

April 8, 2020



Resource Development Coordinator
MNRF - Natural Resources Conservation Policy Branch
Resource Development Section
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Re: Proposal to amend O.Reg. 244/97 and the Aggregate Resources of Ontario Provincial Standards under the Aggregate Resources Act ERO# 13-1303 (referred to throughout as “the Proposal”)

Introduction:

BurlingtonGreen Environmental Association has been the solution-focused voice for the environment in Burlington for the past 12 years. To date, our non-partisan charity has advocated on more than 100 environmental issues including those of quarry expansions in our municipality. Through awareness, advocacy, and action, we collaborate with the community to protect the environment, mitigate climate change and to create a healthier, more environmentally responsible Burlington.

We provide input at the provincial level on issues that have both province-wide and local impact. Burlington has two quarries – Nelson Aggregate and Meridian Brick – within its municipal boundaries, and we therefore wish to comment on Ontario’s efforts to create an environment for growth and a sustainable aggregate resource sector, both from the point of view of the perspective afforded us by our local experience, but also from a broader perspective in the context of today’s significant environmental challenges.

BurlingtonGreen’s Position:

BurlingtonGreen recognizes the contribution of the aggregate sector to Ontario’s economy and understands the need to ensure this industry is able to meet the needs of the construction sector that is responsible for building and maintaining our roads, schools, hospitals, commercial and industrial structures and residences; in short, much of the physical infrastructure on which our society depends.

At the same time, we face some of the greatest challenges humans have ever encountered, and which need to be taken into consideration when making policy changes. Climate change, mass extinctions and the advent of pandemics like the current global coronavirus outbreak mean we must finally recognize that economic prosperity cannot be achieved in a vacuum. We **MUST** ensure that how we manage economic activity, including industries such as the aggregate

sector, takes into account all the impacts of human activity on the environment upon which we depend. This calls for a complete transformation of the current decision-making framework, where too often the focus is solely on the economic bottom line, to one that takes a triple bottom line approach – economics, environmental and social impact. And to do this effectively, we urge government and industry policy makers to adopt a nested circle framework, which recognizes that social and economic activity occur **within** ecological limits as illustrated by this diagram:

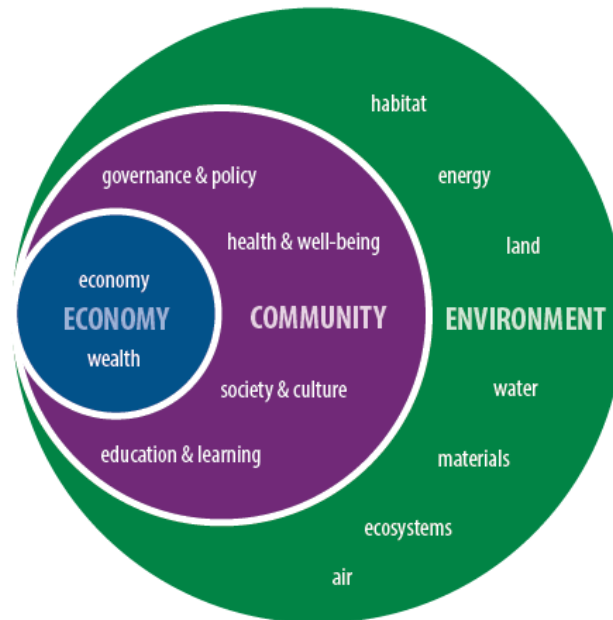


Photo credit: Future Oxford Community Sustainability Plan

Much of what we presented in our [submission on aggregate reform in May 2019](#) still stands, but we recognize that the Ministry has made some progress towards a greater consideration of key environmental and social factors in the Proposal to amend O.Reg. 244/97 and the Aggregate Resources of Ontario Provincial Standards under the Aggregate Resources Act ERO# 13- 1303. However there remain a number of policy and regulatory elements that require further review and amendment. The following provides a high-level commentary based on our analysis of the amendment Proposal. In preparing our feedback, we also reviewed Gravel Watch Ontario's (GWO) submission on the Proposal and agree with much of their content and recommendations.

Comments on Proposal:

The focus of our commentary will be on environmental considerations, while recognizing that social and cultural implications are also involved in the proposed amendments.

Introduction:

The Proposal states that the Ontario aggregate industry has a production revenue of about \$1.6B (2017) and supports over 29,000 jobs. But it is also important to note that, while a meaningful part of Ontario's economy, it is far behind that of the agriculture and agri-food

processing industry, which contributes \$39 billion to Ontario's economy and employs over 820,000 Ontarians. Agriculture and agri-food processors are the number one economic contributor to Ontario's overall economy. (Source: Ontario Federation of Agriculture). This is an important context, since the expansion of aggregate extraction frequently poses a threat to agriculture. And with climate change threatening food production elsewhere, ensuring a stable and adequate source of local food will be essential to Ontario's survival, economic and otherwise. And while the Proposal suggests that studies show the need for aggregate material is expected to increase, Gravel Watch Ontario in its March 2019 submission on aggregate reform, has pointed out that neither is there a current nor expected shortage of aggregate stocks, nor will growth in this sector provide any significant improvement to the provincial economy overall.

BurlingtonGreen therefore supports the position taken by Gravel Watch Ontario in its March 2020 submission to the ERO on the Proposal that while "applicants often claim a critical need for new aggregate operations by presenting data implying a shortage of supply", for data on supply and demand to be accurate, "supply and consumption studies for aggregates at a regional level should be maintained by the Ministry." In this way, applications for new or expanded operations could be reliably assessed to determine if there is actually a need for increased extraction. BurlingtonGreen contends that this is of crucial importance since inevitably increased extraction has significant environmental impact, and thus should only be considered when there is a clear and reliable demonstrated need, and then carefully evaluated against risk to the environment.

In general, BurlingtonGreen supports the direction taken to tighten up the requirements in the technical reports necessary as part of new site applications. Nevertheless, we are alarmed by [continued lobbying by the aggregate sector](#) to roll back environmental protections. With the recent weakening of the Endangered Species Act by this government, it is paramount that the requirements of rules safeguarding the Natural Heritage System be maintained and be enforced through the Aggregate Resources Act. We urge the Province of Ontario to stand firm against any attempt to further compromise legislation that safeguards our natural environment.

Water/Natural Environment:

BurlingtonGreen agrees with GWO that multi-year ground water studies and water budgets be mandatory for new site applications, and that a full natural environment report should also be mandatory for site plan amendments. Safeguarding our water supply must take precedence over aggregate extraction, and a comprehensive and thorough evaluation of the impact of extraction operations on the water table must be carried out before any application for new or increased extraction activity is considered, and where such activity is deemed to threaten water supply and/or quality, the application must be denied. We also unequivocally agree with [Environmental Defence Canada](#), along with a number of municipalities that digging below the water table must not be allowed, lest it taint local water supplies. We are very concerned that [municipalities are being forced to ask for legal protection](#) should local by-laws against such excavation be overridden. And we concur with the contention of the Association of

Municipalities of Ontario that “extraction [could open up pathways for contaminants](#) to leak into aquifers — and once one aquifer is contaminated, it can spread.”

Agriculture:

Like GWO, we recommend that all proposals impacting agriculture in a host community should require an Agricultural Impact Assessment. The importance of protecting local food sources in light of the impact of climate change on more distant food sources cannot be overstated. Given the alarming depletion of agricultural land due to development, future new and expanded aggregate extraction operations should not be approved within municipal boundaries or on prime farmland.

Other Legislation and Ministries/Documentation:

We concur with GWO that the Planning Act requirements must continue to be met and that this be made clear to applicants. While we are pleased to support the requirement for alignment with other provincial policies and plans, such as the Planning Act, Greenbelt Act, Niagara Escarpment Act and others, we are also concerned about the removal of the requirement to have approvals from other ministries as part of the ARA regulations. This requirement is a necessary ‘check and balance’ mechanism to ensure that a proposed new site will adhere to all relevant regulatory requirements. Furthermore, the Environmental Assessment Act must be included as well and, from an environmental protection standpoint, must be the overarching legislation to ensure strict compliance with required environmental review. Modern technology and databases should support this efficiently, thereby effectively reducing the ‘red tape’ that the government aims to address. In fact, we concur with GWO in its call to modernize aggregate application documentation by making electronic site plans mandatory, and we would go further by recommending that all related regulatory requirements of other legislation be linked within an electronic version of the application itself; in this way, information provided by the applicant could be readily cross-linked as required into the regulatory documentation of related Acts, which would help reduce the burden on applicants while providing the necessary information to ensure that the requirements of other Acts are satisfied. With the robust technology available today, we should be looking for efficiencies by harnessing its capability, not by cutting down on important regulatory documentation requirements designed to safeguard our environment. We believe that a creative approach using technology could help both industry applicants and Ministry staff manage the process more efficiently.

Forestry Aggregate Pits:

BurlingtonGreen reiterates the statements made in its [submission on aggregate reform in May 2019](#) regarding the importance of forests in mitigating climate change, providing habitat for endangered species, and contributing to flood mitigation. We therefore also reiterate our statement in our recent [submission proposed changes to forest manuals](#) that we vehemently oppose any removal of the 10-year limit for forest aggregate pits, on the grounds that any extension beyond this period should require an aggregate pit permit, including its technical reporting requirements, to determine the environmental impact of these operations on local species, in order to avoid species depopulation. The proposed elimination of the 10-year limit

for forest aggregate pits should be struck from the changes proposed to both the Forest Manuals and O.Reg. 244/97.

Review and Objection Process:

BurlingtonGreen agrees with GWO that the review process should not compromise thoroughness for the sake of efficiency, and we therefore recommend that the Ministry not predetermine which agencies should participate but continue to circulate aggregate applications broadly. There must be opportunity for all stakeholders to participate using currently accepted modes of communication (both electronic and traditional). We further agree with GWO that comments received on aggregate applications posted on the Environmental Registry also be considered as part of the objection process under the Aggregate Resources Act, and that revisions to this aspect of the application process should provide for both streams of engagement. “The public should be allowed to continue to raise concerns over the project and those concerns should become part of the public hearing record for any adjudication of the matter at an LPAT hearing.” (GWO response to Proposal to amend O.Reg. 244/97 and the Aggregate Resources of Ontario Provincial Standards under the Aggregate Resources Act ERO# 13- 1303). We also agree with GWO that a robust notification process should be required for site plan amendments to existing aggregate sites.

Dust:

Like GWO, we are advocating that all new and existing aggregate sites be subject to comprehensive air quality studies and best practices dust mitigation measures that take site-specific conditions into account.

Recycling:

While we fully support growing aggregate recycling activity, the nature of this industry is, as GWO points out, quite different from aggregate extraction, and we agree that it should be regulated separately to deal with the specific issues it raises. We do agree that any authorized recycling on the aggregate site must not delay site rehabilitation.

Conclusion:

While there are areas of the Ministry’s Proposal that offer improvements in both process management and regulatory oversight, there are also a number of elements, as outlined above, that BurlingtonGreen contends require additional attention to bring them into line with ensuring that the regulatory framework responsibly supports adequate environmental protection and stakeholder input. We therefore urge the Ministry of Natural Resources and Forestry to ensure that regulatory changes are driven by a decision-making framework which recognizes that economic and social activity must occur within ecological limits in order for Ontario to have a truly sustainable aggregate resource industry. We owe it to future generations to take the time and care now to envision and effectively manage a resource sector that can efficiently supply the materials we need without compromising the health of our communities and the quality of the environment upon which we and our fellow species depend for our long-term survival.

We echo the sentiments of [Environmental Defence](#) “the COVID-19 crisis has reminded us that along with caring for each other, caring for nature is of the utmost importance. [Habitat destruction and biodiversity loss make us more vulnerable to pandemics](#), not to mention how a connection to nature helps people in times of stress.”

It is time to acknowledge the need for and a commitment to a sustainable future for all, and a shift from a “Business as Usual” model that is unsustainable to a model that prioritizes action on climate and species preservation, thereby safeguarding the health and well being of our habitats and biosphere, now and for future generations.

Sincerely,

BurlingtonGreen Advocacy Team
BurlingtonGreen Environmental Association

CC: Jane McKenna, MPP, Burlington
John Yakabuski, Minister of Natural Resources and Forestry