Observations and recommendations to the Joint Committee of the Ontario legislature on The Aggregate Resources Act.

First and foremost I wish to thank this Joint Committee of the Legislature for taking this opportunity to review the Aggregate Resources Act.

The Coalition On the Niagara Escarpment (CONE) is a Not for profit Corporation founded in 1978 that represents 34 member groups such as Ontario Nature and The Bruce Trail Conservancy along and adjacent to the Niagara Escarpment that wish this designated UNESCO World Biosphere Reserve protected from inappropriate development so that it and its water collecting features may be enjoyed by, and sustain, future generations. CONE works for a balance between “Natural law” and “Administrative law” to protect us all. During the last revisions to the Aggregate Resources Act in 1996 the balance tipped significantly from Natural to Administrative. Peoples’ “Natural law” rights to clean water and clean air were set aside for industry’s need to satisfy the “Administrative law” needs of the “Places to Grow” document to full fill a population growth that has not materialize. It is now time to correct this imbalance and restore “Natural Law” features and personal protection to the Aggregate Resources Act.
We currently have an artificially low price per ton for aggregates supported by Municipal and the Provincial Governments because they are the largest consumers of aggregates and they want the price kept low. However it is being kept low at a mounting industry related human health care cost that far out strips any local economic benefit of the low product cost.

Ontario shifted the funding of Conservation Authorities from itself to Municipalities 15 years ago. Conservation Authorities opposing pits and quarries for potential negative water quality impacts have been intimidated by Municipal Council endorsement of the same applications for economic gain. We must reintroduce a balance. Our Ontario wide future safe drinking water supply is being put in jeopardy for the sake of a short term economic gain for a very few.

Currently in Ontario we recycle only 13% of aggregate while Europe is recycling 25%. If virgin aggregate was not being held artificially low it would create the economic incentive to recycle more and extract less. CONE refers you to SAROS Report 4 RFP OSS-077392 for implementation strategies to increase the use of recycled aggregates in Ontario. SAROS was a review process enforced by Ontario. The results and recommendation have been largely ignored by Ontario since the SAROS reports were tabled and publically released. It is time to act.

We need to look at the stated purpose of this act. Does it truly fulfill its stated purpose? No it does not!!
“Purposes of Act

2. The purposes of this Act are,

(a) to provide for the management of the aggregate resources of Ontario;
(b) to control and regulate aggregate operations on Crown and private lands;
(c) to require the rehabilitation of land from which aggregate has been excavated; and
(d) to minimize adverse impact on the environment in respect of aggregate operations. R.S.O. 1990, c. A.8, s. 2.”

This act may fulfill its first purpose (a)

(b) It does not have sunset clauses and does not provide for adequate staffing so it truly does not and cannot control aggregate operations. Ontario is one of a very few jurisdictions that does not impose sunset clauses and time lines to surrender a license. Ontario reduced the inspection staffing by 50% in 1996 ensuring this Act could not be enforced and this purpose could not be met. This is serious and needs to be addressed immediately. At the current MNR and MOE staffing levels an aggregate site can be inspected once every 5 years. Too many things have gone wrong and too many irreversible negative impacts have gone unnoticed in this time frame since 1996. It has been a ticking environmental time bomb. A minimum standard for annual inspections must be introduced into legislation as part of this review.

(c) Yes it requires rehabilitation however the hundreds of former abandoned sites are being rehabilitated through TOARC at a rate of 3 to 5 a year. Ontario side stepped its responsibility by establishing TOARC
without adequate finances. This does not make the grade. We have to do more. There needs to be time lines to addressing the rehabilitation of former pits and quarries. Only then will we have any semblance of control. Also the last thing we need is another artificial lake as an excuse for rehabilitation.

(d) It has not minimized adverse impacts on the environment, of aggregate operations since it was amended in 1996. It cannot control environmental impacts without detailed monitoring by an independent certified third party. Ontario cannot continue to rely on the proponent for data. It has not, does not, and will not work. The monitoring reports must be released in a timely fashion to a Public Liaison Committee.(PLC) PLCs are being included in Adaptive Management Plans (AMP) The requirement for PLC and the AMP needs to be formalized and embedded in the ARA as a legislated requirement. They did not exist in 1996.

Why are we trucking aggregates when we could and should be hauling it by rail? Close to market is a myth that has been hauled out for far too long and far too many times at a great health cost to us all in poor air quality, and road crashes.

Neighbors to a pit and quarry must be compensated for reduced property values due to the industrial operation of a pit or quarry. Any amendment to Aggregate Resources Act must allow for public and/or municipal compensation from the proponent/operator for reduced property values and/or tax revenues and other negative impacts caused by aggregate operations.
Ontario needs to stop allowing extraction below the water table. It is not allowed in Europe and in many US States. Extraction from below the water table disrupts water collection and recharge water courses permanently. It is not an interim use but a permanent impact on the water quantity that the area can collect and introduce to both the surface and the ground water systems. It is our drinking water that is being negatively impacted upon. We are running out of fresh water. Sub water table extraction reduces our available water supply. It is that simple. The US Clean Water Act is changing aggregate extraction and US States are enforcing NO SUBWATER TABLE EXTRACTION. Why are we behind? This “no extraction below the water table” provision must be addressed and must be included in the revisions to the Aggregate Resources Act.

Thank you for this opportunity.

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