



via e-mail

March 8, 2019



Cedarhurst Quarries & Crushing Ltd.  
CRH Canada Group Inc.,  
2300 Steeles Avenue West, 4<sup>th</sup> floor  
Concord, ON  
L4K 5X6  
[Jessica.Ferri@ca.crh.com](mailto:Jessica.Ferri@ca.crh.com) / 1.416.788.0015

Ministry of Natural Resources and Forestry  
Midhurst District  
2284 Nursery Road  
Midhurst, ON  
L0L 1X0  
Attn: Ms. Kim Benner, District Planner  
[midhurstagg@ontario.ca](mailto:midhurstagg@ontario.ca)

Ministry of Natural Resources and Forestry  
Whitney Block 6th Flr Rm 6630,  
99 Wellesley St W, Toronto, ON M7A 1W3  
Attn: Hon. John Yakabuski, Minister  
[minister.mnrf@ontario.ca](mailto:minister.mnrf@ontario.ca) / 416.314.2301

**Re: Cedarhurst Quarries and Crushing Limited c/o CRH Canada Group Inc.,  
Category 3, Class ‘A’ Pit Above Water (ARA) in combination with Licence  
#3670**

---

### **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, Taxpayers demanded a review of the *Aggregate Resources Act (ARA)* and its underlying policies – a review which was started by Premier McGuinty in 2013 and resulted in Schedule 1 of Bill 39 - Aggregate Resources and Mining Modernization Act, 2017.

However, fundamental questions still need to be answered:

- ? Why is “need” for aggregate assumed in law?
- ? Why does the approval process for aggregate licences avoid a “need” analysis?  
(Do we need the product or is there already ample supply?)

- ? Why is Lafarge Manitoulin quarry shipping “a significant percentage” of product to the USA<sup>1</sup> 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” product? Why isn’t agriculture afforded the same economic monopoly? As Wayne Roberts 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.”
- ? 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?
- ? Who is looking at the “big picture” of consolidated and cumulative impacts?

The foundation for today’s Aggregate Resources Act, 1990 (ARA) stems from the Pits and Quarries Control Act in 1971. Almost five decades ago today’s aggregate proposals would not have been possible. The trucking, technology and infrastructure were not available. Our capabilities have changed, and the law should be adapted accordingly. Also, our values have changed so our laws and policies should reflect that too.

Today important values are:

- ★ Environmentally Protected Spaces – including the Oak Ridges Moraine, the Greenbelt, the Niagara Escarpment, the Alliston Aquifer.
- ★ 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, 1990* has been amended or replaced to realize today’s values, and a provincial master plan to guide future growth and development of aggregate has been established. See Appendix 1 “Recommendations for Changes to the Aggregate Resources Act & Underlying Policies (2019)”.

**Objection 2: Tonnage Fee Will Not Cover Road Costs**

Aggregate Licence Fees - \$0.198 per tonne @ 600,000 tonnes per year or \$1,980,000 lifetime	
<b>Cents per Tonne</b>	<b>Maximum Annual Revenue (at Full Capacity)</b>
\$0.103 - Township of Tiny	<b>\$61,983</b>
\$0.026 - Simcoe County	<b>\$15,496</b>
\$0.060 - Province of Ontario	<b>\$36,156</b>
\$0.009 - Abandoned Pits and Quarries Fund	<b>\$ 5,165</b>

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

To put road expenditure in perspective, road rehabilitation costs between \$150,000 (“peel and pave”) to \$2,200,000 (total urban reconstruction) per linear kilometre<sup>2</sup>. Projected aggregate revenue of \$1,980,000 over the life of the aggregate operation would provide funding for .9 km to 13.2 km of roadway to be rehabilitated, once. Yet, during the lifetime of an aggregate pit, roads along the haul routes may have to be rehabilitated several times.

Maximum tonnage at 600,000 tonnes per year at an estimated 10 tonnes per truck equates to 60,000 truck trips multiplied by 2 for the return trip -- 120,000 truck trips is a lot of wear and tear on local roads.

Should maximum tonnage not be reached, local levels of government would get less annual revenue.

Neighbouring counties and municipalities are not reimbursed for wear and tear on their roads.

In May 2012, Marolyn Morrison<sup>3</sup>, 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 fee of at least \$0.93 per tonne to break-even.

In conclusion, the current levy of \$0.198 per tonne is insufficient.

I object to approval of this aggregate licence because the full cost of road maintenance will not be recovered and will become the responsibility of Taxpayers.

### **Objection 3: Trucks Take Shortcuts**

Municipalities acknowledge that nothing can be done if aggregate trucks deviate from approved haul routes. Aggregate trucks are allowed off approved haul routes for “local deliveries” and aren’t questioned. Aggregate companies admit that they have little control over non-employee drivers.

I object to the approval of this aggregate licence application because trucks regularly go off haul routes for short-cuts, adding to road maintenance costs, noise and dust issues, while local residents have no recourse.

### **Objection 4: Aggregate Companies Strive to Cut Taxes**

For the past several years an ongoing legal challenge by the Ontario Stone, Sand and Gravel Association at the provincial level has aggregate site owners appealing their land value and associated taxes. Pit and quarry owners are well aware of the fact that their land is worth less once fully extracted.

---

<sup>2</sup> Town of Caledon CS-2014-066 ([link](#))

<sup>3</sup> Committee Transcripts: Standing Committee on General Government - May 14, 2012 - Aggregate Resources Act review ([link](#))

The decision to exclude extracted aggregate from the tax assessment will have a significant impact on township revenues especially when the decision is retroactive<sup>4</sup>.

I object to approving this licence application because aggregate companies are not committed to local communities and propagate a boom/bust economic cycle while shouldering as little of the tax burden as possible.

#### **Objection 5: Not Good for Tourism**

Tiny Township is a rural community with proud heritage and strong natural site tourism.

I object to approval of this licence because gravel pits are unattractive, dangerous and therefore secured and unavailable, and do not attract tourism.

#### **Objection 6: Source Water Aquifer at Risk**

In 2009 a landfill proposal called Site 41 was defeated at the eleventh hour. First Nations, farmers, cottagers, David Crombie, Ralph Nader, Dale Goldhawk, Maude Barlow and many others came together to protect the pristine groundwater aquifer that lay under the proposed garbage dump site. The fight showed that area residents care deeply about their water and proved their concern is echoed and supported by people from around the world.

Now this same aquifer – the purest groundwater ever identified – is under threat again from the proposed growth and consolidated cumulative impact of aggregate extraction in and around the existing Teedon pit. The area, referred to as the Waverley Uplands, is recognized as one of the most important natural water resources in Simcoe County as it is the recharge area for the aquifer flowing all the way to Alliston.

Professor William Shotyk (Ph.D., Dr. rer. nat. habil., P.Ag., FRSC & President of the Elmvale Foundation) proposes an immediate moratorium on expansion of aggregate extraction in the Waverley Uplands, until the impacts on the groundwater flow systems are fully understood<sup>5</sup>.

I object to approval of this aggregate licence because the groundwater sets the “gold standard” for water quality. Extraction of sand and gravel removes the filtering system for the aquifer and risks the introduction of foreign material such as fossil fuels, asphalt, fill and other potential contaminants, which would put the aquifer at risk.

#### **Objection 7: “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.

---

<sup>4</sup> Uxbridge tax base takes hit from gravel pits ([article](#))

<sup>5</sup> Elmvale Foundation letter dated December 5, 2018 ([link](#))

...

Extending pit boundaries, extending years of operation, or quarrying beneath the water 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 8: Rehabilitation Unlikely**

Gordon Miller, Environmental Commissioner of Ontario, stated on May 7, 2012<sup>6</sup> 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<sup>th</sup> <sup>7</sup> 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

---

<sup>6</sup> Committee Transcripts: Standing Committee on General Government - May 07, 2012 - Aggregate Resources Act review ([link](#))

<sup>7</sup> Committee Transcripts: Standing Committee on General Government - May 16, 2012 - Aggregate Resources Act review ([link](#))

never closed, back in the day when we didn't require them to be properly rehabilitated.

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."

In 2017, the half cent was increased to \$.009, less than one penny per tonne, which is definitely not enough.

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 9: 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 low royalty fees for consumption of virgin aggregate gives virgin product a distinct edge over expensive 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.

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

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 10: Shows a Complete Disregard for the Importance of 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.”<sup>8</sup>

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."

There are residential drinking water wells local to the proposed site that are already complaining of silt and negative impacts of extraction.

### **Objection 11: 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 and Forestry (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%<sup>3</sup> 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 and Forestry is already stretched beyond capacity offering little to no oversight or law enforcement.

### **Objection 12: Proposal is not listed on EBR**

According to Ontario's Environmental Registry ([www.ebr.gov.on.ca](http://www.ebr.gov.on.ca)): "The Government of Ontario is committed to engaging the public regarding its environmental activities. Your input will be used by the government as part of its decision making process."

As of March 8, 2019 this application is not listed online on the EBR. Therefore, people have been unable to review the proposal in a convenient and easy format. Residents within the 120 metre notification area have complained that they were not notified as required. The public information session was scheduled for March 5, 2019, a mere 20 days before the end of the 45-day public comment period (March 25, 2019).

I object to the approval of this aggregate licence application without the comprehensive involvement of Taxpayers as promised and expected.

### **Objection 13: Consolidated Licences Cover Too Much Area**

Effectively the proposal is an 105 acre extension of the existing Teedon licence (#3670), which covers 211 acres. The Teedon pit is beside Sarjeant pit no. 1 at 130 acres, which is beside Sarjeant pit no. 2 at 99 acres. The consolidated area would be greater than 500 acres.

---

<sup>8</sup> Canada's Water – by Martin O'Malley and Angela Mulholland, CBC News Online ([link](#))

...

I object to the approval of this aggregate licence application because the acreage is significant, and the cumulative impacts of the consolidated sites are unknown.

#### **Objection 14: Significant Woodland and Wetland**

There are 100-year-old trees on site and while the peer review process prompted the excavation area to be scaled back to leave the significant woodland on the west side of the property below the ridge, the dust, water use and activity would likely have negative impact on these natural areas.

#### **Conclusion**

This application would add to an already large licenced aggregate area equaling roughly 380 football fields with unknown consolidated and cumulative impacts.

There are concerns about loss of water quantity and quality, loss of forest, community impact, health impact, additional heavy traffic, additional road repair cost, dust, loss of air quality, noise pollution, wildlife impact, potential to take water, water ownership, rehabilitation and site after-use. There is particular concern for putting the Alliston aquifer at risk by removing filter layers at the recharge site.

As a Simcoe County Resident and Taxpayer, I ask that this aggregate licence application not be approved.

Sincerely,

/attachment

cc:

Simcoe County Warden, Council & Planning Department, George Cornell  
info@simcoe.ca

Township of Tiny Council & Planning Department, council@tiny.ca

Township of Tay Council & Planning Department, council@tay.ca

Township of Springwater Council & Planning Department, council@springwater.ca

Township of Severn Council & Planning Department, info@townshipofsevern.com

Township of Oro Medonte Council & Planning Department, info@oro-medonte.ca

AWARE Simcoe, Don Morgan, aware.simcoe@gmail.com

Friends of the Waverley Uplands, info@friendsofthewaverleyuplands.ca



## APPENDIX 1

### Recommendations for Changes to the Aggregate Resources Act & Underlying Policies (2019)

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.