



**Concerned Residents Coalition
Working to Protect Your Community and Environment**

Rockwood, Ontario, N0B 2K0

Andrew MacDonald

Natural Resources Conservation Policy Branch

Ministry of Natural Resources and Forestry

300 Water Street Peterborough,

ON K9J 8M5

Nov 3, 2019

Re: ERO NOTICE #019-0556 – PROPOSED CHANGES TO THE AGGREGATE RESOURCES ACT AND ONTARIO REGULATION 244/97

Dear Sir,

Thank you for the opportunity to comment on the proposed changes to the Aggregate Resources Act (ARA). The Concerned Residents Coalition (CRC) is an 1100 member group of individuals dedicated to protecting the environment and our community health and well-being against the possible negative impacts of a proposed quarry near Rockwood, Ontario called the Hidden Quarry (HQ). We have spent 7 years and over \$900K to scientifically prove that the HQ application by James Dick Construction Limited (JDCL) for under the water table dolostone extraction should not be approved. The LPAT proceedings were completed in July of this year and we await a decision from the LPAT chair.

Overall the proposed changes to the ARA seem to meet an “industry wish list” that reduces “the red tape” related to new and/or expanding aggregate operations. This wish list was outlined in a document produced by the Ontario Stone, Sand and Gravel Association (OSSGA) and discussed during the Aggregate Summit meeting in March. *Note: We were not invited to attend the meeting.*

Clearly the industry is pleased with the changes that are proposed as shown in a quote below.

The Ontario Stone, Sand and Gravel Association has hailed the proposed provincial changes as *“reducing red tape and addressing many of the inefficiencies that weigh down the industry.”* *“It demonstrates that **this government is listening to industry** and we’re moving on matters that will make it easier to do business in Ontario. The Minister and his staff understand the importance of aggregate – without it nothing gets built!”*

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However, as a **public citizen's group** we strongly believe that the changes proposed to the Act will dramatically erode the ability of our government to protect our water, our natural resources and our health and well-being. The ARA needs to be strengthened and improved and should **not represent a "red tape reduction"** for industry.

In addition, we were shocked that a few days ago the ERO notice was updated to indicate that some of the proposed changes to the ARA had already been the subject of Bill 132 that had its first reading on Oct 28, 2019. Schedule 16 in Bill 132 specifies the actual text of amendments to the ARA that implement the proposals outlined in the ERO notice. We question why the amendments were the subject of a Bill before the end of the ERO commenting period (Nov 4, 2019). Are ARA changes being made without the opportunity for **public input**? We question now whether our input will be even taken into consideration by the current government.

Nevertheless, we outline below our concerns according to each proposed ARA amendment:

1. **Strengthen Groundwater Protection**

- We are pleased that groundwater protection is "top of mind" to the provincial government. However, there is minimal detail in the ERO notice about the "more robust" application process for aggregate extraction below the water table and increased public input. Schedule 16 is also very vague with respect to the enhanced application process and therefore we are unable to agree or reject this proposed regulation. In fact some of the proposed changes are described in the 2017 ARA amendments but these amendments have not been proclaimed into force. We do agree that the application process needs to be improved with a longer commenting period and more detailed hydrological and hydrogeological studies undertaken by aggregate companies extracting below the water table.
- Schedule 16 proposes to expand the regulation-making authority under the ARA to enable the provincial Cabinet to define the term "below the water table," but no proposed definition has been offered.
- Schedule 16 proposes a new section 13.1 in the ARA to address situations where an operator of an above-water table pit or quarry wants to extract aggregate from below the water table. However, there is no discussion on how to protect groundwater quality or quantity. We do agree that a new license application process should be required if a pit operator wants to extract aggregate below the water table.
- Public input appears to be in the form of publishing trust reports to a website but this does not really relate to strengthening groundwater protection. We do agree that reports should be publically available.

2. **Remove Municipalities' Authority to Protect Groundwater Resources**

- We do not agree that municipalities should lose the right to use zoning by-law restrictions on the depth of extraction by an aggregate company. This is not a “red tape” regulation. Municipalities are required to protect groundwater resources as a duty to their citizens. We would add that the provincial government should not rely on citizens groups or municipalities to protect groundwater. The province should develop stringent regulations that protect our precious groundwater sources. As stated above \$900K in public funding was spent on protecting our groundwater sources in Rockwood via an LPAT hearing.

3. **LPAT and Minister Cannot Impose Haul Route Agreements**

- We completely disagree with this amendment described in the ERO and in Schedule 16. Schedule 16 adds a new provision that would prohibit these decision-makers from considering “road degradation”. The municipalities are paying for the degradation of the roads due to truck traffic. Municipalities must have support from the Minister and/or LPAT in imposing aggregate companies to sign agreements that may restrict the: (1) haul route changes, (2) number trucks using the proposed haul routes, (2) type of truck used and (3) weight of the load. It is clear that this is an industry focused request as our LPAT hearing included a heated discussion of “no need” for a haul route agreement between JDCL and Halton Region.

4. **Permitting Self-filing and Limiting Licensing Requirements for Low Risk Activities**

- We are concerned that Schedule 16 proposes to allow aggregate companies to make major site plan changes without Ministerial approval, provided that the regulatory requirements are met. In addition, the ERO has not identified the types of “self-filed” site plan amendments that will be permissible, and has not described any regulatory language on this matter.
- Without a clarification on what type of activities would be considered “low-risk” it is difficult to comment on this proposed change. The specific example given would seem to be appropriate. However, given the extreme relief that this proposal offers from existing requirements, the scenarios where it could be applied would need to be extremely limited.

5. **Enhanced rehabilitation plans**

- We agree that there has to be enhanced reporting on rehabilitation by requiring more context and detail on where, when and how rehabilitation is or has been undertaken. However, we are concerned that rehabilitation plans will be the “new tool” to determine if an application should go forward according to the proposed changes to the PPS. Obviously, no one can predict what will occur in 20 to 50 years at a site with respect to the ability of the operator to return the land back to its original state. In fact many studies suggest that farmland cannot be returned back to the same productive capacity. The land taken for under the water table extraction can never be returned to

its original state. Our land is becoming increasingly scarred with small quarry lakes with no purpose.

6. Streamlined Compliance Documentation and Annual Reporting

- Without knowing what “streamlined” entails with respect to documentation we cannot comment. We agree that companies should report annually.

Additional Comments

Without a proposal for a significant increase in funding for monitoring and surveillance by MNRF it is unlikely that aggregate operations will change for the better. We have seen the demise of the Cornerstone standards that were developed to help the industry become “greener”. We can only hope that the government will increase aggregate fees to ensure our water, farmland and natural environment are properly monitored and protected.

Again thank you for the opportunity to comment on the proposed ARA changes. We are disappointed in the approach the provincial government has taken to address this important issue. Ontarians need to believe that our government is responding to public input. We need a strong ARA to protect our water, natural areas as well as our health and well-being.

Sincerely,

D Tripp

Doug Tripp
President