentation. Just sort of building on some of the questions that Sylvia asked you, what, in your view, other than protecting farmland, can be done, if anything, to address your concerns and also allow quarries to go ahead, maybe in other parts of the province? It sounds like you're—

Mr. Ron Lehman: I think I made that very clear, Sarah. Go north. Go north. There's all kinds of rock up there. Sure, somebody says, "Yeah, come to Melancton township. The word is out." Go to Wall Street. They know where Melancton township is on Wall Street—oh, yeah. They know. They really know. They think we're a bunch of stupid bloody Canadians, and I really mean that, because I've talked to them down there. I know. I almost got into a fight with a couple of black guys right on Wall Street because of this last year. I'm tired of this nonsense of people coming into our country and telling us what to do because they want lots of money in their pocket.

Mr. Rosario Marchese: Mr. Lehman, a quick question—

Interjection.

Mr. Rosario Marchese: If there's no time, that's fine.

The Chair (Mr. David Oraziotti): I think we're over the time.

Mr. Rosario Marchese: Very good. Go ahead. Move on.

The Chair (Mr. David Oraziotti): I think we're going to move on.

Thank you very much, sir, for coming in today. We appreciate your presentation.

Mr. Ron Lehman: Thank you very much.

PROTECT CALEDON INC.

The Chair (Mr. David Oraziotti): Our next presentation: Protect Caledon. Mike McGarrell?

Mr. Mike McGarrell: Good afternoon. My name is Mike McGarrell.

The Chair (Mr. David Oraziotti): Good afternoon. Welcome to the Standing Committee on General Government. As you're aware, you have 10 minutes for your presentation. Simply state your name for our recording purposes, and anyone who will be speaking—if both of you will be speaking or one of you will be speaking—just state your name before making your comments and you can go ahead with your presentation. Thanks.

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Mr. Mike McGarrell: My name is Mike McGarrell. I appreciate the opportunity to present to the committee this afternoon. I'm a director for a residents' group called Protect Caledon Inc.

In September 2011, a small number of residents in the Palgrave community of Caledon were notified that the town of Caledon was holding a public meeting to discuss a massive below-the-water-table expansion of a long-inactive pit in our highly populated, residentially zoned neighbourhood. This site plan amendment application had been submitted in June 2009 and we were all blindsided by the fact that the town, not the MNR, finally chose to inform the residents 27 months after the initial submission to the MNR.

These are the lessons that we have learned since September 2011:

(1) Notice is not sufficient.

MNR kept telling us that they were under no legal obligation to inform any residents about this site plan amendment, even though it was going to seriously affect our lives. In fact, this is not true. The ARA is silent on notice re site plan amendments. The MNR policy manual for site plan amendments for below-the-water-table expansions gives clear guidelines on notification. The process is proponent-driven.

The MNR chose not to have the proponent follow the policy until the public put pressure on them. They did post it on the EBR, but didn't notify anyone that they were doing so. Why would anyone in our community have had any idea that they should be regularly reading the EBR? Most of us have never even heard of the EBR. This notification is what I call democracy for the interested; in other words, "We don't need to tell you. Find it yourself."

(2) There's no such thing as grandfathering.

The ARA does not contain any language that states that old pits and quarries should be exempt from current legislation and laws, including the requirements under the Oak Ridges moraine legislation, yet MNR staff, by practice, frequently use the excuse that older pits are somehow grandfathered or exempt from current standards. This is unacceptable. There should be strong requirements for older pits and quarries to be brought up to date with current legislation, regulations and policy, due to the fact that that many of these older pits have never had to undergo any rigour and are not operating to current regulations and standards.

Applying for an amendment to a site plan for an existing licence is a gaping hole the aggregate operators have seized upon to circumvent the rigours of a new licence application, including environmental scrutiny and the production of technical reports.

For example, a new licence application could take many years and millions of dollars before coming to agreement on the operating conditions of that licence. After the licence is granted, the operator can submit a site plan amendment to change any or all of the agreed conditions with the simple approval of a district aggregate officer or manager's signature.

In our specific case, a development agreement was negotiated with the town of Caledon in 1990 and the owners of two licensed pits who wanted to merge and expand. It was specifically agreed that, in exchange for rezoning, the owner would remove aggregate above the water table for a specific period of time, remediate the complete site and establish residential lots for development and relinquish the aggregate licence.

This site was mined and abandoned. New owners have come along who want to ignore all of these licensed conditions for their massive below-the-water-table expansion. This grossly disrespects the residents of this community who were told that this pit had completed all extraction operations and the only land use would be residential.

So please fully understand that site plan amendments allow aggregate operators to promise the world to get what they want and then submit a site plan amendment to remove what they did not want in the first place, and the decision is at the discretion of the MNR.

Many of the pits and quarries were licensed 40 or more years ago when the locations were not in close proximity to built-up residential areas, but as these pits lay dormant, the residential communities have now encompassed these old pits, and the opportunity to negatively affect residents is becoming more evident. The systemic problems with the existing ARA clearly exhibit a lack of concern for those that will be directly affected through water quality and quantity, proven serious and adverse respiratory and other health effects, decrease in land values within close proximity to an aggregate operation, and the increased traffic congestion on roads where our children wait to be picked up by school buses.

(3) Residents should not have to pay money to hire lawyers to make the government follow their own laws.

This close-to-market myth being promoted by the aggregate industry, and the MNR has created a terrible situation for the unfortunate residents who have the grave misfortune of buying a home next to an area where a pit or quarry decides to operate. Why do the rights of the very wealthy private aggregate operators supersede the personal rights of residents? In order to fight to protect their homes and families, homeowners are forced to spend their hard-earned money, that should be spent on our children's education and our families, on lawyers to fight David-and-Goliath battles to try to protect our homes and families.

Again, in our case, the pit expansion we're fighting is located in a natural linkage area within the Oak Ridges moraine. The Oak Ridges moraine conservation plan prohibits below-the-water-table extraction. MNR's own aggregate policy confirms this. Yet we believe that this site plan amendment will be approved and we'll be forced to go to court to ask for a judicial review to force this Ontario government and specifically MNR to follow its own legislation. This is wrong.

What we have concluded in our review: During the many hundreds of hours expended by the residents in my community, we have summarized that there needs to be an immediate need to overhaul the MNR and the way the ARA and associated regulations and procedures are enforced.

(1) This is not just about the ARA. The ARA is the framework. The provincial policy statement needs to be amended, specifically section 2.5.2.1 of the PPS, which states:

"As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible.

"Demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of mineral aggregate resources locally or elsewhere."

The decisions that you are making here today are "forever" decisions. We do not have an infinite supply of water. We've had our farmers tell us that there is only 0.5% of our land left for prime agricultural use, yet you don't require aggregate operators to demonstrate need before they start digging up the Niagara Escarpment, the Oak Ridges moraine and the greenbelt as well as our precious remaining prime agricultural land.

(2) Stop calling this an approval process. The current process has a predetermined outcome of approval. It's up to residents to fight to uncover information about the application and gather the resources to fight the approval process. It is inherently and unnecessarily adversarial.

The balance and distribution of input and decision-making should become more balanced to include the MOE, the MTO, the Ministry of Health, conservation authorities, the Environmental Commissioner's office and municipalities.

An independent review body should be created whose staff do not behave as if they are employees of the aggregate industry, with one job and one job only: Get the licence or site plan approved, no matter what the negative effects are to the residents.

There should also be an impartial third party mediator where residents can go for help when these conflicts arise so we do not end up in multi-million-dollar prolonged legal battles.

(3) Self-regulation is not working. The policies, practices and procedures of the MNR are wholly self-regulated, and the decision to abide by their own legislation is left up to the path of selective will to get the aggregate out of the ground. Aggregate operations continue to operate with noted continued violations, with little, if any, enforcement. Inspections of aggregate sites are not random and are usually announced in advance, so operators can repair deficiencies and fall back to poor operating practices thereafter.

All licences and site plan amendments should be subjected to the stipulations of a new licence application, with all of the rigours and public input required to achieve a democratic outcome.

Final recommendations:

(1) There should be an immediate moratorium on all licences and site plan amendments pending the completion of this ARA review.

(2) MNR must follow its own established policies and procedures.

(3) The burden of proof for the need and necessity for aggregate production has to be put on the proponent.

(4) The approval process has to be transparent, accurate, and has to include all levels of government at equal weighting and input.

(5) The site plan amendment process has to go through the same process and rigours of a new licence application. Lastly,

(6) MNR and local municipalities have to engage their residents and should share the power of meaningful decision-making on behalf of their residents.

There are two maps that I've included in my package. The first one, the region of Peel official plan: If you look at that particular map, it shows on the top right-hand corner where there is a high-potential mineral aggregate resource area. Just above that, I've drawn a little square. That happens to be the Palgrave Public School. I find it very disjointed that this is a high-potential aggregate area, but it could be developed literally across the street from our largest public school.

The second map that I've included defines the vulnerability of aquifers in the area. You'll see I've drawn a square that shows the location of the Tottenham pit. It is located in the highest-vulnerability aquifer area. There's another interesting point, in conclusion. There are three aquifers directly below this Tottenham pit: the Oak Ridges aquifer, the Thorncliffe aquifer and the Scarborough aquifer. Thank you.

The Chair (Mr. David Oraziotti): Thanks for your presentation. Now we'll go to questions. Mr. Arnott, go ahead.

Mr. Ted Arnott: Thank you, Mr. McGarrell, for your presentation. You've very articulately explained your concerns, and I think members of the committee have a good understanding of your perspective on the application—of course, what you're concerned about, as well as the general policy.

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You say in your very first recommendation or bullet point that notice is not sufficient. I would agree with you that there is insufficient notice given to affected landowners when it comes to these kinds of applications. In fact, I was surprised a couple of years ago to discover that there's no requirement whatsoever to even inform the member of provincial Parliament who happens to represent the constituency when an application comes forward.

In a perfect world, in an ideal world, what sort of notice do you think would be reasonable, appropriate and should be pursued by the government in terms of a requirement? Should every landowner receive a letter within a specified geographic area? What would you suggest would be the best way?

Ms. Cheryl Connors: Cheryl Connors, speaking on behalf of Protect Caledon: We would suggest that the notification mirrors the Planning Act notification for consistency's sake and for clarity of communication to residents. It doesn't make sense that it's different.

Mr. Ted Arnott: Thank you.

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

Mr. Rosario Marchese: Thank you for the presentation you made. You raised a lot of points that we've talked about in past hearings. You talked about demonstration of need that there's no requirement for those who extract aggregates to demonstrate need. I happen to agree with that, and I think we should impose that requirement on them. That's a serious concern of mine as well.

The way you list your points on page—oh, you don't have pages. One of the pages makes reference to what Robert Wells was talking about, and that was the whole idea of including in the Aggregate Resources Act the requirement to calculate total costs. I think there's general agreement here from people who are here that where it affects the air, where it affects water and where it affects farmland, there should be an imposition of cost on the aggregate folks who are applying for a permit to pay those higher levies. I'm assuming you think that's a good idea too, right? Because if we did that, some of them may not be able to afford doing business, I'm assuming.

Mr. Mike McGarrell: Well, I think the areas you've mentioned are a good start. I think some of the other areas that need specific attention are loss of value on residential properties in close proximity to the pit. To me, that's a very integral part of full-cost accounting, because there have been studies undertaken that show that there is a significant loss of our primary residential values when a

pit is in operation, and I think that's part of the full-cost equation.

Mr. Rosario Marchese: So you think we should build that in, in terms of the licensing fee—all those costs, including infrastructure costs to cities?

Mr. Mike McGarrell: Yes, I'd agree with that.

Ms. Cheryl Connors: I just want to say that in the full-cost accounting principle on the air-quality issue, Mr. Cressey—what is the cost of a human life? There are no safe buffers. I'd like to be clear on that in terms of how dust particulates spread out. How do you put a monetary value on our health? These are grave, serious health consequences that this committee needs to look at. The bottom line is, until the industry starts spending money to find safer ways to mine the aggregate material—and that technology does not exist—it doesn't belong where people live.

Mr. Rosario Marchese: I hear you. With respect to—

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

Mr. Rosario Marchese: Move on? Okay.

The Chair (Mr. David Oraziotti): Yes, we're done.

Liberal caucus?

Mr. Mike Colle: Yes, I'm just wondering, in terms of the ability for government to put people on notice that there's a cost to aggregate extraction, what about a proposal that says that before you approve a new highway, a new courthouse, a new arena, a new school, a new hospital, a new subdivision, you take into account that that could have an impact on your drinking water, because it could have an impact on the demand for aggregate in your community, and that that should be costed in and that the proponents of the new subdivision or the new highway should be asked to incorporate those long-term costs on places like Caledon and the general area when they propose to build new subdivisions and new highways and new hospitals and new schools?

Mr. Mike McGarrell: Well, not being fully conversant with the cost structure of a municipality, my understanding would be that if there are new buildings and new infrastructure required, then that comes from the existing tax levy or that the tax levies are increased.

What our experience is, and what we're fighting right now is, a third of the residents in close proximity to this pit rely solely on well water. We don't have town water. We can't fall under regulations that would apply to a town-provided supply. We don't have that.

Mr. Mike Colle: No, but I'm saying, why not include the cost in aggregate extraction before you approve the new subdivision, the new highway, the new school, the new courthouse?

Mr. Mike McGarrell: What I've heard thus far in the last 45 minutes is that there's an obvious shortfall in the actual cost of aggregate. So if the tide rises, all boats go up to the same level. If the aggregate cost per tonne needs to go up, then that is the cost of doing business and providing that product. I know there has been discussion, and I don't want to delve into it today because I'm not

that well versed, but my understanding is that the recycling of concrete is abysmal in this province.

Mr. Mike Colle: But my point is, before you approve a new highway, you equate that with the fact that you're going to have to extract aggregate.

Mr. Mike McGarrell: Correct.

Mr. Mike Colle: And before you approve the new highway you say, an extra cost, before approval, is you're going to have an impact on farmland, because you're going to have to get the aggregate from somewhere.

Mr. Mike McGarrell: That's right. Aggregate does have to come from somewhere, but it doesn't necessarily need to be—

Mr. Mike Colle: Because right now, there's no correlation, it seems, between saying, "I want a new highway"—yes, but it means you're going to have to get it from some farmland quarry.

Mr. Mike McGarrell: It doesn't need to be from a farmland quarry.

Mr. Mike Colle: But that's what they're doing right now.

Mr. Mike McGarrell: And that's what we're saying. That shouldn't be happening now. There's lots of supply, and it doesn't—

Mr. Mike Colle: Because there's no equation between the two. That's a cost.

Mr. Mike McGarrell: There is a cost. If you mine out of northern Ontario and bring it down on a unit train, does that cost as much as bringing it in on a cost-per-tonne basis on a highway through a populated area? I don't know that. Quite frankly, I rely on our politicians to figure those things out.

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

MS. MARGARET MERCER

The Chair (Mr. David Oraziotti): Our next presentation: Margaret Mercer. Good afternoon. Welcome to the Standing Committee on General Government. You have 10 minutes for your presentation. You can start by stating your name, and then you can start your presentation.

Ms. Margaret Mercer: Margaret Mercer. Thank you for the opportunity to comment during this ARA review process. While we're not here to discuss the mega-quarry per se, it must be noted that the strong public outcry from that behemoth has risen to a roar, prompting review of Ontario's outdated aggregates legislation. I do have several recommendations at the end of this presentation.

I own a 47-acre property in Melancthon township. Approximately 60% is conservation wetland under Nottawasaga conservation jurisdiction, with numerous plant, reptile and fish species, some considered threatened under Ontario's Species at Risk program, plus hundreds of bird species. I've worked hard to foster a sustainable ecosystem by planting hundreds of trees in many varieties, among other ecological initiatives, but it is

challenging and hard work encouraging biodiversity. In some cases, I have overpopulation because there is literally nowhere else for the species to go. My property should serve as a model of what Ontario strives for, because biodiversity is essential to our health, while threatened by habitat laws, drought and pollution.

I direct this to the Liberal MPPs: Recently, the Premier said he wants to make Ontario more liveable. Liveable communities don't include quarries, and certainly not mega-quarries. We can't, on one hand, say we strive for healthy, liveable communities while permitting quarries to operate and expand at the expense of significant agricultural lands and wetlands.

Behind my property is one gravel pit, and next to that another larger quarry operator that has applied for expansion. More troubling, the first phase of the 2,300-plus-acre proposed mega-quarry is situated some five kilometres north of me. How is it that an essential conservation wetland must fight to exist amongst a neighbourhood of quarries that threaten air quality and water supply? My concern today, as all concerns should be, is the social, environmental and human consequences of allowing aggregate extraction to dominate our lives as it does today.

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The intrusion of quarry activity has invigorated community activism as we battle to preserve basic human needs. The argument can literally be framed this way: What do you care about—human health or money? We must move away from a monetary discussion. I do not agree with Rob Wells's comments. Clearly, if quarries were such an attractive proposition, companies wouldn't hide their intent, as Highland did, and hundreds of thousands wouldn't be protesting to stop them.

In the city, industrial and residential do not mix. Imagine a quarry in the middle of Toronto's Rosedale or Forest Hill. Can't happen, right? Then why is our farmland so expendable? Honeywood loam soil is a precious resource. The land up here feeds all of us. Farmers live and work their land while, on the other hand, aggregates make land unusable for much else. You can be sure that the head of Highland will not be living on or near the mega-quarry. He actually lives in Oakville.

Aggregates are industry and should be highly regulated, the same as any industrial core. They don't belong in healthy farming communities. So you have the farmer who works his land living next door to a quarry unsuitable for habitation. It's absurd.

Frankly, I'd like some proof, some tangible numbers, as to how badly we need aggregates. To a great extent, our current lifestyle does depend on this finite resource, but that is one flawed concept that I suggest must change.

"Need" is an interesting word. What do humans need? We need clean air, we need clean water, food—not just any food: fruits, vegetables, grains, dairy products. Needing aggregates is like needing heroin or crack cocaine. It's not good for us but we have little choice today. We depend on aggregate even though extracting it disrupts our essential human needs, releasing harmful

dust particles, destroying farmland and potentially impacting water. Basically, we need that hole in the ground like we need a hole in the head.

I hope that this ARA review demonstrates that there are already far too many quarries in Ontario, with legislative changes ensuring industry best practice for greater liveability and healthy communities.

Consider these statistics. The percentage of quarries that MNR inspectors now attempt to visit in person each year to verify industry compliance reports: 20%. The percentage of surveyed quarries that the MNR found to have compliance problems when it conducted an internal review in 2006-07: 80%.

Let's not be in denial about how the industry harms our well-being. At the very least, let's look for creative industry practices that also balance our need for farmland and agricultural preservation, not to mention respect human health. This is not a political or partisan viewpoint. The legislation, as it stands, does value aggregate extraction over preservation of farmland. Is that really our vision for Ontario? Ontario: Yours to Discover. Discover what a mess the quarries have made? Under the circumstances, maybe a more appropriate slogan should be Ontario: Yours to Quarry.

Aggregate companies should not be allowed to operate without consideration of other land uses in Ontario. More importantly, again, I suggest we find ways to reduce our need for and dependence upon aggregates. The industry is ripe for innovation.

As for our precious water, we know that it's unpredictable. Consider what occurred in Kingston when there was a massive flood in a quarry which ended in litigation between Wood's Sand and Gravel Ltd., area residents and the Ministry of the Environment. During the weekend of September 23 to 24, 1989, a pressure crack appeared in the quarry floor. Within days, the water in local residential wells surrounding the quarry diminished rapidly. While pumping one million litres of water per day had been adequate to keep the quarry dry, the capacity had to be increased to six million litres, and the inflow was still increasing at a faster rate than they could pump out.

We should be concerned about drinking water, but also recognize that a similar catastrophe would reduce the flow into the various rivers and decimate local streams and wetlands. It would reduce moisture in the surrounding farmland and make the area unsuitable for any farming, let alone high-value potato farming.

As a university professor who teaches public affairs, I offer this: There is a phenomenon at play globally today called the rise of social democracy. I don't mean this in a partisan way. I mean the rise of public involvement on an unprecedented level. People can and will protest on the largest possible scale. There were approximately half a million signatures against the mega-quarry in an online petition. If governments today want to be in sync with their constituents, they can't ignore our voices.

I mention this because although you're listening to presentations, I don't believe you're under any obligation

to actually consider anything you've heard. You could decide to ignore everything that's been said during this process. I'm not suggesting you will; I'm simply suggesting you could. I encourage you to really hear these presentations so you can make a profound difference.

I ask that new legislation take a far more interventionist approach towards aggregate operators. In this respect, I suggest several recommendations:

(1) Give the public more time to respond to quarry applications. The time frames are set up to support quarry companies while residents must be knowledgeable literally overnight. Instead of giving residents the small window, give the applicants the small window.

(2) Change the paradigm to discourage rampant quarry operations and push for reinvention. Make environmental assessments standard practice, essential if your vision is liveability.

(3) Encourage the aggregates industry to develop made products or recycle as alternatives to aggregate extraction. Only 7% of Ontario aggregate production comes from recycled material. In the UK, however, 21% comes from recycled material. Again, make aggregate companies creatively reinvent their industry, prove need and develop methods that don't adversely impact the environment. In the US, the American Society of Civil Engineers rewards innovation. Last year, one aggregate company developed a concrete mix that contains only 2% cement, while the rest is made of recycled material.

(4) If it's a mega-quarry, then call it what it is: It's a mine. Put it underground to contain it and minimize the impact on the air quality. Or simply say no to below-water-table quarries as they're too risky, too impractical, too destructive. We don't need something 200 feet underground, because the need for that buried rock is not greater than our need for water and clean air.

(5) How about a provincially designated area away from farms and cities that is quarry land, a zone that is industrial only, zoned for quarry use and has minimum population?

(6) Identify communities that don't mind quarries, and have government involved in finding those sites. There are quarry families and people who work for quarries that could see quarries as quite feasible in their communities. Or even better, what about this: You must live in the community where you wish to run your quarry.

(7) Create citizen committees that develop potential sites and relationships with communities who, again, may be okay with quarries. The discussion could also establish best practices and improvements in quarry operations, such as use of greener technologies. Include men and women from all walks of life—farmers, teachers and the like—not just corporate giants in these citizen review committees.

(8) Limit the land size of quarry sites.

(9) More regulation: Make it difficult—onerous, in fact—to operate a quarry, in order to protect our environment. As quarries reap millions in profits, make them pay the community to cover potential liability issues.

(10) Expire aggregate licences and make them renewable every two or three years. Raise the cost of licences or take a commission from aggregate extraction and give it to the community; possibly a 10% commission.

The Chair (Mr. David Oraziotti): Sorry. Number 10, is that—

Ms. Margaret Mercer: I'm not finished.

The Chair (Mr. David Oraziotti): We're over time, so you need to try to wrap it up and then you'll have an opportunity in the questions.

Ms. Margaret Mercer: Okay. Make site plan amendments public, not an internal process that is done covertly.

Make the cost of getting in high. If you're destroying an area while making millions, there should be consequences.

Can I keep going?

Ms. Sylvia Jones: Yes. She can use our time. I'd rather hear the presentation.

Ms. Margaret Mercer: Thank you very much.

In summary, in a truly liveable Ontario, we must tighten the standards for the industry, set up barriers to entry, and reward reinvention. I'm sure the industry will respond if you challenge them by finding new, better ways to exist within these reforms through innovation and greener technologies. If not, then maybe it's time for it to die. Everything else has been forced to reinvent.

Finally, it's time to speak out against the many quarries that surround us. Aggregate extraction today is a highly profitable industry that offers commercial benefits above all else. Let's anticipate a new day for Ontarians with a harder line toward the long-standing preferential treatment granted to quarry operators, and let's keep the dialogue going.

Again, the elephant in the room, as far as I'm concerned, is the mega-quarry, so I will close with that. In rural Melancthon, you're talking about a mine that in just this initial phase is almost 10 times larger, two times deeper at its deepest, where they'll have to pump six times as much water and expect to have five times as many trucks on the roads.

Trucks on roads: There are safety issues with that. The other day, I was driving on County Road 17, west of 124. There are many trucks from local quarries located on 4th Line. It's one of the proposed haul routes for the mega-quarry. Two young girls, maybe 10 years old, were riding their bicycles in the middle of the road in the oncoming lane. This is a community with families, children running freely. Safety issues alone are not considered.

The mega-quarry: impractical, irresponsible, unliveable, insane. Why are we even contemplating this? Protect our air, water and farmland. Please introduce any and all legislative changes that stop the mega-quarry now. Thank you.

The Chair (Mr. David Oraziotti): We've given you the extra time so we're not going to have any questions. Thank you very much for coming in today.

Mr. Rosario Marchese: We don't have a presentation—

1510

The Chair (Mr. David Oraziotti): You did not have a presentation to hand out, Ms. Mercer?

Mr. Rosario Marchese: Margaret, you don't have a copy, do you?

Ms. Margaret Mercer: I could email you one.

The Chair (Mr. David Oraziotti): That would be great.

Mr. Rosario Marchese: Thanks.

MR. BRENT PRESTON

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

Mr. Brent Preston: Thank you very much, committee members and staff. Thank you for having me here today. I'm going to try to keep my remarks relatively brief so we have lots of time for questions. I'd love to talk about any of the issues that come up during my talk. I'm going to confine my remarks to a sort of smaller subset of issues, because I know many of the other presenters are going to cover a lot of the other bases. But I'm happy to talk about any of the issues around this issue.

My name is Brent Preston. I'm an elected member of council in Clearview township, which is just north of here and includes the communities of Stayner and Creemore, and I am a member of the board of directors of the Nottawasaga Valley Conservation Authority, though I'm speaking to you today as a private citizen and not as a representative of Clearview township or the NVCA.

I want to present to you today what I think is a strong economic argument for changes to the Aggregate Resources Act. I'm very happy that you've chosen to come to our community to hold hearings so we can show you how the current model of aggregate extraction threatens very important sectors of our local and provincial economy. I will argue that there are solid dollars-and-cents reasons to ensure that our provincial aggregate policies do two simple things: protect prime farmland and protect our natural landscape and environmental features.

I'm proud to say that my wife and I are full-time, professional farmers. We derive all of our income from our 100-acre farm near the village of Dunedin, except for my council salary. My wife was raised on a sheep farm, but I grew up in suburban Toronto and had no farming experience before we bought our place 10 years ago. At that time we saw a business opportunity and we began growing specialty vegetables for the restaurant and retail markets. We are now in our sixth growing season and the business has grown exponentially each year. More than half of our sales are within a 50-kilometre radius of our farm, including Collingwood, southern Georgian Bay and here in Orangeville. The rest goes to the GTA.

The local food movement has resulted in an explosive increase in demand for our produce, and farms like ours are popping up all over southern Ontario. Our farm is

typical of many other small-scale specialty producers, in that we target gross sales of approximately \$30,000 per acre. We have eight acres in production this season and we are on track to exceed our sales target of a quarter of a million dollars. We now employ five full-time seasonal employees, and our business has helped open new opportunities for our local distribution, retail and restaurant partners. The local food movement is for real and it is having a significant impact on our provincial economy.

But it is not just the local market that is booming. Cash crop farmers in this community are enjoying record commodity prices, and at the provincial level food processing is now Ontario's third-largest manufacturing sector and employs more people in this province than the auto industry. The local food movement and growing global population have combined to make this a time of unprecedented opportunity in the food and agriculture sector in Ontario.

At the root of this opportunity is one simple fact: We are blessed in this province with some of the best agricultural land in the world. I spend a great deal of time literally on my hands and knees in the soil on my farm and I am continually amazed at how productive it is. My farm is less than 10 kilometres from the site of the proposed mega-quarry and my soil is very similar to the Honeywood silt loam in that area, but not quite as good. I'm not going to go into a lot of detail about the mega-quarry in particular, but I think you know how many in this area feel about it. I think it's important to recognize how incredibly valuable that farmland resource is.

All over the world, governments and corporations are recognizing the value of prime agricultural land and the looming shortage of this precious natural resource. It seems foolish in the extreme to allow aggregate extraction to permanently destroy such a valuable renewable resource. The economic benefits of our rich farmland can be realized literally forever if we extract them sustainably. Quarrying destroys farmland forever.

Agriculture is at the heart of our rural economy and society, but it is not the most important economic activity in many parts of Ontario. Clearview township, like Caledon, the Blue Mountains, Collingwood and most of the countryside within a two-hour drive of the GTA, now relies heavily on tourism, recreation and weekend residents to drive the local economy. In my tiny community of Dunedin, there are more than a dozen families that have moved to the area in the last decade. They have come because they want to live in the spectacular landscape of the Niagara Escarpment and because this landscape directly and indirectly provides economic opportunities. My friends and peers are builders, artists, farmers, health care professionals, chefs, retailers, teachers and entrepreneurs.

They have built businesses and they make their living servicing the tourists, weekenders and retirees who visit or live in our community because of our natural landscape. All over this region, there are thousands of businesses, both large and small, that are part of this tourism and recreation economy. Resorts, B&Bs, ski hills, built

supply stores, retailers, restaurants, even retirement homes, physiotherapists and drug stores—none of this would exist without the escarpment and our natural landscape.

I decided to enter municipal politics because I was upset with the way in which our township was handling an application to expand a quarry owned by Walker Aggregates on the crest of the Niagara Escarpment near the village of Duntroon. Last week, a consolidated board of review finally handed down its ruling, which approved the expansion in a split decision. I think that decision will harm the long-term economic health of our community because the escarpment is such a valuable resource for our tourism and recreation economy.

The approval process was also completely ridiculous. It took years to complete and it cost local residents, the applicant and local government bodies hundreds of thousands of dollars. This represents a massive waste of public and private money. It seems like common sense to ensure that quarrying does not take place in sensitive environmental areas like the Niagara Escarpment when these areas have such a huge economic benefit to our province. The official Niagara Escarpment lands make up only 0.2% of the land area of our province. Can't we find other places to get the aggregate we need? A simple, blanket prohibition of quarrying on the escarpment would provide certainty to industry and residents alike and might prevent the kind of costly, prolonged and unproductive dispute we have seen over the Duntroon quarry and so many others in recent years.

I think it is simple common sense to make sure that aggregate extraction takes place in a way that protects prime farmland and the environmental assets that are key to our recreation and tourism industries. The food and agriculture sector contributes \$33 billion a year to our provincial GDP and employs 700,000 people. Tourism contributes \$21 billion and employs 350,000. Aggregate extraction contributes just \$1.6 billion and employs 35,000. Why would we allow the aggregate industry to run roughshod over an agricultural sector that is more than 20 times more important to our economy?

Aggregate sells for an average of \$8 a tonne in Ontario. The salad mix I produce on my farm sells wholesale for \$18,000 a tonne. My salad is worth 2,250 times more than gravel by weight—which was a stat that shocked my wife and me when we figured it out today. I only produce about eight or 10 tonnes of salad a year on my farm, but I can produce salad in perpetuity. You can only mine a tonne of gravel once, and then the land is good for virtually nothing else. Agriculture, tourism and recreation, done right, are endlessly renewable and sustainable industries. Aren't those the ones we should be doing the most to protect?

I'm not arguing that we don't need aggregates or that the aggregate industry is not important, but we simply can't keep relying on virgin aggregate obtained in a way that damages more important industries. It's not rocket science. We must amend the ARA to say, very simply, "We will not mine aggregate in places where doing so

will destroy farmland or destroy significant environmental features such as the Niagara Escarpment.” Full stop. Thank you very much.

Applause.

The Chair (Mr. David Oraziotti): I guess I shouldn't be clapping. Thank you very much for your presentation. First up for questions—

Mr. Rosario Marchese: NDP.

Mr. Kevin Flynn: You always say that.

Mr. Rosario Marchese: No, it is.

The Chair (Mr. David Oraziotti): No, it isn't. Liberals—sorry, we skipped the last round. You're right, Mr. Marchese; go ahead.

Mr. Rosario Marchese: It's okay. It's \$8 a tonne for aggregates; how much is it for your salad?

Mr. Brent Preston: It's \$18,000 a tonne.

Mr. Rosario Marchese: I'm never going to eat it again.

Mr. Brent Preston: It takes a long time to eat a tonne of salad.

Mr. Rosario Marchese: Thank you, Brent. A number of people are saying pretty much the same thing. One of the presenters—Mike McGarrell—was talking about how the provincial policy statement makes this comment—or at least, as part of its policies, says the following: “As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible.” That, essentially, is a big part of the problem. Much of the aggregate that's extracted is here, in the GTA, because it's close to the markets where it's obviously going, including Toronto, in my riding, where the condos are. But that is a big part of the problem, and I think you're agreeing that that policy statement should change.

1520

Mr. Brent Preston: To me, it's a question of priorities. Obviously, the policy, as it stands right now, prioritizes the aggregate industry and the construction industry that it feeds. I actually used to live in your riding. I'm familiar with the condo towers and I know and agree that there will always be a need for aggregate. The question is, is the requirement for aggregate so important that we allow it to damage other industries that I would argue are more important? And also, in a modern, sophisticated, industrial democracy like Ontario, should we have some of the lowest-cost aggregate in the world? To me, it doesn't make any sense.

Mr. Rosario Marchese: The argument the aggregate companies make is that if they have to go and extract the aggregates in the north, let's say—100, 200, 300 kilometres from here—it'll be cost-prohibitive. That's what they're saying.

Mr. Brent Preston: Well, cost-prohibitive to whom? Right now, I think, destroying productive farmland for a non-renewable activity is, in the long run, going to make food cost-prohibitive. Personally, I'd rather have unaffordable gravel than unaffordable food.

The aggregate companies have the advantage of there being not as many of them and their being larger and well

financed. Farms like mine don't have the resources to influence legislation in the same way that aggregate companies might. But there are a lot more businesses like mine, and they're contributing a lot more to the provincial economy than the aggregate companies. So it's great to have this opportunity for the little guy to get heard, I guess.

Mr. Rosario Marchese: Thank you.

The Chair (Mr. David Oraziotti): Liberal caucus. No? Okay. Thank you.

Ms. Jones, go ahead.

Ms. Sylvia Jones: I'm just going to thank you for the presentation, Brent, and with my tongue firmly in cheek, say, I'm guessing that you have a credibility gap with the fact that there's going to be potato farming at the bottom of this proposed quarry?

Mr. Brent Preston: I have yet to meet anyone who thinks that that plan is realistic. All through Highland's application there's evidence that there's a fundamental lack of understanding of basic concepts of soil science and agriculture. You can't move soil from one place to another and have it remain the same and remain productive. It's a living, evolving, breathing substance that can't just be moved around and used like a hydroponic substance or something like that. It's actually insulting that they would expect the residents of this area to believe that they're going to farm at the bottom of a quarry.

Ms. Sylvia Jones: The reality is, in fact, the soil is the way it is because of the subsequent layers below it.

Mr. Brent Preston: The soil can't be separated from the substrate or from the atmosphere or from the water or anything else. This is something that we understand.

We farm organically on our farm. On a typical organic farm, if you take a bucket full of topsoil, it will have more living organisms than the total human population of the earth. We're talking about billions and billions of organisms, and they rely on nutrients from below and from the atmosphere. You can't just pick that up and move it 200 feet under the water table and expect that it's still going to be productive. It's a scientific non-starter.

The Chair (Mr. David Oraziotti): Thanks, Mr. Preston, for your presentation. That's time for today.

Mr. Brent Preston: Thank you very much.

DUFFERIN PARENT SUPPORT NETWORK

The Chair (Mr. David Oraziotti): Our next presentation: the Dufferin Parent Support Network. Good afternoon, Ms. Conning. Welcome to the Standing Committee on General Government. As you know, you have 10 minutes, so simply state your name and you can start.

Ms. Paula Conning: Thanks. I'm Paula Conning. Welcome to Dufferin county. Thank you for giving me the opportunity to present today as a representative of Dufferin Parent Support Network, known as DPSN.

DPSN is a collaborative network of parents and community agencies that provides support, education and resources for parents. By supporting parents, DPSN

promotes the well-being of children and youth and helps them grow up to be productive adults and well-rounded community members. We are a small organization, but we think big. We have a holistic view of the determinants of health and well-being, which is what brings me here today.

I worked as a public health nurse in Dufferin county for 23 years. My first assignment included the townships of Mulmur and Melancthon, where Highland's mega-quarry is proposed on beautiful, productive farmland. Other DPSN board members represent other health, social and educational organizations. Throughout my career and life experience, I have come to understand that the protection and promotion of the well-being of life on earth must be the paramount consideration in government regulations.

Our partner organizations and we at DPSN do our part to promote child development. We depend on our elected representatives to do their parts with a similar vision. If you remember Maslow's hierarchy of needs for human development, you'll understand that meeting higher-level needs, like positive parenting, is dependent on first meeting basic needs, like air, water and food. Our ability to help parents best meet their children's needs is impaired when parents do not have secure access to the basic needs for life.

To improve our population's secure access to pure air, clean water and healthy food, our legislation, including the ARA, must be modernized from the 20th-century model of consumption to the 21st-century model of conservation. Earth is warming. Our global population has doubled in my lifetime to seven billion. It's projected to increase to 10 billion sometime around 2050. Deserts cover almost one quarter of Earth's landmass. The rate of desertification of dry lands is increasing. Desertification is not a natural development. It's driven by human action. It's driven by undervaluing productive farmland and fresh water.

Just as DPSN is a network of supports and linked to a broader network of organizations to promote well-being, the ARA must be considered as one component of the network of supports for our environment, all sharing the guiding principle of protecting and promoting the well-being of life.

In southern Ontario, farmland is increasingly valuable in this reality of a warming climate, desertification and planetary overpopulation. Aggregate extraction should be prohibited on all fertile farmland. Aggregate applications that could conceivably affect water supply or quality should be subject to a complete environmental assessment, and consistently denied in the absence of absolute proof of their benign environmental effects.

Our land has provided for us for thousands of years. With proper management, it will provide for thousands more. But we can no longer treat Ontario as an unlimited paradise. As you know, class 1 agricultural land accounts for only 0.5% of Canada's land mass, and half of that is in Ontario. Yet our province enables—even encourages—developers to dig up that precious land for aggre-

gates in order to pave over and build on more of our fertile land.

The Environmental Commissioner of Ontario's comprehensive 2011 report *Land Use Planning in Ontario* included numerous concerns and recommendations about Ontario's growth plans and its 2005 provincial policy statement. Highlights from this report regarding today's focus include the following:

"From an ecological or sustainability perspective, this planning approach will fail in the long term. Few of the critical elements of the natural environment—significant woodlands, wetlands, valley lands, species and sensitive water features—are adequately protected. In fact ... none of them are protected" from the most invasive development activities, "such as aggregate extraction or highway construction. Natural features are often treated simply as end-stage checks on development. Many natural features do not even have to be identified or comprehensively planned for by municipalities."

Secondly, the report states, "The 2005 provincial policy statement, along with other Ontario laws that shape how it is implemented, unequivocally establishes priorities. Environmental planning and the protection of natural areas, wild species and water quality are not given the same importance as drivers for economic development."

The 2005 provincial policy statement is being reviewed. We can hope that a strongly worded *Aggregates Resources Act* that truly protects our environment will help them create a big-picture vision for long-term sustainability.

1530

I'm a practical person, and I know that beyond prohibitions, the way to protect our finite resources is to create economic influences that favour conservation over consumption. Ontario can impose fees and taxes that effectively price aggregates very highly. This will reduce the demand for new aggregates, increase the recycling of aggregates, and provide paybacks to stakeholders affected by aggregate extraction.

The province's current fee of 11.5 cents per tonne of aggregate extracted does not address the social and environmental costs for municipalities hosting aggregate operations, and it does not make the use of recycled material an attractive alternative. It is exactly the opposite of what we need.

We need you to vision the ARA as legislation to discourage urban sprawl. This is a fundamental shift. Here in Orangeville, we are currently building at least three new subdivisions while we are losing manufacturing jobs and our youth are leaving town and not returning due to a lack of post-secondary education and poor employment opportunities. Dufferin county already has a higher-than-provincial-average proportion of commuters, and that will grow.

Last week, I was in Vancouver and I marvelled at the ability of Stanley Park to fulfill urbanites' need for green space while living in high-density housing. Earlier this year, I was in New York City, similarly impressed with

the visionaries who planned for Central Park green space in the middle of the metropolis. Stanley Park opened in 1888, and Central Park in 1857, but in Ontario, we lack that kind of vision. Instead of improving urban living, we build on farmland and transform rural towns into bedroom communities.

The ARA is one small piece of legislation in the network of provincial regulations affecting land use, just as DPSN is one player in the network of child development supports.

You can be visionaries for a better, more sustainable Ontario. We can enrich urban communities and prevent degradation of fertile land and disruption of water systems.

I'll conclude with a quote from Ronald Wright's *A Short History of Progress*, a non-fiction book and 2004 Massey lecture series. Wright uses fallen civilizations to see what conditions led to the downfall of society. He examines the meaning of progress and its implications for civilization, past and present, arguing that the 20th century was a time of runaway growth in human population, consumption and technology that has now placed an unsustainable burden on all natural systems.

Wright concludes, "Things are moving so fast that inaction itself is one of the biggest mistakes. The 10,000-year experiment of the settled life will stand or fall by what we do, and don't do, now. The reform that is needed is not anti-capitalist, anti-American, or even deep environmentalist; it is simply the transition from short-term to long-term thinking. From recklessness and excess to moderation and the precautionary principle.

"The great advantage we have, our best chance for avoiding the fate of past societies, is that we know about those past societies...."

"We have the tools and the means to share resources, clean up pollution, dispense basic health care and birth control, set economic limits in line with natural ones. If we don't do these things now, while we prosper, we will never be able to do them when times get hard. Our fate will twist out of our hands."

Thank you.

The Chair (Mr. David Oraziotti): Thanks for your presentation. Liberal caucus, questions? Conservative caucus, questions? Mr. Arnott, go ahead.

Mr. Ted Arnott: Thank you for your presentation. I have one question, and it relates to your recommendation that aggregate extraction should be prohibited on all fertile farmland. Then, in the next paragraph, you talk about class 1 farmland. How do you define "fertile farmland"? Is it class 1 farmland? Is it that simple?

Ms. Paula Conning: I'll rely on the Legislatures to define it, but I would say any farmland that can produce natural crops that will improve the well-being of our society. I know some people say class 1, 2, 3, 4; some people say class 1, 2, 3. It's whatever can produce healthy crops and forests that will improve the well-being of society.

Mr. Ted Arnott: Thank you.

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

Mr. Rosario Marchese: Thanks very much, Paula. It was a good presentation.

Ms. Paula Conning: Thank you.

Mr. Rosario Marchese: Under the ARA, aggregate operators became responsible for assessing their own compliance with site plans. Do you have a view on that?

Ms. Paula Conning: Yes. Definitely I think that we need government oversight and you can't make them responsible for looking after their own things. I heard from a previous presentation that the inspectors look at 20% and that 80% of their inspections are failing. So that shows that's not adequate oversight.

Mr. Rosario Marchese: You and others have mentioned that the fee that the operators pay is 11.5 cents per tonne. Do you have a sense of what we should be charging, or do you leave that to us?

Ms. Paula Conning: I can't remember the exact amount, but I think in the UK it's something around \$2.50 per tonne, so significantly higher. In fact, my whole argument, as you heard, is, look at the big picture. The land is more valuable than the aggregates underneath it. So you want the cost to be a deterrent to operations.

Mr. Rosario Marchese: And I'm going to be asking Mike Schreiner soon the same question about recycling, because I think we need to do a lot more recycling. Everybody makes the point that in the UK they recycle close to 22% of their aggregates, and we're at 6.5%, I think, or 6.7%. I think it's disgraceful and we need to do more. I'm assuming that's what you want us to look at when we do this review in the end, right?

Ms. Paula Conning: Yes, absolutely. We need to use recycling, and I would encourage you in the ARA panel to consider yourself as one member of a group of members that are looking at how we use land in Ontario. Looking at the ARA in a vacuum is like looking at public health in a vacuum. I'm the communications coordinator for our local planning table for children's services. We're 20 organizations strong. We all come together with the vision to promote the well-being and help every child reach their optimal potential, and I expect this group to also work with a vision that you are part of a broader group to promote well-being.

Mr. Rosario Marchese: Thanks very much.

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

GREEN PARTY OF ONTARIO

The Chair (Mr. David Oraziotti): Our next presentation is the Green Party of Ontario. Mr. Schreiner, good afternoon. Welcome to the Standing Committee on General Government.

Mr. Mike Schreiner: Thank you. Good afternoon.

The Chair (Mr. David Oraziotti): As you know, you have 10 minutes for your presentation, so simply state your name and you can start.

Mr. Mike Schreiner: My name is Mike Schreiner. I'm the leader of the Green Party of Ontario and I'm also

a resident of Dunedin, just down the road from Brent Preston, a place located in the heart of the Niagara escarpment. I'm 15 kilometres south of the Duntroon quarry and the proposed MAQ quarry, and 15 kilometres north of the proposed Melancthon mega-quarry.

Like many of my neighbours, many of whom I see in the room, I'm concerned about the effects of pits and quarries, especially the mega-quarry, on our local economy, our natural and cultural heritage, our prime farmland and especially the safety and availability of our drinking water.

As leader of the Green Party, I'm often asked by people in communities across the province to speak out and assist them in their battles against quarries. In the course of my work I've been on a number of panels and had many opportunities to meet with members of the aggregate industry.

The ARA review is a personal and political concern of mine, and I sincerely appreciate the work that this committee is doing to review the ARA. I commend you for pushing and advocating to do hearings across the province and I appreciate the opportunity of allowing somebody without a seat in the Legislature to present to this panel.

There is no doubt that aggregates are essential to our community, economy and quality of life. We need them to construct our homes, build roads, build infrastructure. Ontario clearly needs a profitable and sustainable aggregate industry, but it's also clear that pits and quarries are increasingly competing with other land uses. It is common now for aggregate applications to be met with strong local opposition, and this kind of conflict is bad for communities, government and industry. It's incredibly time-consuming and expensive. It's essential that we find innovative, long-term solutions to this conflict. We need solutions that protect our communities, our environment, our food sources and our social and cultural heritage, while still supplying aggregates. I'll admit to you this is not going to be an easy task. I don't envy your job.

1540

I'm going to challenge this committee to do something that our political system makes incredibly difficult. We need to work across party lines to find long-term solutions that go beyond the next quarterly report or the next four-year election cycle. We need broad thinking that connects the dots across ministries and between various pieces of legislation, even if that extends beyond the narrow terms of reference for this committee.

With this in mind, my specific recommendations are grouped within three broad directions. The first one is that I believe it's essential to change the focus we currently have on prioritizing consumption and supply of aggregates to encouraging efficiency, conservation and recycling. Aggregates are a valuable finite resource. It's essential that we use them more efficiently. We're already depleting aggregates at an unsustainable ratio—2.5 to 1—when it comes to depletion versus replacement. This is not sustainable and it's essential that we reduce our per capita consumption.

Here are some suggestions on how to do this: We need better-designed communities, roads and other infrastructure that simply use less aggregates. Given our financial and economic challenges, I don't think Ontario can afford to continue to fund inefficient, expensive and sprawling growth plans. We need better policies and standards that lower the quantity of aggregates used in roads and buildings.

We need to support research, commercialization and alternative materials. As an example, I was recently at the Paris high school where the eco club there is rehabilitating their courtyard using material from recycled tires instead of aggregate stone. Those are the kinds of solutions government needs to lead with.

We also need to do a better job of recycling aggregates. The provincial policy statement and the provincial standards must be revised to require aggregate recycling and to mandate minimum standards for increased use of recycled materials in public and private development. Recycling requirements should be included in the licence to operate.

As you've heard, municipalities must remove the specifications that do not allow recycled materials in construction projects. I think the province has a role to play in this. Ontario's aggregate recycling rate of 7%—slightly less—is unacceptably low, especially when we compare it to the United Kingdom's almost 24% recycling rate. The UK has provided a policy framework and financial incentives to make recycling happen. Like the UK, Ontario should introduce a landfill tax to encourage the reuse and recycling of construction materials.

We also need to increase the aggregate levy. As many of you have heard—it has been suggested by many—our rate of 11.5 cents per tonne is too low. By comparison, the UK's rate is over £2 per tonne, which, by today's exchange rate, comes out to \$3.20 per tonne Canadian. I know you're going to ask me what rate I should come up with. My argument would be that the rate needs to be set in a way that not only provides the capacity and financial resources to properly monitor and enforce oversight, but it also needs to be set at a rate that encourages recycling and reuse. I would argue that rate needs to be somewhere between a minimum of 50 cents per tonne, which is what Quebec charges, and \$3.20 a tonne, which is what the UK charges.

That then brings me to my second point: Ontario must increase our regulatory and monitoring capacity and improve the process for approvals. In today's fiscal climate, an increase in the levy is essential to this to provide the Ministry of Natural Resources with the proper staffing complement. I agree with the industry's request that the levy not go into general revenue.

However, the levy should cover a broad range of costs associated with managing and planning for aggregates. Municipalities need revenue not only for the extra infrastructure costs but also for costs associated with planning and being a part of hearings. MNR needs more capacity to regulate and monitor the industry.

Finally, we must ensure that adequate resources are in place to properly fund rehabilitation. I agree with the industry's call for a more efficient approval process that provides clarity, certainty and solutions for all parties. I think the first step is a proactive planning process that engages all stakeholders. I think we can just look down the road to Caledon as a possible example. In the late 1990s, Caledon brought together a planning group, multiple stakeholders that included municipal politicians, citizens and industry representatives. They mapped the area and they said, "Here's where aggregates can be developed now, here's where they might be developed in the future, and here's where they will not be developed in our community." This is the type of process that makes it more efficient for proponents while also ensuring that we protect community and environmental interests and that we enable long-term community planning that engages citizens in the process.

We need more citizen and community participation early in the process, and I have a few suggestions about how to do this:

- require early public notification when you submit an application for a licence to MNR;

- increase the public notification period from 45 to a minimum of 120 days;

- extend the notification area beyond 120 metres; I can guarantee you I'm affected by the mega-quarry 15 kilometres away;

- require municipal approval of significant amendments to the licence and plans after zoning approval; and
- adopt best practices for community and citizen engagement from other jurisdictions and other industries.

Which brings me to my third and final broad point, that we need to revise our policy priorities to update them for the 21st century and provide better long-range planning and coordination with other legislation.

Some of these policy changes include:

We need to apply a sunset clause to licences. I guarantee you when you go to Kitchener-Waterloo you're going to hear an earful about a quarry licence that was approved 38 years ago in Paris, Ontario, under very different conditions and circumstances, that is now being activated on.

If we are going to consider pits and quarries to be interim use of the land, then we must apply time limits to extraction. Before we ask to sacrifice rare elements of our natural or cultural heritage or approve developments that compromise water quality or farmland, I believe it's reasonable to consider the need for new aggregate, but the legislation prohibits us from doing this.

The Chair (Mr. David Oraziotti): Mr. Schreiner, we're a little past the time, so if you can wrap up and we'll just take a few minutes for questions.

Mr. Mike Schreiner: No problem. And when considering new licences, it makes sense to consider the cumulative impact of those licences.

I want to conclude by saying that the conflict over aggregates is a conflict over the essential necessities of life: water, land, food and shelter. I think it's time for us

to revise our legislation to rebalance it in a way that prioritizes farmland and water over aggregate extraction.

I appreciate your time.

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

Ms. Sylvia Jones: Thank you, Mr. Schreiner. You're always welcome at our table.

Mr. Mike Schreiner: Thank you.

Ms. Sylvia Jones: In terms of the suggestion that the levy should be increased, but also as importantly, not put into government revenue, general revenue, do you have a recommendation for our committee as to how that breakdown would occur? As I understand it, 0.5 cents goes to rehabilitation. It's all broken down: municipality, government, provincial. Do you have some suggestions on how you'd like to see that happen?

Mr. Mike Schreiner: My first suggestion is going to be that we're going to have to do some significant research on it. I know the city of Kawartha Lakes, for instance, their estimate is that the cost of municipal infrastructure, to recover that would be 93 cents a tonne. Is that applicable to Melancthon township? Is it applicable to Sudbury? Is it applicable to other jurisdictions where aggregates are being mined? That type of research needs to be conducted.

My main point is that we need to be able to recover enough to fund MNR adequately, to compensate municipalities enough to cover infrastructure and to cover rehabilitation, but to also provide enough capacity for long-range planning as well.

Ms. Sylvia Jones: So in your scenario, some of the levy would be used for MNR inspectors.

Mr. Mike Schreiner: Absolutely.

Ms. Sylvia Jones: Okay, that gives me—thank you.

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

Mr. Rosario Marchese: Thank you, Mike, for taking the time to come.

1550

Mr. Mike Schreiner: My pleasure.

Mr. Rosario Marchese: You're a leader of a party that obviously doesn't have a salary and we do, but you come voluntarily and you have to take time from work, so I wanted to thank you for that.

There are just two points I want to make, because you covered a lot of ground. One of them is that we have to do better planning, and there is now a great deal of conflict with extraction of aggregates. Unless we involve, as you said, communities more efficiently and from the beginning, and unless we involve municipalities with communities more efficiently in how we decide where to extract, it's going to be a problem. I think we've got to do that better, and you're absolutely right.

The other point is that—I don't know why I say this, but I am optimistic—in this minority government, there are some headaches, no doubt, on all of us, but there are a number of positive things that are coming out of it, and I think that in this review of aggregates, I really do believe that we're going to come close to getting all three parties to agree on many things.

I'm optimistic, but I'm not sure. I hope it works out the way you're suggesting. Thank you.

Mr. Mike Schreiner: Me too. My commitment is, I will provide you with detailed written submissions before your deadline on July 17, because I have many more that I could offer this committee.

Mr. Rosario Marchese: I'm sure.

Mr. Mike Schreiner: I look forward to working with all of you moving forward.

Mr. Rosario Marchese: Thank you, Mike.

The Chair (Mr. David Oraziotti): Thanks, we appreciate that.

Liberal caucus, any questions or comments? Mr. Flynn, go ahead.

Mr. Kevin Daniel Flynn: Yes, just one brief one, Mike. Thank you for coming. I echo Rosario's remarks: Thanks for taking the time to come.

There's a common thread emerging from a lot of the delegations today and there's also a lot of the complexities emerging. I mean, it's not a simple solution to this.

One issue that's being raised over and over again is our seeming inability to recycle in any sort of meaningful way. I think the number being tossed around for us is either 6% or 7%, and the UK is at 21%. It strikes me that the UK is doing a lot better than us, but 21% isn't anything to brag about either, which also strikes me that there must be some huge economic development opportunities that must be available in the recycling of aggregates.

With your knowledge, I'm wondering if there are any best practices around the world, if there's anywhere that's got the recycling of aggregates down to a science or is doing things other people don't seem to be able to do yet.

Mr. Mike Schreiner: The UK by far is the world leader; Germany would be second. I think one of the things that makes the UK a leader is that they have the economic incentives in place for recycling, and those are that the levy's high enough and they have a landfill tax. I'm a business person. That creates opportunities for business people to innovate and create new businesses that are viable and profitable around recycling, if you can make the economics work.

Mr. Kevin Daniel Flynn: Is it a simple business? Do you just haul it away and beat it down into small pieces?

Mr. Mike Schreiner: A lot of the UK's recycling actually is happening on-site, which actually then starts getting to the issue that's been raised here: What do you do with fill and the fact that a lot of fill, particularly in the Durham region, is going into old pits and quarries? The more you can do on-site, the better it is for the environment and for the economy, I would argue.

Mr. Kevin Daniel Flynn: Very good. Thank you.

The Chair (Mr. David Oraziotti): Thank you very much. That's time for your presentation.

Mr. Mike Schreiner: Thank you.

CHIEFS AND COUNCILS, SAUGEEN OJIBWAY FIRST NATION

The Chair (Mr. David Oraziotti): The next presentation: Chiefs and Councils, Saugeen Ojibway First Nation. Good afternoon. Welcome to the Standing Committee on General Government. You have, as you know, 10 minutes for your presentation, so simply state your name and you can start your presentation.

Ms. Veronica Smith: *Remarks in Ojibway.*

My name is Veronica Smith. I'm from the Saugeen Ojibway Nation on the Bruce Peninsula. I have introduced my Anishinabek name, as well as my clan, being the otter. I'm here speaking on behalf of the Saugeen Ojibway, which consist of the Chippewas of Nawash and the Chippewas of Saugeen. I am a representative of the band council.

I'm also here on behalf of the Anishinabek women, who are the keepers of the water. I'd like to express that it's our role as Anishinabek women to take care of the water that sustains our lives not just for the women, but for all living beings.

I also have with me legal representation, Maggie Wente.

The Saugeen Ojibway Nation has previously and repeatedly expressed its frustration to the Ministry of Natural Resources about the serious aboriginal consultation deficiencies in the aggregates approval process. In particular, we have been vocal about how the lack of any consultation process on the establishment of quarries and pits is affecting our traditional territory, our constitutional rights, and our Treaty 72 and aboriginal title claims.

The problem is that there is no consultation required under the Aggregate Resources Act. Despite the fact that Ontario is constitutionally required to consult with us and other First Nations about aggregate projects that can negatively impact our rights, the Ontario government pushes forward without any consultation, even though those projects certainly do affect our rights and our lands.

I'm going to speak about the impacts on Saugeen Ojibway rights.

Our aboriginal and treaty rights have already been impacted by development on our lands. Aggregates extraction further threatens our rights and our lands. In particular, aggregate operations disrupt natural and cultural heritage, and our harvesting rights, including our right to fish commercially. Aggregate extraction also interferes with SON's responsibilities to protect lands and waters in our territory.

SON has a court-recognized commercial fishing right in the waters of Georgian Bay. This aboriginal fishing right is protected by section 35 of the Constitution. SON also has land claims currently before the Ontario courts, which include a claim to the beds of waters in Georgian Bay and Lake Huron.

Based on information we have been able to collect, there are at least 90 current and proposed aggregate extraction operations in our territory, to our knowledge.

It is apparent from this information that Ontario has decided to give developers a green light to exploit resources in our territory, to the detriment of our rights.

This includes Ontario's decision to create a greenbelt, which has exposed our territory to unprecedented development. There is an available aggregates supply concentrated in southern and eastern Ontario; however, those are subject to constraints. The Greenbelt Act, the Niagara Escarpment Planning and Development Act, and the Oak Ridges Moraine Conservation Act have all contributed to confining the area in which aggregates can be developed. SON was never consulted about any of this legislation and about the impacts these laws would have on our aboriginal and treaty rights. Such unilateral decisions have a direct and negative impact on our rights, interests and way of life as Anishinabek people.

We have tried to approach both Ontario and proponents to find a way to protect our rights. Despite these efforts, there has been no protocol for engagement established between MNR and SON—SON being Saugeen Ojibway territory—nor has there been any commitment from MNR to substantively discuss and consult about impacts on our rights, our claims and our lands. We try to deal directly with proponents, but it is often beyond their scope to consult and accommodate, especially about cumulative effects.

Even when it is within their scope, the absolute lack of any requirement for aboriginal consultation and accommodation under the Aggregate Resources Act or direction from the Ministry of Natural Resources to do so means in practice that no one follows through on consulting with us before quarrying on our lands.

It is clear that Ontario's absence from the table is the problem. There is no real commitment from Ontario to meet its consultation and accommodation obligations through law, through policy and through actions. This is not consistent with the honour of the crown.

1600

While SON urges the committee to consider how to build aboriginal consultation and accommodation into the Aggregate Resources Act, SON also advises to proceed with caution when doing so. We recommend the following: individualized approaches to consultation when required. The impacts of aggregate extraction will differ from geographical region to geographical region.

SON encourages a flexible approach to consultation and accommodation, rather than a one-size-fits-all approach that only requires ticking boxes about consultation on a permit application. However, the ARA licensing process must contain some reference to aboriginal consultation and accommodation. We have seen time and again that the current process is not working. If the Ontario government is not able to point to a process that ensures aboriginal consultation in the aggregate licensing process, the legislation itself is constitutionally invalid in the same way in which Ontario's courts found the Mining Act to be unconstitutional until it was amended to address aboriginal consultation requirements.

Consultation and accommodation at the earliest phases: Consultation and accommodation should occur at the earliest phases of a project and not at the end, after decisions have been made. MNR must engage with affected First Nations before they make decisions about areas where extraction will be encouraged and permitted. First Nations should also be notified as soon as a licence is applied for, and information should be promptly sent to them. Right now, the MNR only sends the First Nations notification that a licence is applied for. This does not satisfy the duty to consult.

If there is a delegation to proponents, there must be crown oversight: The Supreme Court tells us that the procedural aspects of the duty to consult can be delegated to industry proponents. We also know that the delegation must be clear. The current ARA regime is anything but clear. SON has no way of knowing when, how and to whom MNR has delegated its consultation obligations. The result is that SON does not know where to get information and whom we should be talking to.

The ARA process currently encourages an approach where the proponent only has to fill out a form indicating that consultation is complete. This is often not verified with First Nations and, as a result, the crown remains open to challenge for not having satisfied its duties.

Funding for First Nations: The current ARA regime, either in letter or in practice, does not require proponents to fund First Nations to participate in consultation and accommodation processes. This creates an enormous burden on SON, both in terms of staff time, political representative time, and consultant and technician time, to ensure that SON's aboriginal and treaty rights are protected. That time creates a cost burden which SON is required to bear in order to enable Ontario to fulfill its constitutional obligations.

Ontario requires industry proponents to fund the costs of many parts of the approval process in many industries, including aggregates. Industry proponents are often required to fund statutorily required public consultation processes, such as the environmental assessment consultation process, to pay for permit and licence applications, and to self-fund for technical and expert reports to receive those permits.

SON also submits that aboriginal consultation and accommodation should be no different from any other permit and approval with respect to cost. SON should not be required to bear the cost of Ontario's duty to consult and accommodate.

Cumulative effects analysis: There also needs to be consideration of cumulative effects of aggregate extraction on the environment and also on aboriginal and treaty rights. It is clear that SON's territory is threatened by intensive quarrying, so cumulative effects analysis is absolutely necessary to ensure our rights will not be infringed.

The Chair (Mr. David Orazietti): Thank you for your presentation. NDP caucus: Ms. Campbell, go ahead.

Ms. Sarah Campbell: Thank you for your presentation and for coming here today to do so. In my

riding, I have 53 First Nations communities. Many of the issues that you have expressed around consultation, especially with regard to traditional territories, are similar to where I live.

I know that the crown has a duty to consult, and that duty supersedes any legislation and what may or may not be in the ARA. With that being said, you have highlighted a few things around communication, notification, the delegation of authority that needs to be cleared up. Are there any other changes specific to the ARA that you would like to see? Do you see any issues around MNR oversight, following up, any issues like that?

Ms. Maggie Wenté: Hi, I'm Maggie Wenté. I'm counsel for Saugeen Ojibway Nation. Councillor Smith has asked me to address the question, so I will.

With respect to the mechanisms under the Aggregate Resources Act, certainly I think our clients would take the position that there is absolutely not enough oversight or inspection with respect to compliance with permits and licences.

For instance, our clients have certainly seen that with respect to existing aggregate operations in their territory, those permits and licences aren't being followed, that there are violations all over the map with respect to those permits and licences, and, in addition to that, that the past history of a particular aggregate extractor's violation of permits and licences isn't taken into account when that proponent is applying for a new or expanded licence territory. So that's something that is definitely of concern to our clients with respect to how the aggregates act is operating right now.

Another thing is—separate and apart, I suppose, from the consultation and accommodation requirements—the fact that there's no cumulative effects analysis built into the act in order to do any kind of oversight or land use planning with respect to entire territories or entire watersheds.

Ms. Sarah Campbell: Thank you very much.

The Chair (Mr. David Oraziotti): Thank you. Liberal caucus?

Mr. Mike Colle: Thank you, again, for being here and representing the Saugeen Ojibway Nation.

You mentioned something very dear to my heart. You mentioned the greenbelt legislation, the Oak Ridges Moraine Protection Act and the Niagara Escarpment act as being detrimental to protecting your lands. How is it affecting you in a negative way? Because those are landmark legislation that protect millions of acres of farmland right across southern Ontario. I'm just wondering, what's the negative impact to Saugeen Ojibway Nation?

Ms. Maggie Wenté: The negative impact is—the geography of Saugeen Ojibway Nations is such that it's mostly located on the Bruce Peninsula and immediately south. Their aboriginal title claim is with respect to the Bruce Peninsula—sorry, a Treaty 72 claim with respect to the Bruce Peninsula, then the waters around Georgian Bay and Lake Huron. Those pieces of legislation effectively create a huge gap in the geographical territory of southern Ontario, on which limited aggregates extraction

is available because of the restrictions. The next available part is the Bruce Peninsula. So our clients are being forced to bear the burden of the fact that there are green spaces available for Torontonians and for people who live further south, and the next available, close-to-market supply of aggregates is smack in the middle of our clients' territory, where they exercise their aboriginal and treaty rights.

Mr. Mike Colle: And that's why you heard other speakers say that people should go north and get the aggregates. Meanwhile, it's having an impact on First Nations territory by going north.

Okay, thank you very much.

The Chair (Mr. David Oraziotti): Thank you. Conservative caucus: Ms. Scott, go ahead.

Ms. Laurie Scott: Thank you. I was just going to ask you a quick question, but I will ask research just to follow up: the fact that permits, I guess, are granted without looking back at their past history. So if an applicant—we just thought that was, and I just want to get that clarified. Maybe if research could get back to us, because that's concerning if that's true.

Ms. Maggie Wenté: Certainly that has been the practice. I don't want to name names, but certainly that has been the practice in our experience, that that hasn't been taken into account.

Ms. Laurie Scott: Thank you for making that point, because I hadn't heard that before. I appreciate that if no history—because we certainly would like history followed.

What you said about the deficient aboriginal consultations—I guess without naming names, is there some example that you could give where you felt you certainly weren't notified but everybody else maybe was, or do you think that MNR didn't realize that the property in question would be subject to consulting with SON?

1610

Ms. Maggie Wenté: We did provide written submissions in advance of the past deadline, and there is a case study in there which highlights a particular case which my client's community is dealing with right now. There's a gravel pit operation. It is immediately adjacent to claimed wetlands that are crown lands, so that's land that's under land claim, and therefore there are possible impacts on it. Our clients were notified, i.e. told in an email, that this extraction was occurring; the permits were applied for years ago. There was no contact between the time of notification until 90 days or 30 days before the permit was about to be issued. Our clients received notification that the permit was going to be issued, they raised an objection, and only at that point—and still not yet—have we received any scientific or technical information about that operation in order to permit us to comment. There was legal action threatened against Ontario.

Ms. Laurie Scott: Okay. Thank you for that.

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

Ms. Veronica Smith: Meegwetch.

MS. DONNA BAYLIS

The Chair (Mr. David Oraziotti): The next presentation: Donna Baylis. Good afternoon. Welcome to the Standing Committee on General Government.

Ms. Donna Baylis: Thank you.

The Chair (Mr. David Oraziotti): As you know, you have 10 minutes, so simply state your name and you can start when you're ready.

Ms. Donna Baylis: Okay. My name is Donna Baylis. Thank you for allowing me to speak. I am a computer consultant. I work part-time in the city and I live full-time near Creemore—actually, Dunedin; you're starting to hear a lot of that. While I live 15 kilometres from the proposed mega-quarry site, my opposition started when I saw the massive size of the site plan in the Creemore Echo newspaper. I understood the scale of this site because I snowmobile in the area. So I started reading and I started to learn a lot.

Ontario's Aggregate Resources Act is based on 40-year-old values. Over the years, it has been tampered with beyond recognition. Over a 36-page printout, which I have here, I counted 36 repealed clauses.

The ARA and its underlying policies allow pits and quarries to be dug anywhere, including environmentally protected land. It bypasses the environmental assessment process. It does not require that proof of need of aggregate be established. It requires that pits and quarries be dug close to market, which undermines recycling efforts. It does not take farmland, source water or people's health protection into account. The ARA and its underlying policies must be revised.

The recent approval of a 150-hectare quarry site at the headwaters of three rivers and on the top of the Niagara Escarpment west of Duntroon shows that even places like the escarpment which Ontarians believe are protected are in fact not safe from aggregate companies. The Ministry of Natural Resources is responsible for the Niagara Escarpment plan and the Endangered Species Act, but it's also mandated to promote the use of resources such as aggregate, and it's an obvious conflict of interest. Clearly, the ARA trumps every other piece of legislation and policy, and this has to be changed.

The proposed mega-quarry is an example of the extremes of the ARA and its underlying policies. I have included an information sheet and I believe Tamara was going to send it to you electronically, so I'm not going to go into the details of the mega-quarry. But in summary, last summer I heard Mark Calzavara of the Council of Canadians speak in front of Queen's Park. I had just taken the subway from Union Station. It was a beautiful, sunny day. He basically said, "Imagine yourself standing in a hole 250 feet deep. Now, that hole stretches from the Don Valley Parkway west to Ossington, from the Gardiner Expressway north to St. Clair." I could have taken the subway through the whole thing.

In other words, the proposal is huge. The footprint is roughly five kilometres by three kilometres, with a 33-kilometre perimeter. It would be the largest one in Can-

ada, and with the fact that the company owns more than 8,000 acres, it's likely going to be the largest one in North America. It's backed by a US hedge fund that has no quarrying experience, it's based on unproven technology, and they claim that the quarry floor will be reverted to farmland, which is ludicrous. It proposes pumping 600 million litres of fresh water per day in perpetuity, which is impossible.

Darren White of Melancthon town council says, "Think of the amount of water as three minutes and 40 seconds of flow over Niagara Falls. Or for those who can't picture that, think of the amount" of water "as 75 million two-fours of beer." That's every day, forever.

Mr. Mike Colle: That's a lot of beer.

Ms. Donna Baylis: That's a lot of beer.

In February 2010, the government of Ontario published the State of the Aggregate Resource in Ontario Study, SAROS, which cited a solution to the province's aggregate requirement as being a mega-quarry within 75 kilometres of Vaughan. Since the Highland Companies started buying land in 2006, it's difficult to tell whether the mega-quarry proposal was created to meet the requirements of SAROS or whether SAROS was published to fit the parameters of the mega-quarry. SAROS is not the be-all and end-all study because it excludes Ontario's largest quarry, which is Manitoulin, and it excludes Bowmanville, quarries in Ingersoll and many others because they're outside of that 75-kilometre requirement.

Forty years ago, this mega-quarry proposal would not have been possible. The technology and the infrastructure were not available. Our capabilities have changed and the law should be adapted accordingly. Also our values have changed, and the law should reflect that too.

Important values today are:

- environmentally protected spaces, including the Oak Ridges moraine, the greenbelt and the Niagara Escarpment;

- food security, partly achieved by the protection of prime farmland, and it was suggested classes 1 through 4;

- fresh, clean water for all as a human right, and it should be noted that the ARA, as it stands, is a back door to owning Canadian water;

- protection and recovery plans for endangered species; and

- resource conservation and waste elimination through reduction, reuse and recycling.

After scouring the Internet, I compiled a list of recommendations for the ARA and its underlying policies. That's the handout that Tamara just gave you, so it's 14 points.

- (1) Make conservation of aggregate, a non-renewable resource, a priority over the approval of new extraction sites. Conservation can occur through aggregate recycling and use of alternative materials. All three levels of government need to be encouraged to use these recycled products.

- (2) Reserve virgin aggregate, a non-renewable resource, for use within Canada.

(3) Prohibit aggregate extraction below the water table without a full environmental assessment and a full understanding of the impact on all areas, near and far...

(5) Develop a process and guidelines for identifying and designating new specialty crop areas to safeguard unique agricultural land resources. Prohibit aggregate extraction in specialty crop areas.

(6) Conduct a thorough study of all existing aggregate reserves in Ontario. We cannot know what we need until we know what we have.

(7) Develop an aggregate master plan and disallow new aggregate mining licences within environmentally protected spaces until that aggregate master plan has been fully approved by the people and the province. Align the aggregate master plan with existing environmental protection legislation, including the greenbelt, the Niagara Escarpment plan and the Oak Ridges moraine.

(8) Provide an assessment of the cumulative effects—the dust, noise, air quality, traffic emissions, effects on water—of the aggregate master plan on Ontario residents by district.

(9) Require that new quarry proposals demonstrate need for additional aggregate resource extraction in meeting the demands of the Ontario market.

(10) Mandate that an environmental assessment occur for all new or expanding aggregate operations.

(11) Realign the cost of virgin aggregate to reflect reality. Economically, aggregate is a low-priced, heavy-weight commodity that takes the bulk of its cost from transportation. Today, however, the price of virgin aggregate must include the activism necessary by residents to fight for their best interests despite the elected and public institutions designed to represent and protect those public interests. As well, the cost must encompass the environmental cost on residents. In other words, the market cost for virgin aggregate is unrealistically cheap. Create a management system that works for residents and price the product accordingly. This is called full cost accounting.

1620

(12) 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 a Goliath-like mega-quarry?

(13) Implement social licensing where operators must earn the right to continue extraction through responsible operation and timely and progressive rehabilitation.

(14) Include an end to the aggregate licence, a sunset clause. Legally, all contracts require a termination point. Give communities a light at the end of the tunnel. Operators have a tendency to keep a near-exhausted site active enough to avoid rehabilitation due to the expense. Or they extend the life of the operation by accepting commercial fill—the more contaminated or suspect the fill, the higher the fee they earn.

I'm not an expert, and, quite frankly, I should not be here. The fact that I am here, aware that the ARA even exists, is an indicator that the legislation is not doing its

job. Your mandate is to come up with recommendations for quick fixes to keep the public happy. Well, I'm sure you can see by now that there are no quick fixes. The government needs to take a long, hard look as to how to manage the competing needs for resources in the long term. Ontarians cannot afford to continue blindly extracting rock and destroying land at the expense of everything else. Food and water and quality of life must come first. That's it.

The Chair (Mr. David Oraziotti): Thanks. We appreciate the presentation. We've gone a little bit over, so I ask members to keep their questions as brief as possible. Mr. Colle.

Mr. Mike Colle: Thank you very much for your very helpful suggestions. I guess the one question I have to you is about recycling and the fact that virgin aggregate is really a lot more expensive than people think. The Ministry of Transportation uses up to 20% recycled aggregate when they build their roads. We've talked about what England does, but right here in Ontario we've got MTO, which is one of the largest users of aggregates, able to use 20% recycled aggregate. Don't you think that municipalities should start using recycled materials, and why are they not being pressured at all to start using recycled material like MTO does?

Ms. Donna Baylis: You're absolutely right, and a lot of them don't even realize they're not using recycled materials. A lot of them will tell you that they think they are because they are elected officials; they're insurance people. They don't know this stuff. It depends on their staffing and how their staffing has put the proposals together. That's one of the reasons the province needs to work with municipalities to point this out.

Mr. Mike Colle: Thank you.

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

Ms. Sylvia Jones: Thank you, Donna. I respectfully disagree; I think the whole point of us travelling to communities is to hear from people like you, so I do appreciate you taking the time to come and present to our committee.

I had one question regarding point number six, and that's when you say, "Conduct a thorough study of all existing aggregate reserves in Ontario." I'm not sure if you're familiar with the town of Caledon. They basically have incorporated the mapping of existing aggregate within their municipality. It's actually part of their official plan now. Is that what you had envisioned with your point six, or am I taking that in a different direction?

Ms. Donna Baylis: One of the problems—the aggregate companies do not release a lot of data. They say it's proprietary; they say that it affects the way they price their product. It's kind of like knowing how much oil there is in Iraq: You really don't know. We can't make good decisions if we don't have good data, and that data is not being collected. It's not being offered up.

Ms. Sylvia Jones: Thank you.

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

Mr. Rosario Marchese: Thank you, Donna, for the long list. I think your list, plus the lists that Margaret Mercer and Mike Schreiner prepared, reflect a lot of what people are saying, and that's a good guide for us all.

I had two questions, but I'm just going to limit it to one. The ministry—MNR—has two functions: one, it encourages extraction of aggregates, and the other is that it has a role of preserving our natural heritage, and sometimes the two seem to be in conflict. A number of people have talked about that. Do you have a view of that dual role that seems to be in contradiction with itself?

Ms. Donna Baylis: The provincial government has that same conflict of interest. They get a fee per tonne for every tonne that's dug up for aggregate, and they also get licence fees; but on the other hand, they have to decide whether a quarry gets approved. The whole Ontario government—they're the largest buyer of aggregates, so they need cheap aggregates. So they benefit. It's a conflict all over the place, and quite frankly, it's one of the reasons I've been pushing to involve the federal government, because I don't believe the provincial government can get around those conflicts.

Mr. Rosario Marchese: Thank you, Mr. Chair.

The Chair (Mr. David Oraziotti): Thank you very much. That's time for your presentation.

NORTH DUFFERIN AGRICULTURAL AND COMMUNITY TASKFORCE

The Chair (Mr. David Oraziotti): North Dufferin Agricultural and Community Taskforce. Good afternoon.

Mr. Carl Cosack: Good afternoon, Mr. Chair.

The Chair (Mr. David Oraziotti): Welcome back to committee.

Mr. Carl Cosack: Thank you.

The Chair (Mr. David Oraziotti): You have 10 minutes for your presentation, as you—

Interjection.

Ms. Sylvia Jones: He's holding a different hat.

Mr. Carl Cosack: Yes, totally. So thank you for allowing me to be here, committee members, staff and gallery.

Through this review process, you have already learned of the many reasons why this ARA review is so necessary and why the review is just so important. You have the very unique opportunity to set a new path forward, and in a non-partisan way, to truly serve the people of this province, whatever their political affiliation or the region they live in.

The people in Ontario are saying to you that one sector, the aggregate industry, can no longer be prioritized at the cost of every other industry or group in society, be it agriculture, tourism, First Nations, artists, culture or heritage, to name a few. The cost of that new condo in the city must just reflect the true cost of building it.

You already have a reasonable timeline to conclude this review, and we ask that you propose to have legislative changes made within 18 months or two years, and

seek public input as you narrow down the issues towards policy. By putting a time limit on these proceedings, you will ensure the aggregate industry's constructive help in this process, since they are assured there is an end game. And because we currently have enough licensed resources at hand to satisfy the market for the next two years, it is reasonable for you to request from the Legislature a moratorium on all licence applications until this review is completed and new policy is enacted.

All stakeholders agree on many things. Some of them are higher levies for better maintenance of local infrastructure; more coordinated approaches to recycling, building and construction standards to allow that recycled material in municipal projects; dedicated levies to rehabilitate and ensure compliance, held by the host municipality in a dedicated account, to empower those host municipalities to work co-operatively with the industry and not be subjected to the ministerial cutbacks envisioned by the provincial government of the time; and others that need more discussion.

NDACT is not concerned so much as to how we got to today, but rather how we move forward from today. Because of this stance, my brief will be solutions-oriented.

The public engagement in this process has been province-wide and exemplary in its conduct and professionalism. People are giving freely of their expertise and energy. I urge you to realize the enormous civility that has highlighted this public engagement and not to view this civility as a sign of weakness, or lack of determination, by Ontarians.

Our suggestions include the following, but are not limited to these. Since time given to prepare for these hearings has been short, we reserve the right to continually refine our requests and solutions. We are asking this committee to:

(1) Develop a tiered licensing program, recognizing different classes of applications. And as an example, we offer:

(a) A 50-acre extraction application that is not on prime farmland, not below the water table, and that follows the current ARA process. Any attempt at future expansion should be treated like a new licence application.

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(b) Proposals that endeavour to go below the water table should automatically be designated for a provincial EA, with the Ministry of the Environment taking the lead in the approval process.

(c) Applications that involve prime farmland should recognize that agricultural communities have spent decades and centuries, literally, developing their communities and values, and those communities and the lowest-tier municipality deserve the legislated right to vote on such a proposal in a binding referendum. Ontario's mantra is "food and water" first.

(2) There should be different-length commenting and review periods, depending on the class, size and complexity of the application.

(3) The more complex applications, let's say (1)(b) and (1)(c) described earlier, should have funding rules established for community organizations to be properly represented and municipalities financially enabled to deal with them properly. This should include the re-establishment of intervener funding, and if the guidelines are clear that this funding—which is, I believe, still law, just set aside—applies only to specific type or class applications, it will not meet with industry resistance.

As is the case with the Highland Companies' application, community groups and commenting municipalities are put at a great disadvantage. This process is not okay.

With regard to water:

(4) Source water regions should get legislative protection from industrial extractive activity. The risks associated with extraction in source water regions will never outweigh the benefits. You have the ability to protect Ontario's source water regions in order to safeguard our agricultural and economic well-being. You have to make that your own non-partisan legacy.

Allow me to quote: "The world's demand for fresh water is growing so fast that, by 2030, agriculture, industry, and expanding cities ... will face such scarce supplies"—this is only 18 years from now—"that the confrontation could disrupt economic development" and threaten political stability and public health.

The curious part is that this quote is from Stuart Orr, global freshwater program manager for the World Wildlife Fund, with support from J. Carl Ganter, director, Circle of Blue, and Jeff Seabright, vice-president, environment and water resources for Coca-Cola—members and chair, respectively, of the World Economic Forum's Global Agenda Council on Water Security. I bring the quote to your attention because these are truly unusual players deciding to work together to highlight and solve water issues. They are breaking new ground; so must this province through improved source water protection legislation with respect to industrial extraction.

Close to market:

(5) If an application is based on the PPS request "close to market" in an as-yet-to-be-defined perimeter around the Golden Horseshoe—let's say 75 kilometres from Vaughan—the licence should be restricted to local Golden Horseshoe use only, no export allowed. If the province plans for more development in this region, we should safeguard the resources that support that planned development. Both the PPS and ARA policy should implement those provincial priorities.

It is absolutely within the legislative right of the province to impose limits on the use of its resources through its licence approval process. If NAFTA does not allow this restriction, the province should challenge that, since the resources are within its jurisdiction.

The mega-quarry:

(6) A mega-quarry proposal, if truly desired by the province, needs to follow different provincial criteria, as highlighted by all the issues raised by the Highland Companies' application. Some qualifying standards include:

—Applications of such extraordinary magnitude should be based on a "willing host" principle. There are many ideas on how to establish a protocol for such a principle, and some precedents have already been set. This should include a true economic benefits study, community-negotiated benefits of the resource, and a larger economic benefit for the province by building infrastructure that can support such a mega-quarry and which will have employment and regional benefits after the mega-quarry has been exhausted.

—The number of municipalities and organizations that need to be notified of such a mega-quarry proposal needs to be broadened. There are effects from traffic, water, airborne pollutants and the economic impact, like the impact the Highland Companies' application would have on the Town of Blue Mountain's tourism, yet currently Blue Mountain does not need to be made aware of the proposal.

(7) The province should never consider applications that include any company's proposal to manage water in perpetuity, a simply preposterous thought that cannot have any credible expectation of fulfillment.

The Chair (Mr. David Oraziotti): Carl, that's time for your presentation, so I need you to wrap up.

Mr. Carl Cosack: Our political leaders should be proud of what has been accomplished by Ontarians over the past year. Ordinary people, those living in the tiniest of communities and the largest city in Canada, are standing up for their province, its land, water and bounty. They're not paid to lobby the government and influence its decision. They are stepping forward voluntarily because it is their duty to do what's best for their province. It is because of you and because of them that this review and all that lies ahead will be a success, not just for Ontario today but for future generations.

Thank you for your time.

The Chair (Mr. David Oraziotti): Good job. Thanks for your presentation.

If you have something briefly, go ahead.

Ms. Sylvia Jones: Briefly: You talk about how mega-quarry proposals should automatically trigger an EA?

Mr. Carl Cosack: No, below-the-water-table applications.

Ms. Sylvia Jones: I see that. But you also say in point 6, "Some qualifying standards include ... extraordinary magnitude should be based on a 'willing host.'" So you don't see a trigger point where a larger application should automatically have an EA?

Mr. Carl Cosack: Not by size alone.

Ms. Sylvia Jones: Okay. Thanks, Carl.

The Chair (Mr. David Oraziotti): NDP caucus, go ahead. Question.

Mr. Rosario Marchese: No, just to say I appreciate, Carl, your presentation again. It's very useful as a guideline for us. It adds to the many recommendations that have been made by others, and I really do appreciate the comment that you made about, "The public engagement in this process has been province-wide and exemplary in its conduct and professionalism. People are giving freely

of their expertise and energy.” I agree with that. I want to say on behalf of us all that we value that expertise and the engagement from the public, which is pretty, pretty large.

Mr. Carl Cosack: That’s right.

Mr. Rosario Marchese: And that’s something we respect and, hopefully, the changes we’ll make will reflect all of your suggestions.

Mr. Carl Cosack: Thank you.

The Chair (Mr. David Oraziotti): Liberal caucus?

Mr. Mike Colle: I like your comment: “The cost of that new condo in the city must reflect the true cost of building it.” The problem, perhaps, Carl, is that right now, that closet in the sky they’re buying in downtown Toronto, 500 square feet, might cost them half a million dollars. So the poor person who’s desperately trying to find a place to live pays the \$500,000. They certainly are paying a high price, but meanwhile, someone is making a lot of money, and it’s not, as I said, the poor person who’s looking for housing. How can we get people to really understand? When they build their stone houses in downtown Toronto, ask for wider highways, more condos, how do we get them to understand that when they do that, they’re basically demanding more quarries to be built?

Mr. Carl Cosack: I don’t know if they demand more quarries. They demand material, whatever the source of that material might be. Lots of things have been discussed, from density issues. These issues are why all of you are here. It is not for us volunteers to solve all those sorts of issues.

Mr. Mike Colle: But again, how do we get people to understand that sprawl, building more highways, building more condos basically means more stress in areas like where you live?

Mr. Carl Cosack: Well, as others have said, there is vision necessary or long-term thinking, just like the vision was developed to develop the greater Golden Horseshoe to three times its current density over however many years. The vision is out there; somebody just needs to make a new one. This one is not working, as is evident by all the presentations that you have.

If I may, because Ms. Scott asked for an example of native consultation from a previous speaker, native consultation in the Highland application is a one-page letter informing the First Nations of their intent to file an application within one month. That is not consultation, and we certainly can get you a copy of that letter if you so wish.

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The Chair (Mr. David Oraziotti): Okay, and I think the presenters affected expressed that as well, so thanks for reinforcing that. That’s time for your presentation today.

Mr. Carl Cosack: Thank you kindly.

TOWN OF SHELBURNE

The Chair (Mr. David Oraziotti): The next presentation is the town of Shelburne. Mr. Deputy Mayor, good

afternoon. Welcome to the Standing Committee on General Government. As you’re aware, you have 10 minutes for your presentation, so whoever may be speaking, just state your name for our recording purposes, and you can go ahead when you’re ready.

Mr. Ken Bennington: I’m Ken Bennington, deputy mayor, town of Shelburne.

The corporation of the town of Shelburne is grateful for the opportunity afforded by the Standing Committee on General Government to submit some comments and recommendations regarding the committee’s review of the Aggregate Resources Act.

It has been, we understand, approximately 40 years since this act has undergone any changes. In our opinion, much has changed in this society in the last 40 years, and we applaud the government for now taking the initiative to re-examine this act and its impact on the people of Ontario.

Over the past 10 years, Shelburne’s population has grown from just over 4,000 persons to a current population of 5,825 persons. The number of households during that same period of time has increased from 1,500 to now 2,158.

To be clear, the town of Shelburne does not have any aggregate within its municipal boundaries. However, current and proposed nearby aggregate quarrying operations have, and will have, a direct impact upon the residents of our municipality. Our residents are subjected to traffic noise, dust and safety issues from current aggregate trucking operations. The proposed mega-quarry by the Highland Companies lies north of our municipality, and the majority of the aggregate haulage from that proposed quarry, and the haulage of supplies to the quarry will, according to the Highland Companies’ proposal, pass through our municipality on our municipal roads. This activity will cause further serious deterioration of these roads, resulting in additional road maintenance costs. Frankly, we are very concerned about the additional cost of maintaining our roads, should this proposed quarry become operational. The regulation under the act must be amended to provide more realistic compensation to our municipality and other municipalities across the province for the continued maintenance of the roads used by vehicles hauling aggregate products and/or quarrying supplies.

Our municipality, like many others in Ontario, depends solely upon water wells drilled into the aquifer to provide our potable water. Our water consumption over the past 10 years has increased almost 35% and all of this water comes from municipal wells supplied by the underground aquifers. We cannot live without water; thus, conservation and protection of the water within these underground aquifers is an absolute priority. In our opinion, Ontario does not have an inexhaustible supply of potable water.

Frequently, we hear reports of contamination and depletion of potable water supplies within the province of Ontario. Further, we are led to believe that quarrying operations that are operating below the water table often

discharge the water from the dewatering process into local streams and rivers. This process can increase the temperature of the water being discharged. We are advised that just half a percent increase in the temperature of the water in streams and rivers can negatively affect the spawning of fish in those streams and rivers. Protection of all underground aquifers, rivers and streams must be a priority of this government.

Our municipality is located within a primarily large rural agricultural area. Many of our citizens depend on agriculture for their livelihood. All of us need agricultural products for our daily food. Our population in Ontario is increasing and the amount of viable agricultural land is decreasing. The Ontario Smart Growth Network states that Ontario will need to find room for several million new people over the next 30 years. We cannot expect to feed Ontario's population from imported food sources. We are concerned about the steady depletion of quality class 1, 2 and 3 agricultural land within the province. We believe the province must move to protect agricultural land for food-growing purposes. We must protect our farmland, not dig it up or pave it.

We note that throughout the province of Ontario there are literally hundreds of abandoned pits and quarries. The majority of these are in need of rehabilitation. It is our understanding that rehabilitation is being undertaken through the management of abandoned aggregate properties program. In our view, this program is severely underfunded, understaffed and largely ineffective. We recommend that the rehabilitation requirements of the act be updated and strengthened.

With these concerns—preservation of potable water supplies and viable agricultural land, adequate funding to municipalities for road maintenance, proper abandoned quarry rehabilitation—in mind, we respectfully make the following submissions respecting proposed changes to the act:

Aggregate quarries should not be permitted to exist below the aquifer, unless a full environmental assessment has been undertaken with the unambiguous conclusion by all participants that any negative impacts will not occur. Any possibility for the contamination of aquifers must be avoided. Ontario's precautionary principle must be the core of the Aggregate Resources Act.

Any quarry that is currently located in an area of potable water aquifers or drinking water source must not be permitted to contaminate any local aquifers. This requirement must be enshrined in law. Further, in future we should prohibit aggregate extraction that will occur below the water table in all drinking water source areas.

All of the owners, shareholders, directors, officers, managers and supervisors of any aggregate quarrying operation should be held personally responsible and not able to hide behind the corporate veil for any environmental damage caused by the operation of the quarry, even after it has ceased its quarrying operations.

The Aggregate Resources Act and any acts relating to the extraction and/or use of aggregates must require that all demolished concrete products be recycled into new

concrete products and not permitted to be dumped into landfills. While this may slightly increase the cost of dealing with demolition waste, it retains most of the value of our resource. If Ontario is to have an economically viable future, we must conserve our aggregate, which, in our opinion, is a depleting resource. As a council, we are investigating the feasibility of passing a municipal bylaw requiring that all demolished concrete and aggregate within the municipality must be recycled.

Any application for a new aggregate quarry, or for the extension of an existing aggregate quarry, should be subjected to a thorough review process under the Environmental Bill of Rights. This review should encompass all relevant acts such as, at the very least, the Ontario Water Resources Act, the Environmental Protection Act and the Mining Act.

Further, all agricultural land in Ontario must remain as such and not permit the extraction of aggregate from beneath that land. We define agricultural land as class 1, 2 and 3 land upon which food crops can be grown. We recommend development of a process with the relevant guidelines to define and protect our agricultural land resources.

We do not agree with the policy that aggregate must be mined as close to its final use as possible. The additional cost of shipping aggregate from distant points within the province is, in the long run, more beneficial and retains our provincial natural resources for use within the province of Ontario.

All aggregate mined in Ontario must be used within Ontario and not be permitted to be shipped offshore. We must retain this depleting resource for our own use.

All existing and proposed quarrying operations must be required to provide adequate financial assurance to ensure that the operation and eventual closure of the site will continue to protect the environment and not become a liability of the people of Ontario.

Our council fully supports the submissions and recommendations made to the standing committee by the Environmental Commissioner of Ontario and the Canadian Environmental Law Association.

In summary, our council feels that there are serious issues respecting aggregate quarrying operations that must be recognized as such within the province of Ontario. This committee has the unique opportunity of protecting these issues. Good agricultural land in Ontario is at a premium. Our residents depend on it for their food and, in many cases, their livelihood. The resource of potable water within our province is depleting. Water is indispensable to our lives. We must do everything to protect its source and conserve its use. We encourage you to make recommendations to revise the act, its regulations, and encourage the revision of other relevant acts to ensure that Ontario's agricultural land is protected for agricultural uses and Ontario's water supply is not depleted or contaminated and remains a viable resource for our citizens.

Yours sincerely, the town of Shelburne.

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The Chair (Mr. David Oraziotti): Thank you, Ken. We appreciate the presentation. Just a few minutes for questions. The NDP caucus is up first.

Mr. Rosario Marchese: Thank you, Ken. I think that you as well are reflecting many of the things that people are saying. I'm glad to see you looking at number (4), although as I reference number (4), you talk about council "investigating the feasibility of passing a municipal bylaw requiring that all demolished concrete and aggregate within the municipality must be recycled." It's a good thing. Obviously, council has been talking about it. You haven't been doing it, but you want to do it, and you're exploring how you can do that. Is that the case?

Mr. Ken Bennington: That's correct.

Mr. Rosario Marchese: I really do believe the province has a role to play in this because you are creatures of the province. We can work with city councils to help you do that and to help all municipalities across the province do that. It isn't just a case of we do it in one ministry and municipalities could do it as well. I think we need to lead, and yes, we are in one ministry, but I think we also have the power of the province to help municipalities do this and, where there is reluctance, to force them, if that's what needs to be done.

Do you agree that we can find a way to co-operate and/or that we should be encouraging or forcing municipalities to recycle, or is there something else that should be going on?

Mr. Ken Bennington: I would agree with that, yes.

Mr. Rosario Marchese: That we should be co-operating with each other to make it happen, or do you think we should force municipalities to do this? What do you think should happen?

Mr. Ken Bennington: I think collaboration is probably the first step. If it doesn't happen, then you would have the power to force the issue—

Mr. Rosario Marchese: So what are some of the reasons why you might not have done it before and now you are looking at doing it? Is there an explanation?

Mr. Ken Bennington: I think it's just the principle we're working on. I don't really know why we have never done it in the past. But as these issues come to light and the focus is on that particular resource, now is the time to make that change.

Mr. Rosario Marchese: Okay, thank you.

The Chair (Mr. David Oraziotti): Liberal caucus, Mr. Colle.

Mr. Mike Colle: Just on that point there, I want to congratulate you for at least investigating using recycled aggregates. Do you know of any other municipalities in this area that use recycled aggregates?

Mr. Ken Bennington: I don't have anyone in mind. Not to say that there isn't; I don't want to put words in their mouth.

Mr. Mike Colle: Okay. Maybe we can get research to find out how many municipalities in the western GTA use recycled aggregates.

Anyway, thank you. I think that's obviously—you know, a small municipality like Shelburne may lead the way in this direction and possibly MTO could be of help because they are also very advanced in their recycling. That's maybe one way we could help Shelburne, given your size. It's hard to do it by yourself, so if you need expertise in that we might be able to do that.

When is the fiddle—what's the date?

Ms. Sylvia Jones: I'll send you your invite. It's August 6, 7, 8, somewhere in there.

Mr. Mike Colle: Shelagh Rogers is going to do it again?

The Chair (Mr. David Oraziotti): Okay. Thank you.

Ms. Sylvia Jones: We're getting sidetracked.

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

Ms. Sylvia Jones: Thank you, Chair. I have two questions but they are actually related. You made reference to the management of abandoned aggregate properties program, which is basically rehabilitation of abandoned pits and quarries. The money that is used for that actually comes out of the levy. There's a very small—I think it's half a penny that comes out of the levy that goes into those abandoned pits and quarries. A number of them, in fact, are municipal, former wayside pits and municipal pits.

My question is related to your reference to wanting the levy increased. You're not the first person who has raised that. Many have talked about how we need to ensure some continuity, that if there is an additional flow of money, it doesn't just go into general revenue, that it actually gets set aside for rehabilitation, for municipal assistance in roads etc.

A two-part question: Do you have any suggestion to the committee on what the levy should be? And do you have an opinion on whether you would like to see that separated out from general revenue or that a higher percentage go into rehabilitation of abandoned pits and quarries? Sorry, long question.

Mr. Ken Bennington: I think it should be separate funding so we can track it and it's transparent.

As far as the levy dollar amount, I don't have a dollar amount in mind or at my fingertips, but when I do some home improvements, I always go with, double it and add 10%, so let's start there.

Ms. Sylvia Jones: Thanks, Ken.

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

OXFORD PEOPLE AGAINST THE LANDFILL

The Chair (Mr. David Oraziotti): The next presentation is Oxford People Against the Landfill. Sometimes we're not too clear on some of these acronyms or the names of the groups, but this is fairly clear.

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

presentation and five for questions. Simply state your name and you can get started.

Mr. Howard De Jong: I'm Howard De Jong. I'm here representing OPAL, Oxford People Against the Landfill. We have an issue in Oxford county. The community has now risen, and in four months we've developed a pretty extensive group and an active group. We feel our community is being threatened, and part of the threatening details come from the Aggregate Resources Act, specifically the rehabilitation portion.

Honourable members, I appreciate you entertaining our submission today. The process you are undertaking is absolutely necessary. Re-evaluation and rewriting portions of the act are crucial to protecting communities. We are not dealing with the same environments that existed in 1990. Corporations have had a 20-year head start on this act. Corporations can write off all expenses as development costs. Compare that to communities who are trying to protect themselves with the proceeds of bake sales, auctions and barbecues. This is exactly what we're doing in Ingersoll. We can't even donate to the cause and get a tax receipt, much less have a complete deduction.

The very first page in the act that I read identifies reasons for the act: item (c) is to require the rehabilitation of land from which aggregate has been extracted; and (d) to minimize adverse effects on the environment. We knew this in 1990. It must have been a problem back then as well; we still have it.

If you'll indulge me, the average thought process of any business when faced with a pit that is playing out: They begin to develop an exit strategy. First, it would be normal and expected that these companies would find the absolute, most cost-effective way to rehabilitate according to their site plan. Second, they would check in to see if we can get somebody else to do it for us, to minimize costs, and can that party take on our liabilities of site plan obligations. Third, a question would be: Is there a way we can gain from the rehabilitation process? Can we charge for what goes back in? Can it be done without jeopardizing our aggregate licence? Can a third party assume that risk? All of this thought process should be expected from any licence holder, especially ones that are responsible to shareholders first and would consider fines as a cost of doing business, or exit strategies that could employ possibly leases, subleases, transfers or other avenues of bypassing a rehabilitation site plan commitment.

1700

Why and how does the Aggregate Resources Act end up in a landfill argument? Do we accept incomplete rehabilitation? Should we, in the future, accept incomplete rehabilitation? Presently, we're in the middle of it. Do we accept from anyone other than the licence holder to complete a rehabilitation for them? Do we now accept waste of all shapes and forms as rehabilitation? Do we accept transference without guidelines? Are we somewhat naive or does this act seriously need updating? Not only this gaping hole in the ground that we have that entices landfill companies, this gaping hole in the Aggre-

gate Resources Act concerning rehabilitation is ultimately responsible for the process beginning.

We need clarity for exactly the same reasons as in 1990. Aggregate operations have found their way around rehabilitation site plans. They have found their way around commitments. With the seemingly unending list of waste companies working their way into existing aggregate operations all across the province, we must prepare ourselves or at least have a way to stop a clearly wrong application. This can be done by building a very exact, very specific and enforced—and I stress, enforced—rehabilitation requirement.

At this point, I would like to pause and just throw out there: We have had one incursion with a NAFTA connotation to it. Could you imagine if all of a sudden a NAFTA avenue came forward and decided to overthrow this so that we had to knuckle under and accept a wrong application?

Our community, after hearing Shelburne's submission, we agree with them 100%. A very excellent submission. But our community is also in favour of proper aggregate operations—well-run operations, well-planned operations and compliant to their industry agreements such as site plan rehabilitation. It is required and it's a condition of licence. How are these companies allowed to continue under their aggregate licence while openly having an agenda to bypass them and put something into that quarry that is clearly not supported by the act?

Until now, we, in Oxford, have lived in a symbiotic relationship with the lime quarries. We've put up with dust, noise and trucks; we received some employment in return. It was a symbiotic relationship. When the wind blew in a certain direction, we knew that you just didn't hang the laundry out on those days. The final piece of the puzzle was that the licensee was going to make things right again. We, as a community, counted on that, and we counted on them honouring their agreements.

The present proposed landfill that is being proposed to go into this quarry is directly on top of porous bedrock and our aquifer. The map later shows that.

We also want the province to understand that landfills—we are promoting that our province entertain far, far higher and better, more world-class techniques in recycling practices. It can be done. It's been demonstrated in other areas of the world. We're sadly lacking. New operations of this nature really are not necessary. Why is the Aggregate Resources Act involved, or seems like it's fostering it? Just as we agree with others that, seeing as there are approximately 150 years' worth of aggregate licences open in the province, there should be a proven need to issue new aggregate licenses, we also feel that needs have to be demonstrated before any landfills are placed in these quarries that actually have rehabilitation agreements attached to them which aren't being honoured.

We definitely need more transparency. The public opinion needs to carry more weight. Current projects slip through under the radar with little or no public partici-

pation. While comments are collected, they really don't carry a lot of significance.

These are our homes, our communities, a stone's throw away from where family is buried, on top of an aquifer in one of the few remaining areas in southwestern Ontario that still draws water from freshwater wells.

The Chair (Mr. David Oraziotti): Mr. De Jong, that's about time for your presentation, so if you just want to take a minute to wrap up, that would be great.

Mr. Howard De Jong: Okay. We will wrap up, thank you.

As a community, we now fight with whatever we have at hand. Previously, we didn't have to worry about the future of our community. Now we constantly worry, defending against a proponent and a process that strive to change our way of life. The role of government is to make sure that no one gets an unfair advantage to the detriment of the many.

Thank you.

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

Mr. Mike Colle: Thank you for the excellent presentation. I guess you're getting the double whammy here: You've had the quarry; now the proponent is trying to turn it into a landfill site?

Mr. Howard De Jong: Actually, the quarry is carrying on operations on a very large site. There is a second participant that is proposing to—

Mr. Mike Colle: On the same quarry?

Mr. Howard De Jong: On the same quarry, and we are not able to access the information as to the deal between them as to how this aggregate licence is going to be transferred to yet another company that's proposing to put a landfill on the same property. This is what we're trying to defend ourselves against. It's like shadow-boxing something that isn't there. There is a proponent putting it forward. They have an office and they are collecting terms of reference for the project, and yet the owner of the licence carries on operations seemingly unaffected. How is that possible?

Mr. Mike Colle: So obviously, what you're making very clear here is that the rehabilitation site plans really aren't worth the paper they're written on.

Mr. Howard De Jong: They're basically being circumvented in our case, for sure, and from what I hear from Shelburne, and from pits that are obviously abandoned all across the province; apparently there are 70 open permits in one township right next door to us.

Mr. Mike Colle: Thank you.

The Chair (Mr. David Oraziotti): Conservative caucus, questions? Mr. Arnott, go ahead.

Mr. Ted Arnott: I want to thank you very much for making this presentation because it sheds light on a part of the issue that I wasn't aware of, certainly. I'm not a member of this committee—I'm subbed in today—but I think you've made a number of very significant and salient points that the committee needs to consider in the context of the overall review of the Aggregate Resources Act.

You said it's a second participant that is seeking to establish a landfill.

Mr. Howard De Jong: Yes, sir. There is a company that owns the property of the quarries—they are the licensee—and we have another company, which is a landfill company, which is presently collecting terms of reference. They indicated to the community that they intend to go forward and have a plan in place and a deal in place somewhere along the way. We are not party to that deal. We don't know how or why, but we really believe that the Aggregate Resources Act—under proper rehabilitation and following things that are already set out in the act, this should never have come to light. That pit should have been full, if that's the case.

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Mr. Ted Arnott: Thank you.

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

Mr. Rosario Marchese: Thank you, Howard. It's the same question. I mean, clearly the licensee is working hand in hand with this other operator. There is no doubt about that. They're obviously doing this together. My only question is, when you contacted the ministry or the political part of it, either one or the other, did you get a meeting? Who did you meet with? Were you able to get meetings? What did they say?

Mr. Howard De Jong: Interesting question. We have had very frustrating meetings with all levels of political environments. We asked almost every politician that we have in our region for leadership, even if it's not directly in their camp. Federally, we got the response that "It's not my jurisdiction." We were really impressed. Provincially, we got an ear. We are a Conservative riding, and we were basically told that he has pushed every button that he can in order to raise the issue, but they're not in power and therefore he can't get very far at this point in time. Local councils, both town and county, have struck out and sent out a message to the provincial government that they are—apparently, they are not allowed to show bias in their position, but they have issued a request of the provincial government to put a moratorium on new landfills. That's about as far as they could go out on a limb.

Mr. Rosario Marchese: And did you contact the ministry directly?

Mr. Howard De Jong: Not myself.

Mr. Rosario Marchese: Somebody else, yes?

Mr. Howard De Jong: Others have, yes.

Mr. Rosario Marchese: And did you get a meeting?

Mr. Howard De Jong: There is a meeting coming up, yes.

Mr. Rosario Marchese: Oh, coming up. Okay. So you don't really know what the response might be.

Mr. Howard De Jong: Not at this point in time, no.

Mr. Rosario Marchese: Okay, thank you.

The Chair (Mr. David Oraziotti): Thank you very much, Mr. De Jong. That's time for your presentation.

Mr. Howard De Jong: Thank you.

DUFFERIN FEDERATION
OF AGRICULTURE

The Chair (Mr. David Oraziotti): The next presentation: Dufferin Federation of Agriculture. Good afternoon. Welcome to the Standing Committee on General Government, Leo. As you know, you've got 10 minutes for your presentation. Just simply state your name and you can start.

Mr. Leo Blydorp: Thank you. My name is Leo Blydorp. I'm a farmer in Dufferin county and I am also on the Dufferin Federation of Agriculture, which represents over 500 farmers in Dufferin.

I've been a farmer in Dufferin for the last 10 years. Before that, I also farmed in Huron county. Before that, I worked in industry for many years. I've had a long passion for agriculture soils and maintaining productive soils in Ontario. I was a student at the University of Guelph, and in my activism days back then, we were busy trying to stop some of the advancing developments in Halton and Peel; we know how much the city of Brampton has stopped growing. I got into the work world and worked for many years and then decided I was going to go farm, go back to an old interest. Then, in the last number of years, I became very familiar with many of the issues surrounding aggregates and an application for a mega-quarry in Dufferin county and Melanthon township, not too far from where I farm.

I want to thank this committee for moving beyond Toronto. Most of us who are affected by aggregates are in the agriculture industry, and I think we have some valuable insights in terms of how that land should be preserved for the long term. I also appreciate the presentations that were made in Toronto from both the Ontario Federation of Agriculture, which we are a member of, the county federation, and NDACT, which I'm also a member of. I guess I could go and sit down because most of the stuff in there I support, but having 10 minutes here, I want to use a few of those minutes.

As I said, I'm very passionate about maintaining our productive soils in Ontario for perpetuity. It took us about 10,000 years to produce the soils that we have in Ontario following the last glaciation period and in the last 150 years we have already lost about 20% of that to productive agriculture—largely due to urbanization.

We've heard a number of the statistics, that only half a per cent of the Canadian landmass is class 1 land, and 52% of that is in Ontario. There are a few other statistics that are used in quantifying and determining the worth of the land that aren't often considered. The first is the land inventory class that's already been spoken about, the class 1, 2, 3, 4, 5, 6 and 7 lands. But there's another way of classifying land and that's according to climate. According to the climate categorization, there are three things. First of all, frost-free period: We have to be able to grow crops without frost. The second is degree day information. That's primarily how much heat we have. And thirdly is the amount of moisture that we have.

When you mirror that on top of the land inventory classes, the class 1, 2, 3 and 4, the most favourable classes, according to the Agroclimatic Resource Index, also fall in Ontario. It's not often that I speak highly of statisticians, but Agriculture Canada and their statistics division have said that on a clear day over one third of Canada's best agriculture land can be seen from the top of Toronto's CN Tower. So that might extend this far, maybe a little bit further north, but a lot of that best land that we are trying to protect is in Ontario.

It's our contention, as the Dufferin Federation of Agriculture, that Ontario has been paying lip service to protecting our best lands from development. It seems that any kind of thing is better than farming it. We get these questions all the time. We get questions about people who buy land and can't have severances. They want to be able to profit from their land in ways other than through agriculture production.

As a society, therefore, I think we can come a long way in appreciating our farmlands, because, again, it seems that development is always the best way: Is there some way that you can add value to that land? We've had a number of regulations on the books for a long time that give this lip service—and I'm looking at the Ontario policy statement here.

First of all, under long-term economic prosperity, it says that we should promote the sustainability of the agri-food sector by protecting agriculture resources and minimizing land use conflicts. And then, under another section, 2.3.1, it states that prime agriculture areas shall be protected for long-term use for agriculture.

But then, under mineral aggregate resources, the policy statement says, "In prime agricultural areas, on prime agricultural land, extraction of mineral aggregate resources is permitted as an interim use provided that rehabilitation of the site will be carried out so that substantially the same areas and same average soil quality for agriculture are restored."

Then, it gets a little bit schizophrenic, in my opinion. It says, "On these prime agricultural lands, complete agricultural rehabilitation is not required if ... there is a substantial quantity of mineral aggregate resources below the water table warranting extraction, or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible," and it goes on and on. So either we're going to protect our farmlands or we're not.

There was mention about food and the fact that we have a growing population in this province. In addition to just producing food, agriculture has also been asked to produce a lot of other goods in the last 10 years. The use of biofuels has increased astronomically, to the point that 40% of the US corn crop is now going into ethanol production. In addition, there are other agriculturally based products that are starting to be a part of the economy. I'd like to argue that agriculture has surpassed the automotive industry as the number one driver of the economy, and in order to continue to maintain that, we need

to maintain our class 1, 2, 3 and 4 soils—our prime agriculture soils.

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While I've argued strongly for protecting our prime agricultural land, it doesn't mean that I'm opposed to the aggregate industry. As a farmer, I rely on aggregates, on good roads to try to get my product to the marketplace. I rely on aggregates to make buildings. But it's our contention as a federation that there is not a lack of aggregates. There's no shortage of aggregates in Ontario.

I have travelled to different places in the world, and the country of my origin, which is the Netherlands, has very little aggregate, and they seem to be functioning quite well. I've been travelling in the Third World; countries like Bangladesh have no aggregate. The last time I drove north of Simcoe all the way to the Manitoba border, there was about a 16-hour drive's worth of aggregates as soon as you get to the north part of Simcoe county.

I think there's lots of aggregates. It's a matter of where we decide to get them from. According to the Ministry of Natural Resources, there are five major limestone formations throughout the province. We don't need to go to our best agricultural lands to get these aggregates needed for our infrastructure.

Other jurisdictions have been successful in protecting farmland. I think BC has an agricultural land reserve, and it protects their prime agriculture lands in the lower Fraser Valley very effectively. Quebec has some similar legislation.

To conclude, the DFA requests that the Aggregate Resources Act and other related policy and regulations, such as the provincial policy statement, be amended to first of all prohibit aggregate extraction on our prime agricultural lands. Classes 1 through 4 and specialty crop lands should not be open to aggregate extraction until all other areas have been exhausted.

In areas where agriculture is the predominant use, rehabilitation of existing quarries and gravel pits must restore the extracted area back to agriculture. This rehabilitation needs to be monitored to determine the extent and effectiveness as measured by the resulting productivity of the soils. This should go over several years; it's not something you can just simply determine in one or two years.

Finally, there need to be sufficient funds set aside—fees collected, or something—so that this rehabilitation is able to occur and occurs in a timely manner.

Thank you for the opportunity to address this committee.

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

Ms. Sylvia Jones: Sure. Thanks, Leo. Just one point of clarification: We've talked a fair bit about rehabilitation today. Just so everyone is clear, for existing licences, it is the responsibility of the licence holder to rehabilitate. The abandoned rehabilitation or rehabilitation that occurs on abandoned pits and quarries is pre-1971, so it's a

different group of abandoned quarries. The current legislation does not allow extraction and then walking away—just so we're clear on that.

Back to the levy, with the rehabilitation fund, has the Dufferin Federation of Agriculture had any discussions about what that levy should be? As you know, it's 11.5 cents right now. I believe a half a cent goes to the rehabilitation fund. Do you have any thoughts on whether that should change, how it should change?

Mr. Leo Blydorp: Well, we haven't had any discussions on what that should be or whether it should change other than the fact that there's a generally held belief that there's not sufficient money there to do the required rehabilitation.

There's also the thought regarding the active pits, that many of these pits are kept active—whether there's a lot of extraction going on or not is another thing—just so that they can avoid the rehabilitation. Maybe they only haul a load of gravel out of there every five years.

Ms. Sylvia Jones: So that they don't have to do the rehabilitation component.

Mr. Leo Blydorp: Right. The truth of that I don't know, but that's some of the scuttlebutt that I hear around the countryside.

Ms. Sylvia Jones: Thank you.

The Chair (Mr. David Oraziotti): Thank you. NDP caucus: Ms. Campbell, go ahead.

Ms. Sarah Campbell: Thank you for your presentation. I have a question. There seems to be some conflicting commentary about whether or not it is possible to rehabilitate farmland back to a usable kind of use. What's your view of that? Is it possible to rehabilitate farmland, especially when the ground underneath it has been removed?

Mr. Leo Blydorp: Well, that depends. Really, if you're digging a hole 200 feet deep and you're removing all the limestone that has a lot of characteristics that make that area very suitable to agriculture, I seriously question whether that can be done. It's not just the topsoil; it's the underlying subsoils that also contribute to the effectiveness and the production capability of the soils above in terms of drainage characteristics, nutrient retention and a whole other host of chemical, physical and biological processes that take place in soil. Soils are very complex. They're full of life, they're full of chemistry, they're full of physical characteristics, and a lot of that stuff is destroyed when we do a lot of extraction.

I think we have a lot that we can learn about rehabilitating these pits and determining how much of an underburden or overburden is required to be moved back from the original parent materials before the topsoil is put back on. So I think it's possible, especially with some of the smaller pits, but for some of these large holes in the ground, well, I've never seen any rehabilitated and I question whether or not it can be done.

The Chair (Mr. David Oraziotti): Liberal caucus: Mr. Colle.

Mr. Mike Colle: Thank you, Leo. In terms of protecting farmland, right now Ontario has one of the largest

protected greenbelts in North America, the Ontario greenbelt: over a million acres protected, a lot of that farmland. Are you in favour of expanding the boundaries of the greenbelt as a way of protecting farmland and making it stronger so there isn't aggregate extraction allowed in the greenbelt area and the Oak Ridges moraine area, for instance?

Mr. Leo Blydorp: Well, it depends if you're asking me or if you're asking the federation. We've had some different discussions. I think all agricultural land that is class 1, 2, 3 and 4 should be protected, whether it's in the greenbelt or outside of the greenbelt. I think we continue to have way too much fragmentation of land going on. There have been a lot of old severances that are still being activated. While there's been some discussion about a leapfrogging effect beyond the greenbelt, I think as a society we have to make a decision: Do we want to protect farmland? Do we want to have farmland and crop-producing land available to future generations? Can we move some of our urbanization, some of our commercial and industrial developments, to poorer classes of farmland? I think we can, because we have so little farmland to begin with, but our history of development started on the best farmland and it has continued from there.

Mr. Mike Colle: Because it's easy to build on farmland for the developer.

Mr. Leo Blydorp: Well, it's also easy to build, but you look at the city of Sudbury, which is largely on rock, and they seem to be able to make things work over there.

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

MR. DAVID VANDER ZAAG

The Chair (Mr. David Oraziotti): Our next presentation: David Vander Zaag. Good afternoon. Welcome to the Standing Committee on General Government. As you're aware, you have 10 minutes for your presentation, so simply state your name and you can start.

Mr. David Vander Zaag: Okay. My name is David Vander Zaag. Good afternoon, members of the committee, and thank you all for taking the trip up. Thank you for being members of the committee. It reinforces—I'm an optimist—my belief in government and democracy. It's great to see you here.

I am a third-generation farmer with four sons and grow potatoes on an 800-acre farm directly adjacent to the proposed mega-quarry site. I'm here to tell you this afternoon about the very unique nature of the soils on this 15,000-acre plateau. It's a story that is not understood, and that is why I am here to do so.

This is a message that is lost today because only 1.5% of the population in Canada are farmers. By comparison, in 1930, one third of the population farmed. How can the 1.5% be heard, and watch over and protect this resource that we all depend on, a resource that is under so much pressure? It is a huge challenge.

My background is unique and gives me an acute appreciation for this land. I grew up on a potato farm in Alliston and moved to Shelburne 14 years ago when we found this farm for sale. I also am fortunate enough to operate five potato equipment dealerships in Michigan, Ontario, New Brunswick and PEI, and have visited farms all over the world. This experience has given me a great appreciation for how blessed we are with prime farmland of this quality.

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My father moved from a farm in Holland to Canada. Before then, my grandfather won a lottery before the Second World War that allowed him to move from a small farm in North Holland to one of the new reclaimed polders. During the Depression, in order to make that land good enough to farm, teams of men turned the soil over six feet in depth by hand to put the sand on the bottom and the loam on the top. It's something that occurs naturally right here.

In Holland, they spent millions turning water into farmland, the very opposite of what could happen just north of where we are sitting. They had experienced hunger and knew that creating farmland and securing a food supply was in the national interest.

My principal argument is about land use planning and what makes sense for our society as a whole. I will attempt to explain to the non-farmers in the room why this land is unique and vital. Describing it is like trying to describe a masterpiece you cannot see, but I will do my best, so let me explain in laymen's terms what makes this class 1 ag land so special. It has 7 main characteristics:

- (1) Its soil type is loam.
- (2) It's stone-free.
- (3) It's flat.
- (4) It's uniform. Each 100-acre block is the same.
- (5) It's contiguous. It is one large 15,000-acre block of the same soil type.
- (6) It's well drained.
- (7) And its location: you get 28 inches of rainfall, a moderate climate, and we're 90 minutes from five million people.

Any two or three of these characteristics alone would make land good. This land rates "excellent" on all seven of these characteristics. Let me explain.

Soil type: At the one extreme you have sand, like you find on a beach. It can be worked easily but doesn't hold water or nutrients very well. At the other end of the spectrum, you have clay. If it is heavy enough, you can make bricks from it. Clay holds moisture and water but cannot be worked very easily. It gets lumpy and can remain wet for far too long.

What we have is honey wood loam. It is the best of both. It drains well like sand, yet holds water and nutrients like clay and it works smoothly, like butter in your hands. It's ideal for growing crops that grow in the ground, like potatoes. Loam soils are exceptionally rare. Root crop farmers scour the province trying to find it and pay a premium when they do. As the saying goes, "Good land breeds good farmers," and the most expensive crops.

Where there is loam you will find high-value veg crops. Potatoes, for example, gross \$3,000 to \$4,000 an acre while grain would gross \$500.

Sand soils can grow vegetable crops, but it is not as sustainable for the environment. Sand requires more fertilizer and requires much more water, all resources that are expensive and scarce.

Number two is that it's stone-free. This is self-explanatory and rare. It is very important and a huge advantage when growing a root crop like potatoes that need to be separated from the earth. Stones damage crops and equipment. Almost all potatoes grown in Michigan, New York, New Brunswick and Maine—four important major growing areas—fight with land that has as many stones as it has potatoes. Just this characteristic alone makes us the envy of these regions.

Number three, it's flat. Hilly or rolling fields are difficult and dangerous for machines to work. Hilly land also erodes easily. When it rains, the high spots lose their topsoil and dry out, while the low spots drown out and get too wet. In New Brunswick, for example, farmers use terraces every 60 feet around hills in much of their potato land to combat this.

It is uniform. The farms here are of a uniform soil type throughout each 100-acre block. This is very rare as well. On many fields I have worked, the soil will change within the 100-acre area from clay to clay-loam to sand, all within the same farm. Each farm on this plateau is the same from front to back, which is very rare.

On top of that, it's contiguous. This 15,000-acre plateau is contiguous. It is not only uniform throughout the 100-acre block; the complete 15,000-acre plateau is essentially the same from field to field. I can't emphasize to people who don't farm how rare this is. It's something that we have special right in our backyard. By comparison, the Holland Marsh is about a 7,500-acre block. Our plateau is twice the size and all in one block. That's the reason that I feel it's important; because we really do not appreciate how what we have is unique. If there's one point I can get across today, I would like to make that point.

Well drained: The 200 feet of karst limestone aquifer beneath the fields holds a tremendous amount of water and also maximizes drainage. The limestone provides an open bottom that protects veg crops from flooding and damage from heavy rains. A vegetable grown in the ground cannot sit in standing water without rotting. We have had cases of nine inches of rain in the spring, but within 24 hours all the free water had dispersed into the karst and underground river systems.

By comparison, the land west and east of this plateau needs tile drains strung 20 to 40 feet apart to accomplish the same. But tiling doesn't come close to doing the same thing.

Location: We are only 90 minutes from Canada's largest city and five million people. We are blessed with an average of 28 inches of rainfall a year. Compare this to regions in the US which do not get enough rainfall and depend solely on irrigation for their water. For example,

the Ogallala aquifer runs under eight states, from Texas to South Dakota. Its volume of water is equal to that of Lake Huron. That region provides one fifth of the US ag harvest and has been over-pumped, and there are estimates that that aquifer will be depleted in 25 years. There are warning signs of what's coming ahead.

Now that you see what characteristics make this land unique, we have seven out of seven—seven excellent ratings out of seven. Just how scarce is this class 1 type of land, the highest-quality land available? An analogy that I can do to help you understand that is that if the province of Ontario were a 100-acre farm, only three-and-a-half acres of that 100 acres would be farmland and less than one thousandth of an acre would be vegetable land, growing the highest-value, highest-tonnage crops per acre. As far as land use planning goes on our 100-acre farm, why destroy the most valuable one thousandth of an acre when there are 96 acres of non-farmland available, or the poorest class 4 to 7 farmland at minimum?

While I've tried my best to describe this soil and its rare qualities, you have to see it. Considering what is at stake—the magnitude of the proposed mega-quarry on this very land—I would like to invite you to visit our farm so we can show you what we are talking about: where your food comes from and how unique this farmland is. Individually or as a group, you owe it to yourself to see first-hand. You owe it to Ontarians.

This discussion is about stewardship. Farmers cannot do it alone. The farmer's voice and our knowledge are getting crowded out by the 98% who don't farm. The stewardship of our land is a responsibility that must fall on all of us and, to a much larger degree, our elected officials, who provide leadership and set policy. I applaud the government for the steps taken so far—the environmental assessment that has been ordered for this unprecedented application and for the review of the ARA. Thank you. But now is the time to take the next step. Now is the time to call for a moratorium on all aggregate applications involving prime farmland until the flawed ARA is revised.

It is clear that there are problems with the act. Prime farmland is not protected under the ARA, and that must change. There is no downside to taking the time to get it right.

I close with a final quote from Franklin Roosevelt back in 1937: "The nation that destroys its soil destroys itself." Those wise words are more valid today than ever. Thank you for your time and attention.

The Chair (Mr. David Orzietti): Thanks very much for your presentation. We appreciate the work you put into that. NDP caucus? Go ahead, Mr. Marchese.

Mr. Rosario Marchese: Thank you, David. A couple of comments: I just want to thank you for providing a more emotive and visual connection to the land. It's not as if the others were not effective, but it just adds an extra layer of visuals to it, and I think it's very useful. You might send us an invitation; some of us might come back to visit your place.

Mr. David Vander Zaag: That's great.

Mr. Rosario Marchese: Third, don't underestimate the fact that more and more city people value the agricultural lands that we have in Ontario. I think those connections are happening more and more, and it will be city people who will defend agricultural land; it's just a question of time. So I think we, as political parties and governments, have to create this hierarchy of needs, and I appreciate how much agricultural land contributes to our lives. I think, hopefully, we will have a better response to all of this at the end of it.

I think it also reflects that many of you are saying that you're not against aggregates. You're all saying that. You're all saying that there is no shortage of aggregates throughout Ontario, and we need to study that. We also need to study recycling better and make better use of recycled aggregates. I think we're going to have to move on that. My hope is that at the end of this, we will do a better job of it. Thank you for your presentation.

The Chair (Mr. David Oraziotti): Thank you. Liberal caucus? Mr. Colle.

Mr. Mike Colle: Thank you for the very poetic presentation, sort of echoes of—I think it was Scott Fitzgerald's book, *Tobacco Road*. I don't know if you've ever read it or seen the movie.

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Mr. David Vander Zaag: No.

Mr. Mike Colle: It's all about the love of the land and losing the land during the drought and the hard times, I guess, in the Carolinas. Anyways, sorry to digress.

The thing that you've done very well here is really illustrate the valuable resource this plateau is. I mean, it's really unprecedented, because we all know the Holland Marsh and we all know about Idaho potatoes or PEI potatoes. Meanwhile, we've got this real treasure that has maybe been a secret for too long. I think the more of us who are exposed to this valuable, God-given natural resource, the more partnerships there will be to protect it. I think we're all rushing around eating fast foods and so forth, and we don't stop to think we've got this incredible, rich, rich soil here, just, as you said, 90 miles from Toronto.

As I think the member from Trinity–Spadina said, I think there are a lot of city people who are very concerned about the food they get and where it's coming from. They want to shop locally, eat locally. They're sick and tired of eating Chinese garlic; they want local garlic, local potatoes. I think we also have to get people that message: You're not going to have those local products unless you protect this valuable farmland we have on our doorstep here. So thank you very much.

Mr. David Vander Zaag: And it's the best in the world, without exaggeration. It's right in our backyard.

Mr. Mike Colle: And you've been all over the world, so—

Mr. David Vander Zaag: Absolutely, and that's why I'm so passionate about it, because I don't think—the hardest part is that people just do not appreciate what we have right under our nose. That's a sincere concern.

Mr. Mike Colle: Well, you're a great salesperson for this very good resource. Just keep it up, and thank you for being here today.

Mr. David Vander Zaag: Thanks.

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

Ms. Sylvia Jones: Thank you, David. My colleague to the left of me said that in his 22 years of legislative life, he has never heard a more concise and well-presented presentation. So I appreciate it. I have nothing to add. Well done.

As a point of information for the committee, David and his farm were the host for the Foodstock that happened in the fall. Thank you.

Mr. Mike Colle: We should have a Lunchstock.

The Chair (Mr. David Oraziotti): That's great. Thanks again; I echo the sentiments of the committee. We appreciate the presentation. That's time for today.

SAVE THE OAK RIDGES MORAINE COALITION

The Chair (Mr. David Oraziotti): The next presentation: Save the Oak Ridges Moraine, Debbie Gordon. Good afternoon.

Ms. Debbie Gordon: Good afternoon.

The Chair (Mr. David Oraziotti): Welcome to the Standing Committee on General Government. As you're aware, you've got 10 minutes for your presentation. Simply state your name and you can start. I'm not sure if you have anything to hand out to the committee or a copy of your presentation?

Ms. Debbie Gordon: I did bring a copy, thank you.

The Chair (Mr. David Oraziotti): Okay, the clerk will take that from you. Thank you.

Ms. Debbie Gordon: Good evening to the committee members. Thank you for this opportunity to speak to this forum about ways to improve the Aggregate Resources Act.

Since 1989, Save the Oak Ridges Moraine Coalition has been working at the local and regional levels to ensure that municipalities make good planning decisions that respect the environmental significance of the moraine and that take into account its ecological and hydrological functions.

STORM's years of experience in policy and planning on the Oak Ridges moraine and its well-developed network of local and regional contacts were critical to the campaign that saved, through legislation, the Oak Ridges moraine. In 2001, the Ontario Legislature unanimously enacted the Oak Ridges Moraine Conservation Act, and in 2002 the province passed the plan.

Here we are 10 years later with a threat to the moraine that we could never have predicted. Unfortunately, the province delayed the 2012 review of the plan until 2015 and will review the Niagara Escarpment plan and the greenbelt plan at the same time. We are working with all of our stakeholders to prepare for that.

Close to where we are standing today, the Oak Ridges moraine abuts the Niagara Escarpment, then runs eastward 160 kilometres to the Trent River system north of Port Hope and Colborne. Some 20,000 years ago, a massive glacier covered all of southern Ontario. It is estimated to have been up to two kilometres thick, equivalent to the height of four CN towers. As the ice started to melt and retreat over southern Ontario, a crack was formed in the ice sheet that created distinct ice lobes. The crack formed a crevice that became a massive glacial lake. Unimaginable amounts of sands, gravels and silts were deposited into these glacial lakes which, when the ice and water retreated, left behind the distinctive rolling hills of the Oak Ridges moraine—a massive filtering system that absorbs precipitation and replenishes the aquifers.

Most of the 32 municipalities at one time or another have had sand and gravel pits. Uxbridge and Caledon certainly have had more than their fair share of these. The moraine is literally pockmarked with these historic pits.

The moraine is often referred to as the “rain barrel of southern Ontario.” Sixty five rivers and streams flow from the aquifers beneath her—rivers that I might add sustain life for 1,003 plant species, over 118 breeding birds, 26 reptiles and amphibians, 38 mammals and 55 fish species. Some call it the last refuge of habitat in southern Ontario. This dwindling habitat for vulnerable species can be attributed to the environmental impacts of urbanization and poor planning.

I live on the Maskinonge River, the most degraded river that flows from the Oak Ridges moraine. We have had large fish die off last year and again this spring. I’ve seen what happens when you do not respect water and when you do not have a healthy watershed.

For the past three and a half years, STORM has been working with representatives of the aggregate industry and other environmental organizations as members of the Aggregate Forum of Ontario, the AFO. It was formed to develop a voluntary program for environmental certification of aggregates to raise the environmental bar substantially above that currently prescribed in the legislation. However, voluntary certification should not be a substitute for sound legislation and effective regulations. The AFO has acknowledged the limitations of voluntary certification for such issues as siting of operations and duration of licences.

Ontario Nature is working collaboratively with the aggregate industry, municipalities and other stakeholders, including STORM, to discuss and promote community-based approaches to planning and to aggregate development, as well as higher environmental standards for industry operators.

People feel very protective of their water. In fact, Ontario residents believe that Ontario’s water belongs to us all. It makes no sense that access to clean, potable water has not been afforded the same degree of priority as the need to access aggregate resources. Therefore, we expect the protection of our shared waters for future gen-

erations to be your guiding principle as you review the Aggregate Resources Act.

There is much to be said about the Aggregate Resources Act, and there are many valid recommendations that have been raised by Ontario Nature which we agree with and support. At this point, we’re going to leave it there: that we support everything that they say.

Tonight, I’m going to focus on what we at STORM feel is the most urgent concern right now facing the protected landscape of the Oak Ridges moraine: the dumping of soil from questionable sources into old pits on the Oak Ridges moraine and other parts of rural Ontario.

It came to our attention close to two years ago that fill was being trucked out of Toronto and other areas and being dumped into inactive gravel pits. In some cases, the licences have been surrendered, the pits rehabilitated and new fill is covering the entire site and removing all the contours. We are working with citizen groups in six communities right now dealing with fill issues.

Despite regulations controlling the aggregate industry, the filling of pits is being left to the industry to self-regulate. On at least three occasions we know of, contaminants have been confirmed. Thousands of trucks a day are coming north out of Toronto, creating dust and noise, which have been confirmed to be dumping illegally in many municipalities. The municipalities are struggling to create commercial fill bylaws and to regulate these operations. In many cases, they are not able to control the impact to their communities.

We very recently met with Ministry of the Environment policy staff who are developing Soil Management—A Guide for Best Management Practices, which are not regulations or legislation but only guidelines. The document is not near completion, so another summer will pass with a bevy of trucks rumbling up the 400 Highways and the 404. As we speak here now, hundreds of trucks are heading out into rural Ontario to dump dirt that may or may not be contaminated.

If a dairy farmer gets hydrocarbons in his well water, they could lose their milk quota. There are very few municipal water pipes across rural Ontario, so who’s going to pay for the infrastructure to farms and where are you going to get the water? York region has depleted their aquifers so much that Newmarket has to get its water supply from Lake Ontario.

It is the responsibility of different provincial ministries to work with municipalities and the private sector to stop this from happening. STORM would like to see the Ministry of Natural Resources, via the Aggregate Resources Act, regulate what happens to pits after their licence has been surrendered and to take a broader perspective on what aggregate mining entails.

Just because there’s a hole in the ground does not necessarily mean it should be filled. In many places on the Oak Ridges moraine, ground water is very near the surface. The risk of contamination is very high and, with over 250,000 people depending on it for drinking water,

the repercussions would be great if the aquifers are compromised.

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Taking out the pristine gravel and sand is only part of the process. Of great concern is what goes back in. Is it clay-based? It could affect the ability of the moraine to function hydrologically. There is a total disconnect between the degree of scrutiny in the mining phase and the total lack of regulation governing the after-mining phase. Mount Albert is a classic example, whereby half the site is active mining proceeding under the rigours of a regulated licence and site plan, while the other half is being filled up with truckloads of fill that could be coming from anywhere and which could be contaminated.

Our recommendation is that the province develop clean fill standards at the provincial level as part of the Ontario government's review of the act. Establish clear and effective communication between all the relevant ministries and municipalities.

On another front, STORM has worked with a resort owner over on Rice Lake who has a proposed gravel pit expansion next to his business. The very tranquility that people pay to enjoy will be shattered. Preservation of community and cultural values needs to have some bearing on the siting and approval of gravel pit applications.

My ancestors settled in the 1890s in Melancthon. My grandfather Stephen Aldcorn was born in 1907 in a log cabin there. That area has had a history of strong community and farming culture for over 120 years, and yet in a very short time it may all be lost. Its identity will be gone. There needs to be value placed on communities for those who live there, not just those who will profit from what lays below the earth.

When all the gravel and all the sand is gone and the water is tainted, what do the people who live in Ontario have left? An empty shell? Ontario needs clean water to drink and to grow our food. As our MPPs, I want you to review the Aggregate Resources Act and to think of the MPPs who have come before you and what they fought to achieve. I know these are tough economic times, but we have survived them before without allowing business interests to come into our homes, to scrape back the earth our forebears worked long and hard to clear to farm and to feed Ontario. Thank you.

The Acting Chair (Mr. Kevin Daniel Flynn): Thank you, Debbie. The first question goes to Mike.

Mr. Mike Colle: Thank you, Debbie. The fill that's coming and being dumped in the open pits, is it coming from, basically, all this condo-mania stuff that's going down in Toronto?

Ms. Debbie Gordon: Yes, the brownfield restoration.

Mr. Mike Colle: And the condo digging—

Ms. Debbie Gordon: Yes.

Mr. Mike Colle: You just made me think—I don't know whether we have the power under this act to deal with that. We may be able to do some things, but I'm just thinking whether or not we need to have the MOE or the municipality of Toronto enact some bylaws that prohibit

the extraction of fill and the removal of fill from the city boundary and taking it across to other municipalities for dumping. Maybe they should be passing a bylaw that restricts that from happening.

As you know, one good thing that's happening is that there's a proposal right now for the excavation that's going to go on for the subway on Eglinton—there's a proposal to use that to mitigate some flooding issues and some other water quality issues in the Humber Bay area. So I think we're going to have to maybe go beyond this committee and also see if we can get the city of Toronto to become aware of the fact that they're basically contaminating their water supply. As you well know, all the water that comes down the Humber, comes down the Don and comes down the Ganaraska is what we drink in Toronto, so we can't have the dirty fill from the condo holes going up into the open pits. So thanks for bringing that up. I think it really is critical that we become more aware of these trucks that are going up and filling in all these aquifers and the drainage system of the moraine.

Again, thank you for bringing that up. As I say, whether we can do it within here, we'll look at it, I'm sure, because it is critical that we try and make this act as powerful as possible. But on the other hand, we may have to go beyond this act to deal with this really scary thing. Thank you.

Ms. Debbie Gordon: Thank you.

The Acting Chair (Mr. Kevin Daniel Flynn): Thank you, Mike. Laurie?

Ms. Laurie Scott: Debbie, thank you very much for appearing here today and bringing up a very important issue. I certainly have part of the Oak Ridges moraine in my riding, as does Sylvia and Julia Munro and John O'Toole. You've done a good job with your associated groups in bringing this issue to the surface.

I'll add on to Mike, saying, also, that the Pan Am Games coming to Toronto is where we're getting a lot of the fill, just for those in the audience who may not know the issue too well. Mike's right: It's going to have to go beyond this committee. But I'm glad you're making it to these meetings and educating people and us, as politicians, more about it.

Municipalities are also kind of burdened. They're trying to figure out what bylaws to put together, and it's taking them a lot by surprise. It hasn't quite hit my riding too much, but it's right beside me in Durham.

There is kind of a maze of what we can do. The fill should all be inspected, to make sure it's clean fill. That process, I wonder—do you know enough about it just to explain a little bit of what is not happening? That we can't control if a person on private land takes fill?

Ms. Debbie Gordon: That's right.

Ms. Laurie Scott: Right. So I didn't know if you could broaden a little bit on what, if you could—

Ms. Debbie Gordon: What the problem is?

Ms. Laurie Scott: Yes, and what we can do to fix it.

Ms. Debbie Gordon: I think when we talked to MOE—there are very strict tables of soil that are for contaminated sites, but there are no parameters that have

been developed for fill going into a clean site. So you're almost, in effect, polluting up. The idea of remediating a contaminated site was always to improve that site, but the intent was never to take that dirt and put it on a clean site. This is where the problem is laying, that you're putting it into areas—because of the layers of sand and gravel now gone, to put any contaminants in you're running a really good risk of filtering that down in through to the aquifers.

What's happening is, trucks leave Toronto and they're dumping illegally. It's worth a lot of money—fuel costs a lot of money—so they get clear of the city and they're looking for places to dump. Most of the municipalities right around the city have developed bylaws now, so they're going further and further afield. I know where, in Kawartha Lakes, they've even gone as far as almost up to Peterborough from downtown Toronto to get rid of fill. So they're looking for the weakest link.

The reason we feel it should be part of the aggregate act is because we have a situation in Mount Albert where there was a gravel pit, it was rehabilitated, the licence was given back in—there's no licence on it—they've gone and applied to the municipality to fill it in, but all the science, all the testing, everything that would have been done with that application for the original pit, doesn't go to the new owner. So these are Toronto people that are coming up, buying up these old gravel pits that no longer have licences—they're surrendered—and they're turning them into fill sites.

We feel that it has to be a cradle-to-grave thing almost, that if you're going to dig it out, you have to be responsible. There's got to be an end point, that you just can't keep filling in there.

The Acting Chair (Mr. Kevin Daniel Flynn): Thank you, Debbie. Rosario?

Mr. Rosario Marchese: I just want to thank you as well, Debbie. I do believe that the province has to be the one that clears this up and creates clean fill standards. It does connect to the work we do. Clearly, there's no ministry that deals with this, and we're dealing with it. It's tangentially connected to pits, because a lot of that fill is going into pits. And because we don't know what kind of fill is going in there and because it could be potentially damaging, we need to deal with that. So I'm hoping that at the end of this process, we will have recommendations as well to make to government.

Ms. Debbie Gordon: Thank you very much for having me here today.

The Acting Chair (Mr. Kevin Daniel Flynn): Thank you, Debbie. Thank you very much for coming.

Mr. Mike Colle: And the city of Toronto has got to do its part.

Mr. Rosario Marchese: But we have to tell them. We have to tell them.

Ms. Debbie Gordon: I've got to tell you, the Toronto Star called me and asked me, "What do you think about water going into Lake Ontario and the Humber islands," and do you know what I said? "Not if it's not clean." We're not NIMBYs up here, we're NOPEs: not on planet earth. I would never put that dirty fill onto anybody else.

It's got to be resolved. I think Toronto should look for the solution because they're having the growth, but—

The Acting Chair (Mr. Kevin Daniel Flynn): Thank you, Debbie. Good point.

TOWN OF CALEDON

The Acting Chair (Mr. Kevin Daniel Flynn): Mayor Morrison, you're up next. I know I just saw you come in. The mayor of the town of Caledon is here with us. Have a seat. Make yourself comfortable. Do you need some water, Marolyn?

Interjections.

Ms. Marolyn Morrison: Pardon? Oh, you're not talking to me.

The Acting Chair (Mr. Kevin Daniel Flynn): These guys are having their own dialogue.

Your Worship, you get 10 minutes, like everybody else, and after that, we're going to leave five minutes for questions. The floor's all yours.

Ms. Marolyn Morrison: Thank you very much. Good evening, Mr. Chair and members of the Standing Committee on General Government. My name is Marolyn Morrison, and I'm the mayor of the town of Caledon. I represent a distinctly engaged community whose residents are active participants in the decision-making process, particularly those that affect the environment and overall quality of life. Caledon is a major producer of aggregates and is distinct among other aggregate-producing municipalities due to its proximity to the GTA market.

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I believe that the local community which is most affected by aggregate operation has a unique perspective to make positive contributions in reforming the Aggregate Resources Act. We want to work with you to develop long-term, practical approaches that will ultimately benefit all stakeholders.

The town of Caledon recognizes the benefits of a successful aggregate industry to our economy. However, for many communities like Caledon, this success carries significant cost to our quality of life, the environment and local economy. Perhaps the most immediate concern for Caledon is the impact of heavy vehicles on our infrastructure. The real cost of continuous, heavy traffic on local roads, bridges and culverts is many times more than the royalties the town receives. The aggregate industry pays 12.5 cents per tonne as a royalty; 7.5 cents of that is paid to the local municipality. This royalty is grossly insufficient to recover the costs of the infrastructure damage caused by the industry, costs that are ultimately borne by local taxpayers. Caledon wants to see the gap between the real cost to the local taxpayer and the royalties currently paid by the industry balanced. The town requests that this review of the Aggregate Resources Act address this enormous discrepancy.

Our environment is fragile and we must be making decisions today that are sustainable over the long term. Recycling in every facet of our personal and professional

lives has proven to be a sustainable, economically viable and socially responsible approach to conserving and protecting our scarce environment and environmental resources. It reflects a long-term view, yet the aggregate industry and the concerns of aggregates have been slow in adopting the principles of recycling and reaping the proven benefits it offers. We must take a page from our European friends and find a way to provide incentives that will encourage the use of recycled aggregates. I know that you probably know some of the things that are out there from the UK and other places, and I think it's worthwhile having a look at it. The levy has the effect of bringing the price of virgin aggregates in line with the real environmental costs of quarrying while encouraging the use of alternative materials such as recycled aggregates, which are not taxed.

In our opinion, the use of incentives to promote the use of recycled aggregates must be a primary consideration in the government's review of the ARA. In an era that has seen the introduction of landmark legislation to protect our environment, it is clearly time to bring the Aggregate Resources Act in line with the environmental leadership our province is demonstrating. Since these current laws demonstrate Ontario's commitment to environmental protection and building strong communities, the ARA should be revised to align it with other provincial directions to ensure that the laws are consistent.

For example, the ARA should be revised such that its policies are consistent with, rather than have regard to, the Oak Ridges moraine conservation plan. The ambiguity of using the "have regard" language in the ARA to other provincial policies and regulations such as the Oak Ridges moraine conservation plan has caused confusion amongst the public and allowed some aggregate producers to take advantage in license and site pit amendment applications. Provincial policies and regulation must be made clear and predictable.

Furthermore, the town requests that special attention be paid to promoting an appropriate balance between local—municipal—land use matters and provincial powers controlling aggregate extraction and supply.

Provincial legislation and policies promote aggregate extraction as an interim use and rehabilitation is carried out to return the land to its previous use or one that is compatible with adjacent land uses. As such, the progressive rehabilitation of depleted sites is a significant concern to residents of aggregate-producing communities and deserves particular attention in your review of the Aggregate Resources Act. The slack attention to effective rehabilitation by the industry has created blight and moonscape effects in the vicinity of Caledon village, which in many ways are diminishing the pristine rural landscape, the visual treasure of both residents and visitors to the town.

I am telling you I've attached a photo, but I forgot it at home, so my husband has run home to get it for me. Hopefully, you're still here when he gets back.

The State of the Aggregate Resource in Ontario Study produced in December 2009 commits more than 625

pages to the issue of the rehabilitation of quarries, yet many of our regulations have become barriers to proper and timely rehabilitation.

For example, the quarry near Cheltenham village in Caledon, owned by Brampton Brick, proposes to receive fill from northwest Brampton, only five kilometres away. Rather than leaving the landscape of the quarry as an open area to be filled with water over a lengthy period of time, Brampton Brick wants to fill it in and re-establish the rural and environmental setting with reforestation. The ARA review must be broadened to consider new and innovative rehabilitation plans. At the moment, they're not being allowed to do that.

Once again, the town recommends that exemptions should be provided to promote and facilitate progressive rehabilitation, including social licensing, where operators must earn the right to continue extraction through timely and progressive rehabilitation.

Finally, I would like to bring your attention to an issue that is of increasing concern to town of Caledon residents. Because transporting aggregates from the aggregate operations to the market represents more than 60% of the total aggregate cost, there is a significant financial incentive to revive or extend the life of existing pits close to the GTA. Extending pit boundaries or quarrying beneath the water table, for example, is a relatively cost-effective way of extracting more resources, a process that is generally accomplished through an amendment to the ARA site plan.

When a new aggregate licence application is considered by the province, there is a comprehensive public process. However, once that process is complete, the procedure for changing the terms of a pit's operation as stipulated in the site plan is much less stringent. More troubling is that changes to the site plan tend to bypass the public process. Since an amendment to an ARA site plan often proposes modifications to conditions that were important to the community in the initial application, it is essential to seek and consider community input during this process.

I strongly recommend that an amendment to an ARA site plan for significant changes to pit operations—for example, tonnage increases or increases in the depth of extraction—go through a full public process similar to the process for a new licence. Moreover, the process should be transparent and easy for members of the community to understand.

Most recently, a site plan amendment application for the Tottenham pit, which is in Caledon, has generated a lot of public concerns in Caledon. The site plan application was deemed "major" by MNR, but the ministry repeatedly declined requests from the town to have a public meeting to hear the concerns from area residents regarding potential impacts on groundwater, traffic and air quality. In response to a public outcry, my council decided to host two community meetings that should have really been conducted by MNR, which is the approval authority. MNR agreed to have a public meeting a few months later, when town staff pointed out that such a

public meeting is deemed necessary under its own policy in processing a major site plan amendment for proposed under-the-water-table extraction. The Tottenham pit case clearly reveals a deficiency in the ARA to engage the public in decision-making.

The aggregate industry is a vital and complex industry. You will agree that the challenges and opportunities that face us are well beyond what I can detail in 10 minutes.

Notwithstanding the enormity of the task, the town of Caledon congratulates the provincial government on its desire to bring about positive change through this review of the Aggregate Resources Act. I want to assure you that the town of Caledon is committed to working with you during this review process.

Thank you for this opportunity to appear before the standing committee.

The Chair (Mr. David Oraziotti): Madam Mayor, thank you for your thoughtful comments. We've got a few minutes for questions. Ms. Jones, go ahead.

Ms. Sylvia Jones: Welcome, Mayor Morrison. I hope I'm not going to put you on the spot. One of the things that make Caledon somewhat unique in Ontario is the fact that you've mapped the aggregate resources within your municipality. It's actually part of your zoning.

This is the part where I'm putting you on the spot. If Melancthon was in the town of Caledon—because I know you were involved in that mapping process. Because of the amount of overburden that is on that resource, in your opinion, would that have been included in your map?

Ms. Marolyn Morrison: What we did when we did our official plan—and we did the Caledon community resource study, which plotted all of the aggregates. We sat with the Ministry of Natural Resources, the Ministry of the Environment, the region of Peel, the town of Caledon—we had all the players at the table—the aggregate industry and residents. When we mapped where aggregates should be mined in the short term and the long term—so the resource and the reserve areas—all of that was looked at.

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I have to tell you that in the initial map that came out that MNR provided for us, a lot of those areas were taken off for various reasons—some because they were too long and narrow and it wasn't enough all in one place, some because the overburden was just way too deep and it just did not make sense to do it. But in Caledon, that still left thousands of acres of opportunity for the aggregate industry. I can imagine that, possibly, if it would have removed all of the aggregate resource, we might not have been able to do that. But it comes down to economy. If the aggregate industry feels that they can take all that overburden away and still make money, then they probably will be in, trying to do that.

Ms. Sylvia Jones: Right. My question is, based on the process that Caledon went through, would you have anticipated that that type of site would be in your zoning—

Ms. Marolyn Morrison: I would think if it was really deep with overburden, it probably would have been removed.

Ms. Sylvia Jones: Thank you.

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

Mr. Rosario Marchese: Thank you, Mayor Morrison, for the presentation.

You talked about a number of things. One of the things that interests me is recycling. You and many others have talked about that, and I really do believe that we here in Ontario, in all political parties—and the government in particular—have to make a strong commitment to recycling. I think we can do it. There's no reason why we can't.

One of the problems is that many municipalities are not recycling or have no interest or have no expertise or don't care—there's a variety of different reasons. What's your experience around the whole issue of recycling?

Ms. Marolyn Morrison: I can tell you that the town of Caledon recycles, depending on the project, a minimum of 25% recycled material, up to 40% recycled material. We're committed to that. Because we have the aggregate pits, we want to make sure that we use the least amount of virgin material that we can.

Mr. Rosario Marchese: And how long have you been doing that for?

Ms. Marolyn Morrison: Oh, I would say at least five years—at least.

Mr. Rosario Marchese: That's good.

Ms. Marolyn Morrison: I mean, we started doing that a while ago. We were designated the greenest town in Ontario, so we try really hard to live up to that.

Mr. Rosario Marchese: And have other municipalities called you to say, "How are you doing that"? Has anybody called you?

Ms. Marolyn Morrison: They're not calling, but what we are doing is, I sit on the board of directors of AMO, the Association of Municipalities of Ontario. I'm the chair of the Top Aggregate Producing Municipalities of Ontario and the chair of the Greater Toronto Countryside Mayors Alliance, so I can tell you that we have taken that issue to both of them. I have taken it to AMO and spoken about that at AMO. I have told them that my desire is that we eventually, once SERA and the Ontario aggregate forum get their act together, working together to bring an ISO type of thing that municipalities could get involved in with the aggregate producers—that then I would go out and I would challenge every municipality in Ontario to have recycled in their material, because they need to.

But what we have to prove—and the region of Peel has done a lot of work on recycled material and trying to prove what the lifespan is, and will it last as long? Because if it's not going to last as long as your regular roadbed, we'll say, then maybe it's foolhardy, because there's only one taxpayer. But in some of the work that we've done on recycled material, we have proven that it

will stand up as well as anything else. There are a few other things that don't, but a lot of it does.

Mr. Rosario Marchese: Thank you.

The Chair (Mr. David Oraziotti): Thank you. Liberal caucus, any questions?

Mr. Mike Colle: Thank you, Madam Mayor. I think that you've highlighted again the need to put in a whole new regime in terms of how we rehabilitate pits. It seems to be obviously lacking in oversight, to say the least.

Just on the recycling, the town of Shelburne is considering putting in a bylaw that will require all demolished concrete and aggregate within the municipality to be recycled. Are you willing to support that and pass a similar bylaw?

Ms. Marolyn Morrison: I think that's an excellent idea.

Mr. Mike Colle: And bring it to AMO?

Ms. Marolyn Morrison: We'd be more than happy to.

In fact, we have James Dick Construction Ltd. that brings material from where they're doing construction and piles it just north of Bolton, and then they recycle it. The problem is finding that market. We couldn't use enough for all the stuff they bring. We would not have enough of a market for that, but if we could get other municipalities around us and everyone in the area to do it, I think it would be excellent.

If you look at the airport, the 401, there's over a million tonnes of material sitting there that should be ground up and recycled. It could even be used in parking lots, for heaven's sake, where you're not getting the wear and tear that you get on your highways. We really need to be looking at that.

Mr. Mike Colle: Maybe have some mandatory levels of recycling.

Ms. Marolyn Morrison: Do you want to know what would really help? The best practices throughout the country—and Europe is doing a lot of this. If the provincial government could pull together all the best practices then share them with AMO, and work through the Association of Municipalities of Ontario with the best practices, then I think the municipalities would be more amenable to trying to do that.

Mr. Mike Colle: MTO is already doing a great deal of it.

Ms. Marolyn Morrison: My sources tell me they aren't, but I'm not—

Mr. Mike Colle: They're doing 20%.

Ms. Marolyn Morrison: Okay.

Mr. Mike Colle: The municipalities are doing 5%.

Ms. Marolyn Morrison: Most municipalities, okay.

Mr. Mike Colle: Basically, it's a dirty secret. You're not supposed to talk about using recycled materials in municipalities.

Ms. Marolyn Morrison: We have to get away from that.

Mr. Mike Colle: Yes.

The Chair (Mr. David Oraziotti): Now that's on the public record. That's good. We're talking about it.

Thanks very much for your presentation and your time today. That's time for your presentation.

MR. GREG SWEETNAM

The Chair (Mr. David Oraziotti): The next and final presenter is Greg Sweetnam. You've got handouts for the committee? The clerk will take those from you. I guess good evening, now. Welcome to the Standing Committee on General Government. You've got 10 minutes for your presentation and five for questions. Simply state your name and you can start.

Mr. Greg Sweetnam: Great. Thank you, Mr. Chairman. My name is Greg Sweetnam. I work for James Dick Construction Ltd. We're a family-owned company. Our headquarters is in Bolton, Ontario. Our operations are centred around Caledon, although we do go across the whole GTA. We're a family-owned business and we're the third-largest non-government employer in the town of Caledon.

We love Ontario. We're proud of what we do. We think what we do is far greener and more wholesome than many people think, and we also think it's about the coolest thing you can do.

My three asks: I'm going to put those right up front, here. Number one, we need a defined timeline and process around site plan amendments, because today, there's none. I would even support user fees if we could get timely decisions. I would encourage you to put as much transparency into that process as you like, but most amendments are technical in nature and decisions are best made at the district level.

That leads to my second point, which is that we should be repatriating the approval authority to the MNR district managers from the regional managers. Right now, all of the minor items—moving a fence six feet—get sent to Peterborough. They're too far away and out of the loop, and it slows everything down. The people in the field are qualified; they understand the issues. They should be empowered to make timely decisions.

Finally, the MAAP program, which currently receives half a cent a tonne: I would encourage you to increase that to three cents a tonne. I sit as a board member on TOARC, and I'm not speaking here in that capacity, but I was instrumental in passing a motion that said that if we made that change, we could take the abandoned pits, the pre-1971 pits, and get those completely rehabilitated within our generation. Those are the pits from my father's and my grandfather's generations. I think that's a responsible thing to do. I think the industry would support that.

I completely support and concur with the presentation done by the OSSGA. I've been following the Hansard transcripts of these proceedings with great interest and with some concern. I say "concern" because there are some statements which I've read which are just fundamentally wrong and perpetuate myths that are not in the public interest. My role here is as a bit of a reality check to focus on a few simple but vital premises.

I believe that you do not have to reinvent the wheel, that the issues you are dealing with have been dealt with before over and over in the past. The package I sent around was just a scattering of reports that I've got sitting on my shelves; there are many more. But they demonstrate that these issues have been thought about by past governments and past policy-makers. While the current corporate memory of government on issues such as close to market or the consideration of need may sound like novel new concepts, we as an industry have studied them over, debated them, tested them. They have been regulated over and over in the past.

Let's start with the simple premise of close to market. The only thing worse than being inefficient is being inefficient over and over and over. Imagine if someone moved the cafeteria at Queen's Park to Trenton. Every day you'd say, "Well, it's time for lunch. Time to drive to Trenton and back." After a week of lunches, you'd say, "Who made this decision to put this here?" There's really no logical reason why we're supplying our concrete plants in Caledon with stone hauled in from Muskoka.

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Close to market means that one truck can do the work of five, prices are lower, less fuel is burned, less greenhouse gases, less wear and tear, fewer accidents, lower insurance premiums etc. It's the gift that keeps on giving and builds in an intrinsic efficiency into our society. Everybody benefits and it's in the public interest to do so.

Some will have you think that close to market means more conflict, and this is a premise which is not played out by the facts. The most controversial quarry in my memory is the Superior Aggregates quarry on the north shore of Lake Superior. There were some 5,700 postings on the EBR, and there were many concerns raised about it. We've all heard about the mega-quarry, which has about 3,700 postings, and I consider that to be way up north.

Now, have you ever heard of the Lafarge Lawford pit? Have you ever heard of the Caledon Sand and Gravel extension? Well, Ms. Jones and Mayor Morrison might remember those ones, but most of you won't know those because they're close-to-market pits that were licensed without controversy, and on consent, without an OMB hearing.

Close to market does not automatically lead to conflict. The Strada Aggregates site was approved recently in Melancthon township without controversy. The controversial quarries are almost always the ones that have not yet been approved. When people see, feel and touch the real operations, we get very few complaints.

Aggregate should not be judged based on conflict in itself, anyway. If 1,000 people said that the moon was made of cheese, it doesn't mean that it is. Today, through social media, groups and opponents can quickly raise awareness, and the policy that you folks are dealing with must be strong enough to allow for the opportunity for the science to be sifted from the witch-burning. Just because there's an outcry doesn't mean there should not be

a fair process afforded to everyone. A wealthy neighbourhood should not be viewed as different than a poor neighbourhood. We need to make wise decisions and these must be fact-based.

As it happens, the best stone is also located close to market. The best stone, the Amabel, is right under our noses here in Caledon. The Carden Plain—where, I might add, we operate two quarries—which is north and east of Lake Simcoe, can't compare to the quality of the Amabel, which is much closer to the GTA.

Have you ever heard of alkali reactivity? This is a very important point because it's a chemical reaction that causes concrete to self-destruct. Think of chunks of the Gardiner Expressway falling off and bridges basically crumbling. The vast majority of rock from Carden can't meet concrete quality specifications.

Your engineers understand these problems today and strictly specify that only the highest-quality stone be used. The cool thing is that the good rock is close to market. It's a win-win. Remember, 60% of the delivery cost of aggregate today is in transportation. Do not buy into the method that it's better to locate further from market and mine large pits and quarries. It will always be efficient to be closer, period.

There's lots of resources close to market remaining in Ontario, and these are not small deposits. The Rockford quarry of ours was recently turned down, but it was turned down in part because the hearing officer felt it would operate for too long and produce too much material per year.

Think about the ridiculous corollary of close to market—to encourage things to be as far from market. It's just wrong, and I think everybody here knows it.

As you stated before, you don't need to reinvent the wheel. The close-to-market principle has been studied to death, and scientists and planners have always concluded that it's the most sound principle: Dillon in 1980; Proctor and Redfern, 1982; the state of the resource study in 1992; SAROS in 2009—all studies done at considerable expense that consistently conclude that close to market should be upheld.

The second important point is, please do not help perpetuate the myth that we're creating a permanent scar on the landscape. The aggregate industry is an interim use. The famous example is the Royal Botanical Gardens. The Don Brick Works, the Elora Quarry and even locally in Caledon, the Osprey Valley golf course and the Ken Whillans conservation area that you visited are examples. In fact, the Forks of the Credit is visually the most stunning part of Caledon, the same area that was the site of over a dozen quarries in the late 1800s. The beautiful red sandstone at Queen's Park was quarried from there. It was, in essence, the hub of the quarrying industry in Canada back in those days. Today, it is definitely the jewel in the crown of Caledon.

You can actually see with your own eyes lots of rehabilitated sites, but there's also lots of rehabilitation that you're not going to see. If you came up here up the 410, you actually drove through several kilometres of old

pits in Brampton, and you would certainly never see them unless you knew they were there. In my lifetime, Brampton was a major producer, producing the material for the Toronto subway, amongst other things, but today, it produces none. And many of her gravel pits have evolved into the Brampton Esker parks system, which was recently given the bronze plaque award by our association for rehabilitation. That's ironclad proof of the interim nature of pits and quarries.

After visiting some sites, you'll understand that these pits are full of life. Department of fisheries and oceans studies have demonstrated that pits and quarry lakes support a greater diversity of life than natural systems of similar size. You've got the reference in your package there. You've seen this with your own eyes at Ken Whillans. The ospreys nesting in our Caledon pit, just down Highway 10 here, don't care that they're in a gravel pit so long as the fish supply is plentiful. The ospreys did not nest in the agricultural fields that existed before the pit and neither did the eight-pound walleye. Different, yes, but highly valuable and definitely interim.

Rehabilitation back to agriculture is done routinely in the industry, and again, the province has publications documenting this over many years. Many studies have been done on rehab in general agriculture, back to tender fruit, back to forestry etc. Today you saw a great example of that at the McClellan pit, that you would really never know was a pit unless you knew the history of it.

Current policies directed at new sites in Ontario have to stay away from woodlands and wetlands, and in many parts of Ontario the only sites left are the cultivated agricultural fields. The current system is working and a ban on any form of development on class 1 to 4 farmland would grind the province to a halt. Aggregate is not a significant threat to farmland and this is probably the first time in history I've actually been sitting across the table from my friends in the agricultural industry, because normally we see eye to eye.

The Chair (Mr. David Oraziotti): Mr. Sweetnam, sorry to interrupt. You need to wrap up. It's about 10 minutes. We'll get to questions, but I'll give you a minute to wrap up.

Mr. Greg Sweetnam: Certainly. Thank you. When travelling back to the city, when you get south of Caledon village, look to the east and you'll see our beautiful Caledon sand and gravel pit. You may also see members of the Canadian Olympic team training for the London games there, and we're absolutely, completely proud of that site and would be welcome to host you at any time.

Very quickly, on board decisions: You may know we're suffering from windshield-wiper decision-making that lacks consistency and predictability. The recent Duntroon decision had a 100-page dissenting opinion, and an officer who heard the same evidence from the same witnesses, judging by the same policies, and would have turned down the quarry on every issue. So how can that be? Today's accompanying success doesn't depend on your case, but on who happens to be hearing your evidence. We need consistency, complete insulation of the

board members from the political influence, and a strong, tough, but fair policy regime by which our applications can be judged.

Thank you, Mr. Chairman.

The Chair (Mr. David Oraziotti): Thank you very much for your presentation. The NDP caucus is up first. Ms. Campbell, go ahead.

Ms. Sarah Campbell: Sure. Thank you for your presentation. Throughout your presentation you placed heavy emphasis on the interim use of the land, and what we've heard from a number of people is that rehabilitation in many cases isn't happening across the province for a variety of reasons. I'm just wondering if you would support sunset clauses in licences, given that this is already happening. That seems to be an argument that we're hearing from people.

Mr. Greg Sweetnam: Thank you for your question. Sunset clauses are a double-edged sword in that, is it in the public interest to have a licensed property which has gone through a process, has perfectly good, high-quality reserves, and yet just shut it down because a clock is up? We think it's in the best public interest to basically use that reserve up. It gets very tricky when you have large deposits, where you have a deposit that might last for 20 or 30 years, because it's very market-dependent, so it's difficult to do. On a smaller site, it's possible to do. We have done it in very limited senses on limited phases of pits in order to keep our neighbours happy, but I wouldn't support it as a carte blanche across the province.

Ms. Sarah Campbell: How about a modification—

The Chair (Mr. David Oraziotti): Very briefly.

Ms. Sarah Campbell: Just furthering that, what about a sunset clause that would build in some kind of earned continuation or renewal?

Mr. Greg Sweetnam: Well, the current Aggregate Resources Act, basically one of the criteria in considering a new licence—also, there's a clause in there that says that your past performance is taken into account, so I think there's teeth in that particular clause as the act is written now.

Ms. Sarah Campbell: Thank you.

The Chair (Mr. David Oraziotti): Thanks. Liberal caucus, questions?

Mr. Mike Colle: Thank you, Greg, for the thorough presentation. I think the value of this committee and hearing from everybody is that we get different perspectives. I think that it is really valuable for us to get everybody's perspective, and I know you're on the ground with your work.

I guess the one thing that seems to be dominant today was the way abandoned pits and quarries are dealt with and that there seems to be no sort of comprehensive responsibility process about what happens to them—can they use them as landfills. I think that's giving the whole industry a bad rap. Can you make some suggestions of how we as a committee could recommend certain ways of ensuring that there is proper rehabilitation and that the site plan approval process is transparent and accountable?

Because this seems to be—I mean, that was the main theme I sort of got here today, that there are a lot of people who are, you might say, playing around with the rules and not coming through, in a way, with integrity.

Mr. Greg Sweetnam: Thank you for your question, sir. When I heard the presentations that I did hear towards the end of the day—a licensed site is regulated by MNR under an Aggregate Resources Act site plan. If you're not allowed to landfill underneath that site plan, you cannot landfill and you'll have your licence revoked.

The examples that I heard were sites that were properly rehabilitated. I know a number of these were beautifully done—contoured; they look lovely. They were sold to third parties and that third party came in and dumped fill in them, which kind of sullied the industry.

I don't think you'll find very many responsible aggregate producers doing landfill because we just can't put our licence in jeopardy, and that clause I mentioned earlier about past performance—you don't want to screw up on one site because it's going to limit your ability to get a licence on the next.

Mayor Morrison talked about the Brampton Brick's site, for example. Well, Brampton Brick's old site is located right at the corner of Highway 10 and Bovaird Drive in Brampton. It was successfully filled; there's a Walmart and a housing development there. The only sign that that quarry was ever there is a sign that says "Brick-yard Way" at one of the residential streets.

So there is a role, I think, somewhere for marrying up the trucking from fill sites with aggregate sites. But I think it's outside the Aggregate Resources Act. I think it's something that happens outside that. We don't do it on any of our sites.

The Chair (Mr. David Oraziotti): Thank you. Conservative caucus. Ms. Scott?

Ms. Laurie Scott: Thank you very much, Greg, for appearing here before us today. I'm sure the mayor of the city of Kawartha Lakes is going to be really happy that you've put it up to three cents a tonne for his roads. He's done this study that was mentioned several times here.

Lots of topics that you hit on; I'm going to just ask one quick question about the timelines for minor amendments. Could you give us an example on that, like more of a fence—six feet something—

Mr. Greg Sweetnam: Sure. Typically, my site plan amendments, which can be things like—for example, there's one place I want to preserve a wetland, so I want

to actually change the licence boundary to go around the wetland. I don't want to mine it. In exchange, I've got another site, and it's in a setback that I want to take. So it's kind of a wetland swap. It's in the best interest of the environment; we've done the studies on that. But it's been in the mill now for about four years. I have some other harmonization site plan amendments which have taken 16 years. There's no process, no pressure point that I can put on the MNR and say, "You must give me this amendment now." It's whenever they decide to do it.

I would love to have some legislation that would say, "No, no, after this many months, then there's an opportunity to appeal it to somebody, to get somebody else to make a decision." And I don't mind paying for it if it can free up the resources at MNR to get those things processed.

I have no problem with public meetings or transparency. We're not ashamed of what we do and we're happy to have the transparency too.

Ms. Sylvia Jones: Thank you. That's good.

The Chair (Mr. David Oraziotti): Thank you very much. As you're the last presentation, that concludes public hearings for today on the Aggregate Resources Act review.

I thank everyone for coming here. It's a pleasure for the committee to be here today. Thanks for all of your valuable input.

Just one housekeeping item before the committee departs: Mr. Colle has a motion with regard to travel, I believe.

Mr. Mike Colle: Yes. I just move that each caucus be allowed to have one staff person join and expenses be paid for support as we go to various other jurisdictions.

The Chair (Mr. David Oraziotti): It's a discussion we had briefly at the subcommittee, but I think we're all in agreement on that.

Mr. Mike Colle: Is that all right?

The Chair (Mr. David Oraziotti): Absolutely. All in favour? Opposed? Okay, that's carried. Thank you very much. We'll make that a matter on the record.

Mr. Mike Colle: Off to Melancton, is it? Is that where we're going right now?

Ms. Sylvia Jones: Melancton.

The Chair (Mr. David Oraziotti): Thank you very much, folks. That concludes hearings today.

The committee adjourned at 1834.

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