



November 25, 2019

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RE: Bill 132

BACKGROUND - NDACT

North Dufferin Agricultural and Community Taskforce (NDACT) is a grassroots group formed in 2009 by local farmers and residents to defend Melancthon's prime farmland at the headwaters of 5 rivers from a proposed mega-quarry. An outline of the proposal is attached as Schedule A. After a successful campaign, NDACT continues to fight for farmland and source water by developing awareness, encouraging people power, and by promoting better legislation. Food & Water First is a campaign of NDACT.

FACTS:

"Only about 10,800 hectares of the 56,200 hectares available was developed between 2006 and 2016-leaving 80% of land still available." (source: Neptis Foundation)

"Ontario is home to almost 46,900 farms that grow more than 200 agricultural commodities. Ontario's family farm and food processing businesses contributed \$47.5 billion each year to the province's economy supports 837,000 jobs. Agriculture and agri-food processors are the number one economic contributor to Ontario's overall economy. (Source: October 7, 2019 Province of Ontario news release)

"...prime agricultural lands, Classes 1, 2, and 3 and specialty croplands, are a very limited resource in Canada. Only 5% of the Canadian land mass is made up of prime land. Only 0.5% of it is Class 1. 50% of that land is in Southern Ontario and 20% of that is Class 1-the best of the best and extremely rare. (Source: <http://www.neptis.org/publications/agriculture-central-zone/chapters/where-are-significant-agricultural-lands-located>)

COMMENTS:

Bill 132 impacts 12 environmental laws in a massive Bill, the implications of which are not clear. The public has had been provided less than 30 days in which to comment. The changes proposed to Water Resources Act would reduce maximum polluting fines from \$100,000 per day to a maximum of \$200,000 per contravention, in effect making it less expensive to pollute Ontario waters. Proposed changes to the Aggregate Resources Act disregard previous, evidence-based recommendations from the Environmental Commissioner of Ontario to lighten the environmental footprint of aggregate operations like pits and quarries in favour of modifications based on industry suggestions that weaken existing protection provisions. Equally

alarming is the process by which these changes are taking place; Bill 132 proposes changes to the ARA under review, before the public comment period was even completed.

SCHEDULE 16 -MINISTRY OF NATURAL RESOURCES AND FORESTRY Aggregate Resources Act

PROPOSED:

In considering whether a licence for a pit or quarry under the Act should be issued or refused, the Minister or Local Planning Appeal Tribunal cannot have regard to road degradation that may result from proposed truck traffic to and from the site.

NDACT RESPONSE:

Road degradation is a very real and very costly concern for local municipalities and taxpayers. It is unfair to expect taxpayers to repair roads that have been damaged due to the actions of a private business. Aggregate extraction activities should not have a negative impact on municipal assets (i.e. roads, bridges). Each application should be accompanied by a comprehensive Road and Structure Impact Study completed by a licensed engineer, considering impact of increased heavy truck traffic on designated haul routes. Increased capital requirements identified to ensure road and structure assets are at an appropriate standard to accommodate aggregate operations should be the applicant's responsibility. License applications should also require a traffic impact study with a goal of reducing impact on neighbouring residents and businesses. Aggregate haul route agreements between the applicant and the applicable road authority(s) should be a requirement of licenses;

PROPOSED:

New provisions provide for the following specified provisions in zoning by-laws to be inoperative including restrictions on the depth of extraction in specified circumstances;

NDACT RESPONSE:

This change would effectively prohibit the use of vertical zoning by municipalities. Vertical zoning has been used by municipalities as a means of ensuring that below water table extraction, when proposed, is completed in an ecologically sustainable manner with appropriate assessment and environmental measures in place to protect the public interest. Landowners surrounding aggregate sites expect and rely on their municipal council to protect their groundwater and surface water resources for domestic, agricultural and other uses. This approach has been used for many years - supported by the community, approved by OMB/LPAT, and not opposed to by the aggregate industry. The use of holding provisions (zoning) is not intended to prohibit below water table extraction, but instead provides the ability for municipalities to ensure that below water table extraction is carried out in a responsible and sustainable manner.

PROPOSED:

New provisions are included to address the process for dealing with the following circumstances in which changes to a licence or permit are desired:
where a licensee wishes to lower the depth of extraction from above the water table to below the water table, and where a licensee or permittee wishes to expand the boundaries of the area subject to a licence or permit into an adjacent road allowance

NDACT RESPONSE:

The new provisions are not included in the proposed Bill and therefore we are unable to comment on Bill. NDACT however is not supportive of permitting operators to forgo public

notice if an operation is going to expand or extract below the water table. This would encourage operators to apply for small above the water table operations then move to a larger below the water table with no public input, studies, etc.

PROPOSAL:

An operator may apply to the Minister at any time to have a condition added to the licence, to have a condition of the licence rescinded or varied or to have the licence amended in any other way.

NDACT RESPONSE:

NDACT is not supportive of this clause. An operator could agree with any conditions imposed by a municipality in order fast track approval, then at a later date request that the Minister remove any or all conditions under the guise of streamlining and reducing red tape. Notification to the municipality would be at the discretion of the Minister.

NDACT GENERAL RECOMMENDATIONS

- Aggregate extraction activities should not have a negative impact on municipal assets (i.e. roads, bridges). Each application should be accompanied by a comprehensive Road and Structure Impact Study completed by a licensed engineer, considering impact of increased heavy truck traffic on designated haul routes. Increased capital requirements identified to ensure road and structure assets are at an appropriate standard to accommodate aggregate operations should be the applicant's responsibility;
- License applications should also require a traffic impact study and noise study at a minimum, with a goal of reducing impact on neighbouring residents and businesses;
- All applications should demonstrate true need;
- Aggregate haul route agreements between the applicant and the applicable road authority(s) should be a requirement of licenses;
- Licenses should be for a limited term to ensure that rehabilitation is completed, and the property returned to previous use (agricultural) as soon as possible. Aggregate activities are treated as a temporary use from a planning perspective. Strict timelines around extraction and rehabilitation activities would assure that;
- Costs of peer reviews associated with aggregate license consideration should be borne by the applicant;
- Ministry needs to implement and oversee a transparent and efficient complaint process related to aggregate operations. They issue the license; they need to be prepared to address complaints and ensure operations are consistent with approved licenses.
- 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. Abandon "close to markets" economic monopoly to encourage re-use of product.
- Reserve virgin aggregate, a non-renewable resource, for use within Canada.
- Prohibit aggregate extraction below the water table without a full Environmental Assessment and full understanding of the impact on all areas, near and far.
- Prohibit aggregate extraction below the water table in drinking water source areas
- Conduct a thorough study of all existing aggregate reserves in Ontario.

CONCLUSION

The little that we do know about the substance of the proposed changes is alarming. The changes proposed to Water Resources Act would reduce maximum polluting fines from \$100,000 per day to a maximum of \$200,000 per contravention, in effect making it less expensive to pollute Ontario waters. Proposed changes to the Aggregate Resources Act disregard previous, evidence-based recommendations from the Environmental Commissioner of Ontario to lighten the environmental footprint of aggregate operations like pits and quarries in favour of modifications based on industry suggestions that weaken existing protection provisions.

At its current rate of depletion, Ontario will lose two million acres of farmland by the year 2050. However the world's population is expected to increase by another 1.5 billion people by that time. Without farmland, Ontario farmers will not be able to feed Ontario's population and Ontario cannot have food security. One acre of farmland feeds one person and with a potential loss of two million acres by 2050 means Ontario has lost the ability to feed 2 million residents and lessens the beneficial economic impact of agricultural and the agri-food sector on the Ontario economy. (Source: FarmlandLP <http://www.farmlandlp.com/2012/01/one-acre-feeds-a-person/>)

New aggregate resources are not required in Ontario at this time. We note that there are 5,987 active aggregate licences of which 1,469 have unlimited annual tonnage, and close to 2 billion tonnes allowed annually for the other 4,518 sites combined listed in Ontario's Interactive Pits & Quarries map database as at November 1, 2019. The data does not include grandfathered or other aggregate operations in Northern Ontario that are not regulated under the ARA. The government's own figures state that Ontario consumed 3+ billion tonnes of aggregate over 20 years, which is about 164 million tonnes per year. This would seem to indicate Ontario currently has plenty of supply.

Submitted on behalf of the Board by Karren Wallace, Chair
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