

January 29, 2013

Arbour Farms Ltd. (c/o MHBC Planning)
113 Collier Street
Barrie, ON
L4M 1H2



Ministry of Natural Resources, Guelph District
1 Stone Road West
Guelph, ON
N1G 4Y2

Re: Arbour Farms Ltd. Category 1, Class 'A' Pit Below Water (ARA)

Objection 1: Aggregate Master Plan Required

More and more Ontarians are paying attention to the way aggregate operations are being approved, operated, monitored and rehabilitated across the province, and what we are seeing is not good. As a result we have demanded a review of the *Aggregate Resources Act* and its underlying policies – a review which was started by Premier McGuinty and to-date has consisted of an all-party Standing Committee on General Government holding hearings in Toronto, Orangeville, Kitchener-Waterloo, Sudbury and Ottawa.

Fundamental questions need to be answered:

- ? Why is “need” for aggregate assumed?
- ? Why does the approval process for aggregate licences avoid a “need” analysis?
- ? Why is Lafarge Manitoulin quarry shipping “a significant percentage” of product to the USA¹ if Canada is in such dire need?
- ? Why does the State of the Aggregate Resource of Ontario Study (SAROS) (Feb-2010) neglect to take Ontario’s largest quarry, Manitoulin, into account?
- ? Why does the aggregate industry alone have a legal requirement for “close to market”? What about agriculture?
- ? Why are aggregate operations being allowed on protected green-space?
- ? Why are aggregate operations taking priority over prime farmland and food security?
- ? Why are aggregate operations allowed to go below the water table in source water areas without an environmental assessment?

¹ Rock to Road Magazine - <http://www.rocktoroad.com/content/view/958/38/>

Forty (40) years ago today's proposals would not have been possible. The technology and the infrastructure were not available. Our capabilities have changed and the law should be adapted accordingly. Also our values have changed, and the law should reflect that too.

Important values today are:

- ★ Environmentally Protected Spaces – including the Oak Ridges Moraine, the Greenbelt, the Niagara Escarpment.
- ★ Food Security – partly achieved by the protection of prime farmland (classes 1-4)
- ★ Fresh Clean Water for All – as a human right. *It should be noted that the ARA as it stands is a back-door to owning Canadian water rights.*
- ★ Protection/Recovery Plans for Endangered Species
- ★ Resource Conservation and Waste Elimination – through reduction, reuse and recycling.

I object to the establishment of this new aggregate resource until the *Aggregate Resources Act* has been reviewed (see Appendix 1 “Recommendations for Changes to the Aggregate Resources Act & Underlying Policies (2012)”) and a master plan for aggregate has been established.

Objection 2: Tonnage Fee Will Not Cover Costs

Aggregate Licence Fees - \$0.115 per tonne @ 500,000 tonnes per year:

\$0.06 Township of Mulmur **\$30,000**
\$0.015 Dufferin County **\$7,500**
\$0.035 Province of Ontario **\$17,500**
\$0.005 Abandoned Pits and Quarries Fund (for rehabilitation purposes) **\$2,500**

The dollar amounts expected from tonnage royalties will not cover the cost of the wear and tear on the local road system. In May 2012, Marolyn Morrison², Mayor of Caledon, and Chair of the Top Aggregate Producing Municipalities in Ontario (TAPMO), pointed out that the cost of heavy aggregate traffic on infrastructure warranted a licence fee of at least \$0.93, more than 12 times the current rate of \$0.075 for local government.

I object to this aggregate licence because the real cost to taxpayers is not being recovered.

Objection 3: “Interim” Land Use Questionable

At the same hearing, Marolyn Morrison, Mayor of Caledon, also noted that with transportation being upwards of 60% of the cost of aggregate “there is ... a significant financial incentive to revive or extend the life of existing pits close to the GTA. Extending pit boundaries, extending years of operation, or quarrying beneath the water

² Committee Transcripts: Standing Committee on General Government - May 14, 2012 - Aggregate Resources Act review ([link](#))

table, for example, are relatively cost-effective ways of extracting more resources.” The recent decision to expand the Walker Aggregate pit in Duntroon – in the “protected” Niagara Escarpment – is a prime example. In addition, the emerging task of recycling aggregate, or the need to dump fill from city development, or the need for waste management and landfill sites, mean that there is little likelihood that the pit will be closed in as timely a fashion as promised.

I object to this application because weakness in the current Aggregate Resources Act would allow this pit to continue without an end in sight.

Objection 4: Rehabilitation Unlikely

Gordon Miller, Environmental Commissioner of Ontario, stated on May 7³ that “because of the competitive pressure for land, pits now are often rehabilitated to residential or commercial developments.”

Mr. Rick Bonnette, Mayor of Halton Hills and Vice-Chair of the Greater Toronto countryside Mayors Alliance, noted on May 16^{th 4} that “some landowners are very creative when it comes to quarry rehabilitation. Example: In Scugog, one of our communities, new owners of former quarries are claiming depleted sites are aerodromes, thereby using federal aviation legislation to bypass municipal oversight. When concerns are raised over the nature of the fill being dumped in the abandoned pit, municipal staff is told that local bylaws don’t apply since federal aviation regulations superseded them.”

Or sometimes pits never seem to get rehabilitated – like the Lafarge pit in New Lowell. Since there is no forced closing of a pit, a few truck loads of aggregate can be withdrawn on an annual basis so that the expense of rehabilitation does not have to be undertaken.

Further, Mr. Miller notes:

“There were changes in the fees some years ago, in 1997, to provide more fees, more money, for a number of things, including rehabilitation, but it remains a challenge to rehabilitate these aggregate sites. It remains a challenge to get the inspectors out there to site them or to give them rehabilitation orders, because there aren’t enough.

One special account of rehabilitation: When the fees were set aside back in 1997, they took a half cent per tonne and they gave it to an organization referred to as TOARC. Their job is to take that half cent per tonne and rehabilitate historic sites that were not rehabilitated back in the day. Now, these are sites which are often orphaned, if you like. They’re on people’s land, but the people who own it didn’t cause the problem. They were never closed, back in the day when we didn’t require them to be properly rehabilitated.

³ Committee Transcripts: Standing Committee on General Government - May 07, 2012 - Aggregate Resources Act review ([link](#))

⁴ Committee Transcripts: Standing Committee on General Government - May 16, 2012 - Aggregate Resources Act review ([link](#))

This is a good program. I cast no aspersions on it, other than: A half cent is not doing the trick. A half cent gets you about 45 sites a year. There are thousands of these sites. Increasing that to two cents would give you four times as many sites or more. It's not a lot of money relative to the price of aggregate, but it's certainly an area that could do with a lot of improvement. We could get a lot more of these scars on the landscape cleaned up."

Finally, according to the Canadian Environmental Law Association (CELA) "Depending upon whether you accept that there are only 2,700 sites that require rehabilitation, which is the position of the Ministry of Natural Resources, or 6,900 sites, which is the position of the Environmental Commissioner of Ontario, based on MNR's own numbers, as the number of sites needing rehabilitation, the time it will take to achieve their rehabilitation ranges from about 90 years to 335 years, based on the current annual rate of rehabilitation."

I object to this application because the necessary support and resources are not in place to remediate the site either at the end of the lifespan of the pit or if the pit operator should default.

Objection 5: Recycled Product Use Should Take Precedence

The *Aggregate Resources Act* does not require that the prospective site owner should prove "need" for aggregate. Such blind demand coupled with royalty fees for consumption of virgin aggregate gives virgin product a distinct edge over recycled product. This advantage is compounded further by the inconvenience and cost of establishing new processes, procedures, and sales programs to market the recycled product to clients.

However, aggregate is a non-renewable resource and we have a responsibility to ensure that we use it to its fullest capacity.

Realistically it makes little sense for a project to incur the cost of shipping rubble to a landfill, paying for the landfill, buying new aggregate and shipping it to the work site if the rubble could be processed, recycled and reused on-site, as in many cases.

I object to establishment of this new aggregate source because opening a new pit does not give the market the incentive to develop and use recycled product.

Objection 6: Shows a Complete Disregard for Water

When she was the federal minister of the environment, Christine Stewart wrote: "Water is more than a precious resource. Water is life itself. Unfortunately, too many Canadians think it's limitless. We say it's priceless, but we act like it's dirt cheap. We waste it and pollute it."⁵

Residences, farms, businesses, wildlife, green space, all rely on water. We are all downstream. In a paper released early in 1999, The Canadian Environmental Law Association (CELA) said, "Water is an essential need, a public trust, not a commodity. It belongs to everyone and to no one."

I object to approval of this aggregate licence application without a comprehensive environmental assessment re: below-the-water-table extraction. We should be educated on the costs and impacts of extraction in this area to our water.

Objection 7: Poor Oversight & Enforcement by MNR

There are roughly 6,500 pits and quarries in Ontario. The aggregate industry has operated on a self-inspection basis since 1997. The Ministry of Natural Resources (MNR) has a target to review 20% of the sites annually and otherwise relies on complaints to catch problems. In reality, the MNR only has the resources to follow-up with 10%-12%³ so a site might be visited once in 5+ years.

I object to establishment of this new aggregate resource since the Ministry of Natural Resources is already stretched beyond capacity offering little to no oversight or law enforcement.

⁵ Canada's Water – by Martin O'Malley and Angela Mulholland, CBC News Online ([link](#))

Objection 8: Airport Road is Inappropriate for Heavy Vehicles

I travel Airport Road on a regular basis, 90 kms, two-lanes of hills and valleys all the way to the city. There are double yellow no-passing lines for most of the distance. It is my experience that trucks travel too quickly going down-hill and too slowly going up-hill, which prompts commuting drivers intent on getting to work to pass inappropriately (i.e. going up hill). The problem is compounded in poor weather conditions (rain, freezing rain, snow).

Encouraging heavy, wide and long vehicles to use Airport Road “as is” is irresponsible and presents a hazard to other users of the road.

I object to the approval of this aggregate licence application without the widening of Airport Road and the addition of passing lanes along its length.



Conclusion

In summary, the days of blindly sourcing Canada’s aggregates from “close to market” areas are over. “Close to market” means “too close to residences”. As Wayne Roberts⁶ of NOW Magazine writes: ““Close to market,” a stand-alone piece of stupidity that would be laughed out of court if applied to uranium, computers, steel or coal, let alone food.” We can no longer afford to give the aggregate industry such a windfall.

In addition, we need to be aware of the full cost/benefit of sourcing aggregate. It is not as cheap as we are being led to think.

Sincerely,

Donna Baylis

/attachment

cc: Township of Mulmur
County of Dufferin

⁶ <http://www.nowtoronto.com/news/story.cfm?content=180790>

APPENDIX 1

Recommendations for Changes to the Aggregate Resources Act & Underlying Policies (2013)

1. Make conservation of aggregate, a non-renewable resource, a priority over approval of new extraction sites. Conservation can occur through aggregate recycling and use of alternative materials. All three levels of government need to be encouraged to use recycled product.
2. Reserve virgin aggregate, a non-renewable resource, for use within Canada.
3. Prohibit aggregate extraction below the water table without a full Environmental Assessment and full understanding of the impact on all areas, near and far.
4. Prohibit aggregate extraction below the water table in drinking water source areas.
5. Develop a process and guidelines for identifying and designating new Specialty Crop Areas to safeguard unique agricultural land resources. Prohibit aggregate extraction in Specialty Crop Areas.
6. Conduct a thorough study of all existing aggregate reserves in Ontario. We cannot know what we need until we know what we have.
7. Develop an “Aggregate Master Plan” and disallow new aggregate mining licenses within environmentally protected spaces until the “Aggregate Master Plan” has been fully approved by the people and the province. Align the “Aggregate Master Plan” with existing environmental protection legislation including the Greenbelt, the Niagara Escarpment Plan and the Oak Ridges Moraine.
8. Provide an assessment of the cumulative affects (dust, noise, air quality, traffic emissions; effects on water) of the “Aggregate Master Plan” on Ontario residents by district.
9. Require that new aggregate proposals demonstrate need for additional aggregate resource extraction in meeting the demands of the Ontario market.
10. Mandate that an Environmental Assessment occur for all new or expanding aggregate operations.
11. Realign the cost of virgin aggregate to reflect reality. Economically, aggregate is a low-priced, heavy-weight commodity that takes the bulk of its cost from transportation. Today, however, the price of virgin aggregate must include the activism necessary by residents to fight for their best interest despite the elected and public institutions designed to represent and protect the public interest. As well, the cost must encompass the environmental cost on residents. In other words the market cost for virgin aggregate is unrealistically cheap. Create a management system that works for residents and price the product accordingly. This is called full cost accounting.
12. Implement “social licencing” where operators must earn the right to continue extraction through responsible operation, and timely and progressive rehabilitation.
13. Include an end to the aggregate licence, a “sunset clause”. Legally, all contracts require a termination point. Give communities a light at the end of the tunnel. Operators have a tendency to keep a near exhausted site active enough to avoid rehabilitation due to the expense. Or, they extend the life of the operation by accepting commercial fill – the more contaminated/suspect the fill the higher the fee earned.