We would like to thank the members of the Committee for the opportunity to share our views.

**PitSense Niagara Escarpment Group Inc.** was formed in 2010 in response to a proposal to further expand the 2800 acres of Pits and Quarries already operating in Caledon. We fully recognize the need for this natural resource but seek to bring a greater degree of common sense, rationality, and fairness to all aspects of aggregate extraction.

We respectfully request that the Ministry of Natural Resources and the Standing Committee established to review and amend the Aggregate Resources Act (ARA) address the following issues and shortcomings:

1) For an economically viable future the **conservation of aggregate** must take a higher priority over approval of new extraction sites. Conservation can occur through aggressive aggregate **recycling** and **use of alternative materials**. Also a substantial levy on disposal of construction demolition waste will serve to encourage recycling.

2) The licencing and approval process needs to be rationalized. An aggregate proponent has years to prepare their application while the public has only 45 days to study and respond to an application. This puts an onerous burden on ordinary hard-working citizens who have daily responsibilities to which they must attend. The time allocations for public participation must be extended. The means by which the public is notified must also be improved. The MNR and EBR websites are not on people’s ‘most-visited’
lists, to put it mildly. There are still many who do not use the web extensively if at all, and the EBR site in particular is difficult to navigate.

3) Establish a fair royalty on all exports of aggregate. Today’s fees are inappropriately low. Further, if industry warnings of rapid depletion and shortages are true, perhaps exports should be restricted in favor of domestic consumption. It is our understanding that the SAROS report does not take into account ALL pits and quarries in the province and thus does not provide an accurate accounting of available reserves. An example is Lafarge Manitoulin where 4.4 million tonnes were shipped in 2007 and where “…a significant percentage of Manitoulin’s output is shipped to U.S. markets on the Great Lakes”1 i. This type of operation demonstrates that the ‘close to market’ mantra espoused by many industry representatives is not essential for a thriving industry. The concept of ‘close to market’ needs to be thoroughly and independantly rethought with a view to eliminating its reference in the ARA. We wonder if the current policy’s primary purpose is to foster increased industry profits rather than contain costs to consumers.

4) **Prohibit aggregate extraction below the water table** unless and until a full Environmental Assessment has been undertaken, and an unambiguous conclusion has been attained that any negative impacts will either not occur or will be fully accounted and compensated for. The *Precautionary Principle* ii must prevail and should be incorporated into the core of the ARA.

5) Absolutely prohibit aggregate extraction below the water table in drinking water source areas.

6) 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.**
7) Conduct a thorough on-going follow-up to the various Geological Surveys to reaffirm and/or update studies of all existing aggregate reserves in Ontario. Current knowledge must be available to make competent decisions regarding future resource use.

8) Develop an "Aggregate Master Plan". Disallow new aggregate mining licenses within the Niagara Escarpment Plan Area, Oak Ridges Moraine and Green Belt and other similar areas until the citizens of our province have approved an "Aggregate Master Plan".

9) Establish a far more effective and frequent protocol for monitoring aggregate operations. Require regular and comprehensive air quality monitoring in proximity to pits and quarries to identify the type and levels of contaminants. The current 'self-monitoring' process is inadequate. A substantial increase in tonnage fees could fund expanded MNR inspection capabilities.

10) Engage the MNR with the Ministries of the Environment, Energy, Municipal Affairs and Housing, Labour, and Health to develop a comprehensive assessment of the cumulative effects of aggregate operations, i.e. dust, noise, air quality, traffic emissions, effects on water, and all negative economic impacts. Define how these impacts affect Ontario residents, broken down by district, in the "Aggregate Master Plan". Also bring the various acts that impact on land use, such as the Niagara Escarpment Plan and the Oak Ridges Moraine Act, into alignment with each other. Provisions and priorities must be made clear and unambiguous in order to avoid misunderstandings, disputes and expensive litigation.

11) Require that new pit and quarry proposals, and major site plan amendments, demonstrate the need for additional aggregate resource extraction in meeting the demands of the Ontario market. Eliminate the
prohibition on establishing a ‘need’ for aggregates as stated in the Provincial Policy Statement. It is unreasonable to approve massive disruptions to the environment and to society without establishing and justifying the need for such disruptions.

12) Revise the site plan amendment process to provide for greater public and municipal involvement – notification, scrutiny, feedback, etc. – and in particular transparency. At present the amendment process is open to abuse by operators seeking to obtain by means of an amendment what they were or are unable to obtain with an initial full licence application. Expand all notification requirements for both initial applications and subsequent amendments beyond the current 120 metres. We suggest 2000 metres would be more appropriate, especially in rural residential areas.

13) Revise references to “interim land use” in the Act since such references are highly misleading and leave the impression that land will revert to prior usages within a reasonable time. This is rarely the case. Also all references to “receptors” in the Act and regulations need to be revised to reflect the fact that it refers to human beings rather than to some inanimate objects.

14) Require that all license applicants include in their application a comprehensive business plan that incorporates 'Full Cost Accounting' \(^{iii}\), such that all negative externalities \(^{iv}\) of an economic nature will be fully compensated. It is widely accepted that other disamenities such as railroad right-of-ways, highways, waste disposal sites, airports, etc. have a negative impact on property values in their vicinity. Similarly, the adverse impact caused by an aggregate site needs to be specifically recognized in the ARA.
15) Mandate that an Environmental Assessment occur for all new or expanding aggregate operations. Any prior EA must be reviewed to ensure current applicability.

16) Require the cost of virgin aggregate to reflect reality. Presently, largely because the concept of 'Full Cost Accounting' is not incorporated in the ARA, the price of virgin aggregate does not include compensation for losses incurred by property owners and expenses incurred by municipalities. Elected and public institutions designed to represent and protect the public interest are failing in this task. Calculations must encompass the environmental costs, the municipal infrastructure costs, and the residents' property value losses.

Until such time as the above noted issues are sufficiently addressed, the ARA cannot be considered an up-to-date, rational, fair and relevant piece of legislation.

With regard to item #15 we believe it is essential to have the concept of 'Full Cost Accounting' incorporated in the ARA and related regulations. To that end we are attaching a submission that provides evidence of the negative economic impacts on property owners presently occurring as a result of the failure to address this issue. We would welcome the opportunity to discuss these points further.

Respectfully;

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The precautionary principle states that if an action or policy has a suspected risk of causing harm to the public or to the environment, and in the absence of consensus that the action or policy is harmful, the burden of proof that it is not harmful falls on those taking the action.

This principle allows policy makers to make discretionary decisions in situations where there is the possibility of harm from taking a particular course or making a certain decision when extensive scientific knowledge on the matter is lacking. The principle implies that there is a social responsibility to protect the public from exposure to harm, when scientific investigation has found a plausible risk. These protections can be relaxed only if further scientific findings emerge that provide sound evidence that no harm will result.

In some legal systems, as in the law of the European Union, the application of the precautionary principle has been made a statutory requirement.

Full Cost Accounting is the assessment, in dollar terms, of costs or benefits associated with an industrial operation. This can be referred to as environmental and social evaluation, and the costs and benefits in such an analysis are commonly referred to as externalities—costs not reflected in the normal market price of goods and services (such as cost to property owners when their equity is negatively impacted, or municipalities experience higher infrastructure maintenance costs, or when regional provincial of cleaning waterways polluted by urban wastewater or industrial processes).

See: http://en.wikipedia.org/wiki/Externalities