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## **Official Report of Debates (Hansard)**

Monday 9 July 2012

## **Journal des débats (Hansard)**

Lundi 9 juillet 2012

**Standing Committee on  
General Government**

Aggregate Resources Act review

**Comité permanent des  
affaires gouvernementales**

Examen de la Loi sur  
les ressources en agrégats

Chair: David Oraziotti  
Clerk: Sylwia Przedziecki

Président : David Oraziotti  
Greffière : Sylwia Przedziecki

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Hansard Reporting and Interpretation Services  
Room 500, West Wing, Legislative Building  
111 Wellesley Street West, Queen's Park  
Toronto ON M7A 1A2  
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Service du Journal des débats et d'interprétation  
Salle 500, aile ouest, Édifice du Parlement  
111, rue Wellesley ouest, Queen's Park  
Toronto ON M7A 1A2  
Téléphone, 416-325-7400; télécopieur, 416-325-7430  
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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

## STANDING COMMITTEE ON GENERAL GOVERNMENT

## COMITÉ PERMANENT DES AFFAIRES GOUVERNEMENTALES

Monday 9 July 2012

Lundi 9 juillet 2012

*The committee met at 1333 in the Holiday Inn Kitchener-Waterloo Hotel and Conference Centre, Kitchener.*

### ELECTION OF ACTING CHAIR

**The Clerk Pro Tem (Ms. Tamara Pomanski):** Good afternoon, honourable members. It is my duty to call upon you to elect an Acting Chair. Are there any nominations? Mr. Colle.

**Mr. Mike Colle:** I'd like to nominate Michael Coteau.

**The Clerk Pro Tem (Ms. Tamara Pomanski):** Are there any further nominations? There being no further nominations, I declare the nominations closed and Mr. Coteau elected Acting Chair of the committee.

### AGGREGATE RESOURCES ACT REVIEW

#### TRI CITY MATERIALS

**The Acting Chair (Mr. Michael Coteau):** The first presentation we have is Tri City Materials. Come up, sir. How are you today?

**Mr. Rick Esbaugh:** Very good. You?

**The Acting Chair (Mr. Michael Coteau):** Good, thank you. We will, if it's the will of the committee, have a 10-minute presentation and five minutes of questions. We'll start with the PC caucus, and we'll share the five minutes among the three parties. Is that fine? Okay. If you can present your name, sir, for the record, and begin. Welcome.

**Mr. Rick Esbaugh:** Thank you. I'm Rick Esbaugh. I am the president of Tri City Materials. Tri City Materials is a local quality aggregate producer.

My family business was started by my father, Harold Esbaugh. My father started as a local carpenter, eventually pouring foundations and producing his own concrete before the days of ready-mix trucks.

Over the years, our company evolved by starting a ready-mix concrete company called Tri City Ready Mix. My brother joined the company in 1995, and we expanded the business and started Tri City Materials in 2005, supplying quality aggregates to our concrete plants in Heidelberg and Kitchener.

The companies have grown over the past 25 years and employ approximately 70 people. We now supply a di-

versity of gravel and recycled products to Waterloo region.

I would like to touch on a few things today, such as non-local supply of aggregates, recycled aggregate and the zoning challenges in regard to recycling. These issues have been raised through the committee's hearings over the past few weeks, several of which are connected in a daily way to local aggregate producers.

There has been much discussion over the past two years since the Ministry of Natural Resources released its SAROS report that the industry should ship materials by rail and water instead of truck and rely on non-local supply. Many of you may not be aware, but Brant county shipped sand into Toronto almost exclusively by rail until the 1940s, when truck transportation became more popular and economical. At that point in Ontario's history, Ontario had many more rail corridors and carriers than it does today. Today, less than 5% of Ontario's aggregate production is moved by water and even less by rail. Going back to a wider rail network with many branches and many carriers will be extremely difficult given the residential sprawl that we have created in southern Ontario and the removal of many rail lines which were sold to private owners. The creation of mega depots to support non-local aggregate supply will increase dump truck transportation to and from job sites as tractor trailers cannot always access the confines of a construction site.

If the province wants to shift to rely on non-local sources of aggregate, then there must be a comprehensive provincial infrastructure strategy with several ministries working together to provide for a new rail system and deep-water ports. Currently in the province, we do not have a rail and water transportation system to support a significant change in the way we move aggregates. Here in the Waterloo region, the ability to ship from our current licensed sites by rail is non-existent. I am not suggesting that this may not be the way of the future; just that the infrastructure needed to do it is expensive and must be developed by the province.

Importing non-local aggregates to feed the local demand will increase the cost of final products to the end consumer. We all know we're in tough economic times, and an increased aggregate price will affect road construction, ready-mix operations, asphalt pricing and public infrastructure in building and maintaining our schools and hospitals, just to name a few. This not only applies to

our local contractors, but it also trickles down to the public as a whole, increasing housing costs and taxes to support our roads and highways. The 100-mile diet applies to gravel, too.

It has been discussed that the Waterloo region and Wellington county have increased their production dramatically in the last decade and that pits and quarries are producing more in this area. A quick review of the production statistics available in the province shows that, in fact, both Waterloo region and Wellington county have decreased their production since 2001. Waterloo has seen a reduction from 8.2 million tonnes in 2001 to 7.5 million in 2010; that's a reduction of 9%. Similarly, Wellington county produced 8.9 million tonnes in 2001, down to 6.8 million tonnes in 2010, a 24% reduction. Local production is not becoming the new source for the GTA, as some people would have you believe.

**1340**

Recycled aggregates is another topic I'd like to discuss. I support the industry's new initiative, Aggregate Recycling Ontario, in their efforts to engage all municipalities and partners in producing more recycled aggregate. Our company produces recycled aggregate products at our Petersburg, New Hamburg and Kitchener sites.

There are significant challenges to making this work. Many municipalities do not allow recycled products in their construction projects. It is not uncommon to see municipal tenders specify that recycled aggregates are excluded from tenders. We cannot, as an industry, produce more recycled products if we cannot sell them to the marketplace. In the past five years, the region of Waterloo has been a leader in the effort to use recycled aggregates, while many are not.

The challenge that the industry faces in regard to recycling is that many municipalities will not allow producers to recycle aggregates as part of their existing operations. Being able to produce recycled products onsite allows us to use some of the finer raw materials to make granular base products by adding recycled concrete and asphalt.

Recycling goes hand in hand with the rest of a gravel pit operation, following all the compliance regulations of the ARA. There is no need to overlap government offices. This is environmentally sustainable, but is still not allowed. Just this past week, Woolwich township council voted against allowing another aggregate producer to produce recycled aggregates in their new licence application. The township also voted to oppose this application and force the producer to go to the OMB. The township is saying no to primary aggregate extraction and also saying no to recycled aggregate products. What can our industry produce in Woolwich township that is acceptable?

The province has a key role to play in this issue. I suggest that the committee consider amending the policies that accompany the ARA to specify that recycling of used concrete and asphalt is permitted and encouraged on land having a licence issued under the ARA, as long as primary aggregate reserves remain with the licence. Once

reserves are depleted, the ARA licence or permit should be cancelled. Future recycling on the site after the licence or permit is removed would be at the discretion of the local and regional policies and bylaws at that time.

The ARA works well but may need some tweaking. Please consider our issues raised and keep in mind that the local economy of the area depends on the ability of local aggregate businesses. Small aggregate producers like Tri City Materials are proud to be a part of the communities we grew up in. If we weren't responsible and proactive, I wouldn't stand here in front of this committee.

Thank you.

**The Acting Chair (Mr. Michael Coteau):** Thank you very much, sir. We'll start with the PC caucus. Mr. Harris.

**Mr. Michael Harris:** Rick, thank you for your presentation.

You talked about recycling. What percentage would you say your total supply would be? I think you named two pits that you do recycling, or all three pits. New Hamburg—

**Mr. Rick Esbaugh:** New Hamburg, Kitchener and Petersburg.

**Mr. Michael Harris:** So what percentage would be recycled material that goes out, in your opinion, from your operation?

**Mr. Rick Esbaugh:** Thank you. That's a good question. Unfortunately, it's only about 5%. I think if the demand from the people and from municipalities—municipalities being the biggest user—was there, we could do more and save our good virgin reserves.

**Mr. Michael Harris:** Thank you.

**The Acting Chair (Mr. Michael Coteau):** Next, NDP caucus.

**Ms. Sarah Campbell:** Thank you for your presentation. You spoke to a lot of municipalities being reluctant to use recycled materials. I realize that you are not a municipality, but can you speak to that? What do you think are some of the stumbling blocks for municipalities to buy in?

**Mr. Rick Esbaugh:** Well, I think the people in municipalities are afraid. Maybe they just don't know; maybe they just don't have enough education on what we can recycle and what good it does. I mean, we recycle water bottles. Why don't we recycle concrete and asphalt? Why aren't municipalities using it? You take six inches of asphalt off a road, for instance, in downtown Kitchener. Why can that not be brought back to the gravel pit, ground up and reused on that road again? It just makes common sense.

When I took over the gravel pit that I own five years ago—six years ago now—it had mountains of asphalt, and I've diligently worked to get through that and use that up. We don't want to have gravel pits left with asphalt and concrete in them before the licence expired.

**Ms. Sarah Campbell:** Thank you.

**The Acting Chair (Mr. Michael Coteau):** Government side?

**Mrs. Liz Sandals:** Yes, thank you. You mentioned in your comments that both Waterloo region and Wellington county have actually seen a decrease in the volume of aggregate production. To what do you attribute that?

**Mr. Rick Esbaugh:** I think a lot of it is due to the economy and due to recycling, because the average is about 9% or 10% that recycled products are used, but I think we could do a much better job and use a lot more.

**Mrs. Liz Sandals:** So it isn't that something isn't being produced; it's that there's a drop in the production of virgin aggregates. If you were to add virgin plus recycled, that total isn't down?

**Mr. Rick Esbaugh:** That's correct.

**Mrs. Liz Sandals:** Okay; thank you for clarifying that.

**The Acting Chair (Mr. Michael Coteau):** Thank you very much.

#### CONESTOGO-WINTERBOURNE RESIDENTS ASSOCIATION

**The Acting Chair (Mr. Michael Coteau):** Next up, I have Doug Joy. Mr. Joy: a 10-minute presentation, five minutes for questions. Welcome.

**Mr. Doug Joy:** Thank you very much. Thank you for the opportunity for speaking here today. I appreciate you coming to Kitchener-Waterloo. I'm speaking on behalf of the Conestogo-Winterbourne Residents Association. We're a group of residents in Woolwich township initially brought together due to our concern about the potential significant impacts of the aggregate operations in our community.

Let me begin by saying that as a community we recognize the need for gravel. It's essential for our economy; it's essential for our community. However, we need to ensure that this resource is accessed in a manner that is consistent with the rights of all citizens. Our concern is that the Aggregate Resources Act right now doesn't do this. We could present many concerns here today regarding the current ARA, but we want to focus on a key item for us, which is the cumulative impacts of aggregate operations and how these affect the traffic in our communities, the property values of our homes and the noise in our communities.

You might ask, "Why is the Conestogo-Winterbourne Residents Association concerned about the cumulative effects?" Simply put, our community is in an area in which five gravel pits are currently under proposal, and there's a rumour that there are going to be more. Some of these would be considered to be very large potential operations. If approved, these operations will be active for the rest of my life and for the rest of many of our lives in this community, so it's clearly a concern for us.

Why are cumulative impacts important? I want to talk a little bit about the concerns we have and some recommendations for changes to the Aggregate Resources Act.

First, about traffic and safety: Clearly, with more aggregate operations the amount of truck traffic is going to increase in our communities. This is a concern for us

because the safety of our families and our children is important to us. In our area we have two unique concerns, I think. One is that the Grand River trail system runs through our area, which means we have heavy traffic in terms of biking and hiking, which creates special challenges. We also have a very large Old Order Mennonite community, which means we have a lot of buggy traffic on our shoulders—a special challenge—and also the walking of the children to school on the shoulders early in the morning before daybreak, which also is a special concern.

Our recommendation in terms of traffic with the Aggregate Resources Act is that it has to give greater consideration to the traffic impacts on local communities, not only from individual operations but also the cumulative impacts.

Second of all, the ARA should have provisions that proponents must address the cumulative impacts on the nearby communities and also recognize the unique characteristics of communities such as ours with heavy bicycle, hiking and Old Order Mennonite traffic.

The second item is property values. There's no question that gravel pits affect property values. In the submission that we handed out to you we cite a study that notes that properties adjacent to gravel pits saw a 30% loss in value. Obviously, that's less if we get further away, but this is a significant impact on the nearby residents. We made some rough calculations, as you'll see there. If you look at our community, with five gravel pits proposed, we're looking at a \$20-million potential loss in equity value in our homes. Clearly, this is important. Our recommendation in this regard is to expand the Aggregate Resources Act to increase the setback requirement to 1,600 metres between the extraction areas and the residential communities, or alternatively to consider compensating those property owners within an area who are going to lose a significant amount of the equity in their home.

The third item I want to address is noise. Many of our rural homes are occupied during the day, whether we are retirees, stay-at-home caregivers, shift workers, those working from home or even taking a vacation there. The cumulative impact of many gravel pits means that the noise will be there all day, Monday through Friday, and perhaps even Saturday. So this has a tremendous impact on all these people who are trying to enjoy their homes. Indeed, in our area, many of our homes will be within half a kilometre of two or even three proposed gravel pits. Currently, the Aggregate Resources Act doesn't consider these cumulative noise impacts.

#### 1350

Our recommendation also deals with setbacks here, and that is to first of all increase the setback requirements where multiple operations are proposed to 1,600 metres. There are some examples of other municipalities that have done this for, let's say, class 3 industry, so that would seem reasonable for multiple gravel pit operations. Second of all would be to consider the cumulative impacts of all the gravel pits proposed or gravel extraction

items proposed before approval of any one of them is considered, because it is the cumulative impacts which are going to affect us.

Just to wrap up: Gravel, we recognize, is an important commodity in our economy today, but the conditions now are different than when the Aggregate Resources Act was first introduced and greater consideration has to be given to the rights of all citizens, including the operators of gravel pits but also for those who are going to live nearby.

As noted by Gord Miller, the Environmental Commissioner, the province has a responsibility to examine the cumulative effects of these clusters of pits and quarries. As a community subject to a cluster proposal, this is obviously critical to us.

Thank you very much.

**The Acting Chair (Mr. Michael Coteau):** Thank you, Mr Joy. We'll start with the NDP caucus.

**Mr. Paul Miller:** Hi. Thanks for your presentation today. I'm just curious. One of your concerns was the noise situation. We toured today some pits and I guess it would be the front-end loaders, the diesel trucks. I'm trying to understand what noise from the actual process would bother you.

**Mr. Doug Joy:** There are all of those that you mentioned, and not only when they're driving forward but actually, almost more importantly, when they're backing up, because health and safety requires a very large noise. The crushing operations that would occur: Aggregate in some cases can come out of the ground and be used as is; many times it's crushed, and that crusher can run a significant amount of time. The recycling operation also is a crushing operation, as our previous speaker talked about. There may be many large stockpiles that need to be crushed over long periods of time. That's also a noise issue.

**Mr. Paul Miller:** How did you arrive at the 1,600-metre buffer zone?

**Mr. Doug Joy:** We looked at examples of some other communities—the names are in the presentation we gave out—that were looking at setback distances for large-scale industry, the class 3 industries, so we based it on that as an example.

**The Chair (Mr. Paul Miller):** Thank you.

**The Acting Chair (Mr. Michael Coteau):** Government side?

**Mr. Mike Colle:** Thank you very much for a very helpful presentation and very—I was going to use the word “concrete” recommendations, but I think they're very specific and very helpful—the 1,600-metre setback. The point about the cumulative impacts in the cluster is one that I think merits good examination.

I just want to ask one question. We've heard repeatedly that local municipalities are almost refusing to use recycled materials, whereas the Ministry of Transportation uses 20% recycled materials for the 400 series of highways. I don't know if you addressed this in your complete report, but would it be helpful if local muni-

icipalities also used a certain portion of recycled materials when they're rebuilding roads and resurfacing roads etc.?

**Mr. Doug Joy:** I hesitate to say this, but as a civil engineer, I should know the answer to construction questions but it's not the area of civil engineering I'm familiar with. I can't answer the use of recycled materials. As a philosophy, absolutely, I think it's a good idea, but in terms of what are the challenges using recycled equipment in particular road construction, I really don't have the expertise to comment on.

**Mr. Mike Colle:** Anyway, thank you for your presentation.

**The Acting Chair (Mr. Michael Coteau):** PC caucus?

**Mr. Michael Harris:** Thank you for your presentation. You mentioned the cumulative effects; you mentioned noise, property values. Gord Miller did mention that in one of his reports, specifically the environmental side of things, the effects. What do you think or have in terms of the environmental effects, in your opinion? Sort of the major ones.

**Mr. Doug Joy:** If you want to talk about the environmental effects separate from communities, loss of habitat for our wildlife certainly is one of them, and loss of trees to help clean the atmosphere—two critical ones.

**Mr. Michael Harris:** Thank you.

**The Acting Chair (Mr. Michael Coteau):** Thank you very much, sir. We appreciate your time.

#### RUTLEDGE FARMS

**The Acting Chair (Mr. Michael Coteau):** Next up, we have Garry Hunter from Rutledge Farms. Good afternoon.

**Mr. Garry Hunter:** Good afternoon.

**The Acting Chair (Mr. Michael Coteau):** As you probably heard: a 10-minute presentation; five minutes for questions. Please state your name for the record and begin.

**Mr. Garry Hunter:** Garry Hunter. I'm making this submission on behalf of Rutledge Farms. Rutledge Farms are in Melancthon in North Dufferin. Mr. Rutledge was a past chair and founder of NDACT. You've heard from NDACT before. Rutledge Farms and their neighbours produce 150 million pounds of potatoes annually for the six million people in the GTA, as an equivalent.

My presentation is going to be dealing with specific parts of the act, and there may be some debate. I'm making suggestions about setbacks and so forth.

In section 2, I'm requesting that the province continue to encourage diversity of aggregate supply close to market. I'm advising that a concentrated mega quarry type of solution favours mega corporations and a monopolistic, higher-price supply chain.

To address quarry sprawl, I'm suggesting that quarry licence applications be limited to a single geographic township block—by a township block, I mean 1,000 acres, which is still quite large and it may well be of

mega quarry dimensions—where we have anywhere up to 80 metres thick of the resource.

In other presentations, we've heard the Environmental Commissioner say that site selection matters, and most of the sites that we're seeing—I should also say that I'm talking mainly here about the Amabel quarries and the supply to the GTA and not so much about the rest of the province. As you may know, the aggregate resource, the bedrock resource, is almost infinite in extent, except that it's almost all inaccessible because of a whole variety of reasons, including green land policies.

New quarries: I'm suggesting a different paradigm for location. I'm suggesting that they should be in the groundwater divide areas rather than near the front of the escarpment where they've traditionally been located. These are in low-gradient groundwater areas. The divide, by definition, is an area of minimum flow. These considerations need to be brought into the SERA regulations.

An example of resource use: In the Melancthon mega quarry, just to use an example, the resource is 20 metres deep on one side and 80 metres deep on the other side, so if it is possible to extract to 80 metres, it only makes sense to mine the areas that are much thicker because the footprint is much less.

With regard to haul roads, I'm recommending that the major aggregate-producing municipalities, MTO, AMO, OGRA and so on establish geometric and high-strength structural design standards to be included in the provincial standards so that this is a prerequisite of a new application: that the haul roads be built in accordance with the standard. That would include a two- or three-lane standard and a five-lane road section.

You heard Greg Sweetnam say that up north, in Dufferin county, where he's located—and likely for the GTA, “up north” is Dufferin and Grey counties. It's not the granite of the Canadian Shield; it's a tough area for crushing and so on. Maybe others will talk about that.

**1400**

With regard to recycling, the province provides funding to areas like Toronto light rail and subway expansion that we're reading about in the papers all the time. There should be some guideline. Presumably, in this type of construction, there can be a higher content of recycled aggregate to reduce the piles that are accumulating around the Toronto area.

I'm asking that the Ministry of Natural Resources reproduce their aggregate statistics by geological source characteristics rather than by county, or in combination with the county, so that we know how much Amabel rock is being consumed. Right now, those statistics aren't available.

On notification: I'm suggesting that the standard would be 120 metres plus 50 metres for each single metre of depth of extraction below the ground.

Perpetual water table maintenance—this is after the quarry or the pit is completed: that applications not be accepted that are dependent on perpetual maintenance.

Water table gradients: If the water tables are more than five metres in single pits or quarries, or if they're a

cumulative 10 metres across an area, that those areas not be approved—and this takes us back to the groundwater divide analogy for site selection.

The setback distance from the quarry, and extraction limits for mitigation of water tables: Here, we're talking about recirculation. It doesn't really make much sense to put recirculation right at the top of the quarry cliff. It would be much more effective further back. An example is Keppel quarry northwest of Owen Sound, where you can see that this has happened.

Pit and quarry shapes: The township block that I mentioned has an efficient 8.2-kilometre perimeter, whereas with a quarry such as the Melancthon mega quarry, the perimeter length is 31 kilometres. So you have nuisances; the operator has many more costs of doing his peripheral control. The equivalent square would only be 12 kilometres in this—so this is why site selection matters.

The rehabilitation to agriculture on quarry floors is not sustainable. I think you heard Carl Cosack call that ludicrous. I happen to support his comment.

In terms of fill and spoil, the issues on infilling sites are related to groundwater flow through the excavation, so it depends on the kinds of spoil. There are some native spoil materials that are high in organic carbons. They're related to gas shales, which are not suitable for filling. An example would be the southeast collector sewer in Durham region being built by York region at the present time.

The establishment of a primary nuisance zone for a quarry is 600 metres. I guess I have a different view than the 1,600 that you just heard, but these are all valid recommendations. What goes on is that, if there's a nuisance next to the quarry, this tends to affect people's land value and makes it, in turn, a single entity that wants to buy the property.

In terms of the time of notification—

**The Acting Chair (Mr. Michael Coteau):** Sir, you have about a minute left.

**Mr. Garry Hunter:** A minute? So: 120 days for the initial review, 60 business days for the review after, shortening the time that the applicant has to respond from two years to one year so that the whole time frame is not further extended.

In terms of the Green Energy Act and the Aggregate Resources Act, what we're seeing across the countryside is sterilization of the bedrock reserves in many areas, those reserves designated by the Ontario Geological Survey.

Under the Aggregate Resources Act, points to be considered by the minister would be the appropriateness of the site-selection process; the conformance of haul routes with provincial standards—

**The Acting Chair (Mr. Michael Coteau):** Okay, your time is exhausted. Do you want to take 15 seconds to wrap up?

**Mr. Garry Hunter:** Yes, I'm just on my last piece here—the perpetual sustainability of applications in steep-gradient water table areas; nuisance setbacks of the quarries; the size and shape efficiency; the cumulative

impact—these are all things you’ve heard of; the competitive aggregate marketplace, which means some weighting towards the smaller producers; and last of all, a citizen liaison committee to assist MNR with oversight. We’ve implemented that in parts of the Keppel proceedings.

**The Acting Chair (Mr. Michael Coteau):** Thank you very much. We’ll start with the government side. MPP Sandals?

**Mrs. Liz Sandals:** Yes, thank you very much. You’ve touched on a lot of very technical data, Mr. Hunter, and I think we don’t have that technical background. But one of the things that’s very important to people in this area is groundwater quality. In section 3.4, you talk about where it would be best, from a groundwater point of view, to place quarries. Can you briefly explain that in plain English? Because I think we’re a little bit lost on some of the technical terms.

**Mr. Garry Hunter:** Well, I only had 10 minutes.

**Mrs. Liz Sandals:** It’s going to have to be really quick plain English.

**Mr. Garry Hunter:** Hopefully you’ll read it in more detail later, I suppose.

The groundwater divide area I’m suggesting—in theory, that’s an area of no flow or very low flow, so that the groundwater inflow into a quarry, for example, theoretically is minimal in that zone, versus going further down-gradient towards the Niagara Escarpment or towards Guelph or wherever. There’s more opportunity to manage, as the operators would call it, excess water, although I’m not sure there is—

**Mrs. Liz Sandals:** So you’re looking at a hydrogeological impact. If you’ve got to make a decision between here or there, of someplace where you minimize the flow of water from one place into—

**Mr. Garry Hunter:** Well, you minimize the flow into the quarry—

**Mrs. Liz Sandals:** Into to the pit.

**Mr. Garry Hunter:** —because of your site selection.

**Mrs. Liz Sandals:** Okay. Thank you.

**Mr. Garry Hunter:** And I don’t see that happening in any of the proceedings I’ve been involved in.

**The Acting Chair (Mr. Michael Coteau):** I’m going to go on to the PC caucus. MPP Jones?

**Ms. Sylvia Jones:** Thank you, Chair. Garry, you’ve covered a lot in your presentation. I wanted to ask a specific question related to the size of the applications. Do you have a recommendation for the committee on whether there should be a difference depending on the size of the application?

**Mr. Garry Hunter:** How do you mean? I’m suggesting—

**Ms. Sylvia Jones:** In the review.

**Mr. Garry Hunter:** I’m suggesting that an application be confined within one township block. I’m also suggesting that when that township block is established, there may be more priority given to the aggregate use than to a wetland concern or some other constraint con-

cern. I don’t know if I’m answering your question. What the Highland—

**Ms. Sylvia Jones:** So basically, you would like applications to be limited to one country block. That would be your recommendation to the committee?

**Mr. Garry Hunter:** Yes.

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

**The Acting Chair (Mr. Michael Coteau):** NDP caucus?

**Mr. Paul Miller:** Thanks, Garry. Good presentation.

A question on one of your items here, 3.2. You talk about quarries, and it’s stated at the top of the page that quarries are located in bedrock. I haven’t found that in my experience, particularly in Hamilton. There was one particular one that was on fractured bedrock, right above the city, and we’ve had problems. How do you feel about quarries on fractured bedrock?

**Mr. Garry Hunter:** Well, that’s still bedrock in the way that I’ve used the definition here. I’m just trying to differentiate between pits and quarries for—

**Mr. Paul Miller:** Yes, but fractured bedrock can cause major problems for underground water—

**Mr. Garry Hunter:** Of course.

**Mr. Paul Miller:** —and it also can leak down the escarpment into areas that are pristine. That was my concern, so I noticed that.

One other quick question: You mentioned about citizen liaison committees. Well, that was another horror story that I went through a few years ago, where the company didn’t like what the citizens were saying and doing in getting things done right, and they replaced it with a company liaison committee. The ministry did nothing about it. How do you feel about that?

1410

**Mr. Garry Hunter:** Well, I just feel that the MNR staff need oversight and support to enforce the regulations.

**Mr. Paul Miller:** Thank you.

**The Acting Chair (Mr. Michael Coteau):** Thank you very much, sir. We appreciate your time.

#### HUNDER DEVELOPMENT LTD.

**The Acting Chair (Mr. Michael Coteau):** Next up, we have Hunder Development Ltd.: Bob and Kyle Hunsberger. Good afternoon. Please state your name for the record; a 10-minute presentation and five minutes of questions. Thank you very much.

**Mr. Bob Hunsberger:** My name is Bob Hunsberger, and I’m representing Hunder Development. Kyle’s riding backup if I get into trouble.

Hunder Development is a private company owned by our family and our neighbours the Snyders. For 60 years, we’ve been hog farmers in the Woolwich township area and our neighbours have been dairy farmers. We’ve both sold our livestock operations and wish to develop the proven aggregate resources on our properties. We have completed the requirements under the current Aggregate Resources Act, and we are now waiting for a hearing

with the Ontario Municipal Board regarding the necessary zone change.

Both of our families have been long-time residents of our community. Our family purchased our farm in 1948; the Snyders purchased theirs in the mid-1960s. While we wish to see this important resource developed for the growing Waterloo region, we also want to see the impact on our community minimized. Our application includes a rehabilitation plan that will return the land to agriculture—and you just heard the previous speaker talk about that. My opinion is, and I think evidence shows, that it can be rehabilitated to agriculture and it will be dependent on individual circumstances. If it's a deep quarry, it will be different than a shallow gravel excavation.

Our objective is not to become gravel pit operators but to have a block of land with an extraction permit in place that will be professionally operated and rehabilitated in accordance with an acceptable business plan and social plan.

Our message today is focused on three points. First, the aggregate industry is important to our regional, provincial and national progress. It's not just important; it is essential. It is a limited resource and we need to use it wisely.

Second, in the interests of efficiency and environmental protection, aggregate resources should be developed as close to the point of use as possible. The arguments supporting local gravel developments are the same ones that are used to support local food production.

Third, the review of this legislation is important. We welcome the review of the Aggregate Resources Act, but we stress that the Aggregate Resources Act is not broken. It is environmentally and socially sound. In fact, it is leading legislation with respect to its requirements for assessing environmental and social impacts. The review and updates should be focused on streamlining the process of licensing while ensuring that environmental and social impacts continue to be minimized.

On the importance of the aggregate industry, no one will dispute that. It's used in all of our building projects, and it is a limited resource. Some think otherwise, since we have the technology, I suppose, to break big rocks into small rocks and to blend various types of rocks together and transport them to any part of the country that we need them. However, the high-quality, naturally blended aggregate that the ice age left behind is limited. I believe it's our social responsibility to use that before we start other activities of breaking big rocks. The Ontario Stone, Sand & Gravel Association has many examples of successfully rehabilitating gravel pits, and it is a temporary use.

Close-to-market development: Two main arguments in support of local food are that transportation costs are reduced and the support of local economies is augmented. The transportation cost for food is less than 10% of the total cost of the final product. With aggregate, the cost of transportation is more than 50% of the total cost. The environmental impact of moving aggregate over long distances is huge.

Smaller, local gravel pits are more environmentally responsible and result in less pressure on the infrastructure. The province cannot afford to crush rocks in the Canadian Shield and transport the material hundreds of kilometres to points of use. The financial and environmental costs of such a policy would be unjustified and unbearable.

Additionally, the social impact of smaller pits is considerably less than mega projects way out there somewhere. We understand that people have concerns about development aggregate in their communities. I have never heard anyone say, "I'm really hoping they put a gravel pit in close to my place." I think there are valid concerns, and we need to address them. We need, however, to make sure that the responsibility of aggregate production is distributed between as many sites as possible rather than focusing on mega quarries that have a much more significant effect, not only on their immediate areas but on the whole provincial infrastructure. Unfortunately, the current legislation is forcing the industry in the direction of mega quarries due to the oppressive cost of navigating the process.

On the ARA review, I need to emphasize that our application was submitted in April 2009 and completed in April 2011. We have met the requirements under the current legislation and the Ministry of Natural Resources has notified us that our application is acceptable. We do not intend ever to submit another application, so whatever changes to the Aggregate Resources Act, there's nothing in it for us.

In Toronto, you heard a deputation from Erwin Schulz of the Karson Group on behalf of the Eastern Ontario Aggregate Producers. He gave a hypothetical example of a landowner applying for a line of credit to finance an application. We're a real-life example of that hypothetical example that he gave. We have committed our own financial resources to assessing the quantity and quality of the gravel deposits on our properties and to developing our application.

Our properties are located near the north end of the city of Waterloo, and we are only a few kilometres from the city limits. There are approximately 600 homes within a two-kilometre radius of our properties, primarily centred in the villages of Conestogo to the west and Winterbourne to the north. While some will argue that this should preclude our application since they regard this as a residential area, in fact, the area is primarily agricultural, and that is how our properties are zoned. Additionally, in the Waterloo region, some 20% of the gravel that's extracted comes from within the limits of the city of Kitchener. Aggregate extraction and residential development are not necessarily incompatible.

Our initial evaluation of the deposit on our properties was done in 2000 by a professional engineering firm. In 2003, we did a preliminary assessment of the hydrogeology on our properties to determine the depth and direction of the flow of the groundwater. In 2006, we completed a second inventory assessment done by a separate engineering firm. Between May 2006 and April

2009, we continued doing environmental and resource assessments to determine whether there was a reasonable chance that our deposit could be developed under the current legislation without unnecessary impacts, and we concluded that it could be.

We believe that our application is neither complicated nor controversial from a technical point of view. It's above the water table. The setbacks at all points are at least triple the minimum distances. We think the rehabilitation plan is logical and realistic. It's phased so that you don't have to wait until the whole project is done before rehabilitation begins. Natural local features such as woodlots and wetlands are being preserved.

There's a long history of gravel development in our area. Notwithstanding this, it has taken us 12 years and more than \$1 million to get to the stage that we're at now. We believe that an improved ARA could streamline this process and reduce the cost to applicants while still providing rigorous safeguards to the communities and ensuring that the MNR has the resources to monitor operations.

We also believe that revisions to the ARA should guard against turning aggregate applications into popularity contests. Our experience has been that many local residents are supportive of our application. In the course of our normal business activities, we've had many local business people ask, "How's your gravel application coming?" We discuss it and they conclude by saying, "Well, good luck with it. We sure need the gravel." The concerns of the vocal minority should not dominate the interests of the silent majority.

A number of years ago, Canadian actor Michael J. Fox starred in a series called Spin City.

**The Acting Chair (Mr. Michael Coteau):** You have 50 seconds left.

**Mr. Bob Hunsberger:** It was, of course, a comedy, and Fox's character was the executive assistant to the mayor of a large city. His job was to put a positive spin on everything that came along so as to benefit the mayor's political position.

We all do that. We all try and spin things to support the positions that we're in. The concerns of local residents need to be heard and the current ARA ensures that that is done, but many of the objections we have found are not reasonable. And what I mean by that is that, as an example, one letter said, "We don't care how many studies you do"—and it actually also said, "or what the outcomes are"—"we'll never agree that this is a good place to have gravel." So the objections have boiled down to: This is not the right place for gravel development, and the implied corollary is, "It's too close to my place."

1420

**The Chair (Mr. Michael Coteau):** Thank you very much. That's 10 minutes. I'll go to the PC caucus first.

**Mr. Michael Harris:** Mr. Hunsberger, thank you for your presentation. You talked about the time that it's taken and some delays. If I can recall, on your specific application there was a fairly significant delay until you

heard it would proceed just after last fall's provincial election. My question to you is, do you feel that delay was somewhat an attempt by the Liberal government to save a Liberal seat?

**Mr. Bob Hunsberger:** I can't comment on that. I'm not sure why that happened. It seemed that the paperwork sat in limbo in an MNR office for six months, and I can't comment on why that happened.

**Mr. Michael Harris:** All right. Thanks.

**The Acting Chair (Mr. Michael Coteau):** NDP caucus? MPP Campbell.

**Ms. Sarah Campbell:** Thank you for your presentation. In your presentation you mentioned environmental protection as being one of the reasons why you support a close-to-market approach. You didn't go as far as mentioning recycling and the importance of recycling. What role do you see recycling playing? Do you support it? And what needs to be done to encourage it?

**Mr. Bob Hunsberger:** Well, I do support it. I think it is an environmentally responsible thing for us to do. In our particular application, financially, there's nothing in it for us one way or the other, so we are not supporting it for our own—I'm not saying this because we have a financial interest. I just think that it's the socially responsible thing to do. I think the concerns around it centre on the noise and the potential fine dust particles that are caused by it, and I think that the scientific evidence on recycling, particularly asphalt, does not support concerns of risk to human health or contamination of groundwater. But I'd leave that up to the committee to investigate.

**Ms. Sarah Campbell:** Thank you.

**Mr. Paul Miller:** Thank you for your presentation. I see that you mentioned that you had been in the hog business and your neighbours had been in dairy cattle. Are either one of those organizations going to continue in those areas, or have you both ceased your operations in that?

**Mr. Bob Hunsberger:** We have both ceased our operations on the properties under question.

**Mr. Paul Miller:** Okay. My last question would be—you've heard from various presenters that they're concerned about truck traffic, noise and pollution, the potential of that. You mentioned that you were within a couple of kilometres of two boroughs. Do you feel that your situation will have a negative impact on your neighbours?

**Mr. Bob Hunsberger:** Well, our intention is to minimize that impact. Of course, when there's gravel being trucked out of a particular site there will be traffic and that will cause more traffic on the road. The question is, will it exceed the capability of the roads to handle that, and traffic experts, in our case, have looked at it and said, "No, it will not."

**Mr. Paul Miller:** Are these traffic experts—

**The Acting Chair (Mr. Michael Coteau):** Okay. We'll just go on to the government side here. Sorry; I have to cut you off. That's the third question.

Go ahead.

**Mr. Mike Colle:** Thank you for the comprehensive presentation, Mr. Hunsberger. We've had many presenters mention the amount of time and money it takes to get an approval for a new pit, but don't most applicants know that that's what they're getting into, that it's going to take a long time and it's going to cost a lot of money?

**Mr. Bob Hunsberger:** Yes.

**Mr. Mike Colle:** So therefore, who's to blame for that? Is it the process or is it just part of the cost of doing business?

**Mr. Bob Hunsberger:** Well, I suppose you could interpret it either way. I think that the process itself, under the Aggregate Resources Act, is a defined two-year process. The 12 years that we spent that I detailed up until April 2009 were done on our own volition and preparatory work. We would have had to do some of that work anyway under the Aggregate Resources Act, but we didn't have to do it before we put in the application. That was our choice.

**Mr. Mike Colle:** Yes. Thank you very much, sir.

**The Acting Chair (Mr. Michael Coteau):** Thank you very much for your time.

GRAND RIVER  
UNITARIAN CONGREGATION  
SOCIAL ACTION COMMITTEE

**The Acting Chair (Mr. Michael Coteau):** Next up we have Paul Hennig. Good afternoon, sir. Thank you for joining us here today. We have 15 minutes for your presentation. The deputation part should take 10 minutes and then we'll ask questions for about five minutes. Welcome. Please state your name for the record and then you can begin.

**Mr. Paul Hennig:** I'm Paul Hennig. I represent the social action committee of the Grand River Unitarian congregation.

First, I'd like to thank the committee for this chance to submit my concerns over Ontario's policies regarding aggregate resources. The present Aggregate Resources Act was written and passed over 40 years ago. I believe, along with many, many of my fellow citizens, that this present act fails to protect and conserve the ecology, environment, water tables and farmland of our beloved province.

This considerable and widespread concern is voiced in the protests over the proposed Melancthon mega quarry, Tottenham and other pits in a number of editorials and letters to the editors of local newspapers such as the Orangeville Banner, the Toronto Star, the Caledon Enterprise, the Wellington Advertiser and others. The Melancthon mega quarry is a case in point of the failure of the present ARA to protect our environment from insult and degradation. The headwaters of the Grand and Nottawasaga rivers will be seriously affected—the Nottawasaga, which flows over and through the Niagara Escarpment, a hugely important biosphere.

The operators of the gravel pits will argue that they provide jobs, but are jobs at the price of our environment

worth it? Is the expediency of the construction industry worth it? We must not be selling off our precious natural heritage for a fistful of dollars. Without an ecology, there is no economy.

Ontario presently recycles only 7% of its aggregate. The United Kingdom recycles 24%. The UK has achieved this through an aggregate levy of £2 or \$3.20 Canadian a tonne. Ontario's present levy is 11.5 cents a tonne. As a result, the economic incentive is not there.

The technology is in place. Four years ago I observed a section of Weston Road south of Highway 9 being renewed. There was an extraordinary machine which tore up the old road, pulverized it, then laid it down behind it, where it was rolled down. Then asphalt was laid down on top of that. It was new road for old. There was no new aggregate involved. It was marvellous. With a proper aggregate levy, this technology would be widely employed. It would be economically viable. That is what it takes.

The levy must go to cover the costs associated with managing and planning for aggregates, not going into general government revenue. As well, a new ARA must put into law a full environmental impact study of any proposed quarry or pit. The Ministry of Natural Resources needs more capacity and authority to properly regulate and monitor the aggregate industry and to provide long-term planning and stewardship of the resource. Local restrictions on the use of recycled aggregate need to be removed.

**1430**

We of the Grand River Unitarian congregation feel that we are stewards of the creation given to us. This is a theological issue. St. Thomas Aquinas wrote in the Summa Theologica that creation is the revelation of God. I believe that insult to that creation is a serious matter. I hope the government of Ontario will likewise consider this to be a serious matter.

**The Acting Chair (Mr. Michael Coteau):** Thank you very much, sir. We appreciate the presentation. We'll start with the NDP caucus.

**Ms. Sarah Campbell:** Thank you, Mr. Hennig, for your presentation.

In your presentation, you talked about increasing the use of recycled aggregates. One of the things that I have heard from other presentations is that municipalities have a concern about all of the trucking of the recycled aggregates and all the wear and tear that that causes on the road, which in turn creates more costs for municipalities.

My question is, do you think it would be appropriate to charge a levy on recycled materials to be fair to the municipalities and encourage them to use recycled aggregates?

**Mr. Paul Hennig:** Well, that's a question that would have to be looked into. I don't have an answer to that question.

**Ms. Sarah Campbell:** Okay. Thank you.

**Mr. Paul Miller:** A good presentation, sir.

I just wanted to ask you a question about the ability of inspectors—I went to one quarry today, or pit, and the

manager told me that he had had one inspection in a year. Do you feel that there need to be more inspectors, there needs to be regular oversight of any quarries or pits, or any excavation situations?

**Mr. Paul Hennig:** Absolutely. That's why we need an increased levy, to provide funds for these kinds of inspections and oversight.

**Mr. Paul Miller:** Thank you.

**The Acting Chair (Mr. Michael Coteau):** We'll go to the Liberal caucus. MPP Colle.

**Mr. Mike Colle:** Thank you for the very theological and inspiring presentation.

Just getting back to this levy, that's one thing we've heard, that there should be a higher levy. I think some of the producers have said that they are willing to look at that as part of the solution, increasing the levies.

The other side of it, though, is: Why is it that when we build the 400 series of highways, the 401 and so on, 20% of the asphalt that's used, the construction material, is recycled—MTO, the Ministry of Transportation, Ontario, uses 20% recycled material—yet the local municipalities across Ontario basically do not use recycled material?

Don't you think that besides the levy initiative, this committee should consider a carrot-and-stick approach in encouraging local municipalities, when they're rebuilding roads and tearing apart roads, to do what you saw on Weston Road, which is to use some of those recycled materials? Shouldn't that be one of the things this committee should look at?

**Mr. Paul Hennig:** Absolutely. See, the local municipalities must be educated in these technologies. Many of them, perhaps, formed their opinions on earlier technology that was not as sound as this one. I observed Weston Road over months, and there was no ecological damage. There was no dust or trouble or anything. It was remarkable.

**The Acting Chair (Mr. Michael Coteau):** We'll go to the PC caucus. We only have a couple of minutes left. Go ahead.

**Ms. Sylvia Jones:** Just a point of clarification: MTO actually uses 30% recycled.

**Mr. Mike Colle:** It's up to 30%?

**Ms. Sylvia Jones:** Yes. So although I would readily support—

**Mr. Mike Colle:** I was given 20% last week.

**Ms. Sylvia Jones:** I would readily encourage municipalities to up that, but MTO is doing 30%, as I understand it.

One of the recommendations that you made, Mr. Hennig, talked about increasing the levy. As has already been discussed, you're not the first person who has raised that. Did you have a recommendation for the committee as to what that levy should be? It's currently 11.5 cents. I think 0.5 cents of it goes to recycle abandoned pits and quarries.

**Mr. Paul Hennig:** Well, Quebec has 50 cents a tonne, but even that is not sufficient. I would think at least a dollar a tonne.

**Ms. Sylvia Jones:** Based on your point a little further down, I'm guessing that you do not want that to go into the general revenue fund. You'd actually like it to be in a special fund that natural resources would be using for monitoring maintenance.

**Mr. Paul Hennig:** Absolutely.

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

**The Acting Chair (Mr. Michael Coteau):** Thank you very much, sir, for your presentation.

**Mr. Paul Hennig:** Thank you.

#### TRANSITIONKW

**The Acting Chair (Mr. Michael Coteau):** Next up, we have Alisa McClurg. Welcome. You have 10 minutes for your presentation and five minutes for questions. You can start by stating your name for the record.

**Ms. Alisa McClurg:** Greetings. My name is Alisa McClurg. I come here today as both a planner and co-facilitator for TransitionKW. Before I begin, I would like to briefly state that 18 months ago I conducted a review of the State of the Aggregate Resource in Ontario Study, which enhanced my understanding of the aggregate situation here.

I would like to begin by describing TransitionKW, then discuss a bit about the state of the current aggregate consumption in this province, outline some of the reasons for this consumption, suggest some ways to reduce it, and explore different legislation and industries which practise demand management that might provide some insight, all for the overall goal of stressing that we need to encourage a consideration of our need for aggregate.

TransitionKW is part of a global transition town movement that seeks to bring about local community resiliency. Resiliency can basically be described as the ability to deal with changes, stresses and shocks while maintaining essential functions.

There are hundreds of initiatives of transition towns around the world, and while our primary focuses are peak oil, climate change and economic stability, we recognize that the challenges each community faces are unique, and therefore the ways to achieve resiliency are different for each of them.

In southern Ontario, aggregate is becoming increasingly important, and so is the focus of our group. In Ontario, aggregate consumption is high. We consumed 14 tonnes per capita in the period 2002 to 2007. Our consumption is higher than the US, Australia, New Zealand and much of western Europe. In fact, in the chart provided in the SAROS, we are only third to Finland and Ireland—Ireland having undergone a development boom accounting for that.

This high consumption is concerning, due, as I'm sure you are aware, to the negative impacts of pits and quarries. They destroy our farmland, waterways, cultural heritage and very way of life, in many cases. This divisive nature brings about long, unpleasant and unfortunate conflicts—the mega quarry proposal in Melancthon being perhaps top of mind, but there are many others.

Why is this happening? The SAROS report outlines several reasons. We have higher population growth in many places, lower population density, higher GDP growth and lower mean annual temperature, which requires deeper road bases and more repair. While this may explain some of it, it does not explain why our per capita use is higher than in places like Saskatchewan, where the mean annual temperature is lower and there is comparable population and GDP growth. As well, as noted in a chart in the SAROS, our consumption is three times higher than the UK and significantly higher than Germany, Italy, Belgium and so on.

Why is this happening? TransitionKW would like to suggest that the reasons for this are more insidious than just the reasons I've listed. It is due to the lack of a legislative framework to seriously assess the question of a need and how to go about addressing it. A quote from the provincial policy statement says, "Demonstration of need for mineral aggregate resources ... shall not be required...."

**1440**

Of course, the Aggregate Resources Act allows for the minister, from time to time, to assess the demand of aggregate and establish policies, but this is even weak because it does not require us to assess what it is that we really need.

The provincial Environmental Assessment Act instead requires the consideration of alternatives, including, in some cases, the do-nothing option. TransitionKW would like to suggest, rather than tweaking the Aggregate Resources Act, that we place the aggregate review process under the provincial Environmental Assessment Act to allow for a full consideration of alternatives.

Why is this important? Once this is done, we can put all the options on the table, such as how to reduce, reuse and recycle aggregate. The three Rs was the first item given mention in the SAROS summer report. It is also mentioned by the Aggregate Resource Advisory Committee in reviewing the SAROS.

There are many ways we can encourage the three Rs, ranging from careful source separation, the encouragement of mixed- and high-density development, and research and innovation. Careful source separation is particularly important in the SAROS due to the lack of source separation of construction materials, but there are also other materials, such as ceramic and glass, that are not being properly separated.

High-density development reduces the need for roads. Mixed-use means we will not travel on them as much, thereby reducing wear and tear. As for research and innovation, the SAROS points out that the energy crisis of the 1970s resulted in innovation with respect to the recycling of asphalt, due to petroleum being used in this product. If we truly realized that we are facing an aggregate crisis in this province today, which we are, what sort of research and innovation could we achieve?

There are many other pieces of legislation that require a consideration of need. I won't go into them at length, but legislation like the Places to Grow Act and the Plan-

ning Act require a consideration of population, housing and associated amenities, depending on which legislation you are considering.

There are also many sectors that practise demand management, including hydro, waste management and biosolids. Currently, the situation is widely recognized as being untenable. The Environmental Commissioner, Gord Miller, in his presentation to you, said that "we shouldn't be planning our industry on a cornucopia of new pits that constantly supply all the aggregate we need. That is not responsible to future generations...."

So we have come to a fork in the road. We can continue with the status quo. We can make things worse by accelerating the approval process and further worsening our already weak environmental protections, or we can find better solutions. A true needs assessment, accompanied with the implementation of the three Rs, offers a way towards that path. Otherwise, there will be an ever-increasing destruction of our environment, farmland and very way of life. If we do nothing, the unthinkable could happen, and indeed in many ways it already has.

So I ask, on behalf of TransitionKW: Please let serious consideration of need and alternatives to meeting that need be included in the aggregate review process. To do this, we would suggest requiring that all aggregate reviews fall under the Environmental Assessment Act.

Before I finish, I would like to highlight an article in Plan Canada last winter by Professor Jill L. Grant, called Planning for the Long Term: Regulating for Resilience. I'll read from here. She says that "we can take steps to eliminate or alter rules, regulations, codes, and covenants that undermine resilience." While she offers the simple suggestion of allowing for clotheslines, I suggest that we can do something here far more revolutionary. We can bequeath our children a legacy of prudent aggregate legislation that protects the vast areas of beautiful green space, waterways and resources which we all enjoy.

We ask that you seriously consider this. Thank you.

**The Acting Chair (Mr. Michael Coteau):** Thank you very much. We'll start with the NDP caucus.

**Mr. Paul Miller:** Thank you for your presentation. I agree with you when it comes to the EA. I believe it should be part of the process; it isn't. The present situation with the government is that the EA is under attack by industry and all kinds of other producers that think it's too drawn out, it's too complicated, and there are too many walls to climb with the EA process, which I personally disagree with. I think that it should be followed, but it isn't, unfortunately. That's the movement that's going on right now.

In reference to your concern about the amount of aggregate we use in Ontario, I'm not quite sure we can compare it to England or the Scandinavian countries or other countries like that, because they're much, much smaller. We are very geographically challenged in Ontario, and even in Saskatchewan they don't have the population we do. There are a lot more cars on the road, a lot more trucks on the road. So I'm not quite sure that would be a good comparison.

But I agree with you on the EA and I think you're moving in the right direction and certainly we would hope that would be passed.

**Ms. Alisa McClurg:** Just to clarify, I was using per capita data.

**Mr. Paul Miller:** Okay.

**The Acting Chair (Mr. Michael Coteau):** Liberal caucus.

**Mr. Joe Dickson:** Thank you, Alisa. Excellent speech. You've done a lot of research.

I'm just going to put two questions into one, but first of all, the EA is used at certain levels and in certain conditions, as we know. Ontario currently is the leader in the percentage of recyclable highway paving or 400-series paving that is done throughout this province. The figure of 20% was mentioned; the figure of 30% was mentioned. Number one, do you have a percentage that you feel would be appropriate for the use of conservation product in the end product? Number two, I'd just like to go back to the restoration of the quarries, because we had a lot of queries on that over different visits.

Should there be a guarantee, whether it be bonding or letters of credit—the normal legal procedures—that gives the municipalities a credit in advance? It would give them a financial guarantee that gives each of those municipalities the right to proceed with the restoration, which in some cases has been sitting dormant for decades. It gives them the right to implement restoration if the proponent is in default.

**Ms. Alisa McClurg:** To answer your first question, I don't have extensive expertise in the recycling of aggregate. In my submission on May 16 to the committee I made reference to two sources of information that go into that issue in further depth: Ric Hold from Gravel Watch and another individual whom I can't remember.

I haven't spoken in my talk or addressed the issue of restoration, so I don't really have an answer for that.

**Mr. Joe Dickson:** Okay. Thank you. I appreciate it very much.

**The Acting Chair (Mr. Michael Coteau):** We'll go to the PC caucus.

**Mr. Rob Leone:** Thanks for your presentation. I want follow up on Mr. Miller's question with respect to the statistics between Saskatchewan and Ontario. You cited the per capita difference. What exactly is the per capita difference, if you have those figures?

As you're looking for that, I'll ask my follow-up question. Is the per capita data, the per capita measure, the best one to use in comparing the two provinces? Certainly Ontario has, from what I've been able to gather very quickly, 10 times the length of roads; it probably has 10 times more population than Saskatchewan itself. Why is per capita data the best to be using in terms of comparing the two provinces?

**Ms. Alisa McClurg:** To answer your first question, I would have the information if I had been able to do my PowerPoint presentation, but I didn't realize I had to bring a laptop, so I apologize for that.

To answer your second question, I would say that at question is how we do development. We have the option, despite being a big province, of doing more dense developments: high-density, mixed-use. So despite there being differences in the province, we certainly have great flexibility in how we go about doing things. The question is whether we're doing it.

**The Acting Chair (Mr. Michael Coteau):** Thank you for your presentation.

1450

MS. TANYA MARKVART

**The Acting Chair (Mr. Michael Coteau):** Next up, we have Tanya Markvart. Welcome. A 10-minute presentation and five minutes for questions. You can begin.

**Ms. Tanya Markvart:** Good afternoon. My name is Tanya Markvart. I am a Ph.D. candidate at the University of Waterloo and I am an independent consultant in the area of strategic sustainability planning and assessment. Today I will speak about some key issues in applying the Ontario Environmental Assessment Act to pits and quarries.

Recently, questions have been raised about the prospects of applying the Ontario EA Act to certain pits and quarries. One key argument coming from the public is that certain pits and quarries may be at least as damaging to vital social and ecological systems as other industrial projects that already trigger an EA. So, let's make sure that these pits and quarries are subject to the EA Act.

Today, I'll briefly describe seven key issues to consider in the decision to apply the EA Act to pits and quarries. Please note that this presentation really just merely scratches the surface of these issues and doesn't really include a discussion of many other potential issues.

(1) The EA Act allows for a more substantial analysis than the Aggregate Resources Act, provincial policy statement and Ontario Planning Act. A nuanced analysis of these laws and policies is obviously beyond the scope of this presentation, but for example, the EA Act defines the term "environment" broadly to include social, economic and ecological considerations explicitly; it requires a description of the public interest purpose of the undertaking; it requires a comparative analysis of alternative methods of carrying out the undertaking and alternatives to the undertaking, including the "do-nothing" alternative; and it requires a description of the rationale, or need, for the preferred alternative.

The above obligations provide a more comprehensive and broader analytical framework than the ARA, PPS and OPA offer. The EA framework would benefit all stakeholders in the sense that it would allow for an appropriately thorough investigation of impacts, alternative land uses and assumptions about the need for the resource.

For example, the ARA currently does not require an investigation of alternative methods or alternatives to.

Consequently, a range of potentially critical options related to, just to name a few, technological approaches, rehabilitation plans and site plans are excluded from decision-making. These options each individually entail a range of impacts that should be compared in order to ensure that the best alternative is defined, especially in this contemporary context, where the need to protect and conserve drinking water, farmland, aggregate and many other valued natural resources is increasing.

(2) Many stakeholders have gained a really in-depth understanding of the current legislative requirements and decision-making processes involved in approvals for pits and quarries. One critical area of learning has been around effective public participation, especially with respect to understanding legislative obligations and informal expectations. Requiring an EA under the EA Act would impose really unfamiliar regulations and decision-making processes on stakeholders who, in many cases, have invested years to get to know the current system. This doesn't mean that pits and quarries should not be subject to the EA Act. Rather, any legislative change towards EAs should involve public consultations that are extensive in order to gather input and provide information about any new process.

(3) Similar to number (2), there is much uncertainty at municipal and provincial administrative levels about how the EA Act and decision-making processes should interact with the provincial policy statement, municipal land use bylaws and approvals processes, the Aggregate Resources Act regulations and Ministry of Natural Resources licences approvals processes, as well as other ministry requirements and processes—for example, the process involved in the permit to take water—and then finally the Ontario Municipal Board appeals process. The main consequence of this uncertainty is that decision-making clarity is lost, to the extent that all stakeholders are uncertain about the appropriate authority and sequencing of decisions, especially with respect to appeals. In turn, this lack of clarity makes it difficult for all stakeholders to coordinate case-related activities. Again, this doesn't mean that pits and quarries should not be subject to the EA Act. Rather, an appropriate concern for clarity with respect to process should accompany any legislative change towards EAs for pits and quarries.

(4) One issue related to the above number (3) point is the issue of appeals. There is much uncertainty presently about how various appeals processes—for example, associated with land use bylaws, permits and licences—should be coordinated in cases where the EA is designated and in cases where the EA decision is contested. The concern is that all appeals would be consolidated, as opposed to heard independently. The risk there is that important impacts or concerns may not receive the attention that they deserve if they're not addressed independently.

(5) The Aggregate Resources Act and Ontario Planning Act allow for impact studies for aggregate extraction proposals. Accordingly, some municipalities have official plan policies for aggregate extraction that list detailed requirements for studies that cover a wide range

of social and environmental impacts. These studies may not be comprehensive of the full suite of impacts associated with pits and quarries. Moreover, the frame of analysis might not be as broad as the frame provided by the EA Act, especially with respect to addressing purpose, alternatives and need. But these municipalities present the issue of duplication in cases where the EA Act is applied to a pit or quarry within their jurisdiction.

Again, this issue of duplication doesn't mean that certain pits and quarries should not be subject to the EA. Rather, in these cases it means that the EA process and the municipal-level process should be coordinated so that there's appropriate communication between the two levels with respect to study requirements.

(6) The idea to apply the EA Act to pits and quarries raises really important questions about which pits and quarries should be subject to the EA Act and then, once subject, what type of EA should be applied in each case. The options for adopting the EA scope include (i) applying the EA Act in some form to all aggregate extraction proposals, with some getting individual assessments that are more comprehensive and others getting a streamlined EA process or a class EA; and (ii) applying the EA Act to some proposals that meet certain criteria.

For instance, it's obvious that an individual or comprehensive EA should be triggered for any below-water-table pit or quarry as well as any amendment to go from above to below the water table. Other potential triggers require more research, but some other obvious examples include, among many others, proposed extraction volume, the amount of land to be disturbed and the proposed location of the pit or quarry.

(7) As noted in the first point, the strength of the EA Act is that it provides an appropriately comprehensive and broad basis for analyzing the impacts of pits and quarries. However, the EA Act is not the only route that we can take to better the quality of assessments for pits and quarries. One alternative is to amend the Aggregate Resources Act, in particular section 12(1), "Matters to be considered by the minister," so that it includes (a) the public interest purpose of the undertaking; (b) the proponent's statement of the rationale for the undertaking; and (c) the proponent's comparative analysis of the environmental impacts of the alternative methods of carrying out the undertaking and alternatives to the undertaking.

Those are the major aspects of the EA Act that could be uploaded into the ARA in order to avoid some of those duplication issues and process issues that I mentioned earlier.

Those are all of my points. I could go over my summary, but—

**The Acting Chair (Mr. Michael Coteau):** Thank you very much. We'll take questions. We'll start with the PC caucus.

**Ms. Laurie Scott:** Thank you very much for appearing here today. The environmental assessment for Melancthon that was just ordered is very unusual, right? It's the first one ever. In your presentation, it was kind of

like a back and forth of yeas maybe to some processes, maybe not. I just wondered: Do you think that everything under the water table should have an EA, or there should be different processes for some that are above the water table?

There is a balance that we're trying to strike here in getting input as we go out in the committees. There is a need for aggregates, so what's the best way with the public involvement and the process, and where are the parts that are broken? That's a big question, but just if you could narrow it a bit more, on your thoughts on the EA process.

**Ms. Tanya Markvart:** Well, it really deserves a really full study. I certainly don't have any quick answer at this point because a lot more research really needs to be involved so you get into the nuances of the different ranges of pits that exist, and obviously consultations with the public to get their ideas about when an EA should be kicked in and which triggers would be the best triggers.

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With respect to below the table, I think that's a very obvious one. There should be a comprehensive EA, or studies that are equivalent to a comprehensive EA, for any pit that goes below the water table.

**Ms. Laurie Scott:** There certainly are some now, but yes.

**Ms. Tanya Markvart:** Yes. I can't speak confidently about other triggers; I would do more research myself before—

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

**The Acting Chair (Mr. Michael Coteau):** NDP caucus?

**Mr. Paul Miller:** Thank you. Good presentation. I certainly agree with you that the EA process should be involved. However, there is a bit of a problem with that, because with the EA process, it depends what the end use of the quarry may be. The quarry may start off as a gravel pit; it may end up as a hazardous or non-hazardous landfill at the end use. So there is some complication there where we have to set out the difference between the initial use of the property as opposed to the end use, and that has always been a problem. It has been a problem for my area, too, because we had some problems with a hazardous landfill which was on fractured bedrock. I could go into great detail, too, because I fought that for many years.

The EA process—you can apply to the Ministry of the Environment to change the licensing of the property. That's another thing that has to be looked at: the usage of the property. I could change the licensing from a gravel pit to accept hazardous waste, as long as it falls within the criteria of the MOE. So there are a lot of other complicated things that are involved.

What I'm trying to say is, to put it into one process would be extremely difficult. There would certainly have to be different sections of the act that would cover different situations.

**Ms. Tanya Markvart:** Good point.

**The Acting Chair (Mr. Michael Coteau):** Liberal caucus.

**Mr. Mike Colle:** Thank you for the thoughtful presentation. I think you're really bringing us to this point about duplication and competing oversight. Right now you have an OMB process—right?—for appeal; you have the Aggregate Resources Act; you have potential EAs, which is happening at Melancthon; and then you've got official plan amendments.

**Mr. Joe Dickson:** Site plan approvals.

**Mr. Mike Colle:** And site plan approvals.

Where's the magic bullet here? Do you think it's the EA, just applying an EA? You have five applications going on in the municipality that are all below the water table. You'd have five concurrent EAs going on at the same time, along with those other processes? Or do you eliminate the other processes and just leave it to the EAs?

**Ms. Tanya Markvart:** Well, that's a good question. Again, I don't have any quick answer with respect to—

**Mr. Mike Colle:** Yes, you're making me think about the same thing.

**Ms. Tanya Markvart:** One option would be to ensure that there is one process that is consistent with respect to the highest quality of approvals or the highest quality of evaluation for pits and quarries.

**Mr. Mike Colle:** I know you're very concerned about the water table, which we all are. Most of our presentations so far have been concerned about prime farmland: Why shouldn't you trigger an EA if prime farmland is being destroyed?

**Ms. Tanya Markvart:** It's a good point.

**The Acting Chair (Mr. Michael Coteau):** Thank you very much for your time.

MR. JAMES PARKIN

**The Acting Chair (Mr. Michael Coteau):** Next we have James Parkin. Welcome, sir. A 10-minute presentation and five minutes allocated for questions.

**Mr. James Parkin:** Thank you. Welcome to Kitchener. My name is James Parkin. I'm a registered professional planner. I worked for the Ministry of Natural Resources through the 1980s as an inspector under the Pits and Quarries Control Act, and I was involved in the development of the Aggregate Resources Act. Since 1989, I've been consulting. I've dealt with the Aggregate Resources Act and its previous form, the pits and quarries act, on a daily basis for nearly 30 years. I work at MHBC Planning. I've done many pit or quarry applications, I'm certified to prepare site plans and I've been involved in policy discussions.

I'm also an author of one of the SAROS reports and been involved in several of those documents, which were done intentionally to inform discussions like this one.

I wanted to start with an observation, if I could. There's death, there's taxes and there are well-meaning people who are going to be upset about pits and quarries proposed in their countryside. Our governments can do something about one of those things, and that's taxes.

The point I'm trying to make is that the challenge, I think, for this committee is to separate out the constructive comments on the legislation from the inevitable concerns that come with an unpopular land use, and I think that would be very evident to anybody who has sat through these hearings. There are no easy answers. We have to focus on sound legislation protecting a broad interest.

Fundamentally, we have to remember that aggregate is an essential resource. It can only be extracted where it occurs. It belongs in rural areas. One of the priorities for rural areas is to provide resources. In many ways, aggregate is like agriculture. There must be a priority for these uses in rural areas. Despite what you've heard, fortunately, there is no need to choose between aggregate and food. The conflict between the two resources is not overly severe and we're not going to starve, even if there's no Aggregate Resources Act or PPS.

Relatively speaking, there's a lot of agricultural land in southern Ontario and relatively few aggregate deposits. On the basis of the use of land, there's 40 times more land being used for agriculture than there is licensed under the Aggregate Resources Act.

Paper 2 of SAROS is the one that I was responsible for. What it tells us is that we can't take a simplistic or prohibitive approach and just try to direct aggregate to someplace where there's no conflict with other resources. That place just doesn't exist. We have to plan in a positive way to make aggregate available rather than wishing it would go somewhere else.

In Ontario over the years, particularly through the 1980s, there was a lot of work done on developing a thoughtful and responsible policy approach to deal with aggregate and agriculture. There are two publications in particular of the Ministry of Natural Resources on fruit production and agricultural rehabilitation. What they informed us about is, first of all, it understands the extent of overlap and the implications of different policy approaches. Secondly, it talks about opportunities for rehabilitation.

What we learned is, first of all, where aggregate overlaps with agriculture is limited. There's not a significant risk to food supply. On the other hand, the limited areas of close-to-market aggregate do often occur on agricultural land. We have policies: Where there's overlap we're required to rehabilitate. This has been successful, and the handouts what I've passed around include examples of both some cropland rehabilitation as well as specialty crop rehabilitation: the fruit orchards in operating pits in Fonthill and vineyards in quarries in the Niagara Escarpment, Vineland Quarries. They're well documented and they have been successful.

We do have cases where agricultural rehabilitation is not possible, such as deep quarrying below the water, but there are specific tests and policies that have to be met. There's no automatic priority to one resource or another. We have to look at the facts and decide whether to allow the extraction or preserve the agriculture. The Minister of

Agriculture, Food and Rural Affairs is involved in that decision-making.

We have this policy to try to resolve conflicts so that we can have close-to-market aggregates. Why are close-to-market aggregates important? The part of it that I wanted to talk about is also from the perspective of the paper that we authored for the state of the aggregate study, and that's why I brought along the flow chart. If you're going to examine alternatives, make sure you're thinking about the whole system, from the pit or quarry to the job site.

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In the close-to-market example on the far right of the table, the truck that leaves the pit or quarry is the delivery vehicle that takes the material to the job site. For the alternatives, that's not the case. You need to switch from the bigger trucks that haul long distances or from the boat or from the rail, if that were possible, and if you're going to switch, you need a close-to-market place on the ground to unload the material, store the material, perhaps re-process it, and then reload it for delivery to the job site. That place is going to be a large area. There are going to be trucks coming and going. There's going to be noise. There's going to be dust. It starts to sound familiar.

Pit or quarry, at the top, the same environmental impacts, whether it's down south or up north—arguably fewer impacts up north, but those are more than offset by the other components of the delivery system that is required.

At the bottom of the table you've got a short haul to a job site; that's the same for all options. So everything else in between, the brown boxes and the grey boxes, is the redistribution and handling facilities or the incremental transportation. Everything is incremental, if you compare it to the close-to-market scenario. So you've got large parcels of land that are tied up for the redistribution, and trucks coming and going. Potentially, that's permanently lost agricultural land. You've got infrastructure: large docks, new rail corridors, new lanes on highways, all of which have impacts that are going to generate local opposition. So there are significant consequences of losing close-to-market supply.

That's why we have an Aggregate Resources Act. The Aggregate Resources Act is part of Ontario's strategy. We also have a good mapping program and we have a provincial policy that requires deposits to be identified and protected. That's what can reduce the conflict. That makes people who are deciding about whether to purchase land or invest in the countryside to understand the realities that are part of the bargain.

The ARA is the licensing and regulation. Without it, we would have inconsistent fees, we'd have regulation varying from municipality to municipality, and we would have locally based prohibitions without as much regard for provincial interests. Ontario is well recognized as having good legislation. In SAROS, we looked at some other jurisdictions, and Ontario compares well. When we did the Aggregate Resources Act as part of the Ministry

of Natural Resources in the 1980s, it was a huge step forward, and I think it still serves us quite well today.

We have an application process that works reasonably well. It can take too long. It is difficult, though, to get new sites approved. The public is very involved in the processes. Proposals have to be well studied. All of the impacts we've heard about today have to be studied as part of these applications, and they are highly scrutinized on a wide range of topics. Basically, there's no reasonable question that somebody wants to ask that goes unanswered, including cumulative effects.

The improvements—and this just builds on the past presenter and the discussion afterwards—more integration of processes, less duplication is not going to detract from good decision-making. So, yes, we have the official plan, the zoning, the permits, the Niagara Escarpment, the licensing, and now throwing the EA on top of that is really not going to add anything to the process. It's too confusing already and it could be streamlined.

Provincial standards is where we have the technical requirements for applications and consultations. A lot of that is right, and you haven't heard many complaints about it. Fine-tuning on reports standards and modernizing the way we communicate between stakeholders would be improvements.

Compliance assessment is a good system. It makes sense to have the licence holders do the time-consuming legwork, checking fences and so on. The act does have good mechanisms, but the MNR needs the funding to audit. All of that is subject to a good audit system, and the MNR needs resources. We've talked about fees. Again, that ties in to giving MNR the funding so that they can do the effective enforcement.

Rehabilitation is the subject of the handouts. I won't dwell on that. There are thousands of acres in hundreds of sites that have been rehabilitated. There is money in the system for defaults. The MNR program review under the EBR and SAROS paper 6 doesn't recommend legislation changes, but there are implementation improvements, and that, again, comes down to funding.

In closing, there are always going to be public concerns about proposals for new pits and quarries. Everyone will always have an idea for somewhere better to go, but there are no easy answers. In the ARA we have solid legislation—

**The Acting Chair (Mr. Michael Coteau):** I'm going to have to stop you there—

**Mr. James Parkin:** —to minimize impacts and I think it'll continue to serve us well in the future. Thank you.

**The Acting Chair (Mr. Michael Coteau):** Perfect. Thank you very much. We'll start with the NDP caucus.

**Mr. Paul Miller:** Thank you, Mr. Parkin. You're a consultant for a group of companies—aggregates?

**Mr. James Parkin:** I'm speaking today as a professional with an interest in this. We do consulting work for the aggregate industry and for public sector municipalities and so on.

**Mr. Paul Miller:** You were in the ministry, you said, a few years ago, working for the ministry. You're well aware of the problems we had with the Taro quarry. It was fractured bedrock above a city—the city of Hamilton.

You're saying that the process is good. We certainly had a lot of problems with that, and a lot of things weren't done. The remedial work wasn't done, the liners weren't put in, the leachate tower they were supposed to put in did not go in, and it became a bit of a nightmare. They were going to put ball fields on it; they were going to do all these wonderful things with it. It's still sitting there because they have gas pipes sticking out of the ground that are giving out questionable stuff.

Is it fair to say, whether it be a quarry or a pit, if they get the okay from the MOE or another ministry to go ahead and put some other type of end use into that quarry, that that could happen and it could have a possible negative effect on the community when it's not done through remediation of an aggregate? They have done some good work on that, I agree. But it could change if the licensing changes. Is that a fair statement?

**Mr. James Parkin:** I don't know anything about the Taro situation. You're describing what sounds like a landfill site, which would have nothing to do with the Aggregate Resources Act. That would have been approved under the Environmental Assessment Act and—

**Mr. Paul Miller:** Well, it was a quarry, sir. It was a quarry.

**Mr. James Parkin:** If there was a landfill as an after-use, that would have been approved under a different piece of legislation.

**Mr. Paul Miller:** So they don't coordinate, is what you're saying. The ministries don't coordinate. Because that shouldn't have happened.

**Mr. James Parkin:** Whether you're proposing a subdivision on a pit or quarry, an agricultural use, or a landfill, you go through zoning. That zoning process and any provincial approvals that are also required on top of that, in the case of a landfill, are the checks and balance in deciding what after-use is appropriate. It is an interim use; there are always going to be after-uses and they have to be subject to effective controls and processes as well.

**The Acting Chair (Mr. Michael Coteau):** We'll go to the Liberal caucus.

**Mrs. Liz Sandals:** Thank you very much, Mr. Parkin, for your presentation. In the materials that you handed out to us, you gave us a couple of examples of successful rehab to agriculture of above-the-water-table pits. There are a number of examples of below-the-water-table rehabs where it has been turned back into sort of a wetland/naturalized park area.

I'm wondering what sort of rehabilitation you would recommend when you—somebody helpfully supplied this picture of the sort of thing that you get in Puslinch township, where you've got large tracts of adjacent below-the-water. Long-term, the problem that would face the municipality would be that what was once an agricultural area, if you rehabilitate it simply as wetlands,

you've long-term lost any economic development value. You've dramatically changed the long-term possibilities for the area. How would you look at rehab when you get into this sort of lacework of adjacent below-the-water-table pits?

**Mr. James Parkin:** I can find a handout on this and send it to the committee. One of the examples you might want to look at is Penrith Lakes in Australia. It reminds me of the Puslinch situation. There does need to be co-ordination. Some of these water bodies could perhaps be joined together. In Penrith Lakes, it ended up being the venue for Olympic rowing for the Sydney 2000 Olympics. That was something that had a high profile and probably has an economic advantage to it as well.

I also would say, I think there is some work going on in Puslinch in order to look at a suitable after-use for joining those lakes together and developing something that is an asset for the community. I'm familiar with—  
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**Mrs. Liz Sandals:** Yes. Does that require changes to the aggregate act—

**The Acting Chair (Mr. Michael Coteau):** I'm going to have to move on. We only have 30 seconds left—

**Mr. James Parkin:** No.

**The Acting Chair (Mr. Michael Coteau):** I'm going to have to go to the PC caucus.

**Ms. Sylvia Jones:** Thank you, Chair. A couple of questions. Interim use: We hear often that aggregate extraction is an interim land use. What would you say or what would you recommend as a timeline for interim? For example, a proposed quarry has a 100-year lifespan. Is that interim use?

**Mr. James Parkin:** It is, because within the site the rehabilitation is progressive. I appreciate that in a person's lifetime, it's not interim; 100 years or 50 years or 20 years that somebody has picked for retirement in the countryside—it's not interim to that person. But as a resource use, it is interim, and progressively you're replacing it back to agricultural land or natural heritage within the lifespan. So there will be a piece of the property that is in aggregate production for 10 years, but then it's put back and it's put to another use while the rest of the site is used. It is interim in terms of the progressive aspect of it.

Putting time limits on licences is not a good idea. I have been involved in a couple of those that made sense in a unique situation. You don't have to change the act to allow that, but generally I think it would be a big mistake to end a pit's life when there's still material in the ground, where you've got the haul routes established; you've demonstrated that you can operate it without unreasonable effects on the community and on the environment. To say, "Okay, we're stopping and going somewhere else because your time is up," I think is just wrong.

**The Acting Chair (Mr. Michael Coteau):** Thank you very much. We've gone almost 17 minutes here. Thank you for your time. I appreciate it.

## WATERLOO FEDERATION OF AGRICULTURE

**The Acting Chair (Mr. Michael Coteau):** Next up, we have the Waterloo Federation of Agriculture. Good afternoon and welcome. Ten minutes are allocated for your presentation and five minutes for questions shared between the three parties. You can start by stating your name. Thank you.

**Mr. Mark Reusser:** Good afternoon, ladies and gentlemen. My name is Mark Reusser. I'm here today representing the Waterloo Federation of Agriculture.

Not long ago, Waterloo Region Public Health, in cooperation with the Waterloo Federation of Agriculture, commissioned a study by Harry Cummings and Associates entitled *Growing Food and Economy*, an economic impact study of agriculture in Waterloo region.

Two significant findings emerged from this report. First, Waterloo region farmers had gross farm receipts per acre that were nearly triple the provincial average, just slightly less than those found in the wine-growing area of Niagara. Secondly, Waterloo region farms had net revenue per farm nearly double the provincial average. This study could arguably be used to justify the proposition that Waterloo region is the premier agricultural community in Ontario, outside of the wine-growing specialty crop area of Niagara. This study also highlighted the fact that the region is losing, on average, 2,000 acres of land per year to urbanization and, more significantly, to aggregate extraction.

For more than 40 years, the Waterloo Federation of Agriculture has focused on protecting farmland from urbanization. We like to think that we have played a significant role in ensuring that Waterloo region is one of the premier communities in all of North America in terms of its proactive efforts to intensify development and protect farmland for food production.

However, we, as farmers, as well as municipal planners, have neglected to recognize the threat to farmland posed by the fact that nearly one third of Waterloo region's farmland is either already identified as an aggregate resource or contains unmapped aggregate. Our collective ignorance ignores the fact that aggregate extraction may be an even greater threat to farmland and food production than is urbanization.

We, the Waterloo Federation of Agriculture, would like to share with you three reflections on the nature of our farmland resource and then suggest some amendments to the aggregates act.

In our opinion, farmland is a non-renewable natural resource in the sense that once it is utilized for extraction, it will never, ever again regain its previous productive capacity. Aggregate extraction on farmland results in the permanent destruction of that farmland. It took nearly 10,000 years since the last ice age for that soil profile to evolve. It can't be reformed in two weeks with a bulldozer.

We have no confidence and have seen no evidence that any retired extraction site has been or ever will be

rehabilitated back to any semblance of its original agricultural capacity. Even on those sites that have been “successfully rehabilitated,” the resultant quality, quantity and productive capacity of those sites are in no way equivalent to that of either the original land or the undisturbed land adjacent to the site. It just doesn’t happen. It’s not there. Thus, the long-term result of aggregate extraction is a permanent conversion of productive farmland to another use.

Secondly, farmland is a strategic resource. Only 6% of Ontario’s landmass is suitable for agriculture and only about half of that is class 1 through 4, or what we would describe as prime farmland. We already import two thirds of our food that we consume. Should we not be employing every possible effort to preserve our capacity to feed ourselves?

Thirdly, farmland is a perpetual resource. Aggregate extraction provides a one-time economic injection into the economy. Farmland, on the other hand, is like the gift that keeps on giving. Farmland in Waterloo has grown crops for over 200 years. Land in Europe has been in continuous production for thousands of years. There is no reason why farmland, if sustainably maintained, can’t produce food essentially forever.

In light of the above, we suggest the following changes to the provincial aggregates act:

(1) That aggregate extraction be prohibited on class 1 through 4 farmland and specialty cropland. We do not believe that destroying one resource—farmland—in order to utilize another—aggregate—is a responsible use of the province’s resources.

(2) Make the recycling of aggregates mandatory by prohibiting their use as landfill material either above or below the ground. This might require the modification of building codes and road-building specifications, etc. However, every tonne of concrete and asphalt that is recycled is a tonne that will not require the destruction of further farmland.

(3) All licences should have mandatory staged rehabilitation. This includes the ones that already exist. This would indicate that no new stage be opened until the previous stage has been 100% rehabilitated. Confirmation of that rehabilitation should be done by the Ministry of Agriculture and Food—no one else.

(4) When companies fail to rehabilitate or fail to rehabilitate back to a condition that is equivalent to the land’s original agricultural capacity, then a fee representing an average annual gross agricultural receipt equivalent to, say, 100 years of production should be paid to a third party who would use that money for rehabilitation. Obviously I just grabbed that figure out of the air, but if farmland can be productive forever, why not use 100 years?

An example of such an entity might be the Ontario Farmland Trust. How much might the fee be? The price of corn today is \$7.50 a bushel. Average yield per acre in Ontario is about 160 bushels per acre. That represents \$1,200 an acre. Twelve hundred dollars times 100 years

equals \$120,000 an acre in 2012 dollars. If one destroys something, should one not have to pay for it?

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(5) Lastly, all licences should be required to include an expiry date. Yes, they should. This province is rife with pits that are still deemed to be active by virtue of the fact that a single pile of gravel remains on the pit floor and a single truckload of gravel exits that pit every year. Therefore, no rehabilitation has occurred or needs to occur, according to the licence. There are also numerous examples of licences that have never been activated. In our opinion, the licence should be revoked if not used in a timely way.

In conclusion, we do not suffer from a shortage of aggregates in this province. The entire Canadian Shield is composed of rock, much of it relatively close to southern Ontario and suitable for aggregate. If it weren’t for the providence of the glacier dumping aggregate here 10,000 years ago, we would have found alternatives long ago. What we suffer from, instead, is an aversion to calculating the true long-term costs of aggregate extraction and the resulting destruction of farmland and food production for future generations.

Ladies and gentlemen, recommend changes to this act that reflect the fact that farmland is a non-renewable, strategic and perpetual resource. Thank you very much.

**The Acting Chair (Mr. Michael Coteau):** Thank you very much. We’ll start with the Liberal caucus.

**Mr. Joe Dickson:** Thank you, sir—well thought out. I have a question. First of all, I appreciate your comments on restoration and the authority to restore—something we touched on earlier—because I believe more jurisdiction needs to be provided to the municipal level or the governing body in that particular case.

My family came from Tipperary, Ireland, in 1846. They’ve been farmers all of their life, and maybe it was just when they wanted to impress me that they have said to me, “Properly done, coast to coast, Canada could feed the world.”

I’m not hearing that from you. Can you give me some direction on that, please?

**Mr. Mark Reusser:** I guess I’m not an expert on whether that, in fact, is true. It’s hard to tell. I can only use the facts that I know: that only 6% of Ontario’s landmass is suitable for agriculture, and only about half of that is prime farmland. So when one looks at the total landmass in Ontario, and I’ll only look at Ontario, there isn’t that much. Already we don’t feed ourselves. Should we? I believe we should, and we should preserve that resource, farmland, so that future generations here in Ontario can feed themselves.

**Mr. Joe Dickson:** I’ll tell them I talked to a real farmer.

**The Acting Chair (Mr. Michael Coteau):** Thank you very much. We’ll go to the PC caucus. Mr. Harris?

**Mr. Michael Harris:** Mark, thank you for your extensive presentation. You had mentioned that 2,000 acres were lost to both urbanization and aggregates extraction.

I'm not sure if you have a breakdown or a percentage of which part would be urbanization or to aggregates.

**Mr. Mark Reusser:** Let's see. That study was done a few years ago, and it was on average. I think it looked at the difference between the last two censuses. On average, 2,000 acres a year disappears somehow. As to what percentage is which, I don't have figures on that, but when I drive along Cedar Creek Road in North Dumfries township and I see that virtually every single farm on that road, all the way from the 401 to the city of Cambridge, is now a licensed pit and I look at the aggregate amount of that acreage, that's a lot of acreage.

**Mr. Michael Harris:** Just a follow-up as well: We actually visited a rehabilitation site this morning in Puslinch. Is your association working with any of the local producers on the rehabilitation side? I know rehabilitation has come up quite a bit. It is happening. Is your association working with any of them on that? I know you talked about class 1 to 4. I guess you consider it all prime farmland, 1 to 4, right?

**Mr. Mark Reusser:** Is our association working with aggregate companies—

**Mr. Michael Harris:** Yes, on the rehabilitation side, just locally.

**Mr. Mark Reusser:** No, but we would certainly encourage it to happen. What we find is that it rarely happens. Usually there's a change to the licence or to the site plan at some point, where, instead of being rehabilitated back to farmland, either nothing happens or it becomes something else other than farmland.

By no means do I want to disparage rehabilitating an expired pit back to something natural, because there's nothing wrong with that. However, when a licence says that it's to be rehabilitated back to farmland, then it should be.

I find—and I don't know why—that pits seem to be used very heavily for a period of time. Then usage declines until a point where there's very little left. I believe the owners don't want to relinquish the licence and they don't want to spend the money to rehabilitate. There's nothing there to force them to do it.

**The Acting Chair (Mr. Michael Coteau):** We'll go to the NDP caucus. MPP Campbell?

**Ms. Sarah Campbell:** Thank you for your presentation. I want to start off by saying that I agree with you that we need to protect prime farmland. There's no doubt that we need aggregate, but we need to do it in a sustainable way, in a way that is practical and looks towards the future to make sure that we have access to food, which is one of the main things that we need to live.

I agree that we need to get serious about recycling. I have no doubt that we need to maybe regulate the amount that industry or municipalities or other arms of the government use, but I'm wondering if you think that we should consider increasing levies. Again, my concern is municipalities and making sure that they're compensated for some of the wear and tear that's on their roads. Those costs have been downloaded and are ultimately borne by the municipalities. Do you have any thoughts on that?

**Mr. Mark Reusser:** It seems to me somewhat unfair that a private company can come and extract a resource and at the same time cause damage to roads and bridges and infrastructure owned by a township and the people of that township, and never have to compensate that township for what is done. That seems to me to be patently unfair. So at the very least, the municipalities should be compensated.

**Ms. Sarah Campbell:** Thank you.

**The Acting Chair (Mr. Michael Coteau):** Thank you very much.

#### GRAND RIVER CONSERVATION AUTHORITY

**The Acting Chair (Mr. Michael Coteau):** Next, we have the Grand River Conservation Authority. Welcome. You've probably heard me say this 10 times, so I won't say it. Just please state your name for the record and you can begin.

**Mr. George Sousa:** My name is George Sousa.

**Ms. Nancy Davy:** Good afternoon, Mr. Chair and members of the standing committee. Thank you for the opportunity to speak with you this afternoon about the review of the Aggregate Resources Act. My name is Nancy Davy. I'm the director of resource management with the Grand River Conservation Authority. George introduced himself.

The Grand River Conservation Authority is a partnership of 39 municipalities created to manage water and natural resources for the benefit of the 960,000 residents of the Grand River watershed. The watershed is approximately the size of Prince Edward Island and lies to the west of the GTA. The central portion of the watershed has high-quality gravel and sand deposits. That's generally the area of Guelph, Kitchener, Waterloo, Cambridge and Brantford and the surrounding townships. The moraines and outwash deposits that provide aggregate resources also function as important groundwater resource areas and recharge and discharge zones.

The Aggregate Resources Act requires a proponent to investigate the possible impact on the environment, especially water resources, from extraction below the water table. However, it does not state that the study of the cumulative impact should be completed when there are several below-water-table extraction operations in a relatively small area. Our concern is that the combined impact may actually be greater than the sum of the impact from the individual operations. That's why we think that, in these circumstances—several operations within one area—it's important to look at the cumulative impact.

That's also why we worked with the Ministry of Natural Resources, the Ministry of the Environment and the Ontario Stone, Sand & Gravel Association to develop a system to analyze cumulative impact in particularly sensitive areas of the Grand River watershed.

**1540**

Today I would like to speak about a paper developed with staff of MNR, OSSGA, MOE and the GRCA. This paper has a very long title. It's called Cumulative Effects Assessment (Water Quality and Quantity) Best Practices Paper for Below-Water Sand and Gravel Extraction Operations in Priority Subwatersheds in the Grand River Watershed, September 2010. As you can appreciate, I will refer to this document as the "best-practices paper" in my comments. A copy of this paper has been provided to you with my remarks today.

Before I outline the key components of the best-practices paper, I would like to set the context for its development.

In 2005, two municipalities in the Grand River watershed raised concerns to the GRCA board about the numerous existing and proposed aggregate licences for below-water-table extraction. They were concerned about the potential cumulative environmental impact of below-water-table extraction on their water resources and natural environment.

Conservation authority staff met with MNR, MOE and OSSGA to develop a plan that avoided issuing new or amending existing licences for aggregate extraction below the water table in the Grand River watershed until—and there were two items—a watershed-wide cumulative effects study was conducted, and, second, an aggregate extraction strategy was developed to minimize the impact on the watershed's water resources.

A working group was established to develop an approach for assessing the cumulative environmental effects of below-water-table extraction. The working group developed a set of guiding principles in 2007, followed by the best-practices paper. The draft paper was released for input from municipalities and the public in 2009. The paper was then finalized and supported by MNR, MOE, OSSGA and the GRCA in 2010.

The initial discussions focused on some key questions. There are five:

—Is the assessment of cumulative environmental effects a requirement under the Aggregate Resources Act or associated regulations or technical standards?

—What is "cumulative effect" and why does it matter?

—Does a study need to be done on the entire Grand River watershed, or are there specific areas that require more detailed assessment?

—What is the appropriate scale to study cumulative environmental effects?

—Lastly, how will cumulative effect be monitored and measured?

A purpose of the Aggregate Resources Act is "to minimize adverse impact on the environment in respect of aggregate operations." The more modern concept of assessing the cumulative effect of below-water-table extractions is not explicitly stated in the act, regulation or provincial standards.

The working group determined that there was not a requirement to assess the cumulative effect of an application. Therefore, the working group agreed that the im-

plementation of this best-practices paper would be voluntary. MNR and OSSGA have agreed to encourage applicants to implement the best-practices paper in priority subwatersheds.

With respect to the second question—what is "cumulative effect" and why does it matter?—the paper defines cumulative effects as "the combined environmental impacts or potential environmental impact of one or more development activities, including natural resource utilization or extraction, in a defined area over a particular time period."

Why does cumulative effect matter? The Grand River watershed faces many challenges in the years to come. Population growth, water supply, waste water assimilation, intensive agriculture, and climate change are all placing stress on the natural system, with implications for the continued health and prosperity of our communities. As I stated earlier, the combined impact of below-water-table extraction in a limited area may be greater than the individual operations. The significance of the effects should be assessed and, if required, plans developed to mitigate or avoid these impacts.

In the absence of the provincial technical standards or requirements, MNR, OSSGA, GRCA and MOE have provided a framework to address cumulative effects of below-water-table extraction through the best-practices paper. The next step in this collaborative process includes two working groups. These groups are addressing pre-consultation and data management in particular.

The aggregate act does not currently require pre-consultation. This working group is reviewing opportunities to improve the current process to enable and establish pre-consultation as a matter of course for applicants. If implemented in a timely manner, pre-consultation provides agencies and municipalities an opportunity to meet with the applicant to develop terms of reference for their technical studies so they can complete a satisfactory analysis of cumulative effect. This process would be similar to Planning Act applications where highly complex development applications may require detailed technical studies. This pre-consultation should occur one to two years before the submission of an application, prior to the initiation of any groundwater, surface water or environmental field studies.

The second committee is currently reviewing database models and collection standards. As you can appreciate, this is a highly complex process and will only be accomplished with a consistent and coordinated effort of the partners.

The Ministry of Natural Resources has committed to participating in this ongoing process, maintaining a common monitoring database for the priority subwatersheds and evaluating the cumulative impact assessment supplied by the applicant, among some other actions. It's recognized that this is a complex process that will require staff resources, and this may be a challenge for MNR. OSSGA has committed to communicating the content and merits of the paper to applicants and encouraging their members to conduct cumulative impact assessments

as part of their licence application or amendments to licences to go below the water table. The Ministry of Environment has committed to participating in the development of the data management strategy, and the Grand River Conservation Authority has committed to facilitating and participating in this ongoing process. We'll provide existing data. We've committed to reviewing the cumulative impact assessments and advising MNR about the significance of the cumulative effects of an application.

As stated at the outset, the Aggregate Resources Act, regulations and technical standards refer to minimizing adverse impact on the environment. Each licence for below-water-table extraction may demonstrate a minimal impact. However, the cumulative effect of several operations is not included in the current evaluation.

**The Chair (Mr. Michael Coteau):** You have one minute left.

**Ms. Nancy Davy:** I have three seconds.

**The Chair (Mr. Michael Coteau):** Excellent.

**Ms. Nancy Davy:** Clarification of the definition and scope of this section of the act would assist ministry and agency staff, applicants and the public with the technical requirements for a complete application for below-water-table extraction.

Thank you for the opportunity to speak with you today. We'd be pleased to answer any questions.

**The Acting Chair (Mr. Michael Coteau):** Thank you for your presentation. We'll start with the PC caucus.

**Ms. Sylvia Jones:** Thank you. When you talk about the pre-consultation, you make reference to pre-consultations that should occur one to two years before the submission of an application. We've heard from both proponents and opponents that the application process is too long now. I'm wondering if you have had any discussions or thoughts about how this pre-consultation would be incorporated and not simply extend a process that almost everybody agrees is too long already.

**Ms. Nancy Davy:** That's a good question. A couple of items for thought here: If we're going to have consistent data and be able to measure data from one licence to the next licence to the next licence, when they're collecting the data we have to have some discussion on when, where, how and what methodology they're going to use. One to two years, when you're speaking of the natural environment, is about the right time to do some monitoring over a period of time to get a baseline. It's pretty tough to measure the water table once and then carry on to a study. Generally speaking, applicants—I don't want to put words in their mouth, but they tell us that it takes at least a couple of years of monitoring to develop their reports that they submit with their application.

On the pre-consultation side, there could be some efficiencies if it was twinned up with the Planning Act applications. It is a requirement of the Planning Act to pre-consult now. There could be some opportunities to join those two processes.

**Ms. Sylvia Jones:** So it could be a layering as opposed to an extension.

**Ms. Nancy Davy:** Yes—a parallel process, at least on the pre-consultation and technical study, so that we're only asking them for one study that satisfies two purposes.

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

**The Acting Chair (Mr. Michael Coteau):** NDP caucus. Mr. Miller.

**Mr. Paul Miller:** Good presentation. In your professional opinion, are there too many pits and quarries in the Grand River watershed?

**Ms. Nancy Davy:** Wow. Thank you for the question. It's a tough question. Like many of the other speakers, we recognize the need for aggregate. We build dams and dikes to control flooding and protect people from flooding. At this time, I think the cumulative effects paper discussions have led us to identify that we're at that point. We need to make sure that we are assessing these applications, especially for below-water-table, where they're clustered or they're grouped, to ensure that there isn't. So I don't have a really good answer for you.

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**Mr. Paul Miller:** Well, I guess my last question will be that I find that no matter how many consultations you have and no matter how many committees or review committees you form, the bottom line is, if the act doesn't change, nothing changes. So would it be safe to say that you are pushing for a change to the aggregate act, as well as the MOE, the Ministry of the Environment, to move forward with actual changes rather than talk?

**Ms. Nancy Davy:** Mr. Chairman—and thank you for the question—we've had some positive steps forward in the development of the best-practices paper. We really haven't had the opportunity—it is relatively new—to test it. So do there have to be changes? We're recommending that you consider cumulative effect of below-water-table, refining the definition—

**Mr. Paul Miller:** So that would be a yes?

**Ms. Nancy Davy:** Sure. Whatever the committee would like to do.

**Mr. Paul Miller:** Thank you.

**The Acting Chair (Mr. Michael Coteau):** I'll go to the government side. MPP Sandals.

**Mrs. Liz Sandals:** Thank you so much. For those of you who don't actually come from around here, all conservation authorities are not created equal, and we are very proud of GRCA. When it comes to groundwater, I think they probably know more about groundwater than anybody else I've ever run into.

When I started asking questions about cumulative impacts back a number of years ago, the work wasn't done yet, so everybody was having questions. I'm just doing cartwheels here—imagine cartwheels—to see how far you've gotten along in this work.

I think what I hear you saying is that you need a couple of things to happen. As my colleague over there said, we do need the aggregate act to recognize the need

to look at cumulative impacts on groundwater. I think I also heard, which is why Mr. Sousa is here, that we need to actually consciously be collecting the data, because if we don't consciously collect the data, then how are we going to know what the cumulative impact is?

Are both of those assumptions correct?

**Ms. Nancy Davy:** They're very good assumptions, yes.

**Mrs. Liz Sandals:** Okay. I guess, then, just thank you so much. I would hope, to all my colleagues, that you save this particular document that they have prepared on best practices and take it to heart, because I think we all recognize we need aggregate, but we do need to be looking carefully at cumulative impacts on the groundwater, because that's the one thing we can never, ever fix.

**The Acting Chair (Mr. Michael Coteau):** Thank you very much. Thank you for your time.

#### TOWNSHIP OF WOOLWICH

**The Acting Chair (Mr. Michael Coteau):** Next up, we have Mayor Todd Cowan. Welcome. As you've probably heard: a 10-minute presentation; five minutes for questions. Welcome, Your Worship.

Please state your names, and you can begin.

**Mr. Todd Cowan:** Great. Thank you. First of all, my name is Todd Cowan. I'm the mayor of Woolwich township, I'm a councillor with the region of Waterloo, and I'm also a board member on the GRCA, and thankful not to see Liz do a cartwheel. I think you did do that once before.

With me today is my CAO, David Brenneman, and also my director of planning and engineering, Dan Kennaley.

Thank you for coming to the K-W area and for taking this on the road. The township of Woolwich has just approved zoning for an expansion to a new gravel pit. It's currently dealing with four other applications for mineral aggregate extraction, and it anticipates a sixth application in the near future.

While the township acknowledges the need for gravel, we are concerned about the negative impacts that these applications do have on the residents of our township, especially given the proximity of some of these applications to the settlement areas.

In addition, we are very concerned about the difficulty and the expense of evaluating this large number of applications to ensure no unacceptable impacts, and of defending the results of these evaluations at the OMB.

As you're aware, the approval process for pits and quarries in Ontario generally involve two complementary processes. These two processes flow from the requirements for an application for a licence under the Aggregate Resources Act administered by the MNR, and also an application under the Planning Act administered by the municipalities. For many years, municipalities have been concerned with the imbalance between these two processes, whereby the Aggregate Resources Act dom-

inated to such an extent as to render the Planning Act process almost inconsequential.

Recently, there have been two important OMB decisions—the Aikensville decision in Puslinch township in January 2010 and the Rockfort quarry decision in Caledon in November 2010—which have created a new and much better balance between these two processes.

Most importantly, the township of Woolwich does not want to see the so-called strengthening of this ARA to come at the expense of a new and much better balance between the Aggregate Resources Act and the Planning Act. We have achieved more balance between these two acts; therefore, let's not regress through this ARA review process.

I'll hand it over to Mr. Kennaley just to outline a couple of our other points.

**Mr. Dan Kennaley:** Thank you, Mayor Cowan. In order to provide for the better evaluation and administration of mineral aggregate extraction in Ontario, the township of Woolwich asks that the following six steps be taken by the province.

(1) We would like the province to increase the taxes on mineral aggregates payable to municipalities to help offset the financial implications of mineral aggregate extraction, including the costs that municipalities are forced to pay in defending their positions with regard to these new applications at the Ontario Municipal Board. Municipalities, as the standing committee is well aware, currently receive taxes at a rate of 11 cents per tonne of aggregate extracted. In the case of the township of Woolwich, this has resulted in a five-year average of approximately \$37,000 per year.

In contrast, if the township is required to defend its position at the Ontario Municipal Board, a single mineral aggregate extraction application could cost the municipality approximately \$250,000 in legal and consultant costs. These OMB-related costs are in addition to the road and other infrastructure costs that flow from matters such as the use of township roads by traffic from mineral aggregate extraction operations. I might add that in the township of Woolwich, a 1% increase in our operating budget amounts to \$77,000, so you can imagine how much taxes would have to be raised in order to pay for just a single Ontario Municipal Board hearing involving a gravel pit.

(2) We would like to see a review of the enforcement of the Aggregate Resources Act site plan provisions with the aim of ensuring better compliance by operators of pits and quarries, and provide for public consultation within this review process. There are concerns that the system of largely self-regulation which mineral aggregate operations work under does not guarantee compliance by operators of pits and quarries with their conditions of approval. The residents of Woolwich do not trust the system. The Ontario Municipal Board, in a November 12, 2010, decision concerning the proposed Rockfort quarry in Caledon, indicated that the current resources allocated by the Ministry of Natural Resources to ensure compliance with the conditions of approval were not sufficient.

This system needs to be reviewed and provision for public consultation, again, needs to be part of that review.

(3) We would like to see the elimination of the ability, within the Aggregate Resources Act, for the minister to unilaterally change conditions on an Aggregate Resources Act site plan that have been requested by a municipality without the agreement of the municipality. One of the reasons that the residents of Woolwich are skeptical of the system for ensuring compliance by operators of pits and quarries with their conditions of approval is the current ability of the Minister of Natural Resources to unilaterally change conditions on an Aggregate Resources Act site plan. These conditions may have been established as a result of a request by a municipality on behalf of its residents. The Aggregate Resources Act should be changed so that the municipality and the residents are able to count on these sort of conditions.

I might add that this has led to discussion, for instance, of depth-of-extraction zoning or vertical zoning to get around this problem, as we see it, with the ability of the minister to unilaterally change conditions.

**1600**

(4) We'd like to see the establishment of minimum separation distances, and/or allow municipalities to establish minimum separation distances between proposed mineral aggregate extraction operations and settlement areas. Minimum separation distances exist for other types of heavy industry, and they should exist for mineral aggregate extraction operations as well. Much of the expense faced by municipalities in evaluating applications for mineral aggregate extraction operations and defending these evaluations at the Ontario Municipal Board would be eliminated if such minimum separation distances were established.

(5) We'd like to see the strengthening of rehabilitation requirements for mineral aggregate extraction operations, including tighter timelines for rehabilitation and through the use of maximum-disturbed-area provisions.

Many of the impacts of mineral aggregate extraction, including visual impacts and dust impacts, could be reduced if rehabilitation was done more quickly.

I'll turn it over to Mr. Brenneman at this point.

**Mr. David Brenneman:** The last step that the township of Woolwich feels is critical and will help to ensure that the real focus, as Mayor Cowan outlined earlier, is on a much better balance between the Aggregate Resources Act and the Planning Act, would be to establish a long-term multi-stakeholder strategy for more efficient management and conservation of mineral aggregate resources that would lead to a more collaborative approach to keeping new licence approvals commensurate with projected needs, and which would result in fewer expensive fights at the OMB over specific extraction applications.

We feel there has to be a better way to meet the need for mineral aggregate resources than the current one, which results in the residents of Ontario municipalities bearing the expense of evaluating applications for extraction and bearing the brunt of the impacts of mineral

aggregate extraction. We need to find a more collaborative approach and one where new applications are more commensurate with projected needs.

The review of the Aggregate Resources Act currently being undertaken by this committee should have been and could still be a major part of this collaborative approach. We certainly appreciate that these hearings have moved beyond Toronto. However, we are still concerned about what appears to be the seemingly narrow scope of the review, that the committee's members have not had a real opportunity to view a wide scope of gravel pits and sites where applications are in progress, and that this is beginning to taint the process somewhat.

The standing committee needs to address these concerns, the suggested improvements we have outlined, and ensure that the review of the Aggregate Resources Act is part of a collaborative approach to find a better way to evaluate and administer mineral aggregate resources extraction in Ontario.

**The Acting Chair (Mr. Michael Coteau):** You have just under a minute left for the presentation.

**Mr. David Brenneman:** Thank you for your time.

**The Acting Chair (Mr. Michael Coteau):** You guys are done? Okay, perfect. Thank you very much. We'll start with the NDP caucus.

**Ms. Sarah Campbell:** Thank you for your presentation. My questions are going to be about recycling. I think it's important that we move towards recycling. I'm wondering if the township of Woolwich currently uses any recycled materials in your projects.

**Mr. Dan Kennaley:** Yes, we do. Earlier today, I think it was Mr. Hunter—no, sorry; it wasn't Mr. Hunter. But earlier today one of the speakers was describing the peel-and-pave process on roads. We make extensive use of that technology, as do many of the municipalities in Waterloo region, for that matter. I might point out that it is a very good form of recycling because it all takes place right there. There aren't transportation costs, there's no cost associated with stockpile, and there's no impacts from stockpiles at some other location.

Just to make sure that the committee understands, certainly, I think there were comments this morning by Mr. Hunter that the township of Woolwich was opposed to recycling. I'd like to suggest, and I think the mayor would agree, that that is absolutely not the case. Not only do we peel and pave, but we're very much in favour of using recycled materials in all of our projects.

**Ms. Sylvia Jones:** What percentage? What's the percentage?

**The Acting Chair (Mr. Michael Coteau):** You'll have a question.

**Ms. Sarah Campbell:** What percentage?

**The Acting Chair (Mr. Michael Coteau):** There you go.

**Mr. Dan Kennaley:** I don't know offhand, no. I'm sorry; I don't know that figure.

**Ms. Sarah Campbell:** I have another really quick question. There are a lot of municipalities that aren't yet using recycled materials. What do you think—this is

speculation a bit on your part—some of the barriers are for other municipalities? Do you think the lack of compensation, as I have been asking today, about the use of roads and the wear and tear, is a factor? How could that be addressed?

**Mr. Dan Kennaley:** Yes, I think it is definitely a factor. We have to distinguish between use of recycled material in projects and where that recycling takes place. Gravel pits are established because that's where the resource is located. They don't have to be where recycling takes place. And if recycling is going to take place, then I think it has to be very carefully monitored and controlled. It also has to be part of the tax or levy process as well.

**The Acting Chair (Mr. Michael Coteau):** We'll go to the Liberal caucus.

**Mr. Mike Colle:** Yes, thank you very much; a very helpful presentation. I have many questions about everything. I guess the one interesting tangent you've taken, which I think is quite unique, from the others we've had—and, by the way, we've been visiting pits and quarries all over the province. We're going to the Manitoulin; we're going to Sudbury. No committee has ever done this before. I know we can't visit every pit and quarry—I think there are 10,000, or whatever there is—in the province, but we're at least trying.

The thing I want to ask you about is the strengthening of the Planning Act and the municipal part of the parallel process. I really think that that is an excellent tool that we may not be able to undertake as this committee, but we are making recommendations. Maybe one of the recommendations we could make is that you strengthen the Planning Act to where there is a greater, more meaningful, collaborative role by municipalities. This might take the pressure off of MNR, take the pressure off the municipal board and municipalities. Would you just explain that just a bit further?

**Mr. Dan Kennaley:** Yes. I think everybody recognizes that the Ministry of Natural Resources has a role to play with respect to ensuring that the extraction of mineral aggregate after a pit has been approved occurs in a proper fashion, although even there, I think there's a role for municipalities to play. But with respect to after the approval occurs, I would suggest that MNR's role is 80% and the municipality's role is about 20%.

However, when it comes to actually approving the location of gravel pits, then I think the role is almost reversed—maybe not completely reversed, but it's more like 60%. The municipalities, through the Planning Act, need to be 60% responsible for that; MNR, perhaps only 40%.

I think that, as we've suggested in our remarks, there is a balance to be achieved. Right now, as a result of those couple of board decisions, there actually is a pretty good balance between the Planning Act and the Aggregate Resources Act. But again, we wouldn't want to see the strengthening of the Aggregate Resources Act come at the expense of that balance.

**The Acting Chair (Mr. Michael Coteau):** I'm going to move to the PC caucus.

**Mr. Michael Harris:** Thank you, gentlemen, for your presentation. I will note for the record that these three gentlemen come from one of the top three townships in the province, so thank you for being here.

My question pertains—and I think it's important for this committee. You referenced the increase in taxes or the levy, which is currently at 11 cents per tonne, I believe. For the committee, what would be your recommendation in terms of an increase? What do you feel is a suitable fee?

**Mr. Todd Cowan:** Probably \$50, but that's not going to wash. Realistically, even if we looked at a dollar—

*Interjection.*

**Mr. Todd Cowan:** Fifty cents. Even if we looked at a dollar, that would at least be a move in the proper direction. But still, if you're just looking at the use of roads and the wear and tear on roads, that's going to barely cover it, not even looking at OMB hearings. But probably a dollar.

**Mr. Michael Harris:** All right. Thanks.

**The Acting Chair (Mr. Michael Coteau):** Thank you for your time, gentlemen.

**Mr. Todd Cowan:** Thank you.

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#### ONTARIO ASSOCIATION OF CERTIFIED ENGINEERING TECHNICIANS AND TECHNOLOGISTS

**The Acting Chair (Mr. Michael Coteau):** Next up, we have Gordon Masters. Good afternoon, sir. It's a 10-minute presentation; five minutes for questions. Please state your name—well, we know your name; there's only one of you. Mr. Masters, please proceed.

**Mr. Gordon Masters:** Thank you. Yes; Gordon Masters. I used to be Mr. Dickson's neighbour, but you don't remember that, I bet. Anyway, that was a long time ago.

I represent the Ontario Association of Certified Engineering Technicians and Technologists. It's the professional organization for the engineering technicians and technologists in Ontario. We have about 24,000 members. It's a not-for-profit organization, a self-governing professional association with all the normal requirements: a complaints committee, an appeals committee and a discipline committee.

The association has protected designations that they certify. If I could just mention them to you: certified engineering technologist, with the acronym CET; applied science technologist, A.Sc.T; and certified technician, C.Tech.

What I'm here today to request and would like to work with you on is to ensure that our members who are qualified in this area with the Aggregate Resources Act have the opportunity to be recognized in their field. I'd like to go on and just say that OACETT is involved with all the colleges in Ontario. Their technician and technology

programs are what qualify those people, with their educational program, to become members of OACETT. In the case of technologists, it's a minimum of three years, with work experience beyond that, plus professional exams after that. For the certified technician, it's a two-year program with experience as well, and also a professional exam that must be written.

I believe those members currently aren't what you call "qualified" persons under the class A site plan. We're asking to work with you to see if we can come up with a review to have those members qualified, particularly the ones who are working in the field and have done so for many years. It may not matter to you, but I know that the BC act qualifies the members out there with the same qualifications—so just wondering again if it could be reviewed. I know the government loves to have people who are qualified not have to go through a lot of hoops and hurdles. Whatever it takes, we'd at least like to have it looked at.

Just to give you an idea of a success story that OACETT has, we have a road construction administration program that's administered by MTO, and we've had it for a number of years—I think, 12 or 13. It has been very successful in regard to road construction. I know that inspectors and administrators speak very highly of it, and we're quite proud of the way it works.

We also have "qualified person" status under the Electrical Safety Authority; also under the well water act. I just want to bring forward that with the studies that our people do at the college and post-secondary institutions, they've covered a lot of material in this regard, and I've had it confirmed by the registrar that that is the case.

I did hand out some material. Instead of trying to explain everything, I thought it would be easier if you had it to look at. It does profile what the technologist and technician positions cover. It also shows you the designations at the bottom of that first page, without me trying to go through them all. Also, I've given you a very brief outline with a couple of pamphlets, one being the road construction designation program. As I mentioned, it works very well. The MTO is very happy with it as well and they speak highly of it.

The only other thing I've supplied is what OACETT is all about. I know it's a long acronym. People hate acronyms, but it does cover what this association is. That's a one-pager, again, without me talking too much about it. We talk about what we want from the Ontario government. While there are a couple of things, it's basically that our members are recognized, the engineering technicians and technologists, and the work that they do.

That's all I wanted to present today. I'm probably under 10 minutes. Somebody else can have my time if they need it.

**The Acting Chair (Mr. Michael Coteau):** It's five minutes and six seconds. Thank you very much, Mr. Masters. We'll start with the Liberal caucus.

**Mr. Mike Colle:** I am familiar with the OACETT. I know that you have a great program at Mohawk College and that you really are a gateway for a lot of new Can-

adians who are unable to get into engineering, but they can get their certification through your association and they have a very high employment rate.

I'm not quite sure what you're specifically asking us in this aggregate review committee to do or to recommend or be aware of. Could you just repeat that a bit more clearly?

**Mr. Gordon Masters:** Yes. I have to admit that not all the engineering technicians and technologists are involved in the field, but for those who are, we would like to have them recognized so that they have the qualifications for preparing the class A site plan. That might be done by—first of all, you may want to review or somebody might want to review the curriculum of the programs in all of the colleges. We have that information available anyway; also with reference letters, for example, from supervisors and others that would show that these people are qualified and the type of work they have done. We feel there could be a process to streamline it and not be going through—

**Mr. Mike Colle:** So a lot of your members could do some of the work involved with site plan approval, rehabilitation, and right now they're not qualified to do so or not recognized to be able to sign off on documents or—

**Mr. Gordon Masters:** I understand they can do a process where they have to go and seek approval from the Minister of Natural Resources, which is a process they have to go through now. I was just wanting to try to have those who are qualified able to streamline into it a little quicker.

**Mr. Mike Colle:** Okay. Thank you, sir.

**The Acting Chair (Mr. Michael Coteau):** Thank you. We'll go to the PC caucus.

**Mr. Rob Leone:** Thank you very much for the presentation. I certainly am interested in the whole educational component leading into work and so on.

My question for you would be, since we are talking about the extraction of aggregates in particular, could you outline perhaps some of the skills that your members would have in terms of limiting or streamlining or making the process more efficient such that some of the impacts that we're facing with aggregate extraction might be reduced? I think it would be helpful for the committee to understand what kinds of skills, other than the ones you've listed here in the pamphlet, would be beneficial to companies that actually are extracting aggregate and to minimize those effects. That's the first question.

The second question is—which is another interest of mine, perhaps not related specifically to the ARA review—how are your members who are graduating from universities and colleges finding work, and if you have any statistics on that.

**Mr. Gordon Masters:** I didn't bring the statistics with me. We have a national program of placing people and I don't think I brought that pamphlet with me. It's one of the areas that there's a lot of required—I think a good percentage of our people are working, because it's hands-on and they do their training through colleges. I

know that university people don't want to hear this, but sometimes the college graduates are ready to hit the road running when they start working, and I think these members—because there's work experience involved to get the CET and the other designations, they have had two or three or more years of experience to do that, so they're ready and available to work. I understand that down the road there's going to be a shortage in these areas. OACETT has a good prior learning assessment for people coming in from other countries, and the fairness commissioner has praised OACETT for the transparency and the processes we're going through to do that.

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I have to apologize on the other question because I'm actually a certified general accountant and I don't think I've ever been in a pit. So I apologize for the—

*Interjection.*

**Mr. Gordon Masters:** I apologize. I just am not able to go any deeper in that. I could certainly find out and have someone in that area do that.

**The Acting Chair (Mr. Michael Coteau):** Thank you. We'll go to the NDP caucus. Mr. Miller.

**Mr. Paul Miller:** I just wanted to let you know that I have the highest respect for engineers and also the technicians. Some of those graduates are very sharp and they certainly would be beneficial to our communities and our overall situation.

However, I'm not sure this is the right venue for your presentation. If it was me, I'd be going after the Ministry of Education to get the qualifications up. I'd be talking to the association of engineers so they would recognize some of your people to do some of the tasks that they may be able to give them to do. I also think that you might want to talk to the newly formed College of Trades. That might be the avenue that I would take. I'm not quite sure that this is the proper venue for what you're doing. But I understand you're promoting your organization, and that's good. I certainly want all those young people to be gainfully employed, because it helps the economy as well. I wish you all the best, but I'm not sure this is the right group.

**Mr. Gordon Masters:** We have talked to those other groups a little bit. Thank you very much for that.

**The Acting Chair (Mr. Michael Coteau):** Thank you for your time, sir.

WEST MONTROSE RESIDENTS'  
ASSOCIATION (BRIDGEKEEPERS)

**The Acting Chair (Mr. Michael Coteau):** Next up we have the West Montrose Residents' Association, the BridgeKeepers. Welcome, sir. If you can just state your name—I have two listed here—but if you can state your name. It's 10 minutes for your presentation; five minutes for questions. Thank you.

**Mr. Hans Pottkamper:** My name is Hans Pottkamper. I'm here on behalf of the West Montrose Residents' Association, also known as the Bridge-

Keepers. One of our legacies that we're trying to protect is the covered bridge and its surroundings, its settings.

The current aggregate policies and procedures in Ontario need major amendment to relieve the huge burden currently placed on municipalities and taxpayers. Further, lack of resources has created minimal oversight by MNR, including approval of many aggregate operations with unacceptable adverse impacts. We would like to outline these issues and also offer proposals to rectify the situation.

Getting back to fundamentals, let's address three simple questions: What is MNR's mandate as it relates to the management of aggregate resources? Is the MNR fulfilling its mandate? If not, how do we address these shortcomings?

To address the first point, the purpose of the Aggregate Resources Act, per MNR's website, is "to provide for the management of the aggregate resources of Ontario." This management role of MNR and the ARA applies to two phases of aggregate operations: (1) the review, consideration and decision-making regarding aggregate licensing prior to operation, and (2) monitoring and enforcement once the pit or quarry is operational.

We would like to address the first phase. Clearly, if an inappropriate licence is approved, no amount of monitoring and enforcement can rectify shortcomings in the application.

Mr. Ray Pichette stated before this committee that MNR checks applications for new aggregate operations only for completeness, not for content. MNR receives applications, which include numerous reports and studies, all of which can have profound and permanent implications for local communities, farms, municipalities and the environment.

Does MNR read these reports? No. Does MNR require peer reviews of these reports to confirm accuracy and thoroughness of content? No. What does MNR do? They check for completeness. If they have all of the required reports, they assign a licence number to the application and set it aside pending zoning approval or denial by the municipality. In effect, MNR uses a check-box system. As long as each box is checked, regardless of the quality of the reports, the licence application receives a presumptive MNR approval.

At this point in the process, MNR downloads all responsibility to the local municipality. The onus falls on that municipality and local taxpayers to review the reports and studies, undertake and fund peer reviews, obtain legal counsel and then decide whether to support or oppose. This phase of consideration alone can cost the municipality and taxpayers' groups hundreds of thousands of dollars each. So responsibility is downloaded from MNR to the lowest-tier municipality, frequently one with only a few thousand residents and very limited resources.

What happens if the municipality determines that the application should be denied? Mr. Pichette says that MNR has two options when a zoning decision comes back to them: MNR can approve the licence or MNR can

refer the application to the OMB. MNR, apparently, cannot decline an application.

Almost invariably, if zoning is denied, the proponent appeals to the OMB. If the municipality and ratepayers' groups decide to continue, they also go to the OMB. If the application is deemed incomplete by MNR or there are outstanding objections, they also refer to the OMB, dragging the municipality and residents along for a very expensive ride.

MNR is a ministry whose mandate supposedly is to make decisions on applications, yet the ministry makes no decisions. They either say yes, based on a checklist, or they defer to the OMB to make the decision for them. They do not decline.

Was the objective of the Aggregate Resources Act to have a totally unrelated body, the Ontario Municipal Board, make decisions for them? We suspect not.

Management involves considering information and making decisions. If MNR is making no decisions, they clearly are not managing our aggregate resources. Therefore, we conclude that with respect to the approval of new pit applications, MNR is not fulfilling its mandate under the ARA "to provide for the management of the aggregate resources of Ontario...."

Clearly, the status quo is not working. Unfortunately, most municipalities and their residents simply can't afford to oppose bad applications. Without opposition, bad pits and quarries stand to be approved by MNR. If ratepayers' groups had not invested hundreds of thousands of dollars in each case to contest Aikensville and Rockford, those applications would undoubtedly have been approved by MNR.

Therefore, we're faced with a problem: If the MNR is not fulfilling their mandate under the ARA to make decisions, and if municipalities and ratepayers' groups cannot afford to oppose bad pit applications, how can we ensure that only good pit applications are approved?

There are two possible strategies, which need not be exclusive.

(1) MNR should implement its mandate under the ARA to decide on aggregate licence applications, and decline if appropriate. This strategy would require that the ministry should have the resources to contract external reviews of applications and to provide staffing to make decisions based on these reviews.

(2) The resources needed to consider and oppose unacceptable zoning applications should be provided to municipalities, residents and/or ratepayers' groups.

If we assume that MNR is required to actively manage applications, we have some recommendations.

MNR should conduct a preliminary review of a licence application before the zoning application is allowed to proceed to the municipality. If this review uncovers inadequacies, MNR should deny the application until these inadequacies are resolved. A further recommendation is that we must provide funding to MNR to finance staff required to conduct preliminary reviews of applications and further reviews in cases of outstanding objections and/or municipal zoning denials.

Secondly, we need to provide resources to municipalities and ratepayers to review applications. Our recommendation is that we provide funding directly to municipalities to offset costs incurred in dealing with aggregate zoning applications, including the cost of peer reviews, staff costs for processing applications, costs incurred in making representations at OMB hearings, and infrastructure costs resulting from aggregate operations.

By the way, we didn't co-operate with the township in writing this one up.

**1630**

A further recommendation is to consider provide inter-vener funding to residents and groups who offer legitimate opposition to questionable zoning applications. Such funding was mandated by the province of Ontario in 1985 through the Intervenor Funding Project Act. Despite support from the public and industry, the act was simply allowed to expire in 1996.

Finally, how could these initiatives be funded? You've heard this one before. In Ontario, the external costs of aggregate extractions are unfairly and inappropriately borne by residents and taxpayers. Ontario's aggregate levies are far lower than many other jurisdictions in North America and Europe. Compare our current rate of 11-and-a-half cents per tonne to Quebec's levy in the range of 45 cents per tonne, or the United Kingdom's rate of roughly three-and-a-half dollars per tonne. Ontario's aggregate levies should be raised significantly, with the proceeds available to MNR, impacted municipalities and legitimate opposition groups. Keep in mind that those opposition groups have to pay with after-tax dollars. It's not a tax-deductible expense.

In conclusion, the current MNR practice of referring all pit applications opposed by municipalities or ratepayer groups to the OMB, even when the objections are legitimate or concern errors on the part of the applicants, creates an unacceptable situation. It cannot be the intent of the ARA that only those applications that are opposed by municipalities, agencies or individuals with huge financial resources be subject to proper oversight and potential denial.

We recommend changes to both the text of the ARA and the operating practices of the MNR which make it clear that the ministry has a mandate to review new pit applications and deny those that are inappropriate. We further request that the ministry be provided with funds to fulfill this mandate. We also recommend that funding be provided to municipalities and ratepayer groups to aid in the review and opposition of inappropriate pit applications.

Ladies and gentlemen, you have a very special opportunity to make a difference. You can effect much-needed improvements in the ARA and MNR processes. Please support these changes.

**The Acting Chair (Mr. Michael Coteau):** That was exactly 10 minutes. You were one second over. That was great.

**Mr. Hans Pottkamper:** I practised in front of a mirror.

**The Acting Chair (Mr. Michael Coteau):** We'll start with the PC caucus.

**Mr. Michael Harris:** Thanks. Hans is a banker, so he doesn't go over or under.

Hans, thank you for that thorough presentation. I'd like you to comment from your experience on the public consultation process and what your thoughts are, particularly on that part of it when it comes to an application, from a group's perspective.

**Mr. Hans Pottkamper:** The public consultation process needs to be more meaningful. In the one I've been exposed to, the aggregate company basically brushed off the bulk of what was said to them and came back with platitudes through a third party contractor that wrote stuff for them. I think there has to be something more meaningful with some direct involvement by MNR and the local municipality.

**Mr. Michael Harris:** All right. Thank you.

**The Acting Chair (Mr. Michael Coteau):** Okay.

**Ms. Sarah Campbell:** Also on the public consultation process: If you could make any changes to the public consultation process, what changes would you make and what would that new process look like?

**Mr. Hans Pottkamper:** Again, it goes back to changing the ARA and the MNR's processes. I would like to see the MNR directly involved and MNR take charge of dealing with legitimate issues raised by the residents. I realize that there's NIMBYism involved in many cases, but there are legitimate issues regarding health and safety, traffic and, in our case, particularly the Old Order Mennonite community, who will not speak out in their own defence. I think there has to be a process by a government agency with the right mandate to make sure that those issues are dealt with properly.

**Ms. Sarah Campbell:** Thank you.

**The Acting Chair (Mr. Michael Coteau):** We'll go to the Liberal caucus.

**Mr. Mike Colle:** Thank you very much for the very frank and eye-opening presentation. It's very helpful.

The question I have is, I know you're emphasizing intervenor funding, which the Harris government got rid of in 1996. I don't know if I'm a fan of going back there, because do we really want to put residents like yourself and all the municipalities and interested parties through this long, long process, whether it's funded by the government or not. Shouldn't we try and find some key ways of removing those long processes and replacing them with a process where MNR has some teeth and makes some decisions, because, as you put very clearly, MNR seems to be always deferring to the OMB, and the OMB is maybe taking over the role of the MNR. So what can we do to give MNR some teeth so that they don't always find it much more convenient—I'll use that word in context—to defer to the OMB? How can we get MNR to make the decisions that protect the integrity of the environment and the integrity of the community?

**Mr. Hans Pottkamper:** That's a tough one. I think, first of all, it has to be a transparent process, whatever process you come up with, that the public can have some

trust in. I think that, secondly, it has to involve the local municipality, because they are directly accountable to the taxpayer. Thirdly, it has to involve the residents of those communities. We have townships out there with 2,000 residents. They can't afford to fight.

**Mr. Mike Colle:** Yes, the OMB is costly.

**Mr. Hans Pottkamper:** If you feel intervenor funding is too complex a process, then give the resources to the municipalities and give them a say in the process as the representative of their residents, but make it a very transparent, clear process that involves the MNR and gives the MNR a very clear mandate, because MNR's mandate seems to have shifted over the years. If you read the ARA and look at current practices, there's quite a disconnect.

**Mr. Mike Colle:** Thank you very much.

**Mr. Hans Pottkamper:** By the way, I have a tour, should somebody wish to go on it.

**The Acting Chair (Mr. Michael Coteau):** Thank you very much, sir.

#### CAMBRIDGE AGGREGATES

**The Acting Chair (Mr. Michael Coteau):** Next up we have Ken Zimmerman. Welcome. Ten minutes; five minutes of questions. You can start.

**Mr. Ken Zimmerman:** Great. Good afternoon. My name is Ken Zimmerman. I am with Cambridge Aggregates. We're based out of the Cambridge and township of North Dumfries area. Cambridge Aggregates is one of the many producers who serve the local construction industry as well as the western GTA from our sites in the region of Waterloo. Earlier today, Rick Esbaugh of Tri City Materials outlined the importance of the aggregate industry in this area. I am sure that you've already heard many facts on the importance of the industry to the province. We understand that we're not a popular industry to some, but we also know that we are essential in so many ways that influence our day-to-day lives.

As Cambridge Aggregates, we can offer a slightly different perspective in that the company is a partnership between a vertically integrated company who is in the cement, aggregate and ready-mix concrete business, and it's also a partner with a local family business. Our main focus is high-quality concrete aggregates for ready-mix concrete, which is used for many local construction projects including hospitals, bridges, roads and buildings. Most of these structures are within an hour or so drive of the Cambridge area. Recently, our aggregates were even used for parts of the concrete in the Toronto subway extension.

As an operator in the province and more specifically in the region of Waterloo, our lives at Cambridge Aggregates are highly influenced by the ARA and its regulations and standards on a daily basis. I would like to touch on a few things that have been raised through the committee's hearings over the last few weeks.

There has been much discussion about the concept of having a time limit on licences. We are not sure why this

is being suggested as a legislative change that would solve current problems, because it is widely viewed by industry as a red herring. The amount of time that a pit or quarry is open is completely dependent on the state of the economy and the construction industry in the local area. Having a time frame on a licence will not ensure that the owner sells his products more quickly. How can products be sold if construction projects do not exist? Similarly, why would a customer pay the extra money to transport construction aggregate products from a pit or quarry that is 20 kilometres further from market than a source close to where the construction project is being built? Having a close-to-market policy at the provincial level ensures that natural resources are consumed in an orderly process; those closest to market are consumed first and sources further away are developed and studied for future extraction.

Perhaps the issue of the amount of time a licence is in operation is more closely related to the ability of operators to communicate effectively with their neighbours and local government. It is a realistic expectation that communities would have regular opportunities to dialogue with local aggregate producers to chart the progress of extraction in the operation.

**1640**

On the other hand, it's not realistic that communities expect that time frames on operations can be set far into the future. Cambridge Aggregates supplies sand and stone to many different construction projects, and we can assure you that the sales of these products fluctuate based solely on demand for the product. The committee should keep in mind that we supply the demand for aggregate products, but we do not create that demand; the residents of Ontario do.

We are not opposed to the review of the Aggregate Resources Act. Many of the industry's critics have suggested that the ARA is broken and needs to be changed significantly. I disagree with this statement. In my opinion, the licensing process in Ontario is regarded as highly effective, environmentally sound, and has set the bar very high. I can speak from first-hand experience. Licensing a property here in Ontario is time-consuming, very expensive, and includes significant public interaction and opportunity for discussion. We believe that the ARA has served the provincial interest well since its inception in 1990. Why, then, everyone is asking, is everyone dissatisfied with the process?

The ARA was last reviewed in 1997. Is there room for improvement and tweaks? Absolutely. In our opinion, the ARA review would be a success if it results in a more transparent and efficient pit and quarry approval process. This will benefit not only the producers but also the host community and concerned neighbours. The current process has become too uncertain and too costly. Depending on the complexity of the site, it can be a five- to 10-year process. This discourages investment in Ontario.

It would also be a success if the aggregate program at MNR receives more resources. Could they have more tools in their toolbox? The challenge with the ARA as it

exists today is not the act itself, but the fact that there are limited funds in the provincial government, especially the Ministry of Natural Resources, to implement the act as it was written. Any piece of legislation is susceptible to failure if the government body that implements it does not provide enough funding and staffing to make it run efficiently.

The current ARA contains clauses that give aggregate inspectors the right to suspend operations quickly if site-specific operational issues are not being adhered to. This is a strong incentive for producers to know the rules and regulations and follow them. But if MNR does not have the inspectors required to follow up on this strict legislation, then it gives the appearance that the act is flawed. Maybe the funding is flawed? The committee can ensure positive change more quickly by demanding an adequately funded and implemented ARA than it can by changing parts of the act that actually work.

Lastly, it is essential that the province remain responsible for regulation and control of pits and quarries. If this responsibility is downloaded to local municipalities, the predictable outcome will be a shortage of aggregate resources as local municipalities take the position that they've already provided their fair share. As an industry, we must go where the resource exists. Similar to the demand for aggregate, we do not control the location of the resource.

The municipalities have an important role in the operation and licensing of a site. The industry needs sound and consistent planning, with good environmental protection. What we do not need as an industry is more layers of government, especially if there is a lack of consensus, consistency or well-defined roles and areas of responsibilities across the municipalities and the province.

The hardest part about managing our aggregate resources appropriately is that it takes place over a very long period of time. That is why I am here today on behalf of Cambridge Aggregates to urge the committee to carefully consider Ontario's long history of solid, provincially based legislation that has provided sound resource management in an economically sound province. We, as a company, count on the sound principles of the ARA being continued and improved.

Thanks for your time today.

**The Acting Chair (Mr. Michael Coteau):** Thank you, Mr. Zimmerman. We'll start with the NDP caucus.

**Mr. Paul Miller:** Thank you, Mr. Zimmerman, for your submission. I've got a couple of questions. Would your company be into recycling at all? Have you done any of that? Are you interested in doing that?

**Mr. Ken Zimmerman:** We haven't yet. We're relatively new in the area, but we are interested in doing recycling, yes.

**Mr. Paul Miller:** Okay. I think one of the themes today was remediation timelines. Would it be reasonable to think that your company or any new company would know the length of your pit, how much you can extract, how much aggregate is there? And you could probably narrow it down to one or two years—where you think

you've got left. Would it be fair to say that you could start your remediation programs a lot sooner than has been stated by many people who have come up here, and keep a handle on that? Also, finally, would you be opposed to increased inspections by inspectors?

**Mr. Ken Zimmerman:** I'll do the last one because that's straightforward and top of mind: Absolutely. If there are more inspections, that can only be good for the industry.

**Mr. Paul Miller:** Okay. And the other two?

**Mr. Ken Zimmerman:** The other two—within one to two years, I think, if you knew where the economy was going and where it's been. I'm not sure who, back in 2007 and 2008, could see that coming and could tell us that we were going to be in for the next five years. We've been very fortunate in Canada and Ontario, when you think about our partners and neighbours to the south and the rest of the world.

**Mr. Paul Miller:** I think it would be just more or less averaging what your output is for the year and, if it stayed on that level, you could get an idea—

**Mr. Ken Zimmerman:** You could get within a range.

**Mr. Paul Miller:** Within a range, is all I'm saying.

**Mr. Ken Zimmerman:** Yes, yes.

**Mr. Paul Miller:** And that's why I'm saying that you would probably have the ability to start a remediation program a lot sooner than most places do now, because I've heard it mentioned that many pits have got one load of stone sitting in the middle and they never start it because they keep digging one load out a year. So it never gets done, is what I'm saying.

Would you be opposed to companies having a submission-of-remediation program on timelines that are reasonable for you and the ministry?

**Mr. Ken Zimmerman:** I'd like to hope that these pits with one load of gravel would be the exception to the rule. I think in general there are many good operators in the province, and many of us are doing rehabilitation as soon as we can. We understand the value and the importance of rehabilitation—

**Mr. Paul Miller:** But I can't leave it up to the companies. I would want it to be in the act.

**Mr. Ken Zimmerman:** Yes, absolutely. Rehabilitation is in the act; progressive rehabilitation.

**Mr. Paul Miller:** Okay, thanks.

**The Acting Chair (Mr. Michael Coteau):** Thank you. I'm going to go to the Liberal caucus.

**Mrs. Liz Sandals:** Yes, thank you. We seem to have had a lot of discussion about the idea of a time-limited licence. I understand what you're saying about the economy being unpredictable, so that's very hard to get at. I'm aware of at least some instances where quarries are working on a very old licence. I can think of one where it's 100 years old, and it goes for a while—you know, they were active when I was a kid; it went dormant for a decade. It starts up again; it goes dormant; it starts up again. And it isn't just a pile of rock in the middle; it's now being very actively quarried.

My concern with that is, obviously, what was allowed 100 years ago isn't necessarily what you would have granted a licence for today. How do you address, on a very long-lived quarry, some sort of a re-review of what the conditions are, given that if you've got a very long life, the scientific knowledge by which you evaluate may change?

**Mr. Ken Zimmerman:** These long-term quarries you're referring to would have been reviewed in 1990 and 1997. Site plans were created and updated at that point, so there shouldn't be anything that's going by very, very old rules. For newer operations, of course, there are many more pages to a site plan than there were, say, 20 years ago and 30 years ago.

The old quarries have come up to a level—they're probably not at the level of maybe some of the newer sites in Ontario with the process and how we are changing as a society. I think some of that gets changed when you go through any type of major amendment; you'll have some different parameters added to your site plan at that time.

**Mrs. Liz Sandals:** Thank you.

**The Acting Chair (Mr. Michael Coteau):** Thank you. PC caucus.

**Mr. Rob Leone:** Thank you, Mr. Zimmerman, for coming today. I'm going to follow up on Ms. Sandals's question with the time limit on the pit.

You mentioned that one of the issues might be the fact that existing pits aren't effectively communicating with their neighbours, or "more directly" with their neighbours, I think, is how you mentioned that. Could you perhaps elaborate on that a little bit and offer any best practices that you might have with respect to the communication aspect? Certainly there's an impression that some of these pits go dormant and therefore they're done, yet they start again a couple of years later or a few years down the road. I'm interested in how this communication piece might be effectively deployed, particularly with respect to the neighbours that are directly surrounding these pits.

**Mr. Ken Zimmerman:** Of course, communication is good in practically any form that is available to you. Cambridge has come a long way over the last 10 to 15 years in terms of open houses and open-door policies, tours of the facilities, just general low-key discussions with neighbours whenever you can promote them. A newsletter is another way of doing it. It could be, like I say, open houses, newsletters, offering opportunities for tours. On the other end of that is having people take advantage of that and actually coming out and sharing their experiences with us.

**1650**

**Mr. Rob Leone:** How often do you think that happens with yourself or with your competitors, so to speak? Is it a practice that is often utilized or is it something that you think the industry might be better just adopting as a general practice?

**Mr. Ken Zimmerman:** On the bigger scale, I think the larger companies are doing it, some of them on a

yearly basis, every couple of years or two or three years. It also depends on the size of your site, too. You might not have a lot to share, a lot to show. Maybe not much has changed over a two- or three-year process. But it is something that I think as an industry, yes, should be promoted. There's certainly a benefit. The more you communicate, the better off we're all going to be.

**The Acting Chair (Mr. Michael Coteau):** Thank you very much.

#### STEED AND EVANS LTD.

**The Acting Chair (Mr. Michael Coteau):** Next up we have Steed and Evans Ltd.: Malcolm Matheson. Welcome. You have 10 minutes for your presentation and five minutes for questions. Please begin.

**Mr. Malcolm Matheson:** Good afternoon. My name is Malcolm Matheson. I'm the president and owner of Steed and Evans Ltd. We're 60 years in business next year.

We're a full-service road building contractor. We build sewers and water mains, do excavating and grading, build concrete curbs and sidewalks, and do asphalt paving. We have asphalt plants and aggregate operations. We have a large wash plant and we recycle, frankly, everything we can get our hands on. We're also a member of ARO. One of our former sites is a bronze plaque award winner for rehabilitation.

I'm a professional engineer and a past chairman of what is now the OSSGA, and I've served on the board of directors there for 14 years. I'm here representing the aggregate industry and my company.

I'd like to concentrate on three key messages to you today. First, the cornerstone of the province's policy regarding aggregates is that they should be made available close to market. The Environmental Commissioner has suggested to you that we might need to get rid of the close-to-market principle. Mr. Miller said that it might have made sense in the past, but now that more people were living in the countryside, it no longer makes sense because more people are impacted by pits and quarries.

We respectfully disagree with Mr. Miller. The province has had a long-standing policy that rural areas are resource areas, and urban areas are where people are directed to build their homes. This principle was first enunciated in 1978 with the Foodland guidelines and more recently in the growth plan, which establishes intensification targets and hard edges for settlements.

Mr. Miller is just plain wrong to suggest that people living in the countryside should sterilize aggregate resources close to market. If Mr. Miller's logic were sound, we'd also be advocating that people living in the countryside should have the right to shut down legitimate farming operations due to issues from farm machinery noise, the dust they create and the spreading of manure. We all agree that such action isn't appropriate, so why should it be appropriate for aggregate operations? People take priority in urban areas. We can't establish pits and

quarries in towns and cities. Resource uses need to take priority in rural areas. They can't go anywhere else.

Approximately 50% of the cost of aggregates is attributable to transportation. More distant sources cost more and would have negative impacts on public finances as more than 50% of aggregates are consumed by public authorities. The close-to-market policy is environmentally sound—less fuel consumed, less greenhouse gas emissions—socially responsible—trucks pass by fewer people—and makes economic sense.

The second matter I wish to raise today is that there is a need to streamline the approval process for new pits and quarries. Both proponents and opponents of aggregate facilities want a more efficient process, with decisions made in a reasonable period of time. The standing committee should consider legislative timelines on aggregate applications. This would provide guidance to review agencies to respond to applications in a timely manner. Oftentimes this is an excruciatingly slow process and one that does not serve either side well.

Related to this is a need to eliminate duplication of legislation and policy that apply to aggregates. There are approximately 25 pieces of provincial and federal legislation governing different aspects of pits and quarries. In some parts of Ontario there is the provincial policy statement; provincial plans, like the NEC plan and the Oak Ridges moraine; regional/county plans; municipal official plans; zoning; and development permits, etc., which creates unwarranted confusion and complexity as well as driving up the cost.

The industry was a bit surprised that the opponents to the proposed Melancthon quarry claimed a victory when they were able to convince the province to subject that proposal to an EA—surprised because the Aggregate Resources Act is, in itself, an industry-specific environmental assessment that in many ways is more rigorous than an EA. We respectfully recommend that the province not add more duplication and confusion by designating pit and quarry proposals to be subject to the Environmental Assessment Act.

Our third message today is simple: The aggregate industry does not create the demand for aggregates. Instead, we supply the demand that exists. We don't advertise, "Buy more gravel," or, "Consume more stone." Our industry instead satisfies a public need. Pits and quarries are needed by society. As our population continues to increase and our infrastructure continues to age, the demand for aggregates is projected to increase. Ontario's growth plan makes reference to a current infrastructure deficit measured in the tens of billions of dollars. We will need a lot of aggregate to address this infrastructure deficit and it is in the public interest that the price of that aggregate be as low as possible. That is another reason that the close-to-market principle is so critical. We can barely afford to maintain the road infrastructure we have now. How does it make sense by adding more trucks to that infrastructure?

Locally, we—Steed and Evans—use 70% of our own aggregate production for our own projects. It makes

sense that close-to-market aggregate is used to build local infrastructure. Ninety per cent of our construction work is public tender—i.e., paid for by taxpayers. In an era where we are eliminating coal-fired electric generating plants, mandating more fuel-efficient cars and heavy trucks, and building more efficient homes and buildings, how can it possibly make sense to haul aggregate from farther away, with more cost and more emissions?

In closing, I'd like to reiterate a few comments made by our colleagues. It is critical that the province regulate, control and enforce all matters relating to pits and quarries. It is a well-defined and long-standing principle that arose in the 1960s and 1970s, when local municipalities said, "No more." If control of pits and quarries were handed back to local municipalities, we would be faced with a far more uncertain approval process, which will inevitably lead to acute shortages of stone, sand and gravel. Aggregates are essential to a healthy provincial economy and to our standard of living. The health of the province's economy should not be entrusted to narrow local interests. Local control of aggregate approvals will discourage investment in this province as the process will become too lengthy, too uncertain and too expensive, if it happens at all. So please, don't make gravel travel.

**The Acting Chair (Mr. Michael Coteau):** Thank you very much. We'll start with the government side.

**Mr. Mike Colle:** Thank you for the thought-provoking presentation. I just have a couple of questions. The intriguing thing you said is that the Aggregate Resources Act is really like an Environmental Assessment Act for the aggregate industry. Can you just expand on that for a second?

**Mr. Malcolm Matheson:** I'm not terribly familiar with the EA process. We know that the Aggregate Resources Act is thorough and exhaustive, and we don't believe that adding a second way makes any sense at all. It adds more uncertainty. It's a very thorough process the way it exists now.

**Mr. Mike Colle:** Thank you for that. The second thing, and I do agree with you, is that we can't seem to build subways or anything in this province. We just talk and talk and talk. Can you imagine if we had to build a transportation system for aggregates when we can't even build a light rail system over 20 years? It would take us many years to build a train system for rocks.

The other point you made that I want to emphasize, and I think it's very good, is that the work that you do is usually in close proximity to where the aggregate pits are, right?

**Mr. Malcolm Matheson:** Yes.

**Mr. Mike Colle:** So it's critical, as far as the industry is concerned, that that remain the key component, close to market, close to where the work is done, so there isn't this "out of sight, out of mind" sort of attitude that says, "The pits are way up there. Who cares?" This way, at least there's a sense of reality for people, because when you build roads, hospitals and schools and ask for new asphalt, you're asking for more aggregate.

**Mr. Malcolm Matheson:** Yes. I think James Parkin covered that very well, and the reality of shipping from a distance. Canals aren't even open all year, so how do you expect to get product to market on a boat?

**Mr. Mike Colle:** Thank you, sir.

**The Acting Chair (Mr. Michael Coteau):** Thank you very much. We'll go to the opposition.

**Mr. Michael Harris:** Thank you, Malcolm, for your thorough presentation. I will just comment quickly on Mr. Colle's comment on building subways. We do agree with you on that one, especially in Toronto.

Malcolm, you talked about the process, I guess, in your opinion, being very cumbersome. Do you have any suggestions or recommendations on how you would want to streamline that process further?

**1700**

**Mr. Malcolm Matheson:** I think we've heard from both sides today about duplication in the process. I think with, as I say, up to 25 different pieces of legislation governing one application, there's a streamlining and things that can go on in parallel. I think that needs to be looked at in detail. We think the act works reasonably well the way it is now. I think there is some room for improvement.

**Mr. Michael Harris:** You also mentioned your company rehabilitating, and it in fact won an award for that. We heard a lot today about the importance of rehabilitation, and some areas doing it better than others. I don't know if you want to talk about the specific instance.

**Mr. Malcolm Matheson:** We have a golf course in Fonthill that's called Peninsula Lakes. It was an existing aggregate site. It was a bronze plaque award winner for that rehabilitation. The first three holes were built very early on in the life of the project and, as it was progressively mined, it was progressively rehabilitated into 18 holes. We were actually playing even when the site was still active. It's right adjacent to the tender fruitland that was mentioned by James Parkin, where they have fruit trees growing right next door.

**Mr. Michael Harris:** Great. Thank you.

**The Acting Chair (Mr. Michael Coteau):** Third party?

**Ms. Sarah Campbell:** Thank you for your presentation.

On the one hand we have industry coming and saying that we need to extract the resource where we need it; we need the close-to-market. On the other hand, we have residents who are living in the area who are maybe struggling with some of the effects.

Do you have any sense of what a compromise would be? Is it time for us to revisit the buffer zone? Should we expand that buffer zone, as has been recommended by some of the groups today?

**Mr. Malcolm Matheson:** I think that unfortunately, in some cases, it's too late, but I think what needs to happen in a rural land use is that aggregate resources need to be identified, they need to be mapped, and they need to be planned to be extracted. That means not building residential estates near them, not building trailer parks near

them and not putting other uses that are not really good rural uses of land.

**Ms. Sarah Campbell:** Thank you.

**The Acting Chair (Mr. Michael Coteau):** Thank you very much for your time. We appreciate it.

CONCERNED  
CITIZENS OF BRANT

**The Acting Chair (Mr. Michael Coteau):** Next up we have the Concerned Citizens of Brant. Good afternoon. If you could state your name for the record. As I'm sure you've heard, 10 minutes, and five minutes of questions following up. Thank you.

**Mr. Ron Norris:** My name is Ron Norris, and I am representing the Concerned Citizens of Brant. There is a handout for your reference. I hope everybody's got a copy. I will refer to at least the front page.

Good evening, Mr. Chair, committee members and guests. My name is Ron Norris and I'm speaking on behalf of the CCOB.

To give you some background to our point of reference, we're a group of citizens who came together in Paris, Ontario, when Dufferin Aggregates announced that they were going to execute a 38-year-old permit. After our initial investigation, we realized that there were a lot of changes that had occurred in 38 years and there was good reason for us to be concerned.

For example, on the first page of the handout you'll see the location of the pit. Thirty-eight years ago, this was primarily a rural area on the perimeter of the pit, but now the town is approaching the perimeter. In fact, a golf course abuts the property, as well as residences along Paris Links Road.

This site is right next to our primary well, which is listed as the Gilbert wells, and our secondary drinking water source, the Telfer wells, which are not currently GUDI. But by Dufferin's own admission, there is a potential that the secondary well will be rendered GUDI due to this operation.

The Clean Water Act has been put in place since the licence was approved. The Gilbert Creek watershed, which is identified on the map as well, has been identified as a heritage cold-water stream after the licence was granted.

Our idea of what is and is not acceptable as a society has changed significantly in 38 years. There was a time when we smoked in hospitals, we drove cars with no seatbelts and we burned leaded gasoline in our cars. That was good science in that day, and it's not good science today.

In addition to these considerations, the assumptions under which the licence was granted have changed. The original report to the Ministry of Natural Resources states that it was intended (1) that this be a seasonal operation for eight months per year; (2) that the work be done in daytime and over nine hours; (3) that the bulk of this material was to be transported off-site by rail; and (4) that

the surplus—some 590 tonnes—be transported by truck over the roads.

The current proposal we are looking at today is that it will run for 12 months, it will run 12 hours a day, and 100% of the gravel will be transported by truck over the road. The current estimate is for 30 trucks per hour. If you took the residual 590 tonnes in the original proposal, that would be about 30 trucks a day. So, it's a twelvefold impact.

In light of all of this evidence, we went to council with our concerns and requested that the MNR open the licence for review. The motion was broadly endorsed by council.

The MNR response: "Although the property was originally licensed in 1974, the licensee, Dufferin Aggregates, must abide by all current legislation."

Although this is technically correct, in the Aggregate Resources Act, policy AR 2.00.03 states that the licences granted prior to 1997 do not have to comply with prescribed conditions. That means they're grandfathered from these prescribed conditions. However, setting this consideration aside, the minister's response does not address our primary concern. Would this licence be granted today if it were reviewed in today's knowledge and today's legislation?

It's hard to believe that anybody would look at this situation and not actually want the licence to be reviewed. We believe that what is required is that a permit should have a time limit to open and execute a site plan and that a limit be placed on how long a pit can remain dormant. To address an earlier question, you asked, "How can these pits stay open this long?" On the one hand, the aggregate industry says, "This is a scarce resource and we're running out." How can these pits lie dormant for 38 years if we're running out?

In terms of the actual site review and approval, there are requirements for expertise where the Ministry of Natural Resources is not the authority on the subject. As a society, we put experts in place to protect our interests who are authorities in their areas of responsibility. To give a specific example, we understand that the Minister of Natural Resources would request the MOE review and comment on technical reports and site plans, but we also understand that this is not a requirement for approval. Is the Minister of Natural Resources in a better position to judge the significance of this impact to the environment than the MOE? Similarly for the town's water supply, the county is ultimately liable for the drinking water. However, they have no approval authority and no enforcement capabilities.

When questioning the potential to impact our water quality, the company talks about "manageable risks" and "risks that are not significant," but no one outside of the company can outline what these risks are. The commentary from Dufferin has been that if we have an incident it will be detected by the monitoring wells and the township will take corrective actions. We should not be considering managing risks when it comes to our drinking water. We do not have these risks today. Why

should we be burdened with them in order for a corporation to make a profit?

What we want is independent scientific proof that these operations do not have an impact on our drinking water. We need an authority that is our advocate to do the research and confirm that there is no issue or reason to be concerned. The cost of these studies should be borne by the applicant in terms of the licensing fee. If it's identified that there is a risk associated with the water, the permit should be denied. We put these people in place as experts to protect the public interests; they need to have influence in the process to the point of approval.

As mentioned earlier, the plan for the Paris pit has changed to have all the aggregate shipped by road, and this places a significant burden on the township to upgrade and to maintain roads. These roads are being built specifically to accommodate this pit. It is completely unreasonable to expect the taxpayers to bear the burden of this type of infrastructure and maintenance so that a corporation can make a profit. This is a clear case of costs being externalized to the public. This is a type of corporate subsidy that results in the cost of the aggregate being artificially depressed.

1710

There was a case in Caledon that you're all familiar with where the estimated cost to upgrade the roads and maintain the roads was 93 cents per tonne, and the levy that was received by the county was 7.5 cents. Less obvious are the costs associated with pollution, noise and the consumption of farmland.

The bottom line is that demand is a downward-sloping curve, and if prices are artificially low, consumption will be artificially high and substitution will be artificially low—i.e., recycling or other products that can take its place. Not surprising in Ontario, our levy is 11 cents per tonne, and we consume 15 tonnes per year per person versus the UK, which has about a C\$3 levy. They use about four tonnes per person, and they recycle far more as a percentage of use than we do. The current levy does not reflect the true cost of the aggregate. If you did that math and you were actually at a rate more like the UK, you realize that that would extend the life expectancy of your existing reserves by three or 3.25 times, right?

In closing, I want to speak in a general context. I am very pleased that you would actually take the time to listen to us. I'm a business person and I'm not normally engaged in these kind of activities, but my experience in this whole process of learning about this pit and learning about these regulations has been less than favourable, to put it mildly. You are no doubt experiencing a significant increase in the level of pushback from the public, from what I have seen so far. It is evidence to the fact that the processes that are in place right now are not functioning in the public's best interests.

More and more, citizens are rising up with problems just like we are experiencing, in situations much like we have, because they don't have an advocate. This is not a criticism of our council, the GRCA, the MOE, the Ombudsman or any of our other representatives. We've

talked to them all, and they effectively give us back the same message: "Go talk to the MNR. We don't have authority here." The issue is that these are the people who are supposed to be our advocates. They're supposed to represent our interests, and they have no authority and no ability to fix these problems.

**The Acting Chair (Mr. Michael Coteau):** Thank you very much, sir. Your time is done. We'll take the first question from the Progressive Conservative caucus. Mr. Leone?

**Mr. Rob Leone:** Thank you very much for your presentation. I live in Ayr, not too far from this location that you're talking about.

My question concerns the perpetual concerns we hear with gravel extraction from citizens and their groups. We've heard a lot of the comments that were made in your presentation before. I'm wondering: Is there ever a way of getting around these concerns, particularly when gravel pits are sited and urbanization inevitably forces these pits to become closer to people's homes? What I'm trying to get a sense of is: How do we mitigate that concern? Because we're hearing this about what's happening in Brant county, which could very well be the same concerns that I hear on an ongoing basis in North Dumfries township and I'm sure other members here are hearing from their residents who are close to these gravel pits as well.

What's the solution here? What's the solution in terms of where these sites should occur and so on? Is it public consultation that would better alleviate some of these concerns? Is it a more powerful MNR? Is it simply to eliminate as much as possible any aggregate extraction? What's the perspective? How do we get around the problem, and the problems that you've cited in your presentation?

**Mr. Ron Norris:** I did summarize or recap the three key points in the last page of the handout. I think that a time limit on licences is very important. I think that it is unreasonable to hold a licence vacant for 40 years and not expect some new approval process. Our technology evolves so fast.

I think that is a primary objection. That's how this group got started. We went in and we said, "This is a 38-year-old permit. Surely they're going to prove it, right?" No. The response of the company was, "We have a right to extract. We're going to do it." That was the response. Then you get conflict between the citizens' group and the pit—and I hear this. I hear this in other situations, where there's conflict. We had one question—in the last meeting, where Dufferin presented to us, we just said, "You know, we just want to know that this will get approved and this will be monitored properly." We're concerned about the level of resources. The MNR openly says that only 10% to 12% of the pits get visited every year.

If they want a licence, then they should bear the burden of these costs. The MNR should satisfy the public that they're getting frequent visits and that they are holding to their site plan. I'll cite the example in Zorra

township, where the guy breached the aquifer—clearly an illegal position for him to be in, and he was in that position for over 12 months with no corrective action. For 12 months, he breached the aquifer. It was against his site plan.

**Mr. Rob Leone:** In other words, a healthy dose of transparency would go a long way in—

**Mr. Ron Norris:** And I'd also say, you have people in place. You have the MOE; you have other bodies in place that are authorities in their area of expertise—the GRCA. These people should be engaged in the activity of approval. If I go get a building permit and I'm on the flood plain, I submit to the GRCA, period. If they say no, I don't build.

**The Acting Chair (Mr. Michael Coteau):** Okay, I'll move on to Mr. Miller.

**Mr. Paul Miller:** Thank you. I understand your concerns from the original concept, when it was very few trucks and certain working hours, and I agree with you: It certainly would have a negative impact if you increased the trucks to 360 a day and things like that.

I agree with you that the groundwater should be tested on a regular basis, to give the public some confidence in their water system. It certainly would be important.

First of all, you said it sat dormant for a few years and they started it up again. Is that correct?

**Mr. Ron Norris:** It has been dormant for 38 years.

**Mr. Paul Miller:** And they want to start it again.

**Mr. Ron Norris:** They are going to start it now.

**Mr. Paul Miller:** Okay.

**Mr. Ron Norris:** They've never scraped land.

**Mr. Paul Miller:** Why did the local community—and I'm not from here—your councillors, your township or whatever; your area, your district. When the people cried out, why aren't your town councillors and that going and asking the ministry to revisit the—

**Mr. Ron Norris:** They did.

**Mr. Paul Miller:** And what happened?

**Mr. Ron Norris:** The Minister of Natural Resources said—

**Mr. Paul Miller:** How about your MPPs?

**Mr. Ron Norris:** Actually, I gave you the quote. His response was, "Although the property was originally licensed in 1974, the licensee, Dufferin Aggregates, must abide by all current legislation." So he's saying the licence is valid and they're in compliance.

**Mr. Paul Miller:** And your MPPs?

**Mr. Ron Norris:** Dave Levac. He went in and did the same thing.

**Mr. Paul Miller:** Dave Levac.

**Mr. Ron Norris:** We took it to him and he went back to the MNR.

**Mr. Paul Miller:** So there's not enough punch for your local representatives to be able to change the act. They have more power than your representatives, and that's a concern for you. That's a concern for me too.

**Mr. Ron Norris:** It's a concern for me. Actually, I'll make one more comment. Dufferin Aggregates has had a

meeting with the MNR and I have not been able to get a meeting with them.

**Mr. Paul Miller:** You can't get a public input. Well, that certainly is a problem. That's certainly something that the committee should look at, I think, and I agree with you.

**The Acting Chair (Mr. Michael Coteau):** Thank you. I'll move to the government side.

**Mr. Mike Colle:** Yes, thank you for the very interesting presentation. I guess the key thing here is, it's the act. It's not the MPP and it's not the city council, because basically the act allows for dormant pits to be reactivated, and they can be dormant for decades.

You're obviously stating a very good case study where we have to look at the viability of time limits, that you can't have these open-ended pits, literally and figuratively, just go on indefinitely. There should be some renewal application or there should be a time limit. That's what you're basically saying, loud and clear.

**Mr. Ron Norris:** Yes. I'm also saying that expansion of pits is also a new-permit issue. It's a new site, new location, new set of parameters that should be approved. It shouldn't be part of the—

**Mr. Mike Colle:** It shouldn't be rubber-stamped. There's got to be a stiff process of oversight before these things are expanded or certainly reactivated.

1720

**Mr. Ron Norris:** Right.

**Mr. Mike Colle:** Are you an economist, by the way? You made some very—

**Mr. Ron Norris:** I have some economics background, business background, yes. But I think what—

**The Acting Chair (Mr. Michael Coteau):** Thank you. I think we've exhausted the five minutes. We're almost at seven minutes here. Thank you very much for your time, sir. I appreciate it.

#### FRIENDS OF THE WINTERBOURNE VALLEY

**The Acting Chair (Mr. Michael Coteau):** Next up we have Friends of the Winterbourne Valley, Della Strooboscher. Welcome. Thank you for joining us today.

**Ms. Della Strooboscher:** Thank you. That was a very valiant attempt at my last name. My name is Della Strooboscher, and I'm a member of the Friends of Winterbourne Valley.

The Winterbourne Valley is in Woolwich township, right here in the region of Waterloo. The Winterbourne Valley is a peaceful rural bowl that is nestled in a lazy curve along the Grand River. Two communities, the town of Winterbourne and the Conestoga Estates, are situated alongside this valley.

The Friends of Winterbourne Valley are concerned about two proposed aggregate applications, which are currently before the OMB, that are on prime agricultural land and near residential communities. I am here today to present to you the concerns we have with the piggy-

backing of recycling operations into aggregate extraction sites.

Contrary to what Mr. Esbaugh of Tri City Materials said earlier this afternoon, we recognize that recycling is necessary for a sustainable future. Recycling is a logical and important way to reduce the need for virgin aggregate and the subsequent need to create new extraction sites. The Friends of Winterbourne Valley support the recycling of aggregates, but we strongly object to the current trend of incorporating recycling operations in aggregate sites that are located in close proximity to residential areas.

The aggregate industry and the MNR have, for many years, used the location of aggregate deposits as a solution for siting extraction almost anywhere there is aggregate. Perhaps you've heard the phrase, "Gravel is where it is; you can't get it anywhere else." Well, that's true for aggregate, but it is not true for recycling. Recycling operations can be located virtually anywhere. In fact, recycling involves almost all of the adverse impacts of aggregate extraction, such as noise, pollution, truck traffic, visual impacts, negative impacts on property values and the like, but there is no geological rationalization for locating recycling operations in close proximity to residential areas and/or conflicting land uses such as farming.

In Woolwich township, two proposed aggregate pits are situated approximately 500 metres away from residential areas in Winterbourne and Conestogo, and both of these applications include aggregate recycling operations. Earlier, Mr. Hunsberger said that there wasn't going to be recycling on his operation, but I do have the operation plan here on my iPad and I'd gladly show it to you. It does show recycling on there.

In the case of another application, it appears the proposed extraction operation might not be financially feasible without the additional income provided by recycling, and that only by adding recycling to the proposal can it really be viable.

In both of these applications, piggybacking recycling operations into the proposed extraction sites will dramatically increase the adverse impacts to neighbouring residents and the surrounding community. Allow me to share with you just one such adverse impact.

Aggregate recycling is an industrial operation that produces frequent fugitive emissions of noise, dust, diesel fumes and airborne crystalline silica. Crystalline silica is a colourless mineral, and is a natural compound that is found in sand and soil. It is also found in concrete, as well as asphalt that contains rock or stone.

Crystalline silica is so small that, when it is breathed in, it enters deep into the lungs and forms scar tissue. This reduces the lungs' ability to take in oxygen; this then causes a host of health problems. The International Agency for Research on Cancer has classified crystalline silica as a human carcinogen, and it has been connected with other respiratory diseases as well. Crystalline silica is such a well-known hazard that both the US Department of Labor and the Centers for Disease Control have rec-

ommended or even required that warnings be posted in industrial areas where there is silica dust. I've included some graphics in your package of some of the warning signs that exist.

On May 14, 2012, Ms. Cheryl Connors of the Canadian Network for Respiratory Care presented to this very committee the negative health impacts of crystalline silica, such as silicosis and lung cancer, that result from aggregate extraction operations. According to Ms. Connors—and this was taken from Hansard—"The Ontario Ministry of Labour has strict guidelines in place for workers who come into contact with silica dust, requiring them at all times to wear respirators, yet there are no guidelines in place to protect Ontarians living near pits and quarries to protect them from being exposed to silica dust."

What I'd like to add to that comment that Ms. Connors made is that there are no guidelines to protect Ontarians who live near recycling operations from the harmful effects of silica dust. This is just one negative impact of aggregate recycling operations located near residential areas. In the interests of time, I will leave it there. But I will move on to some recommendations.

Aggregate recycling is a class 3 industrial activity that is largely unrelated to aggregate extraction. As such, it should not be permitted in aggregate extraction or processing sites under the umbrella of the Aggregate Resources Act.

Recommendation number 1: Aggregate recycling operations should not be allowed in close proximity to neighbouring residences. Rather, they should be sited in appropriate and appropriately zoned industrial areas. Such industrial areas are often closer to market than the rural areas from which aggregate is extracted. Locating recycling operations in these areas could well promote reduced transportation costs and greenhouse gas emissions.

Recommendation number 2: The ARA and its supporting regulatory framework should not approve of, condone or support siting of aggregate recycling operations in aggregate extraction sites. In other words, recycling operations should be outside of the mandate and purview of the ARA and the MNR.

What follows in recommendation number 3 is that zoning for aggregate recycling should be addressed through the Planning Act, on the same basis as any other class 3 industrial operation.

I would like to thank the committee for working hard to extend this hearing to places like the region of Waterloo. You have recognized how important this matter is to the citizens of Ontario. This committee has been given the unique opportunity to make positive changes to the ARA and to fix many of the things that have been wrong with it. As such, it behooves you to piece together all of the data that you have received and will continue to receive and to create an equitable solution.

The Friends of the Winterbourne Valley wish the committee well in its work and trust that it will do its utmost to protect the citizens of Ontario's communities.

**The Acting Chair (Mr. Michael Coteau):** Thank you very much. We appreciate the presentation.

We'll start with the NDP caucus.

**Ms. Sarah Campbell:** Thank you for your presentation. Do you have any suggestions as to where the recycling process could occur if not at the aggregate extraction sites themselves, while still remaining close to market? Or do you think it should be somewhere altogether different?

**Ms. Della Strooboscher:** Like I said in my presentation, it can be in other industrially zoned areas. I really like the peel-and-pave idea, where it's happening right on-site as you go. I think that's technology that has been going on for decades, and I think that's something that really needs to be continued.

**The Acting Chair (Mr. Michael Coteau):** Any other questions?

**Ms. Sarah Campbell:** No. Thank you.

**The Acting Chair (Mr. Michael Coteau):** Okay. Liberal caucus.

**Mr. Joe Dickson:** Thank you for your presentation. Obviously, it will make some positive changes.

If the recycling area was in the quarry and it was surrounded by an industrial area, does that then meet your standards?

1730

**Ms. Della Strooboscher:** If it's not close to residential areas or farmlands?

**Mr. Joe Dickson:** That's going to be the next question. I wanted to get the first—

**Ms. Della Strooboscher:** It has to be somewhere. So you're saying, if there's recycling going on in an aggregate site that's not near anything else, is that okay?

**Mr. Joe Dickson:** No. What I was asking you, and I just want to get your input: recycling on an aggregate site, and it has the greatest proximity to its borders industrial zoned, or what's called employment lands.

**Ms. Della Strooboscher:** I think that would be fine.

**Mr. Joe Dickson:** That would be fine.

Last question: You mentioned proximity of quarries to residential areas, and you used the term "close proximity." Could you tell me what you feel is the appropriate close proximity that would exclude that?

**Ms. Della Strooboscher:** So if I understand your question, you want to know what kind of a setback there should be.

**Mr. Joe Dickson:** What you would like, yes.

**Ms. Della Strooboscher:** I think, based on some of the other municipalities which have 1,600 metres, that, I think, would be leaning towards more acceptable. Certainly not 300 metres or 500 metres, which is what we're looking at right now.

**Mr. Joe Dickson:** Thank you very much.

**The Acting Chair (Mr. Michael Coteau):** PC caucus.

**Mr. Michael Harris:** Thanks, Della, for your presentation on behalf of Friends of the Winterbourne Valley.

You referenced just one impact, and I don't know if you wanted to spend some more time on some of the other impacts you believe are important.

**Ms. Della Strooboscher:** Where can I begin?

I think we're looking at reduced property values. I think that's a big one. I think that noise—and when I think of Winterbourne Valley, you have to realize that it's a bowl. There's an area in Conestogo that is elevated, so any noise that happens right now on that farmland comes right up the valley and we hear it. And you know what? Farmers use their tractors just a few times during the year, so it's no big deal. We like living by farms. We like hearing the tractors out on the field. But to think, then, about the noise that comes along with aggregate and recycling and how that will go from 7 in the morning till 7 at night, that's frustrating to think about. It's pretty maddening, actually. So that's another one, noise; like I said before, dust. And we have concerns about the Grand River. This is right by the Grand River. That's our water. Those are other concerns.

**The Acting Chair (Mr. Michael Coteau):** Thank you for your time. We appreciate it.

#### REGION OF WATERLOO

**The Acting Chair (Mr. Michael Coteau):** We have our last presentation. It's from the region of Waterloo. Welcome. If you can just state your names for the record and then you can begin.

**Mr. Ken Seiling:** I'm Ken Seiling, the regional chair.

**Mr. Rob Horne:** And I'm Rob Horne, the regional planning commissioner.

**Mr. Ken Seiling:** Thanks for hearing us today. I know this is the last presentation. We're going to be very brief and fairly high-level. I know it's been a long day for you, but we did want to address you. You've already received our material; you've got copies of it, and also the summarized comments I'll be making today. Rob is here to answer all the hard questions, when it comes down to it.

We're grateful for the opportunity to comment on the Aggregate Resources Act. The review has been anticipated by many in this community.

The region possesses many characteristics that make it an ideal place to examine the implications of the current act and opportunities to make it better. Our rapidly growing community is the fourth-largest in Ontario at 550,000 people and is expected to exceed 700,000 in less than 20 years. Our community provides about 280,000 jobs and growing. We are the largest groundwater-dependent community in Ontario, if not Canada, depending on 80% of our water needs from the aquifers.

In terms of aggregates, our resources are also rich and abundant, and the region of Waterloo has enjoyed a good and productive working relationship with the aggregate industry and others in the community as we've tried to plan through a number of these issues. Waterloo region is the sixth-largest aggregate-producing area in Ontario.

We recognize and accept the vital roles that aggregate resources in our community play in supporting both our

own economic prosperity and that of Ontario. However, a much more complex series of considerations, including water quantity and quality, are needed as balancing factors in evaluating aggregate extraction opportunities.

There are five critical issues which we would like to strongly encourage you to consider in your deliberations.

(1) We believe the public is perplexed. Complaints from citizens about pits and quarries are made to municipal offices on a regular basis, if not daily. Municipalities can only direct these citizens to the province, and the outcome of any ensuing discussion is not always known.

(2) Provincial and municipal roles need to be properly integrated. There is also a need to remake the regulatory framework for aggregates and to clearly integrate them with revised municipal powers. By and large, provincial aggregate regulation and municipal planning exist as two solitudes. The Planning Act provides the key municipal planning tool, while the Aggregate Resources Act is primarily relied on by the province. The interface between these legislative tools is uneven and unclear, and requires proper integration. I'm sure you've often heard from many municipal politicians that they feel that they are disadvantaged, that really it's out of their control when it comes down to the short strokes on aggregates.

(3) Public interests consistently compete and often conflict. There is probably no better example of this conflict than with one of our greatest commodities: water. Given the groundwater dependence of the Waterloo region and the expansive regulatory framework emerging from the Walkerton tragedy, it is inconsistent that aggregate extraction can so frequently occur very near or below the water table. Even the relationship between aggregate extraction and emerging source protection plans has yet to be established and is currently problematic. In these and other cases, vertical zoning should be more clearly enunciated by the province as an effective management tool. What's more, a practical policy framework is required to ensure that the cumulative impacts of proposed mineral aggregate operations are properly and fairly assessed.

(4) The two I's: inspection and innovation. The geographic range of each provincial aggregate inspector is enormous. It is quite clear that more provincial resources need to be directed to the inspection and enforcement of aggregate licence conditions.

Furthermore, the current royalty rates received by affected municipalities are woefully inadequate, and upper-tier municipalities like the region of Waterloo receive a much smaller royalty than even the lower-tier municipalities. I'm sure this is true in Wellington and others. Probably 95% of the aggregate in this region is hauled on regional roads, yet the bulk of the money is going to area municipalities. I don't begrudge them the money, but it's not a clear reflection of where that haulage is taking place and the impact on roads and roadways. So I think there needs to be some re-examination of how the royalty payments are done within two-tier framework governments.

Innovation takes many forms and is only limited by imagination. Opportunities for the province include developing a comprehensive strategy to conserve and extract aggregates over the longer term, developing collaborative investment and compensation plans on a community-by-community basis, establishing a comprehensive and more flexible aggregate recycling program, and changing construction practices to reduce aggregate requirements.

(5) Life after extraction: Despite the provisions of the Aggregate Resources Act for progressive and final rehabilitation, rates of rehabilitation are extremely low and some pits exist year after year at "near extraction completion." One estimate in our region puts rehabilitated pits at only about 24%.

In closing, the region appreciates the opportunity to address such an important issue. Aggregates and other important public interests must better co-exist. Public policy must provide greater clarity for our citizens, establish clear and unambiguous municipal and provincial roles, and, above all, realize a more balanced approach to aggregate extraction. Together, we must recognize and accommodate all of the other environmental, social and economic considerations that factor into sustainable community vitality.

Thanks for considering our submission. We'd be pleased to offer any ongoing assistance now or in the future as you deal with this topic.

**The Chair (Mr. Michael Coteau):** Thank you very much. We'll start with the government side.

**Mr. Mike Colle:** Thank you very much, Ken. A number of questions. The first one is, it's interesting that you surveyed the pits in Waterloo region and only 24% have been rehabilitated.

**Mr. Rob Horne:** That's correct, and that includes progressive and the ultimate completion of pits.

**Mr. Mike Colle:** Some are not even complete. So one quarter of them.

The other thing is that we've been grappling with this issue of the use of recycled aggregates by local municipalities, and we said, "If there is one person who would know, that would be Ken Seiling." That is, why are municipalities reluctant to use recycled aggregates in their road building when the province's MTO is more than happy to use 30% of aggregates that are recycled in road building?

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**Mr. Ken Seiling:** Well, I'd have to bring the engineers, but I know that there's more and more replanning and recycling of asphalt on the roadways themselves. There's more of that going on in the municipal sector. But I can probably provide you with greater information from our engineering department.

**Mr. Mike Colle:** Yes, if you could later, because the committee will be meeting for quite a while, so please pass that on.

**Mr. Ken Seiling:** If you do go out, you see more and more road projects where they're actually replanning the asphalt and resetting the asphalt right on-site and recyc-

ling it. You see more of that taking place in the municipal sector.

**Mr. Mike Colle:** And if I could just ask Rob a question here, you mentioned the need for a realistic interface between the Planning Act and the MNR and the Aggregate Resources Act. If you can't do it now, if you could give the committee later on just a brief detailed example or a number of examples of how we could do that or maybe how this committee might propose that interfacing between the two entities?

**Mr. Rob Horne:** Certainly. I'd be happy to do that.

**Mr. Mike Colle:** Thank you very much.

**The Acting Chair (Mr. Michael Coteau):** PC caucus?

**Mr. Michael Harris:** Thanks, Regional Chair Seiling, for making your presentation. I know you talked a lot about water. I'm pretty sure there's an example in our region, a water recharge area, in fact, in an old pit. Do you want to speak to that at all? It's in Mannheim, I believe?

**Mr. Ken Seiling:** In Mannheim we actually have an artificial recharge area where we're actually using a former gravel pit. We're treating water, injecting it into the ground and recharging it and recycling that water. That's taking place.

I think the issue that we're really addressing here, and it's an issue for Wellington and Brant and many others around here, is that we know that the province recognizes vertical zoning, for example, but we think there needs to be greater clarity so that we're not having to fight that battle on an ongoing basis. Those areas that rely very heavily on groundwater resources need to make sure that those kinds of revisions are there and won't be challenged.

**Mr. Rob Leone:** Just a follow-up question: Certainly, Chair Seiling, you raised an issue with respect to the sharing of the levy, the royalty in terms of the extraction, between the upper-tier municipalities and the lower-tier municipalities. I wonder, given some of the problems locally with respect to the revenue-sharing agreements, what would you suggest would be a proper level of compensation between the upper-tier municipality and the lower-tier municipality?

You've also mentioned that the levy is woefully inadequate. Would you care to comment in terms of what might be adequate to rectify that problem?

**Mr. Ken Seiling:** Well, I don't have a number. It's a pretty low number. We get the cheque every year and it's in the tens of thousands of dollars. It's a pretty small number for the amount of gravel that's extracted. I think that we could provide a bit of work for you on that front.

I wasn't trying to get into a seesawing between the area municipalities and the regions or the counties, but in fact, if the argument—my history, as I recall, was that the royalty was originally done more like a nuisance factor: "We're paying you for nuisance." And then ultimately they decided they needed to have some rationale for this sort of thing, so they talked about road reconstruction payment and those sorts of things. If that's the logic, then

the bulk of the areas are travelling on roads maintained by the counties—the county of Wellington, for example, or the region of Waterloo or the county of Brant or the county of Perth, as the case may be.

So I don't know what the right number is. I think some time should be spent taking a look at that and seeing if there is some sort of formulaic approach that could be used to determine that, or at least a fair sharing if in fact wear and tear on roads is the basis for the payment.

**Mr. Rob Leone:** Is the region of Waterloo often a participant in OMB hearings with respect to the siting of these gravel pits and issues with respect to that? Because we've heard from other municipalities that one of the reasons for increasing the levy would be to help mitigate some of the costs associated with fighting or at least presenting their case at the OMB. Would that be something that the region participates in quite often as an upper-tier municipality?

**Mr. Rob Horne:** My short answer would be no; that's not the intended direction. In fact, we put a lot of stock into the work of this committee on this issue. We're firm believers that aggregate extraction is extremely important and needs to occur. But there's a lack of clarity on every front: clarity in terms of where the aggregate producers can produce unfettered; clarity in terms of communities, in terms of compatibility—I'm sure you've heard lots of that—and clarity in terms of how we best protect our resource.

As Chair Seiling said, 80% of our water supply is coming out of the ground. It's really, really critical. We are the sixth-largest community in Ontario; we're the 10th-largest in Canada and growing.

**The Acting Chair (Mr. Michael Coteau):** MPP Campbell?

**Mr. Ken Seiling:** Can I just build on that?

**The Acting Chair (Mr. Michael Coteau):** Go ahead.

**Mr. Ken Seiling:** I think that you would find that if there was greater clarity on the provincial role, the integration of the Planning Act with the aggregates act, there would be fewer municipal board hearings that people would have to engage in. I think that's the intent, to move the process along so we're not always at loggerheads. The region participates in all of these hearings, whether they're instigated at the lower-tier level or at the regional level. We're currently in hearings over our official plan, for example.

But I think the aim is really to try and get some of these irritants out so that people have some knowledge of what they can expect and where things are going to go so they aren't always forced to the board to fight out these issues.

**Ms. Sarah Campbell:** Thank you for your presentation and for answering MPP Colle's questions about what you think some of the barriers are for municipalities in terms of things that are preventing them from using more recycled aggregate material.

This morning, we were at a site where we heard about there being about three main reasons why municipalities might be reluctant to use aggregate material: first of all,

that there's no levy received by municipalities from industry for recycled materials; that the recycled materials themselves can be just about as expensive as virgin aggregate material; and that there's the concern about a lot of—I guess the industry word is “deleterious material,” i.e., garbage, like a lot of wood and whatever else, that goes into the process.

My question is—okay, we know what some of the reasons are. What can we do to encourage municipalities to use more recycled material? Do we just have to inform the municipalities about some of the benefits of using recycled aggregate? Do we have to go as far as legislating it? Do we have to provide financial incentives? Or just by providing some fairness by covering the true costs—i.e., possibly a levy—would that do it?

**Mr. Ken Seiling:** Maybe Rob has an answer. Had I known we were going to encounter these questions, we would have brought engineering people who could answer your questions for you, because I'm really not an engineer and I wouldn't purport to give you engineering expertise as to what they can use and can't use.

There are a variety of issues and standards in road quality. From time to time, every municipality has faced—where they've had pavement failure due to a variety of issues, whether it be in the bitumen or other sources. I think we really need to speak to the engineering portion of the operation.

**Ms. Sarah Campbell:** Can you speak to what municipalities are saying, though? You've probably had that dialogue with municipalities. Have they expressed any particular concerns about what might need to be addressed?

**Mr. Rob Horne:** They have. Two points to that: One is, we've been exploring the issue of some type of recycling facility, doing a feasibility study, and we would desirably see it driven by the private sector. So we're trying to explore this opportunity. With that comes the opportunity to recycle contaminated soil. Of course, as we intensify, it would only make sense to me, the facility could do two things.

I think the other issue, too, though, is that some good feedback from the professional engineers would be helpful.

There are a couple of other dimensions. One is the quantity of aggregate and the other is the mix of aggregate that's used. I've heard some good comment that really challenges us as to whether we're using the best mix.

**The Acting Chair (Mr. Michael Coteau):** MPP Miller, final question.

**Mr. Paul Miller:** Yes, just a quick question. I'm glad to see in your fourth item that you're concerned about the lack of inspection. We have trouble all over the province with lack of MOE inspectors as well as the other ministry with the ARA, so we're very concerned. I'm glad to see that Waterloo region is on board in that.

I hope that the recycled material—I hear you do use it, and that's excellent. I wish more communities would follow your lead on that because it certainly would make a lot less pollution.

**The Acting Chair (Mr. Michael Coteau):** Thank you very much for your time.

Before we conclude, I know there's a request for information. MPP Jones?

**Ms. Sylvia Jones:** Yes, thank you, Chair. I was wondering if the committee would find it valuable to have research establish how many times, if ever, MNR staff have recommended to the minister declining a licence. In terms of timeline, let's do since the Aggregate Resources Act has been in place. So don't go back to the pits and quarries; start at ARA.

**Mr. Mike Colle:** Sure.

**Mr. Joe Dickson:** That's a given.

**The Acting Chair (Mr. Michael Coteau):** Okay, great.

I'd like to thank all the presenters today and everyone in the audience. Thank you very much for your time. With no further business, this meeting is adjourned.

*The committee adjourned at 1749.*

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**Also taking part / Autres participants et participantes**

Mr. Rob Leone (Cambridge PC)

**Clerk pro tem / Greffière par intérim**

Ms. Tamara Pomanski

**Staff / Personnel**

Mr. Jerry Richmond, research officer,  
Legislative Research Service

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