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Lundi 14 mai 2012

**Standing Committee on
General Government**

Aggregate Resources Act review

**Comité permanent des
affaires gouvernementales**

Examen de la Loi sur
les ressources en agrégats

Chair: David Oraziotti
Clerk: Sylwia Przedziecki

Président : David Oraziotti
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON GENERAL GOVERNMENT

COMITÉ PERMANENT DES AFFAIRES GOUVERNEMENTALES

Monday 14 May 2012

Lundi 14 mai 2012

The committee met at 1403 in room 228.

AGGREGATE RESOURCES ACT REVIEW

The Chair (Mr. David Oraziotti): Good afternoon, everybody. Welcome to the Standing Committee on General Government, here to continue public hearings with regard to the Aggregate Resources Act.

GRAVEL WATCH ONTARIO

The Chair (Mr. David Oraziotti): We'll start with the first presenter, Gravel Watch Ontario. Good afternoon. Welcome to the standing committee.

You have 10 minutes for your presentation. Any time that you do not use will be divided among members for questions, and there will be five minutes for questions following. For our recording purposes, just state your name, and you can proceed with your presentation when you're ready.

Mr. Tony Dowling: Tony Dowling.

Mr. Ric Holt: And I'm Ric Holt.

The Chair (Mr. David Oraziotti): Thank you.

Mr Tony Dowling: Mr. Chair, committee members and guests, my name is Tony Dowling. I'm here today on behalf of Gravel Watch Ontario to present our position on a few key aspects of aggregate policy and management in Ontario.

Let me thank you for the opportunity to appear before this committee on the very important matter of the review of Ontario's Aggregate Resources Act.

Gravel Watch Ontario acts in the interests of residents and communities to protect the health, safety and quality of life of Ontarians and the natural environment in matters that relate to aggregate resources. We are a coalition of coalitions. As of 2011, we had 57 member organizations from across the province and, collectively, we advocate on behalf of tens of thousands of Ontarians whose lives have been affected in one way or another by pit and quarry operations.

All this is to say that Gravel Watch has a very good ear to the ground when it comes to the concerns of citizens throughout aggregate-producing regions of our province.

Our members are the same people who have elected you and the other MPPs to represent their interests. Indeed, aggregate is a matter of significant public inter-

est, and this should compel the committee to ensure that a transparent, inclusive and fair review of the ARA is undertaken to ensure that those interests are fully considered in a balanced manner.

At one end of the spectrum of public interest, we have the aggregate industry. Their interest primarily lies in maximizing profits, and that purpose is well served by maintaining much of the status quo. These norms do not represent a balanced approach to aggregate management, because they favour the industry at the expense of the general public. These norms include proponent-driven approval without MNR intervention or oversight; a close-to-market policy which reduces costs; self-enforcement of haulage limits; self-monitoring and reporting—essentially, filling out their own grade card; collection of their own taxes; self-management of rehabilitation; a very close partnership and lobbying connection between the government and the Ontario Stone, Sand and Gravel Association; and inadequate penalties for non-compliance.

At the other end of the spectrum, we have the general public interest: property owners, taxpayers and environmental groups whose interests lie primarily in protecting their family and health, their drinking water, property values and air quality, among other things that are vital to community well-being. We will outline the tilt of their playing field shortly.

Gravel Watch can provide you with some assistance in your consideration of the full range of public interest by giving you some insights on what we're hearing over and over again from our members. There is a massive and growing outcry, and much of that outcry comes from a lack of notice and a lack of transparency, and often simply from the very frustration of trying to deal with aggregate licensing and zoning processes that the Environmental Commissioner of Ontario agrees are complicated, confusing and intimidating.

To briefly explain, this is what happens, from the perspective of a local resident, when a proponent decides to locate a gravel pit or quarry in their neighbourhood. Try to imagine this process from the perspective of one of your constituents.

Usually, unbeknownst to local residents, the proponent will spend years and large sums of money acquiring land, conducting tests and having expert reports and plans developed, always in support of their application. Once this application is submitted to MNR, assuming reports with all of the right titles are included, the licence will be

deemed complete and assigned an aggregate licence number. As Ray Pichette of MNR conceded at this hearing, “We don’t comment on content but on whether it’s complete.”

Several years after the proponent has fully begun preparing himself, the local resident gets involved. A resident within 120 metres of the site will receive a letter notifying him a pit or quarry has been proposed and advising him of a public meeting on the issue within 45 days. A notice appears once in a local paper notifying readers of a licence application. That newspaper often has limited circulation in the local community, so the notice is easily overlooked.

In contrast to the years the proponent has had to prepare his submission, the resident has just 45 days after the notification, and only 10 days after the public meeting, to gather, review and consider hundreds of pages of technical documents, charts and data. Often, access to the data is available only by visiting the MNR office and reviewing it over the counter. If he has any concerns with the proposal, the resident can draft a letter of objection to MNR and the proponent. Bear in mind, this resident usually has little or no knowledge of how the licensing and zoning processes work, and no knowledge of how the objections and consultation process works. If he chooses to seek expert advice, he will often find that the local experts refuse assistance because of conflicts with ongoing contracts with aggregate producers. In essence, the experts won’t risk ongoing work for the sake of a small one-time contract.

Once the proponent receives an objection, they can take essentially whatever time they wish to respond. Once the resident receives the proponent’s response, often filled with cut-and-paste motherhood and unsupported assurances, he has just 20 days to consider it and prepare and submit a further response. If he does not respond within 20 days, it is deemed that the objection has been resolved.

Local residents have limited funds and no time to review and evaluate the data. They have only a vague, common sense expectation of the negative impacts the operation will likely have on their homes, property values, health and family, and on the natural environment, water and landscape because of noise, traffic, dust etc.

If the proponent cannot or chooses not to resolve objections within two years, they submit a summary of outstanding objections to MNR, who refer the case to the OMB. MNR does not evaluate the validity of the objector’s arguments, nor of the proponent’s responses. And by the way, the ARA provides MNR with the opportunity to deny an application, but very rarely does this ever happen. OMB will evaluate the case as a planning issue under the PPS.

Where is support from the local municipality during this process? Typically, costs for a municipality to contest an appeal at OMB can range from hundreds of thousands to millions of dollars. Thus, there is a significant disincentive for a municipality to review or object to an

inappropriate application. Homeowners and communities are often left to contest an inappropriate application on their own.

Gravel Watch has information from our members that they have spent \$400,000, \$500,000, even over \$2 million to contest a single application. Some of these cases are pending; others, OMB has agreed with the residents and denied applications. But in either case, the resident’s money is gone.

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This money comes out of the resident’s pocket. It is not a cost of doing business, it is not a tax write-off, it is not paid for out of taxes. It is paid for by your constituent out of his own pocket with after-tax dollars. It is paid for by dramatically cutting his lifestyle, perhaps by dipping into his children’s education fund or his own RRSPs or retirement savings; and if the application is ultimately approved, it is also paid by the resident out of his home equity, as his property value plummets.

Most often, those contesting a pit or quarry and faced with costs far beyond their means simply give up and relent to the negative impacts of aggregate extraction.

To make this public process all the more frustrating and futile, once the municipality and residents have negotiated the proposal and site plans with the proponent as a condition of zoning, MNR and the proponent can unilaterally change these site plan conditions without approval of the municipality or other agencies and without notification of the residents. Examples include a change from above-water to below-water extraction, extended hours of operation and expansion of the excavation area.

Further, since there are no sunset clauses on licences, the life of the pit or quarry can be extended far beyond the expectations of the municipality or residents.

What can be changed in the aggregate legislation, policies and procedures to fix this?

- require early public notification of an intent to submit a licence application to MNR;

- increase the public notification period from 45 to 120 days. Mr. Pichette of MNR noted that this would not be overly onerous;

- extend the notification area beyond 120 metres. Mr. Pichette also agreed this area could be expanded;

- require full public notification and consultation, and municipal approval, of all significant amendments to the licence and site plans after zoning approval;

- eliminate the “no need to show need” provisions of the ARA so we only license what we need;

- require consideration of cumulative impacts for all new proposals;

- eliminate the close-to-market policy so that we extract where it is most appropriate and least sensitive, not where it’s most convenient;

- apply sunset clauses, or finite time limits, on extraction so that the public knows when operations will cease and when the land will be rehabilitated;

- require MNR to provide expert peer review of submissions, rather than simply confirming that reports with

the right titles are submitted. Alternatively, provide municipalities and/or residents with funds to do so;

—finally, provide municipalities with funding to support OMB hearings.

In closing, I would like to again thank you and applaud you. We at Gravel Watch are encouraged that the provincial government and this committee are undertaking this review. We're also encouraged by acknowledgements by the industry at this hearing that clearly indicate the act and the regulations need improvement. Gravel Watch Ontario will also be providing a written submission to the committee that will build on these comments and add others.

We at Gravel Watch look forward to working with the government, including the Ministry of Natural Resources and other ministries, with the industry and with the certification groups to improve the management of this province's most vital aggregate resources.

The Chair (Mr. David Oraziotti): Thank you very much for your presentation. Conservative caucus: Ms. Jones, go ahead.

Ms. Sylvia Jones: Thank you, Mr. Dowling. In your submission, you make reference to the timeline of how long the applications are. I'm familiar with a number of recent ones. It looks as though the average, from start to some kind of decision, generally at the OMB, is eight to 10 years. Is that what you are seeing?

Mr. Tony Dowling: We've seen cases where that's been the fact, yes.

Ms. Sylvia Jones: So my question is—you know, I haven't spoken to anybody who wanted to go on longer than eight to 10 years on either side, quite frankly. I think it's a lot of disruption for a long time for the community, and conversely, of course, from a business scenario, that's an awful lot of time to wait to see whether it's for or against.

Having said that, what are your thoughts on how we ensure the oversight and the input without extending it beyond eight to 10 years?

Mr. Tony Dowling: I would expect that the eight-to-10-years scenario is invariably where a case has been appealed to the OMB after zoning has been denied or there's been another denial. I think if we had a more thorough vetting of the application early in the process and perhaps a more balanced playing field and notification, or least awareness time periods between the proponents and the residents and municipalities, we can eliminate a lot of that OMB hassle.

Ms. Sylvia Jones: So a stronger role for the municipality in terms of the planning and the zoning?

Mr. Tony Dowling: Let's let the producers know right upfront what are clearly the rules and what are clearly not the rules. Eliminate the grey area.

The Chair (Mr. David Oraziotti): Okay. Thank you.

Ms. Sylvia Jones: Thank you.

The Chair (Mr. David Oraziotti): NDP caucus: Mr. Marchese.

Mr. Rosario Marchese: Mr. Dowling, I appreciate all the work that you all do. You're not paid to do this. Some

people are, and so it's important to acknowledge that there are people who do this because they worry and they care about what happens to their environment.

The industry's saying that we're running out of sites, of course, and we're going to have to expand these sites. They're going to have to go further north, presumably, which may be less sensitive than where they are at the moment, but I'm worried about that too because the further they go, the more damage they will cause in a variety of different ways, and so we need to look at how we deal with this problem of aggregates. That's why I've been pushing for recycling. I think we've got to recycle a lot more as a way of dealing with the problem. Do either of you have a view on that?

Mr. Ric Holt: Let me put in a word. What you say makes eminent sense, but it does sort of imply that we have a given need and it keeps on growing. Our first number one in the plan should be conservation. Are we really using this gravel in a good way? We're using a huge amount per capita, 14 tonnes per person per year, and that's one of the places we want to strike first. Your concerns are exactly right, but we don't want to forget conservation is number one.

Mr. Rosario Marchese: I agree with that.

Mr. Tony Dowling: If I can interject, I would say as well that recycling is part of conservation. We don't have a very good record of recycling. We recycle about a third of the percentage here that they do in the United Kingdom, and that's a vast amount of gravel.

Finally, a point that I've made several times is that if we extract on farmland close to market, we are going to have to truck that produce in from other regions—and it won't come from Michigan or Ohio, which are nearby, because they have their own needs; it will come from further away at great cost in perpetuity.

The Chair (Mr. David Oraziotti): Thank you. That's good. We've got to move on.

Mr. Rosario Marchese: Thank you both.

The Chair (Mr. David Oraziotti): Mr. Colle, go ahead.

Mr. Mike Colle: Yes. Thank you. I guess the one thing that I think you illustrated that bears some comment is that there's basically no time limit or sunset clauses on these licences. So once you get a licence, it means you have that licence to extract aggregate in perpetuity?

Mr. Ric Holt: Forever.

Mr. Mike Colle: And I guess there are some cases where some of these sites go dormant for a while. Then when they're reactivated, is there any notification required?

Mr. Tony Dowling: Not that we're aware of.

Mr. Ric Holt: This is the famous grandfathering. We just had an example of a pit that was sitting there for 38 years, and they were running under the same rules that were applied back then. Who knows what was going on 38 years ago? It just doesn't seem to make any sense.

Mr. Mike Colle: I guess you would concur that perhaps we should be looking at this open-ended licensing process—

Mr. Ric Holt: Absolutely.

Mr. Mike Colle: —at least some kind of review mechanism or an assessment of what the impact might be of reopening an operation that's been dormant for decades.

Mr. Tony Dowling: We have no issue with the thought that producers need some leeway and some flexibility due to market conditions. However, we believe that any business planner can certainly put some cushion in and still apply a sunset clause or a finite limit.

Mr. Mike Colle: Okay. And then the—

The Chair (Mr. David Oraziotti): Thank you, Mr. Colle. It's time.

Mr. Mike Colle: Okay.

The Chair (Mr. David Oraziotti): Thank you for your presentation, folks. We're a minute or so over the 15, so we've got to move on.

I just want to remind folks, members of the committee, five minutes for questions, so we need to try to keep them as brief as possible and concise so that we can hear all of the presentations and all the questions today.

EARTHROOTS

The Chair (Mr. David Oraziotti): The next presentation: Earthroots. Good afternoon, and welcome to the Standing Committee on General Government. As you're aware, you've got 10 minutes for your presentation, so you can start by stating your name and proceed when you're ready. The time remaining will be left for members to ask questions.

Mr. Josh Garfinkel: Sure. My name is Josh Garfinkel and I work for Earthroots, a non-profit environmental organization dedicated to protecting wilderness, wildlife and watersheds in Ontario.

I just want to say thank you for the opportunity to speak in this forum today. Earthroots represents over 12,000 supporters, and we're really pleased that the provincial government is revising the Aggregate Resources Act. It's an essential undertaking, and we feel it's one that is long overdue.

The reality is, we're growing at an unprecedented rate in southern Ontario. While growth has increased rapidly in the greater Golden Horseshoe, environmental organizations and concerned citizens alike have grown increasingly concerned that the existing provincial policies are lagging and that regulatory loopholes and insufficient implementation are allowing greater strain to be put on our natural resources.

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As the number of cars on the road continues to multiply and the government approves more infrastructure projects, the dialogue over aggregate operations has heightened. Currently, the issue of future aggregate supplies in the province brings more questions than answers. Consequently, there is growing concern over the effects of aggregate extraction on groundwater, farmlands, and the sensitive features of landforms such as the Oak Ridges moraine and Niagara Escarpment.

The reality is that the province is not doing what they can be or should be to foster the current levels of growth in an ecologically and socially responsible way. The government has incomplete data on the state and consumption of Ontario's aggregate resources, and we find this very alarming. Moreover, the government has not sufficiently mapped out projections regarding future demand of these resources. It begs the question of how the government can sustainably regulate this resource with gaps in such critical pieces of information.

One of the responsibilities of my position at Earthroots is monitoring how the law designed to protect the Oak Ridges moraine is being implemented or if it's being enforced in a meaningful way. The Oak Ridges moraine conservation plan places restoring and protecting hydrological integrity front and centre; it's the overriding principle. It's nice language, it sounds very promising, but the reality is the 10-year anniversary just passed, and it's safe to say there are a number of policy gaps that undermine the progressive principles outlined in this plan.

Of course, some of the essential and dominant features of the moraine are the sand and gravel pits. Unfortunately, decisions made under the Aggregate Resources Act do not legally have to conform to the Oak Ridges moraine conservation plan. To quote Environmental Commissioner Gordon Miller's recent submission to the standing committee, "The ARA is not specifically prescribed under the Oak Ridges Moraine Conservation Act. MNR should merely 'have appropriate regard to its requirements when making decisions on the issuance of, or amendments to, licences and wayside permits under the ARA.' I believe this is a serious gap in the implementation of the Oak Ridges moraine conservation plan and frustrates the intent to place special conditions on aggregate operations on the Oak Ridges moraine, which was the intent of the Oak Ridges moraine legislation. I believe that MNR's ARA decisions must conform to the Oak Ridges moraine conservation plan and I urge the ministry to resolve this implementation gap."

One of the objectives of the Aggregate Resources Act, section 2, is to minimize adverse impact on the environment in respect of aggregate operations. This is a lofty objective, but the reality is that the impacts that sand and gravel extraction are having on groundwater resources, as well as farmland, are not adequately being considered in the process. Unfortunately, the promising language in the existing policy is quite misleading. As the commissioner pointed out in his recent submission, the provincial standards and the manual do not require comprehensive assessment of environmental impacts. They require only certain aspects of the environment to be considered in the technical reports submitted.

Unfortunately, the regulation of the sand and gravel industry is based on short-term planning. Even highly lauded land use plans, such as the Niagara Escarpment plan and the Oak Ridges moraine conservation plan, allow pits in huge portions of these protected boundaries. The question of need is not part of this decision-making process. Mr. Miller, the commissioner, points out that be-

tween 1985 and 2006, no application for a new or expanded pit in the Niagara Escarpment plan area was turned down. We're calling on the MNR to be acting with much more scrutiny and transparency, and not having the regulatory process act as a rubber stamp for industrial operations.

We need the provincial government to be far more visionary and proactive when it comes to managing our natural resources. It's my submission that the province must establish significantly higher charges for aggregate extraction. If the fees were increased, this could foster greater incentive to use primary aggregate more efficiently. We need the government to be holding industry more accountable, and Earthroots feels that increased charges for extraction, and requirements for the use of recycled aggregates in public projects, are key steps in the right direction towards a more sustainable Ontario.

I'd like to shift the focus for a moment and outline something that is in urgent need of attention. I mentioned earlier that a lot of what I do for Earthroots is looking at how effectively the Oak Ridges moraine conservation plan is being implemented. One of the most glaring problems right now pertains to commercial fill. I've met with a couple of the MPPs here today about this issue.

With brownfield development becoming more common and the GTA's population growing at an exponential rate, the massive amount of soil that is being excavated in this process is being transported to a wide range of commercial fill sites throughout Ontario. While we recognize that the dirt needs to go somewhere, there is an array of problems with how this is all unfolding. Unfortunately, one of the critical parts of this process, soil movement, is not being monitored by the provincial government. What's happening now is that it is being tracked and monitored by the industry itself. In reality, the fact that it's self-regulated just means that it's not working.

What's happening is that the depleted sand and gravel pits on the moraine are becoming prime destinations for this commercial fill of unknown quality. Quite frankly, this is highly problematic, and if the problem is not addressed and fixed, it will turn into a disastrous situation. These pits are oftentimes on areas of high aquifer vulnerability or near the confluence of rivers, meaning that drinking water is particularly susceptible to contamination.

Now, within the ARA's terms of reference, it says that "the committee should focus on best practices and new development in industry." Clearly, there is a new development that is happening, which is that these pits are being used as dumpsites. A perfect example of the problems and risks that exist can be found in the example of a fill site in Durham, on Lakeridge Road. Over a period of five months, thousands of truckloads of soil were brought to the area, and a random sample revealed contamination. The rehabilitation of the pit on Lakeridge Road was considered exceptional, but that didn't stop operators from legally filling it with dirt that came from Toronto's waterfront.

The lack of oversight and accountability with this process is extremely concerning. Despite the finding of petroleum hydrocarbons that exceeded Table 2 standards, dumping of contaminated dirt continued for some time because of loopholes in the moraine's legislation. It's clear that smaller municipalities do not have the capacity to monitor, regulate or stop dumping in their communities.

The Aggregate Resources Act emphasizes the importance of rehabilitation, which is obviously critical. However, even if these pits are rehabilitated in an optimal way, this doesn't legally preclude them from being used as dumpsites with potentially contaminated commercial fill. Once the pits are surrendered, they are no longer under the purview of the MNR. It becomes the purview of the municipalities to deal with the sites once they have been surrendered. This is highly alarming, as many of the municipalities do not have the technical expertise to deal with managing the pit.

In fact, some sites are being severed or licences are being surrendered before rehabilitating under the act, and, instead, agreements are being struck with municipalities and commercial fill use is being permitted. This elicits more questions and causes even greater concerns over the effects there will be on groundwater recharge and quality.

With respect to the emerging issue of commercial fill, we found an alarming gap. Fill does not fully fall under the mandate of the MNR or MOE. While it doesn't fall under the purview of the MNR, ultimately we feel it's still connected. Addressing the growing issue of commercial fill is going to require a great deal of oversight. It's my submission the MNR needs to re-evaluate what should happen to these pits once they have been rehabilitated.

As it currently stands, the way these pits are being regulated, impacts to groundwater are not being sufficiently taken into consideration. Earthroots is working on this issue, and we would be more than happy to meet with members of the MNR and other relevant ministries to discuss realistic, sustainable solutions for this emerging issue.

Thank you.

The Chair (Mr. David Oraziotti): Thank you very much for your presentation. The NDP caucus is up first.

Mr. Rosario Marchese: Thank you very much, Josh. Clearly, self-regulation doesn't work.

Mr. Josh Garfinkel: I can't think of one example where it has.

Mr. Rosario Marchese: I've never been a big fan. Why do we continue to allow it? Why do you think?

Mr. Josh Garfinkel: That's a good question. I've asked myself that question. To be fair, I didn't want to paint it in such a black-and-white fashion, but a lot of these ministries are strapped for resources; I recognize that. I'm aware of budget cuts, consistent budget cuts. I wish I had a more concise answer as to why, other than MOE and MNR being cash-strapped.

Mr. Rosario Marchese: But the point is, if the government doesn't regulate, we don't know what happens.

Mr. Josh Garfinkel: That's exactly right.

Mr. Rosario Marchese: That's part of the point you're making.

Mr. Josh Garfinkel: That's right.

Mr. Rosario Marchese: So we need to get the government into the business of regulating so they ultimately become responsible—either the ministry and/or the minister or, in this case, the government. Right?

Mr. Josh Garfinkel: That's exactly right. We have all these really important pieces of legislation, and with respect to the commercial fill issue, it seems to have fallen in the gaps or fallen in the cracks of the brownfield act, the moraine plan and the Aggregate Resources Act.

The Chair (Mr. David Oraziotti): Very briefly. You've got a quick question, Ms. Campbell. Go ahead.

Ms. Sarah Campbell: You hit the nail on the head. A big part of the issue is lack of funding, and that translates into lack of personnel to actually monitor the sites. How do you think the MNR might be able to get some more money? Would you support fees on the industry or—

Mr. Josh Garfinkel: Of course, yes. We're all for increased fees. That's our main suggestion at this point.

Ms. Sarah Campbell: What would that look like?

Mr. Josh Garfinkel: I haven't done enough analysis to give you specific examples. To be fair, I don't want to speak from an uninformed—

The Chair (Mr. David Oraziotti): Okay, that's time.

Ms. Sarah Campbell: Thank you.

The Chair (Mr. David Oraziotti): We're going to move on here for a minute. Mr. Colle, go ahead.

Mr. Mike Colle: Thank you, Josh.

In terms of the commercial fill, right now, if there's a remediation action at Toronto's waterfront, and there's a load of fill extracted from the site that in some cases is contaminated, does the city of Toronto check it at this end? Does anyone?

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Mr. Josh Garfinkel: No. There are a couple of exceptions where it's checked on sites, the port lands being one example. But I got a tour of Direct Line, which is considered a very good, exceptional, soil remediation facility. I went with somebody who used to be a water engineer for Environment Canada. There were a lot of gaps in some of the information they were giving us in terms of the remediation process.

I don't want to say that all commercial fill is contaminated and no one is doing the right thing, because it's not as simple as that. There are lots of honest people in the construction industry who are doing a legitimate job, but no one is tracking the movement and disposal of commercial fill from sites to final destination. So even if it is being remediated, there's more money for a landowner—and we've seen many examples of this—to take contaminated fill than there is for clean fill. It's becoming a really big problem. Earthroots is having more and more farmers and various landowners throughout southern Ontario calling us and being concerned about

what kind of fill they're being offered and who's behind these operations. That's the long answer.

Mr. Mike Colle: Thank you.

The Chair (Mr. David Oraziotti): Mr. O'Toole, go ahead.

Mr. John O'Toole: Yes, thank you very much. My riding is Durham, so I'm quite familiar with the issue. I'll just put a couple of points on, and then I have a question. The first one is that really self-regulation—some would believe it's not a solution. That's accusing people of being unethical. Most professions are self-regulating. That's the nature of a profession. Engineers are included in that; doctors, nurses etc. You know that for sure. I think it's a bit irresponsible to generalize. You set up a frame of regulations and enforcement; that's the proper way.

The second thing also is that under the provincial legislation, the Oak Ridges moraine and the greenbelt, issues of provincial interest are exempt, whether it's this issue or other provincial issues. That's not particularly new.

Specific to the commercial fill issue, I was assured by both Linda Jeffrey, as Minister of Natural Resources at the time, as well as John Wilkinson, who's no longer with us, unfortunately, that all of the due precautions had taken place at the Don lands for moving this material to my riding on Lakeridge as well as other locations. What would you recommend—the process? I presume that Toronto would have some role. The proponents of the Pan American Games, at the highest level: Are you saying that they didn't take the necessary precautions?

Mr. Josh Garfinkel: Do you mean specifically for the Don lands?

Mr. John O'Toole: This is the Pan American site. This is a provincial initiative. Are you saying that they did not take the necessary precautions?

Mr. Josh Garfinkel: I'm saying that no one's sure. I've spoken to people from the MOE about this—

Mr. John O'Toole: Well, that's good. I—

Mr. Josh Garfinkel: To be fair, I'm not saying—I understand your concerns. You and I have met about this issue.

Mr. John O'Toole: Yes, we have.

Mr. Josh Garfinkel: I think generally we're on the same page. I understand that self-regulation does work in some cases, but in this case, I feel it's not working. I could try to avoid generalizations, but—

The Chair (Mr. David Oraziotti): Okay, actually, that's a good spot for you to wrap up. We're at time, and appreciate it. Thank you very much. We appreciate you coming in for your presentation.

Mr. John O'Toole: Thank you for your presentation, Josh.

TOP AGGREGATE PRODUCING
MUNICIPALITIES OF ONTARIO

The Chair (Mr. David Oraziotti): Our next presentation: Top Aggregate Producing Municipalities of

Ontario. Good afternoon, folks. Welcome to the Standing Committee on General Government. As you're aware, you have 10 minutes for your presentation. Any time you don't use will be divided among members for questions. You can start by stating your name and proceed when you're ready.

Ms. Marolyn Morrison: Marolyn Morrison.

Mr. Dennis Lever: Dennis Lever.

Mr. Doug Barnes: Doug Barnes.

Ms. Marolyn Morrison: Good afternoon, Mr. Chair and members of the Standing Committee on General Government. My name is Marolyn Morrison; I am the mayor of the town of Caledon, and I have our CAO, Doug Barnes, with us. I am here today as chair of a new municipal alliance, the Top Aggregate Producing Municipalities of Ontario, TAPMO. I am pleased to be joined by Mayor Dennis Lever of Puslinch.

In late 2010, Ontario's top 10 aggregate-producing municipalities formed a coalition under the leadership of Mayor Ric McGee of Kawartha Lakes. Since that time, a number of communities have expressed their desire to join the initial group. As such, the Top Aggregate Producing Municipalities of Ontario, TAPMO, was organized as a single association of the top aggregate-producing municipalities in Ontario. Forty communities from across the province, who collectively produce two thirds of virgin aggregate in Ontario, have been invited to participate in this new alliance. I had a conference call this morning, and we had 20 participants on the conference call. On their behalf, I appreciate this opportunity to bring our shared concerns to the attention of the standing committee.

Local municipalities have an opportunity to lead on this issue to make a positive contribution in reforming the Aggregate Resources Act. We want to work with you to develop long-term, practical approaches that will ultimately benefit all aggregate industry stakeholders.

Municipalities recognize the benefits of a successful aggregate industry to their local economies. However, for many communities, this success has significant quality of life, environmental and economic costs.

Perhaps the most immediate concern for major aggregate-producing municipalities is the impact of heavy vehicles on local infrastructure. The real cost of continuous heavy traffic on local roads, bridges and culverts is many times more than the royalties returned to the communities. The aggregate industry pays 12.5 cents per tonne as a royalty; 7.5 cents of that is paid to the local municipality. This royalty is grossly insufficient to recover the costs of the infrastructure damage caused by the industry, costs that are ultimately borne by the local taxpayer.

Let me give you an example. The city of Kawartha Lakes receives about \$400,000 in royalties from the Ontario Aggregate Resources Corporation, TOARC, for approximately 5.4 million tonnes of virgin aggregate extracted in the community annually. However, according to their municipal finance and public works officials, the direct cost of continuous heavy traffic on the local infra-

structure is \$2.4 million annually. When combined with (1) aggregate traffic generated in neighbouring municipalities, (2) the introduction of larger trucks, (3) overloading, and (4) the excessive speed, the costs to local taxpayers balloons to more than \$5 million per year. In Kawartha Lakes, the full cost-recovery payment for the \$5 million in local expenditures would amount to 93 cents per tonne, more than 12 times the current rate.

Aggregate-producing municipalities are focused on narrowing the gap between the real costs to the local taxpayer and the royalties currently paid by the industry. Any meaningful review of the Aggregate Resources Act must address this enormous discrepancy.

The committee should ensure that a full regulatory system is paid for by the industry. Time after time, we hear the need for full cost recovery for drinking water to protect the environment and health and to encourage conservation. The same should apply to aggregates: full cost recovery. Our environment is fragile, and we must be making decisions today that are sustainable over the long term.

Recycling, in every facet of our personal and professional lives, has proven to be a sustainable, economically viable and socially responsible approach to conserving and protecting our scarce environmental resources. It reflects a long-term view. Yet in the aggregate industry, we have all been slow to adopt the principles of recycling and reap the proven benefits it offers. We must take a page from our European friends and find a way to incentivize the use of recycled aggregates. In the UK, as you likely know, a levy was introduced to address the environmental costs associated with quarrying: noise, dust, visual intrusion, loss of amenity, and damage to biodiversity. The levy has the effect of bringing the price of virgin aggregates in line with the real environmental costs of quarrying while encouraging the use of alternative materials such as recycled aggregates, which are not taxed. In our opinion, the use of incentives to promote the use of recycled aggregates must be a primary consideration in the government's review of the ARA.

By way of example, in Caledon, our roads contracts are achieving 40% recycled material, and our new LEED-standard police building will achieve 80% recycling of construction materials. We feel strongly that the provincial ministries must work collaboratively to promote recycling in all capital projects. The ministries must not only work together; they must lead in this effort.

In an era that has seen the introduction of landmark legislation to protect our environment—the Oak Ridges moraine plan, the greenbelt plan, source water protection legislation, the Lake Simcoe protection plan and an updated provincial policy statement, to name just a few—it is clearly time to bring the Aggregate Resources Act in line with the environmental leadership that our province is demonstrating.

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As such, the rehabilitation of depleted sites is a significant concern to residents of aggregate-producing communities and deserves particular attention in your review

of the Aggregate Resources Act. Turning extraction pits into ponds and lakes unconnected to water systems was developed because it was the cheapest answer. More ponds and lakes does not return those properties to their original use or ecosystem.

The State of the Aggregate Resource in Ontario Study, paper 6, produced in December 2009, commits more than 625 pages to the issue of the rehabilitation of quarries. Once again, incentives are suggested to promote and facilitate rehabilitation, including social licensing, where operators must earn the right to continue extraction through timely and progressive rehabilitation.

Finally, I would like to bring to your attention an emerging issue of increasing concern to aggregate-producing municipalities. As you know, transporting aggregates from the quarry to the market represents more than 60% of the total cost. There is, therefore, a significant financial incentive to revive or extend the life of existing pits close to the GTA. Extending pit boundaries, extending years of operation, or quarrying beneath the water table, for example, are relatively cost-effective ways of extracting more resources, a process that is generally accomplished through a site plan approval process.

When a new aggregate licence application occurs, there is a comprehensive public process. Once that process is complete, however, the procedure for changing the terms of a pit's operation is much less stringent, sometimes allowing modifications to conditions that were important to the community in the initial application. These changes are made without public notice.

We believe site plan approval requests for significant changes to pit operations—for example, tonnage increases, increases in operating life, or increases in the depth of extraction—should be required to go through a full public process similar to the process for a new licence.

The aggregate industry is a vital and complex industry. The challenges and opportunities that face us all are well beyond a 10-minute presentation. Whether it's the air we breathe, the water we drink or the materials that we use for construction, the environmental, social and health costs should not be disregarded. Disregarding these costs is only a short-term gain and will continue to create long-term pain and expense.

Notwithstanding the enormity of the task, the provincial government is to be congratulated on its desire to bring about positive change through its review of the Aggregate Resources Act. I want to assure you that the Top Aggregate Producing Municipalities of Ontario are committed to working with you during this review process.

On behalf of the member municipalities of TAPMO, thank you very much for this opportunity to appear before the standing committee.

The Chair (Mr. David Oraziatti): Thank you very much for your comments. The Liberal caucus is up first. Mr. Colle.

Mr. Mike Colle: Thank you for the presentation. On recycling in municipalities—we asked this question before; I think it was the Environmental Commissioner.

More than half of the municipalities, basically, do not do any recycling at all, and they're opposed to it. Why are so many opposed to the recycling?

Ms. Marolyn Morrison: I believe because they need more education as to the value of it. Maybe they don't have aggregate pits in their municipalities, so it's not a big deal.

Mr. Mike Colle: Yeah, maybe that's it.

Ms. Marolyn Morrison: I would say that, from what we have looked at—we've done some tests of sections of roads with 20%, 40%, that sort of thing, and they stand up just as well as our virgin aggregates.

Mr. Mike Colle: Has there ever been a motion at AMO to basically support the use of recycling by municipalities?

Ms. Marolyn Morrison: Not that I know of at this point.

Mr. Mike Colle: Would you bring one forward at the next AMO meeting?

Ms. Marolyn Morrison: He knows I'm on the board of directors of AMO. Yes. What I was hoping to do is, once we have our TAPMO group well established—we do have some of the board of directors from AMO on it, because they're mayors of their municipalities, like Ron Eddy from Brant. So we are hoping to eventually move to have AMO endorse—

Mr. Mike Colle: Right, and sorry to interrupt, but just this third point: Is there any kind of carrot we could use with the municipalities in terms of encouraging them to use more recycled materials? Do you want to think about that, if you don't have the answer right now?

Ms. Marolyn Morrison: Oh, I don't have to think about it. I could tell you right now.

Mr. Mike Colle: Oh, you've got it right now. Good.

Ms. Marolyn Morrison: In my opinion, if the province of Ontario—MTO—started using recycled aggregates in their construction—

Mr. Mike Colle: But they are, up to 45%, I think. That's the highest—45%, MTO is using.

Ms. Marolyn Morrison: They're not.

The Chair (Mr. David Oraziatti): Okay, we're going to move on. We're going to continue the conversation—

Mr. Mike Colle: Well, that was admittedly—

Ms. Marolyn Morrison: We'll have to find that out. My understanding is they're not, and I honestly think that if MTO started to lead in that direction by example, the other municipalities—

Mr. Mike Colle: No, the Environmental Commissioner said 45%.

Ms. Marolyn Morrison: Okay, I'll check that out.

The Chair (Mr. David Oraziatti): Conservative caucus. Ms. Jones, go ahead.

Ms. Sylvia Jones: Thank you, Mayor Morrison. Nice to see you here.

Ms. Marolyn Morrison: Nice to see you.

Ms. Sylvia Jones: You made reference to the levy that's paid per tonne to the local municipalities and close to market. Of course, the levy is only going to the host municipality. How do we get the disconnect between, as

you travel to get that aggregate to its point of use, all of the municipalities that are also dealing with trucks and their traffic?

Ms. Marolyn Morrison: You know, we have talked about that and we thought a lot about it as this group of mayors and municipalities, the 40 of us. First of all, what we have to do is to get the province of Ontario to agree that the levy has to be increased. Then we need to sit down as a group, and I have to tell you that OSSGA sits as a non-voting member on this committee of TAPMO, because we need all the parties together. We need everybody working together.

Then we need to sit down and we need—I don't know if they gave me permission to say this, but I don't see the whole 93 cents, if it was 93 cents, going to a municipality; I see some of it going for exactly what we were talking about earlier: looking over how the aggregate producers manage their pits, that sort of thing. I see some of it possibly going—

Ms. Sylvia Jones: So regulation and control?

Ms. Marolyn Morrison: Regulation, yes. I see some of it going to the municipality. I know Rama has—I think it's Rama, the municipality of Rama?

Mr. Dennis Lever: Ramara.

Ms. Marolyn Morrison: Ramara—sorry, I just talked to them this morning—has a real problem because the aggregates coming out of Kawartha Lakes travel through Ramara. So Ramara is saying, “Oh, my gosh, my roads are being beaten to death and I'm not getting that money.” I think there has to be some sort of a way of divvying up the dollars. I'm not saying that we should take it all; we need to make sure that we have proper regulations, that there's overseeing of it, and that the municipalities most impacted by the aggregate producers, the trucks, get the money.

Ms. Sylvia Jones: Or we figure out rail.

The Chair (Mr. David Oraziotti): Okay, I need to end—

Ms. Marolyn Morrison: Oh, we've talked about—we had a big discussion this morning, in our conference call, about rail. And Moreen Miller, who's the CEO of OSSGA, was—

The Chair (Mr. David Oraziotti): I'm sure there's a lot more to that—

Ms. Marolyn Morrison: There's tons.

The Chair (Mr. David Oraziotti): —but we need to move on at this point. Ms. Campbell, go ahead.

Ms. Sarah Campbell: Thank you for your presentation. I wish we had more time for questions, because I have a whole host of them. But I just wanted to start off with one and then I'll let Rosario ask one.

In your presentation, you said that the royalty is inadequate to cover the true cost to the municipalities in terms of your infrastructure. So I'm curious: Why is it that you say that incentives are needed for municipalities to start using recycled aggregates?

Ms. Marolyn Morrison: Because I believe that if we got to recycled aggregates and they started using recycled aggregates, it would cut down on the noise, the dust and

the disturbance to the municipalities where the virgin aggregates are actually taken out of the ground. And if they did take virgin aggregates, well, then, we have to probably have a high royalty for them. We need to look at what they're doing in Europe. In Europe, they're doing that, and it's covering the cost of the infrastructure—

Mr. Rosario Marchese: Yes. No, we agree. Just to continue—

The Chair (Mr. David Oraziotti): Okay, go ahead, quickly.

Mr. Rosario Marchese: We agree with the levy, by the way. And by the way, the industry seems to agree with the levy, God bless.

Ms. Marolyn Morrison: I know they do. I've met with them.

Mr. Rosario Marchese: Which means there's pressure on all sides, so at some point we're going to have to talk about that. We haven't agreed on what that levy should be, but we all agree.

On the issue of recycling, we have to make that happen. So my question is not so much how we make the little municipality agree to recycling where it doesn't have the resources or expertise; it's the government saying, “We're going to make this happen and we'll provide support where needed in the local municipalities,” as opposed to you going back to AMO and saying, “You all discuss it and come up with some plan to make this work.” In my view, it's the province that has to come up with a plan and make this work.

Ms. Marolyn Morrison: I would like the province to be the leader in that, and organizations like OSSGA and TAPMO would help by working either through AMO or with the municipalities that we have to make that happen.
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Mr. Rosario Marchese: Through the leadership of the province. Do you believe in self-regulation?

Ms. Marolyn Morrison: You know, I would love to think we could do it, but it's proven it doesn't work.

Mr. Rosario Marchese: I agree with you.

The Chair (Mr. David Oraziotti): All right. I need to stop you there. Thank you very much. We appreciate you coming in today.

CEMENT ASSOCIATION OF CANADA

The Chair (Mr. David Oraziotti): Our next presentation: the Cement Association of Canada. Good afternoon. Welcome to the Standing Committee on General Government. As you know, you've got 10 minutes for your presentation. You can just start by stating your name and proceed when you're ready.

Mr. Michael McSweeney: Thank you. I'm Michael McSweeney, president and CEO of the Cement Association of Canada. Thanks for this opportunity to provide the thoughts and perspectives from the cement industry on the ARA review.

We represent Ontario's cement manufacturers: Essroc, Italcementi, Federal White, Holcim Canada, Lafarge North America and St Marys Cement.

Just to remind you, cement is the glue that holds the concrete together. It's a very fine, dry powder that is sold in bulk or bags and travels the world very easily.

Cement is produced by extracting limestone and small amounts of sand and clay, usually from a quarry located near a cement manufacturing facility. The extracted materials are analyzed, blended with additional mineral components and finely ground for further processing. They are then heated in a kiln at a temperature of close to 1,470 degrees Celsius. The heat transforms the materials into a molten product called clinker, which is rapidly cooled. The clinker is then finely ground. Gypsum is added to control setting time, along with other supplementary cementing materials, to obtain a fine powder which is then called cement.

The cement and concrete industries in Ontario employ over 16,000 Ontarians and generate over \$6 billion of economic activity. They also allow the province to be self-sufficient in meeting cement demand. This is extremely important, given the vast amount of spending by both the government and the private sector on concrete products.

Cement, concrete and aggregate facilities are located in most ridings across Ontario, and they are important industries supporting a \$37-billion construction industry. Without access to aggregates, our industry cannot survive and the construction industry would grind to a halt.

Over 85% of ready-mix concrete is composed of aggregate. Look around your town or your city and you'll see the importance of concrete in our hospitals, schools, roads, transit systems, bridges and in the buildings we call home.

Given the critical importance of our nation's infrastructure in maintaining jobs and promoting economic growth, and the growing importance of sustainable construction, cement needs to be seen as one of Ontario's most important and strategic commodities. Can you imagine importing cement from Asia and all of the greenhouse gases that that would create? In fact, concrete is the most widely used man-made commodity in the world, with over 3,000 tonnes per year being consumed by every man, woman and child.

Almost 60% of Ontario's aggregates are used by the public sector: federal, provincial and municipal governments. Demand for infrastructure is expanding as the population increases. At the same time, current infrastructure is aging. As a result, the demand for cement, concrete and aggregates will only increase. Continued access to aggregates close to building sites is essential to the future prosperity of Ontario.

Equally important is our industry's commitment to corporate social responsibility and to working with NGOs, ENGOs and local communities. We are strong believers in taking a cooperative and collaborative approach. Our member companies have recent experience working in partnership with the World Wildlife Fund, Environmental Defence, Habitat for Humanity, Earth Rangers, Pollution Probe and Lake Ontario Waterkeeper, to name a few. Our companies recognize the

importance of communicating regularly with local communities and consulting with them on initiatives that are happening in their area. We support initiatives that reward industry and stakeholders that have formed partnerships to work co-operatively together and to develop solutions.

From other presentations you heard last week, you will have heard from the Aggregate Forum of Ontario and SERA, the Socially and Environmentally Responsible Aggregate forum, which are examples of industry and ENGOs working together to create a voluntary certification program within the industry—a certification program and self-regulation that does work. These initiatives increase environmental stewardship and community engagement.

Other presentations have talked about rehabilitation. When an industry has finished with a pit or a quarry, they likely become wildlife habitats, recreational parks and agricultural land. These former pits and quarries are rehabilitated back into the landscape and available for public enjoyment.

I want to highlight for you a quote from one of Ontario's great environmental groups, Earth Rangers Centre For Sustainable Technology. Earth Rangers is a not-for-profit charitable organization dedicated to educating children and their families about biodiversity loss. A recent quote from their president and CEO, Mark Northwood, stated, "We chose concrete as the material of choice for our building because of its comparatively low impact on biodiversity, its longevity, and thermal qualities. We also believe in aggregates as a top choice for building materials because of the cement industry's ability to recover, and, in most cases, increase the state of biodiversity on their properties."

We believe in strongly working with all local stakeholders: local municipalities, environmental groups and the general public. We are committed to sustainability and responsible stewardship, and we are a willing environmental partner. We need, though, ready access to aggregates. Local aggregate sources are critical for our industry and are more environmentally friendly, requiring less transportation over long distances. In fact, the SAROS study confirmed that a close-to-market supply is an environmentally responsible policy, as it requires less travel, consumes less fuel and, as a result, generates less greenhouse gas emissions.

However, close-to-market supplies are quickly depleting, as you've heard before. It's estimated that the GTA only produces about 50% of what it consumes and the rest is imported from beyond the GTA. As previously noted in other presentations, SAROS states that within a decade there will be shortages within the GTA for high-quality aggregate. With over 206 cranes in the sky in Toronto today, mostly for concrete buildings, access to aggregates is vital.

Just as the 100-mile diet or the local food movement is growing in popularity and importance, so too should we focus on our local aggregates. Local food policies make economic and environmental sense, and so do local

aggregate policies. Each new aggregate pit or quarry brings new local jobs and investment to the local economy. The local food movement promotes sustainability, as do local aggregate resources. The same principles that are applied to local food should be applied to aggregates. It makes economic sense and it makes environmental sense.

SAROS also confirmed that stone, sand and gravel are non-renewable resources. Ontario consumes about 160 million tonnes per year, with you in government consuming 60% of aggregates. We need to protect those resources for the future. We need to confirm and support a close-to-market supply. The reality is that nothing gets built in Ontario without aggregates. It is in the province's best interest to protect and manage these resources.

We need to develop a clear, efficient permitting process to assist small businesses and attract international players by creating certainty in the process. In order for Ontario to remain a place where companies want to invest money, where they want to conduct business, we need certainty, and we expect reasonable time periods for the permitting process. Certainly we can all agree that waiting up to nine years for a permit is not efficient or reasonable and will not attract investment to Ontario.

We believe in sustainable resource management by balancing the needs of the environment with the economy, the province and local communities. Producing aggregates close to market is truly sustainable.

We know local communities are concerned about the potential environmental impact, but we believe in working with the local communities to address those concerns in advance and to highlight the net gain to the natural heritage systems through land rehabilitation processes.

In closing, Mr. Chairman, I can assure you that the cement industry has indeed come a long way. Today, the industry as a whole is striving to be more environmentally responsible and identifying new and innovative ways to reduce our environmental footprint.

The ARA is an effective means to license new pits and quarries, to regulate the day-to-day operations and land rehabilitation. It allows for important public input and strong enforcement. The Aggregate Resources Act is not broken; it just needs to be tinkered with to meet today's demands by business and communities.

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We believe that corporate social responsibility is also essential. We must all work with ENGOs, NGOs and local communities to ensure a stable aggregate supply that is sensitive to local concerns, and our cement companies do just that.

I will leave you with two last messages. The government must take action now to enhance business certainty and to ensure access to local aggregates so we can remain, in Ontario, sufficiently competitive to retain growth and investment. At the same time, we must increase public confidence by facilitating dialogue and partnerships between industry, environmental groups and local communities.

Once again, thank you for allowing us to share our views.

The Chair (Mr. David Oraziotti): Okay, thank you for your presentation. Ms. Scott, go ahead.

Ms. Laurie Scott: Thank you very much for appearing here today. You said in your comments, "We need to confirm and support a close-to-market supply." Do you have any ideas of how we can do that? We've heard both sides and we're going to continue to hear both sides, and it is a difficult question for the producers and the users. Do you have any ideas?

Mr. Michael McSweeney: By working with local communities, by working with agricultural groups, by working with all of the local people involved. It takes everybody in the area where a permit application is being filed to work together in advance of the permit being filed.

Ms. Laurie Scott: So can I say, on the official plan—I so the municipal official plans that are out—I come from Kawartha Lakes, which was mentioned. My whole riding is a large aggregate producer. Should there be some type of signoff? We've had maybe a pit or quarry licence for a long, long time and then, all of a sudden, you get new homes being built but there wasn't the time for the extraction to occur till the market was ready. Right? So is there some type of signoff, do you see, working with the municipal official plans, and the province has to say, "SAROS has been done, so now we have a pretty good inventory of aggregate in the province"? Do you see something like that?

Mr. Michael McSweeney: As a former city councillor myself, I can tell you, I just loathe NIMBYism. Former Minister George Smitherman, when he put in the green energy and environment act, said that they're going to do things that are required and they're not going to let NIMBYism play a part in it. If a subdivision has been approved by a municipality after a pit and quarry has been approved, then it's incumbent upon the developer and the municipality to let those people know in advance that they're placing their hard-earned money into an investment that is located beside a pit or a quarry. They cannot come in after a pit and quarry has been established and then complain about that. That's just not on.

Ms. Laurie Scott: Yes.

The Chair (Mr. David Oraziotti): Thank you very much. Next question: NDP caucus. Mr. Marchese, go ahead.

Mr. Rosario Marchese: Thank you, Mr. Chair. Michael, on page 4, you say that these former pits and quarries are rehabilitated back into the landscape and available for public enjoyment. What we know is that half of these pits that have been quarried have not been rehabilitated, and with those that are, communities state concern about what that rehabilitation means. So clearly, with half not rehabilitated and others not to the standards that the community would wish, there's a problem here.

You talk on page 6 about, "We believe in working with the local communities to address those concerns in advance and to highlight the net gain to natural heritage

systems through land rehabilitation,” but my sense is, if that’s not happening, I’m not getting a good feeling about your ability to work with communities on this. And without them, we have a problem.

Mr. Michael McSweeney: You know, 50, 60 years ago, when quarries were approved and plans were put into place, times were different. I think if you look at any pit or quarry that has been recently permitted, there is a plan for the start-up of the quarry, the use of the quarry and the end of life of the quarry. So while we cannot make up for the gross inadequacies that may have taken place in the past, we have to look at it going forward.

Mr. Rosario Marchese: Right.

Mr. Michael McSweeney: I can assure you, in listening to other questions that you’ve made, as a former CEO of the Standards Council of Canada, the vast amount of regulation in this country is done by voluntary certification and voluntary standardization, and it does work.

Mr. Rosario Marchese: I see.

The Chair (Mr. David Oraziatti): I need to move on. Thank you. Mr. Colle, go ahead.

Mr. Mike Colle: Thank you, Michael. Where were you a city councillor, may I ask?

Mr. Michael McSweeney: In Ottawa.

Mr. Mike Colle: Oh, in Ottawa. Good. Westboro, or where?

Mr. Michael McSweeney: No, Alta Vista.

Mr. Mike Colle: You made a very good point there: that before 1997, there were no rules. There were basically municipal rules, and the quarries were never rehabilitated. But as a result of the legislation, there is rehabilitation mandated, right?

Mr. Michael McSweeney: Correct.

Mr. Mike Colle: I just wanted to put that on the record.

The interesting thing that you did mention is about the 200 cranes in the sky and about certainty for industry. I agree with you, but it seems the way things are right now, the industry is not suffering. I mean, we’ve got more cranes in the sky here in Toronto than all of North America combined. So what else does industry need if they’re doing so well and building so much right now, certainly in the GTA, anyway? It’s like we’ve never had it so booming, as they might say.

Mr. Michael McSweeney: Well, there are 206 cranes in the sky here in the GTA. That’s more than Shanghai, so you’re bang on on that, but if I could be as brash as to suggest the GTA is not Ontario. I mean, what about Windsor? What about Ottawa? In our industry alone, we’ve lost 40% of our market. That’s a lot of families without breadwinners in the family. So while the GTA is doing well now, that’s a microcosm, and we can’t just look at the GTA as indicative of the whole province.

Mr. Mike Colle: So we need to spread the cranes, and I think a lot of people would be supportive of that, throughout the province—

Mr. Michael McSweeney: And not just look at Toronto. I’m very proud, being from Ottawa, of the GTA and our provincial capital. It is a world-class city, and we

need to keep developing a world-class city. But we also remember that we’ve got cement plants and concrete plants and pits and quarries in almost all 107 ridings across the province. So while Toronto is doing well, there are many areas of the province that aren’t.

Mr. Mike Colle: That need cranes.

Mr. Michael McSweeney: That need cranes.

The Chair (Mr. David Oraziatti): Okay, thank you. We appreciate you coming in today. That’s the time for your presentation.

Mr. Michael McSweeney: Thank you, Mr. Chairman.

The Chair (Mr. David Oraziatti): Okay, folks, the next presentation is the Ontario Professional Planners Institute.

Mr. Mike Colle: We’ve got more than enough here. I’m sick and tired of seeing all these cranes.

The Chair (Mr. David Oraziatti): Send some to Sault Ste. Marie.

Mr. Mike Colle: I can’t even see the sky anymore.

The Chair (Mr. David Oraziatti): Send some to the Soo.

Interjection.

Mr. Mike Colle: I want to send them all over. Everywhere I look, there’s a crane.

The Chair (Mr. David Oraziatti): We’ll take the cranes in the Soo.

ONTARIO PROFESSIONAL PLANNERS INSTITUTE

The Chair (Mr. David Oraziatti): Good afternoon and welcome to the Standing Committee on General Government. You have 10 minutes for your presentation. Time you don’t use will be divided among members. Just simply state your name for the purposes of our recording Hansard, and you can start when you’re ready.

Mr. Paul Stagl: Thank you very much, Mr. Chairman and members of the standing committee. My name is Paul Stagl. I’m the president-elect of the Ontario Professional Planners Institute. I have with me Mr. Rowe, who will be making a presentation on behalf of the institute to you. I also have with me Ms. Loretta Ryan, who is the director of public affairs for the institute.

OPPI, as you may recall, is the recognized voice of Ontario’s planning professionals. It’s the governing body for approximately 4,000 of our professional members, roughly two thirds of which are registered professional planners in the province of Ontario. We’re delighted today and appreciate the opportunity to speak to you about your review.

OPPI recognizes the important role aggregates have to play in enabling development of infrastructure that supports growth. A number of our members are on the front line when aggregate applications are being reviewed. We work with proponents; we work with review agencies; we deal with community concerns and policies to protect our natural heritage and water resources. So we have a very good familiarity, working familiarity, with the act.

Mr. Rowe is the leader of the environmental working group of the institute's policy development committee. He practises day to day in this area and has been working with a group of our professionals, volunteers, to prepare a submission for you today.

Mr. Steven Rowe: Thank you, Paul, and thank you to the committee for this opportunity to present to you.

In preparing this submission, we consulted with a number of other OPPI members, ranging from people who work for the development industry to people who work for community groups, so we believe we've found sort of a consensus of quite a wide range of views within the profession. I believe that you've been circulated with a copy of our presentation, and I'm going to summarize that for you.

We feel that this review of the Aggregate Resources Act is very timely. It's 15 years since there have been major changes, and since that time there have been broad changes in the policy and legislation surrounding the Aggregate Resources Act that relate to aggregates, the complexity of the engineering solutions that people are developing to respond to that policy, the time frame for managing rehabilitation and post-extraction environmental effects, and best practices that have been developed by aggregate operators that now need to be pulled more into the mainstream.

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We've interpreted the mandate quite widely. It is a review of the Aggregate Resources Act, but the act itself is quite general. We've interpreted it to include the regulation and the provincial standards, which implement a lot of the things that you find in the act.

I have three themes to present to you this afternoon. One is to ask that you undertake your review in the context of all the other legislation and policy that has to go into a review of an aggregate proposal. Also, there is a need for a comprehensive review of the provincial standards for aggregates and, finally, agency review of aggregate applications—some pointers on that.

In relation to related legislation, there are a number of pieces of legislation that run in tandem when an aggregate proposal goes through the process. There's the Planning Act, which deals with the principle of the extraction use, and it's a municipal planning decision, as well as the Aggregate Resources Act, which is more to do with the details of what goes on in the site, and the haul route, which is the Ministry of Natural Resources. They usually run concurrently using the same reports and information base, so there's an opportunity there to integrate those processes in terms of timing of consultation of various reviews and events that happen.

Under the Planning Act, we have the provincial policy statement that affects aggregate resource protection, siting, water resources, natural heritage, agriculture—all things that are relevant to aggregate approvals. It's unfortunate, in a way, that that's currently under review at the moment. So there's a bit of an element of uncertainty as to what you're trying to harmonize with, as you move

forward, between the aggregates and the provincial policy statement.

There's other legislation relating to technical approvals—things like noise, air quality, endangered species, drinking water—that has to be considered at the same time. Now we have the introduction of a new element, the designation of the Melancthon quarry under the Environmental Assessment Act, and it remains to be seen how that's going to fit with the other approvals, because the EA process is intended to be a process to identify a proposal at the end of that process in terms of need and alternatives, whereas in this instance we already have a proposal. So it's going to be interesting to see how the environmental assessment process works around that.

The next element of what I was hoping to say to you is to do with the comprehensive review of provincial standards. It's on page 4 of the presentation that I've provided. We need to bring the practice up to date in the 15-year-old document to reflect current policy, as I went through just now, and to reflect current mitigation approaches and best practices. I have a number of sub-themes that I'd like to deal with.

One is dealing with the complexity of the—I'm mostly talking here about the larger aggregate applications rather than the small-scale independent operations, but there's a lot of concern about this being a complex and duplicative process. In response to policies to protect wetlands and water resources, we're now getting engineered solutions in response to those policies, like groundwater recirculation to protect aquifers and wetlands, and grouting that prevents moisture from moving too quickly through the rock, that are quite complex and need to be maintained over long periods of time. We're now moving into adaptive management plans. Rather than legislated standards that have to be met, it's a process for determining what to do now in response to new elements as they arise over a period of time, because things are complex in a way that we can't predict exactly what is going to happen. So there's a new level of sophistication there.

As planners, we feel there's a need here to apply the precautionary principle: that we can't go hook, line and sinker into these solutions necessarily, because it's unpredictable as to how they're going to unfold. A lot of these solutions also require work that goes a long time beyond the period when the licence expires in terms of pumping and water diversion and things like that. They require long-term technical arrangements in terms of inspections and monitoring, institutional arrangements in terms of agencies having to supervise these things, and long-term financial arrangements as well. Ultimately, there's a risk that if something really goes wrong that isn't predicted originally, there's a financial risk there that can end up in public hands.

The next element in terms of the aggregate standards review is public consultation and transparency, which is on page 6 of the institute's submission. We're simply saying that a lot of good practices have been developed by aggregate proponents in terms of consultation, in terms of putting information on websites and holding in-

tensive public consultation. Those ought to be, again, brought into the mainstream and made standard practice, as opposed to something just simply done as a concession or as good practice.

We need to harmonize consultation process requirements, as I mentioned, under the various pieces of legislation, including the environmental registry process, which is also involved. There's also a feeling out there that the timelines are too rigid, especially the 45 days at the beginning, and the two years. With the complexity of these projects, sometimes everyone, even working cooperatively, finds it very difficult to achieve those timelines.

Best practices: These things seem very mundane, but simple things like washing truck wheels before they go off the site; road sweeping; methods of computer phasing of blasting so that it has less impact; rubber screens for sizing the material, instead of metal—it's a lot less noisy—a lot of these practices could go into the provincial standards that aren't there now. They're things that have come along in the last 15 or so years that are very worthwhile, especially for larger applications.

Haul routes are outside the licensed area for the quarry, so it's a little bit ambiguous, a little bit uncertain, as to how they get regulated. But in all the instances that I've been involved in, they've been a major public concern in terms of levels of traffic—rural back roads suddenly becoming busy truck routes. There are no noise standards for traffic on truck haul routes or aggregate haul routes, so there can be a very radical shift in impact that people have to deal with.

There are also issues, as I was hearing just now, in terms of levies and improvement cost agreements. There's also something that I've come across in my work. Where an environmental assessment approval is required for a road improvement, sometimes the municipality, which is the only entity that can initiate this, can sit on its hands if it opposes a quarry or a—

The Chair (Mr. David Oraziotti): Sorry, I need you to wrap it up briefly. If you want to just conclude, that would be great, and then we can get to some questions.

Mr. Steven Rowe: Okay, thank you.

For agency review, we need to reduce duplication through joint agency review teams, which is already in use. We need provision for agencies to undertake things they need to do early in the process rather than late in the process, which is a source of delay. And there's a need to update licences periodically.

That concludes my presentation, sir. Thank you.

The Chair (Mr. David Oraziotti): We appreciate your comments. We've got a few more minutes to discuss this. The NDP caucus is first. Mr. Marchese, go ahead.

Mr. Rosario Marchese: It's a comprehensive report. I will set it aside and reread it when I have time. Do you comment at all on levies and the infrastructure costs that municipalities face on recycling? Do you have a comment on any one of those?

Mr. Steven Rowe: We do have a comment. In instances that I've found, sometimes—I think, really, we're mostly talking about a truck route between the aggregate facility and the nearest arterial road or county road that's intended to take that level of traffic. Often, those routes can go through more than one municipality, and the municipalities don't necessarily get the benefits. That's one issue around that.

We don't go into the details of what the levies should be, necessarily.

Mr. Rosario Marchese: What about recycling?

Mr. Steven Rowe: Hmm?

Mr. Rosario Marchese: Recycling.

Mr. Steven Rowe: We have a comment on recycling, just generally encouraging it. There's some feeling that recycling should be permitted on an aggregate site for as long as it persists, with some provision for terminating it when the aggregate use ends.

Mr. Rosario Marchese: The problem is, there are many challenges with recycling, obviously.

Mr. Steven Rowe: There are, yes.

Mr. Rosario Marchese: The industry isn't doing much; they should, or could. The government isn't encouraging it very much; they could and should. Municipalities in general don't have much expertise, and they could do more, but they're not. It's complex, right?

Mr. Steven Rowe: It's complex. We're mostly dealing with a land use issue, or the compatibility of the land use with the surrounding area, mostly from that aspect. It's certainly an interest of mine, but I'm just trying to deal with things in a land-use-planning kind of way in the presentation.

Mr. Rosario Marchese: If you have a more detailed analysis of any one of those points, could you send that too?

Mr. Steven Rowe: Yeah. I don't have a detailed analysis on the recycling aspect.

Mr. Rosario Marchese: Very good. Thank you.

The Chair (Mr. David Oraziotti): Okay. Mr. Colle?

Mr. Mike Colle: Thank you for the very comprehensive report. I think it's going to be very helpful because of the detailed analysis you've done. I really welcome it.

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The only thing is, it's very depressing. There are so many acts, so many ministries. We're looking at the tip of the iceberg here, and it would be ideal if we could get this coordination, a joint agency review approach taken. But I don't think that's going to happen in our lifetime. That's why, if you could think about it—because I think you've looked at the macro issues here. There are some very doable things I think you've mentioned in the short term, like haul routes not being monitored, and maintenance etc. If you could try and condense this down to some quick upfront doables as the first phase of some of these changes and blending coordination of different ministry activities; if you could take your time and maybe send it back to the committee. Just break it down into two sections, the more long-range and the more im-

mediate, that we could maybe recommend in this review. Not to say we wouldn't do the long-range, but certainly try and give some of those upfront things we might be able to do very quickly and in an immediate way.

Mr. Steven Rowe: I can certainly do that.

Interjection: You want to cut and paste the ARA.

Mr. Mike Colle: No, you've got to do what you can do. Let's not dream. We've got to help these people out. They're dealing with serious issues.

Mr. Steven Rowe: You mentioned the agency review teams. I've actually worked on coordinating two of those, and they do work quite well.

Mr. Mike Colle: I would appreciate that. Thank you.

The Chair (Mr. David Oraziotti): Ms. Jones, go ahead.

Ms. Sylvia Jones: Thank you. There are a number of questions that I wanted to ask you. On page 3, you make reference to integrating the acts, and you specifically talk about the PPS itself as currently under review. I think perhaps you're being kind. We've actually had all the public consultation for well over a year, and we're waiting for some kind of response back from the government. So to say it's still under review—I think you're being generous. Maybe we could get that as part of our discussions.

On page 5, you make reference, under "Dealing with complexity," that the precautionary principle should be applied in reviewing quarry proposals. Do you know where else in the world the precautionary principle is used for development permits or applications?

Mr. Steven Rowe: Not so much for aggregates. A lot of my background is in environmental assessment. A lot of those old hearings in the 1980s applied the precautionary principle to things like hazardous waste and things like that.

Ms. Sylvia Jones: Yes, I'm familiar with it in the environmental assessment area. I'm not familiar with it in aggregate and development, so I'm wondering if you can—

Mr. Steven Rowe: I do believe it needs to be brought into play here, because a lot of the long-term solutions—when you're constantly pumping groundwater through limestone—it's called karst—there's a possibility of opening up fissures, changing the speed that you're pumping. A lot of unpredictables start to arise in terms of protecting wetlands and things like that.

Ms. Sylvia Jones: So when EA is triggered, for example, you could then argue for the precautionary principle?

Mr. Steven Rowe: It's not necessarily just for EA; it can be applied for other things. I have some questions about applying EA to aggregates because, in its fullest form, it requires a selection process of aggregate sites from right across the province, for example. Private proponents find that difficult to deal with. There may be some kind of hybrid approach that can work.

I'm a little bit concerned with the Melancthon thing because the two poles don't seem to be getting any

closer. We have a very distinct proposal, but we're not seeing how the EA process is going to address that.

Ms. Sylvia Jones: Of course, we haven't seen anything in terms of the terms of reference for that EA, so I guess we're all starting on new ground.

Do I have a little more time?

The Chair (Mr. David Oraziotti): Very briefly.

Ms. Sylvia Jones: Thank you for your presentation.

Mr. Steven Rowe: Thank you.

The Chair (Mr. David Oraziotti): I appreciate that; thank you.

We appreciate you coming in today. That's time for your presentation.

Mr. Steven Rowe: Thank you very much.

Mr. Paul Stagl: Thank you.

ONTARIO GOOD ROADS ASSOCIATION

The Chair (Mr. David Oraziotti): The next presentation: the Ontario Good Roads Association. Good afternoon. Welcome to the Standing Committee on General Government. As you know, you've got 10 minutes for your presentation. The time you don't use will be divided up. Just start by stating your name.

Mr. Scott Butler: Thank you. I promise to be brief. My name is Scott Butler. I'm the manager of policy and research for the Ontario Good Roads Association, otherwise known as OGRA.

The Ontario Good Roads Association represents the infrastructure interests of municipalities through advocacy, consultation, training and the delivery of identified services. Given that our concerns are focused on these objectives, generally we don't comment on land use or resource issues. However, recognizing the significant impact of the aggregate extraction industry and its impact on Ontario municipalities specifically, my board of directors felt it was imperative to weigh in on this particular issue.

The ultimate success of any long-term best practice or constructive sustainable solution for the aggregate industry in Ontario is going to require the leadership of Ontario municipalities. Interest around this issue was galvanized following a study undertaken by the city of Kawartha Lakes in 2011. The study indicated that the city was coming up with a shortfall of between \$2.5 million and \$5 million a year, based on the aggregate resources extraction that was taking place within its municipal boundaries.

OGRA has devoted a considerable number of resources to ensuring that, in stewardship of our roadways, every effort is made to mitigate the financial, social and economic costs associated with maintaining these networks. Our leadership on road salt is an example. As an association, OGRA and its member municipalities agreed that they want to apply these same objectives to aggregate extraction. Currently, the aggregate royalties program transfers approximately \$20 million back to provincial and municipal governments, and it's

worth taking a look at what this actually means on the ground.

In February 2012, the Highland Companies, proponents of the mega quarry in Melancthon township, presented to council there. They noted that the quarry, if approved, would extract approximately 10 million tonnes per year. Under the current system, that's six cents per tonne or \$600,000 that would be going back into the township's coffers each and every year. That said, Highland actually advocated for increasing the royalties, similar to what you see in Quebec, so we'd be looking at approximately 50 cents per tonne. Under this configuration, that \$600,000 automatically transfers itself into approximately \$5 million per year for that particular township. I should draw your attention to the fact that in 2010 the township recorded revenues of \$2.5 million.

So, not surprisingly, for many cash-strapped municipalities these funds would be a vital source of revenue that would allow them to continue to address their infrastructure deficits while also allowing them to offset many of the associated costs that come with the wear and tear of having aggregate pits in their boundaries.

To that end, OGRA has two recommendations that I'd like to leave you with. First, we support the efforts to have the aggregate royalties program amended so that the program provides affected municipalities with the means to recover the costs associated with aggregate extraction. Those costs, we see as holistic costs. Second, OGRA would support an increase on the royalty fees program, contingent on these funds being dedicated to the rehabilitation of affected municipal and provincial infrastructure. Thank you.

The Chair (Mr. David Oraziotti): Thank you very much for your presentation. Mr. Colle?

Mr. Mike Colle: You talk about revenues to the cash-strapped local municipalities, but I guess what seems to be happening, though, is that, even though the revenues are very needed and very attractive, people are saying that the cost of those revenues, in terms of quality of life and water quality and dust, is not worth it.

Mr. Scott Butler: That's true.

Mr. Mike Colle: So isn't there something, basically, that it seems to me, with all this friction and the confrontations happening right across the province—and I think, whether it's the cement association or the aggregate producers, the proponents, in good conscience, are trying to do the best they can. Let's assume that. There's obviously some kind of impasse here, whereby the good work you're trying to do, or the good work that the proponents are trying to do, and offer up resources to the local municipalities—there is obviously a real pushback, and they don't want to pay that price. We're at real loggerheads.

Don't you think we need to find ways of dealing with this reality and going beyond just a matter of, "Here are the revenues, and be quiet"? We've got to maybe find ways of getting to where people are rationally coming to some process where they may not always agree but at least it's a more tempered, long-term, quality-of-life

approach to a necessity, which is aggregate. We all know it's a necessity. So I'm just saying, don't we need to find something to get this going?

Mr. Scott Butler: I would agree wholeheartedly that we need to find something. I suspect that that solution is rather elusive, or else it would have been employed already.

What we're seeing is, municipalities are under the gun, almost from a legal point of view—you would have heard from Marolyn Morrison. She detailed the extensive—I think it was almost \$7 million they spent fighting aggregate extraction. A township like Melancthon simply doesn't have the resources. They know that they can just be more or less brought to heel based on legal fees alone. Leadership's going to be required for it, and I assume that's why we're all here today.

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Mr. Mike Colle: Thank you.

The Chair (Mr. David Oraziotti): Ms. Jones, go ahead.

Ms. Sylvia Jones: I'm going to let my colleague Mr. O'Toole take most of the questions, but I don't want to leave the impression that Melancthon township has been successfully encouraged to not actively stand up for their residents when it talked about the proposed quarry. They in no way have been swayed by the potential proposal of 50 cents a tonne, and I don't want the committee to be left with that impression. Melancthon can speak for themselves, and they will be in a few more deputations, but I want the committee to be very aware that the entire council has been very active on this file and are in no way being cowed by proposals or intimidation, factual or otherwise.

The Chair (Mr. David Oraziotti): And we're going to hear from—

Ms. Sylvia Jones: Mr. O'Toole.

Mr. John O'Toole: Yes, thank you very much. Pretty much on the same thing, you make the point on the royalties. We heard that from the TAPMO group, and they made the same illustration. Certainly that, I believe, would be important.

The other one—I think I represent this as my main interest—is the whole rehabilitation thing, which does affect, to a large extent, the close-to-market people. Some of them have been well mined out. Do you have anything to suggest on the rehabilitation side, or is this going to be brought up on Ontario Good Roads? Those are important dialogues, both with ministry as well as municipal people regionally. Do you have anything or have you—

Mr. Scott Butler: No, we see the rehabilitation—when you're talking rehabilitation, you're talking of pits or quarries, correct?

Mr. John O'Toole: That's right.

Mr. Scott Butler: We've stayed silent on that. That's really not our area of expertise. Certainly we've encouraged any sort of efforts to move forward on that. We know of examples. The Arboretum at the University of Guelph probably is one of the primary examples of a successful rehabilitation. But for the most part as an organ-

ization we have not decided to take an opinion on that one way or the other.

Mr. John O'Toole: You didn't leave a written presentation today?

Mr. Scott Butler: No; I'll be submitting.

Mr. John O'Toole: You will be forwarding one, right?

Mr. Scott Butler: Yes.

Mr. John O'Toole: Very good. Thank you.

The Chair (Mr. David Oraziotti): NDP caucus. Mr. Marchese?

Mr. Rosario Marchese: As I understand it, you're sticking to two areas, Scott.

Mr. Scott Butler: Yes.

Mr. Rosario Marchese: One, cities have a problem in terms of infrastructure spending and therefore—

Mr. Scott Butler: Townships as well. I wouldn't just define it as cities; I would say all municipalities.

Mr. Rosario Marchese: All municipalities—quite right. Therefore, by consequence, we should increase the levies, although you don't talk about how much, but that we should increase them, and that would obviously support municipalities and that levy could also be used for rehabilitation. That's the extent of the presentation; is that correct?

Mr. Scott Butler: That's correct.

Mr. Rosario Marchese: You don't have an opinion on anything else related to all this?

Mr. Scott Butler: Well, no, we have lots of opinions, but we were focusing specifically on that. We want to make sure that when aggregate is extracted from a quarry or a pit, the costs associated with the wear and tear on municipal infrastructure are accounted for.

Mr. Rosario Marchese: I understand. Sure, sure.

Mr. Scott Butler: That's our primary objective.

Mr. Rosario Marchese: But you don't comment on self-regulation or on recycling?

Mr. Scott Butler: Certainly on recycling we've had lots of different positions that we've staked out. We think it's a viable option. We're fortunate to have a member of staff who has a Ph.D. in civil engineering, and his dissertation from Waterloo was on aggregate recycling. He's a strong, ardent, vocal proponent of recycling.

Mr. Rosario Marchese: He is.

Mr. Scott Butler: Yes, he is.

Mr. Rosario Marchese: Does he speak for the organization or for himself?

Mr. Scott Butler: He does on that particular issue.

Mr. Rosario Marchese: On that issue he speaks for himself?

Mr. Scott Butler: Now, that said, it's contingent on the type of project that's being undertaken. Where it's viable, we wholeheartedly agree with and endorse recycling of aggregate.

Mr. Rosario Marchese: Got you. Could we get that report from that Ph.D. person?

Mr. Scott Butler: I can see what I can do for you.

Mr. Rosario Marchese: That would be great. Thank you.

Mr. Mike Colle: Can we ask the Ph.D. person to make a presentation? I'll move that. Do you agree?

Mr. Rosario Marchese: Absolutely.

Mr. Mike Colle: Have him come in later on.

Interjections.

Ms. Sylvia Jones: We might need more time for that—extensions.

Mr. Mike Colle: Yeah, well, you voted against the extra two days here.

Ms. Sylvia Jones: We could go to him, travel.

Mr. Mike Colle: You can't have it both ways, you know. You voted against the two extra days.

Interjections.

The Chair (Mr. David Oraziotti): All right. Thank you for coming in. Your time is finished.

Interjections.

MS. CHRISTINA WIGLE

The Chair (Mr. David Oraziotti): Next presentation: North Dufferin Agricultural Community Task Force.

Mr. Mike Colle: Is the Ph.D. guy coming or not?

The Chair (Mr. David Oraziotti): The members are getting restless.

Thank you, ma'am, for coming in today. We appreciate you being here. Welcome to the Standing Committee on General Government. You have 10 minutes for your presentation. You can simply start by stating your name and proceed when you're ready.

Ms. Christina Wigle: Thank you for the opportunity to speak to the committee regarding the ARA. My name is Christina Wigle. I am down as a representative of NDACT; however, I'm a volunteer with NDACT. Carl Cosack, who is the chair of NDACT, will be giving the official—

The Chair (Mr. David Oraziotti): If you want to just move the microphone a little bit closer to you.

Ms. Christina Wigle: A little closer?

The Chair (Mr. David Oraziotti): Thank you. Great.

Ms. Christina Wigle: Carl Cosack, who is the chair of NDACT, will be giving the official presentation for NDACT.

I'm here as a very concerned citizen. I live in Toronto. I have lived all my life in Ontario, as have my parents, grandparents and great-grandparents. My husband, all three children and four grandchildren have all been born in Ontario, and all of them live here except for one son who doesn't.

I must confess that I never really gave much thought to aggregates before a couple of years ago. A couple of years ago, I was at the Creemore Farmers' Market and I happened to stop at the NDACT booth there. I learned about the mega quarry that's proposed for Melancthon township. There have been a few references to this, but I learned that an application for a mega quarry on 2,316 acres—that's about a third of the size of downtown Toronto—was being proposed by Highland Companies and backed by a multi-billion-dollar Boston hedge fund, a group of investors with absolutely no experience in

quarrying. I was absolutely appalled, and the more I learned, the worse it seemed. I could not believe that such a proposal would even be considered.

The risk to the water is enormous. It defies common sense to think that you can blast down 200 feet below the water table, pump out 600 million litres of water per day, hold it for three days and then pump it back into the water system that's used by up to one million Ontarians, all without contaminating the water by the sediment from the 20 tonnes of explosives that are used per day, the quarry operations, bird droppings, whatever you have—and that's let alone human error. Contamination, I should say, could spread very quickly in this location because the aquifer is of a Karst formation, similar to that of Walkerton.

In addition, it would involve holding 1.8 billion litres of water per day. No company should be allowed to control that much of our water, particularly, I think, an American company, which could have NAFTA implications. And then to think that this must be done in perpetuity boggles the mind. Who believes that the proponents, Highland, or their successors will do that in perpetuity? If the mega quarry were approved, future generations of Ontario will end up paying for this forever. As one opponent of the mega quarry said in his submission, this proposal would “privatize the profits and socialize the costs.”

The water issue alone should be enough to prohibit the mega quarry, but in addition, the land that Highland proposes to blast consists of 2,316 acres of prime, class 1 farmland. Only one half of a per cent of Canada's land-mass consists of prime, class 1 farmland. Highland claimed in its submission that the land can be rehabilitated to farmland, but I don't think anyone believes this. One hundred years from now, this land will either be continuing to supply food for the GTA, or, if the wrong decision is made, it will be a huge ugly pit of worthless land, affecting all of the land around it, as well as being a huge expense to the people of Ontario.

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Time does not permit me to list all the other negative effects of this quarry: the effective expropriation of the highways with 300-plus truck journeys per hour, safety issues, the noise, dust, pollution, the threat to the area's very important tourism industry etc. As a professor at U of T said, if someone set out to deliberately blast a quarry in the worst possible place, this would be it.

It was hard for me to believe that such a monumental proposal as the mega quarry was exempt from environmental assessment under the current system and only became subject to an EA on the pre-election promise of the Premier. Clearly, the time has come to do a complete overhaul of the outdated ARA and the provincial policy statement.

I was so appalled by what I'd learned that I have become a volunteer with NDACT. We are committed to increasing public awareness about this very dangerous proposal and the current and outdated regulatory system. The volunteers have organized events such as peaceful

demonstrations, art shows, marches and walks. I think everyone has heard of Foodstock, organized by the famous chef Stadtländer, which attracted 28,000 people to a farmer's field near the proposed quarry on a cold, windy and wet day last October. We are organizing another event, StoMp the Mega Quarry, on July 28, and I hope you'll all come. Many volunteers, and particularly Carl Cosack, the head of NDACT, have spoken on TV and radio, most recently a farmer who refused to sell his land. We have manned booths at farmers' markets and exhibitions, both in the countryside and the city. I can tell you that everyone I have spoken to about the mega quarry is absolutely horrified.

“Stop the Mega Quarry” and “Save Our Water” signs are sprouting up all over, not only in the countryside but in Toronto and other urban areas. My hope is that this mega quarry has such profoundly negative risks that it will provide the catalyst for a true reform of aggregate policy.

No one disputes the need for aggregate, but the province must start by determining the need. As Gordon Miller pointed out in his excellent presentation, the provincial policy statement specifically says that “need cannot be a criterion of the approval process.” That doesn't make any sense. For example, the two largest quarries in Ontario are on Manitoulin Island. It's my understanding that most, if not all, of that aggregate is shipped to the United States. Why would we rip up our country to pave the roads in another? Why is this aggregate not shipped to the GTA, not the USA?

As Commissioner Miller argued, aggregate must be shipped by train or ship, preferably the former. We cannot continue to move it by truck on our already congested highways. Aggregate is a non-renewable resource, and, as Commissioner Miller points out, quarries “permanently and profoundly restructure the land, its hydrology and its living systems.”

Moreover, although quarries are supposed to be rehabilitated, many, and perhaps most, are never rehabilitated; we've heard that here. As the commissioner points out, this cannot be considered an interim use of land. We have a responsibility to future generations to use the aggregate in Ontario in the most sustainable way, and to date we certainly have not been doing that.

The people of Ontario and its future generations expect this government to protect its future, and—

The Acting Chair (Mr. Michael Coteau): One minute left.

Ms. Christina Wige: Thank you—it is imperative that our valuable land and water be protected and our aggregate supply be used in the most sustainable fashion. To this end, the legislation must be changed to protect valuable farmland and to protect our water. I think the specific things that we want will be outlined in the NDACT presentation by Carl Cosack.

In conclusion, I would like to say that the Environmental Commissioner has provided an excellent starting point for a sustainable future for aggregate resources, and I trust the government will do the right thing.

The Acting Chair (Mr. Michael Coteau): Thank you very much. We'll start with the PC caucus.

Ms. Sylvia Jones: Thank you for your presentation, Ms. Wigle. Based on the last page, where you make your six recommendations, would I be correct in saying that extraction under the water table is a bigger concern for you than the size of the proposal? The trigger for an EA, in your opinion, is in fact extraction under the water table, not the size of the proposal.

Ms. Christina Wigle: Well, if it's going to affect the water used by people, then it doesn't matter whether the quarry is 100 acres or 2,300 acres; it's going to pollute it anyway. I think the problems that it would cause are more important than the size—although I think this is a terrible proposal: 2,300 acres of prime farmland. So it's a question of both the size and the negatives of it.

Ms. Sylvia Jones: Okay. Thank you for your presentation.

The Acting Chair (Mr. Michael Coteau): Next: NDP caucus.

Ms. Sarah Campbell: In the third point of your requested changes to the legislation, you state that you would like to see an environmental assessment be mandated for all new or expanding aggregate operations. Do you have any concerns about the fact that one licence seems to be required for the lifetime of a site even though it can have periods of inactivity?

Ms. Christina Wigle: I don't think I'm qualified to answer that question. I think there are other people who can give you a better answer.

Ms. Sarah Campbell: I'm just wondering if you find that concerning. You talk about the need for an environmental assessment on new or expanding projects, but what about projects that have been dormant for a number of years and then start up? You don't have problems with that?

Ms. Christina Wigle: I can't answer that.

Mr. Rosario Marchese: I think a lot of us agree with many of the proposals that are here, particularly around aggregate extraction that goes below the water table. We have to determine the social costs to society. That's why you call for an environmental assessment on that kind of extraction. I think people agree with that. The designation of prime agricultural land, I think, is also important.

Ms. Christina Wigle: Absolutely.

Mr. Rosario Marchese: That's the need.

Ms. Christina Wigle: One of the people spoke before about the need for being able to get aggregates close to market. But I think if it's a choice, you need food more close to market. In most cases, they're not compatible.

Mr. Rosario Marchese: That's why another group talked about looking at different places. If extraction has to happen, we need to look at other areas where it's less sensitive, and this is—

Ms. Christina Wigle: Not on prime farmland.

Mr. Rosario Marchese: Right. I agree with that.

You talk about mandatory recycling. That's something a few of us are really pushing for.

Ms. Christina Wigle: I wanted to get to that, but I didn't have time.

Mr. Rosario Marchese: We agree with that. I'm happy that you're involved. It's great to see that. Thank you.

The Acting Chair (Mr. Michael Coteau): Thank you. Liberal caucus: MPP Colle.

Mr. Mike Colle: Thank you very much for a very professional presentation. You've really, I think, done it with passion and with a lot of knowledge. I really commend you for taking the time to be so caring about an important issue. I really thank you.

The question I was going to ask you—you mentioned conservation of aggregate as a priority. I've mentioned this before: What about dampening the demand for aggregates? People build all these swimming pools out of concrete and all these concrete towers in Toronto and these stone houses. Is there any way we can get people to understand that when they do this, they're basically asking for more quarries?

Ms. Christina Wigle: I think that's a pretty tough thing to do. Do you think you could convince your friends?

Mr. Mike Colle: I think it's tough, yeah. That's why I was asking for your help on this.

Ms. Christina Wigle: I think that would be really tough.

Mr. Mike Colle: Yeah, I agree. Thank you.

Ms. Christina Wigle: I commend you as one of the first MPPs to ask for an environmental assessment of the mega quarry. Thank you.

Mr. Mike Colle: Thank you.

The Acting Chair (Mr. Michael Coteau): Thank you very much for your presentation.

1550

MUNICIPALITY OF WEST GREY

The Acting Chair (Mr. Michael Coteau): Next up, we have the municipality of West Grey.

Interjections.

The Acting Chair (Mr. Michael Coteau): Okay, guys, you can have the conversation after.

Welcome to the committee. As you're probably aware, a 10-minute presentation—

Interjections.

Mr. Kevin Eccles: Am I in the middle of question period here, or what?

The Acting Chair (Mr. Michael Coteau): I was going to say—a 10-minute presentation, sir, with five minutes for questions, split among us. Welcome.

Mr. Kevin Eccles: Thank you very much, and thank you for the opportunity to meet with you today.

I'm the mayor of the municipality of West Grey and a former warden of Grey county. As you probably are already aware, there has been an aggregate resource plan or schedule done. Grey county has 60% of the known aggregate resources in southern Ontario, and 60% of Grey county's aggregate happens to be in West Grey, my

municipality, so we're very aware of gravel pits. I've grown up and have lived beside gravel pits and sand pits all my life.

One thing that I'm very much aware of and very much know is that you can only extract aggregate from where it is. You can't just bring it out of thin air and get it someplace and bring it around. It has got to be extracted from where it is. The thought is that if we're going to extract it and it's going to be where it should be consumed—and I would like to say that the municipality of West Grey has many more aggregate licences and proposals coming forward than probably our planning department can handle at the present moment. But in saying that, we know that it is where it is and we've got to extract it. We're in the business of having it there, so we will be able to say, okay, let's do it, but do it in an environmentally sustainable manner as well as one that is going to bring the benefit to my community.

As we know, it's certainly going to be consumed largely in the GTA and more in the urban areas than it is in the rural areas. I guess the biggest thing that I would like to see, when we are looking at this, is that if we're going to be a feeder of that large consumption area, there be some process or some thought that we're not just fed upon—that we can gain from the rural economy on that aspect of it. If there's anything that is pushing there, that's what I would like to see, that if it's going to be used someplace, it's going to be paid for, that we derive some benefit out of that consumption that is going forward.

I have prepared the report, and I see that everybody is reading it. I'm not going to read it verbatim, but there are two aspects. One that is of a little bit of interest: I had a councillor come forward with one idea, that all aggregate resources should be municipally controlled, and that we go about that way. I bring that here as mayor. I don't bring that as my own personal thought that we do it that way. I think there are a number of problems that will arise coming out of that type of concept. But one of the things that is positive is that it would give local residents and weekend residents—because probably where most of our aggregate is, 50% of the landowners are non-resident—they're weekend residents—in Grey county. If we had a fixed spot and worked out from that, some way around that, individuals would know, on a map laid out for the next 30 years, what is going to happen and where the extraction is going to be, and not be surprised that, "We've bought a place and a year later there's going to be a gravel pit beside us." In saying that, of course, everybody has the aggregate resource mapping, to know that there's gravel where you're going to be building.

I still think that private companies possibly would be the best place to develop and make that development, but we've got to be able to work with those companies, to be able to go forward to maximize Ontario's continuing growth.

The aggregate industry is certainly the one that is the primary feeder of that growth. Whether it be in roads or whether it be in cement swimming pools or whether it be

in condominiums, we're certainly going to need our aggregates to be able to do that. We don't want to continually build and have to put up structures that are going to deteriorate in 25 years and have to rebuild them. We can recycle some of the aggregate resources that are out there and build structures that are primary, like this structure we sit in here today, and will be available for three or four generations to work in, to live in or to play in.

I have listed a couple of things in my presentation, but one of the most important things—because of time—to the municipality is the 11.5 cents that are out there. I've been talking to a number of aggregate resource producers and they, along with myself, are very much agreeable that the 11.5 cents that is taken as a deduction doesn't cut it, I guess, is the best way to put it. I have made a number of presentations to a number of ministers from MNR over the years that this should be increased. I know that it was increased a couple of years ago, but even at that level it certainly doesn't ease the angst that a lot of my ratepayers in Grey county and in West Grey, but a number of ratepayers across the rural areas, have, that they're not seeing the benefit from that deduction.

If we can have some money put forward into our coffers because we have to upgrade roads, we have to do that, I think it's a lot better idea to increase that fee and maybe even use it as a development charge type of thing, that we have that in the bank before we start, because it's a lot easier to have it in a reserve and get it up front than it is to come back to somebody later, after they've gone down the road, and ask them to come back and do some maintenance and/or repair on the damage to the infrastructure that's already happened.

The one other aspect that I would ask the committee to look at is that MNR, I believe, is very short on resources. It's not about licensing new pits; it's about having the ability to enforce what is in the site plans that are out there.

I'll give you an example. We have a lot of rehabilitation, the pit owners, and it only takes one apple, of course, to make the barrel bad. But pit owners, I believe, are doing a tremendously better job today than they were 25 years ago about refurbishing and rehabilitating their pits and quarries. I think that we need a little bit more oversight—a little bit less, maybe, on policy direction from MNR, and a little bit more enforcement. You can make all the rules, but if you haven't got anybody there to follow through with them—no matter how much paper you have to throw at it, you need some people and resources to move along with it.

Those are the two things.

I will offer out one thing. Maybe a lot of the site plans are developed by the municipalities, and the regulations or the enforcement that they follow through on come from MNR. As a municipal politician—I may get banged by a lot of my AMO compatriots when I say this, but maybe the enforcement aspect of it should be down-loaded to the municipalities, with the right to be able to enforce their site plan agreements with the owners of the pits.

The Acting Chair (Mr. Michael Coteau): Thank you very much.

Interjection.

Mr. Kevin Eccles: I didn't say I really wanted it; I said it was an option, Mike.

The Acting Chair (Mr. Michael Coteau): Are you finished, sir?

Mr. Kevin Eccles: I could probably go on for another day and a half, but yes, I'll be finished.

The Acting Chair (Mr. Michael Coteau): Okay. Thank you very much for your presentation. We'll start with the NDP caucus.

Mr. Rosario Marchese: Thank you. We agree on increasing fees. I think that's a quick one.

Mr. Kevin Eccles: Check that one off.

Mr. Rosario Marchese: And everybody seems to agree.

We also agree, you and I, on the fact that MNR are sustaining incredible cuts in the last—I forget the accumulated period, but it's 40% reductions, which makes enforcement and oversight pretty bad. We agree on that. Whether or not it should be the municipalities doing that, given that they're short on money as well, I don't know. Clearly they are on the ground, so they would have an ability to see it, I suppose, but I'm not sure how many municipalities would love to have the power of enforcement and oversight when they're struggling with finances as well. I'll leave that as a comment.

The comment that I wanted you to speak to is the need—because you clearly support aggregates.

1600

Mr. Kevin Eccles: Yes.

Mr. Rosario Marchese: We need aggregate extraction. That was your point, and you said we have to do this environmentally. In your view, those two are possible?

Mr. Kevin Eccles: Yes.

Mr. Rosario Marchese: So when you heard the previous presenter talk about Melancthon and the problems of extraction and going below the water table and the effects it has on water, you believe that we can somehow deal with that or make it an environmentally positive experience?

Mr. Kevin Eccles: Right at the present moment, we have two aggregate operations in West Grey that are working below the water table. One of them has been working below the water table probably for 20 years now. They're still working in that spot, as well, but it has become a local fishing hole because they've put in trout and it has become a recreational facility. Yes, it can be done.

Mr. Rosario Marchese: So you might have seen studies that say this is fine, this is okay? What do you rely on?

Mr. Kevin Eccles: Part of it is my own experience of seeing it happen, and happen positively. But this is on a small scale. I'm talking aggregate resources taking out 300,000 tonnes, not a billion.

The Acting Chair (Mr. Michael Coteau): Thank you very much. Next, the Liberal caucus.

Mr. Mike Colle: I guess in the Melancthon quarry, you could probably have whales in it that size, compared to your trout.

Mr. Kevin Eccles: Killer sharks, at least.

Mr. Mike Colle: Mr. Mayor, I just want to go down this road with you of municipal stewardship. The concern I have with that—and I'm sure, being a mayor, you know that you're going to need resources to have the expertise to do site approvals, water quality tests, environmental impacts locally, which would be hard to pay for.

Then, the other thing: Aren't you going to have a hodgepodge of approaches if it's municipal oversight? Before the Oak Ridges moraine act came into play, you had all these competing municipalities for development dollars. You'd have King City, which would be very strict with their development proposals. Then you'd have people over there in East Gwillimbury, and they would be approving subdivisions galore because they wanted the money. So all over the province, you would have different types of approaches to what is an issue that affects everybody because it's affecting the water table and the underground aquifers. "They're travelling from one road to another municipality across your municipality, but he's getting the money or they're getting the money in fees, and we're not getting the money." "They approved it, we didn't approve it, and now we've got all the trucks coming through our municipality." I'm just giving you a forecast of what would happen if you went down that road.

Mr. Kevin Eccles: Part of that is exactly what's happening today as aggregates are being exported from Grey county through Dufferin county or through Simcoe county. Obviously, from where the pit is, the other communities are not getting any money right now.

Mr. Mike Colle: Is there a mechanism we could use to—

The Acting Chair (Mr. Michael Coteau): Sorry, I've got to go on to the next question.

Ms. Sylvia Jones: Thank you, Chair.

Does West Grey or Grey include aggregate mapping in your official plans?

Mr. Kevin Eccles: Yes.

Ms. Sylvia Jones: So if I was to want to purchase a piece of property, if I went to the township or the county, I'd be able to see where the resource is—not necessarily where there are applications, but where the resources are?

Mr. Kevin Eccles: Where the resource is, to the best of our ability. It was—well, I know it was one of my fellow councillors—probably eight or nine years ago that that full mapping was done.

Ms. Sylvia Jones: Okay. I won't go too much into the first point about collaboration or partnerships. There's a word for that, and I'm not real keen on "I invest in the land and then I let everybody else use it."

The second one, an increase in fees: Levies have certainly been discussed a lot already in this committee. Am I interpreting your suggestion as you would support an

increase in the fees if you knew or had some confirmation that a portion of the fee would be used for MNR staffing? Is that what I'm hearing?

Mr. Kevin Eccles: Yes.

Ms. Sylvia Jones: So you'd like to see some transparency in how those fees are used and ultimately be able to see the oversight.

Mr. Kevin Eccles: And rolled out. Correct.

Ms. Sylvia Jones: That's all I have. Thank you for your presentation.

The Acting Chair (Mr. Michael Coteau): Thank you very much.

Mr. Kevin Eccles: Thank you. It's been a pleasure.

TOWNSHIP OF MELANCTHON

The Acting Chair (Mr. Michael Coteau): Next, I have Bill Hill. Welcome. Just for the record, can everyone state their name? As you've probably heard 10 times, there are 10 minutes for your presentation and five minutes for questions, divided by the three caucuses.

Mr. Bill Hill: My name is Bill Hill.

Mr. Darren White: My name is Darren White.

Ms. Denise Holmes: Denise Holmes.

Ms. Janice Elliott: Janice Elliott.

Ms. Nancy Malek: Nancy Malek.

Mr. Bill Hill: Mr. Chair and members of the committee, thank you very much for the opportunity to appear before you today.

I'd also like to congratulate you all for at least requesting an extension of time and venue to carry on more discussion on this very important topic. I would encourage you to ensure that your party leaders are aware of the wisdom of your decision.

The township of Melancthon is located approximately one and a half hours north of Queen's Park. We are at the headwaters of five major rivers: the Grand, the Nottawasaga, the Pine, the Saugeen and the Beaver. We are served by two conservation authorities, the Nottawasaga and Grand River conservation authorities. The water from our township provides drinking water to over one million people in Ontario.

Our township is dealing with an application by the Highland Companies for the rezoning of 2,316 acres of prime agriculture land for aggregate extraction below the water table. It is not my desire or intent to discuss that project in this forum, but to focus on the subject at hand.

We believe there are several changes required to the ARA, and we list them in no particular order.

Currently, there is a 45-day commenting period. We believe this is unrealistic. We propose that the commenting period should be extended to a minimum time frame as allowed in the Planning Act; namely, 180 days. In the case of a mega quarry, that time could or should be extended. It's difficult to examine the mounds of data that we received—which was over 3,100 pages, by the way—and formulate a meaningful opinion in 45 days. In those cases, a negotiated time frame of up to one year may be required. In addition, there must be a notification pro-

vision added to the act to ensure that the host municipality is aware that an application for an aggregate licence has been applied for. This notification requirement should also apply to any posting on the EBR by anyone. The host municipality must be notified by the party posting comments on the EBR.

While municipalities usually have pre-consultation meetings, developing a list of required studies, we feel that a standardized list of reports should be built into the act. This list should be compiled as a result of consultation with the industry, the ministry and host municipalities to ensure all comprehensive areas are identified. This inclusion would not prohibit a specific municipality from requesting further studies based on the uniqueness of the host area and specific circumstances to that application.

We believe that any quarry of 250 acres or a quarry requesting below-the-water-table extraction and certainly any mega quarry should be subject to a full environmental assessment.

On page 18, section 6.3 of the SAROS report, it states:

"Overall, based on the constraints analysis, the conclusion is that there is a large overlap of prime agricultural land, wetlands, and significant woodlands with selected bedrock resource areas.

"In addition to the 20 constraints, there are numerous other factors that must be considered to determine whether the deposit area can be assembled and made available to supply mineral aggregate needs. Without an integrated and balanced approach, it is unlikely that an aggregate deposit could be licensed since there is a high probability of on-site and adjacent natural features, agriculture, water resources and social factors to consider."

We believe a thorough, comprehensive analysis should be done, with protection of the environment as the highest priority.

Rehabilitation is a concern. Again, I would refer you to the SAROS report. Section 7, starting on page 21, deals with rehabilitation. Partway through the first paragraph it states, "Legislation and policies that apply to aggregate extraction and rehabilitation are in effect to ensure that aggregate extraction is an interim land use and rehabilitation is carried out to return the lands to the previous use, or one that is compatible with adjacent land uses."

I will not be reading the entire section 7; however, I would suggest that you do.

I would refer to section 7.8, which states:

"Rehabilitation efforts in the United Kingdom are viewed as excellent examples and can be at least partially attributed to:

"—widespread promotion and acknowledgment of high-quality efforts;

"—innovative partnerships between industries, non-government organizations, and in some cases research institutions;

"—recognition of complementary relationships between human needs and nature conservation.

“This leadership and research may be due partly to the significantly higher per-tonne fee collected through their aggregate levy. Rehabilitation efforts in Ontario will meet with more success if a full range of possible land uses is considered and if networks of sites are considered simultaneously at the landscape level,” the point being that if more money and human resources were devoted to rehabilitation, a better job could and should be done. Stronger enforcement of the rules is also required.

1610

The next point is fees; we’ve heard a lot of that today. Currently, a municipality receives about six cents per tonne for aggregate extracted. In the case of a mega quarry, which, by definition, is to be able to produce 10 million tonnes per year, the proponent would realize somewhere between \$80 million and \$120 million per year, while the host municipality would receive \$600,000. The revenue distribution is not fair or equitable. I realize there have been discussions with the ministry and the top 10 aggregate producing areas to try to increase that fee to the 50-cent range. While that certainly is better than six, it still is not adequate for the disruption and destruction a mega quarry has the potential to inflict on a municipality or its citizens.

Transparency is also required. The industry is virtually self-regulating. A few years ago, our council was trying to learn more about quarries. The president of the Ontario Stone, Sand and Gravel Association took us on a tour of a couple of sites. In our discussion, I tried to pin down exact numbers for tonnage from each site. I was advised that those numbers are not divulged because it’s a very competitive business and producers do not want their competitors to know exactly how much business they’re doing. While I understand and respect confidentiality, I find it strange that we are to take their word and accept payments for tonnage extracted, yet they do not provide to a host municipality—or others that I am aware of—verifiable numbers to cross reference to ensure proper payments are being made. We suggest that the ministry or an arm’s-length party should be responsible for control and keeping of the factual data to ensure fairness.

The provincial policy statement 2005, section 2.5.4.1, states in part that in prime agricultural areas, on prime agricultural land, extraction of mineral aggregate resources is permitted as an “interim use.” That phrase is not defined. In the case of the Highland quarry, the proponents now state that this project is a 50- or 100-year deal. Those time frames certainly are not interim uses, and a clear definition is required.

At the February 23, 2012, OSSGA annual convention, Councillor Richard Paterak from Caledon, as part of his speech, offered that the following should be incorporated into the act:

“The concept is that aggregate licences should have a specified lifespan, a clock if you will. What I would like to suggest is that we give each licence a specified time period of operation but indexed to the economy of the area. That is, if a licence is granted to supply the GTA, a benchmark year could be defined as 12 months in which

the economy of the GTA is performing at 3% growth. So, as a for-instance, a pit granted a 20-year licence would finish in 20 years if the economy was steady at 3%. If we went into a recession and the economy performed at 1.5% for a year, that calendar year would remove only six months from the 20-year licence. Or if the economy soared to have a 6% growth year, it would remove two years from the licence. The clock would not start until 90 days after stripping occurred. In this way operators can have proven reserves ready to go when they want to mine them in an expeditious and complete manner.

“What does this do for the community? It gives them certainty, something that is missing today. An indexed clock could be a very useful tool to give residents peace of mind. It does impose an added discipline to the process, but if producers are truly professional and have done all of their studies, know how much material is in an area to be licensed, understand their market and arrived at a realistic time frame to finish the job, a clock should not be a problem.”

In the interests of time, I’m also providing a copy of the presentation that we’ve done on our revisions to the provincial policy statement. It includes many other remarks about aggregate, and we hope you will give that your serious consideration.

In closing, I would like to suggest to those that support the concept of a mega quarry just to take a short drive up the road to our township. I will personally introduce you to multi-generational farmers who are concerned and worried for their future and livelihood, as they have not sold out. I will introduce you to business owners who have seen their businesses decline because they may deal with one side or the other of the quarry issue. I will show you where 30 homesteads once stood that have been torn down to make room for the quarry. I will introduce you to Women’s Institute members who have had challenges rounding up support and pies for their long-standing strawberry suppers. All this before shovels hit the ground.

It’s very easy to support a concept when it will not have an impact on yourself or the community.

I respectfully submit our report.

The Acting Chair (Mr. Michael Coteau): Thank you very much, sir. We’ll start with the Liberal caucus. Questions?

Mr. Mike Colle: Mr. Mayor, what’s the population of your township?

Mr. Bill Hill: It was 2,358 as I left this morning.

Mr. Mike Colle: I want to congratulate you, given your small municipality, on your superb presentation and the fact that you’re able to do this, given your size and resources. The quality is certainly here, and I want to pass that on to the people who helped put this together. Really, it’s an impressive presentation: very, very clear.

Mr. Bill Hill: Thank you very much.

Mr. Mike Colle: You’ve got some very good, positive suggestions here about the impact and certainly even the social impact it’s having on your township.

I certainly concur about this interim use and the clock, that this open-ended thing is very problematic, and I think you've put forward a suggestion here, which I do appreciate.

You're here before all of us as the mayor representing the people who are at ground zero of this debate. What message do you want us to pass on to everybody?

Mr. Bill Hill: Good question. We understand the need for aggregates as well. The point is that this particular application, if we're talking about that, is immense and, quite frankly, too large for any municipality. All you have to do is drive up County Road 124 and you'll see that they are absolutely taking the 2,316 acres of prime agricultural land. So something has to change in that regard. We are at the headwaters. This is going to have a major, significant impact on over one million people in the province of Ontario, as far as we're concerned. We'll find out more, obviously, as the EA evolves, but we haven't seen those terms of reference yet.

The Acting Chair (Mr. Michael Coteau): Thank you. PC caucus?

Ms. Sylvia Jones: Thank you. It's nice to see you, Mayor Hill.

I'm going to ask a little more about the interim land use. In your opinion—and I understand this is kind of putting you on the spot—what would you have interpreted, or if you could give us a recommendation, what would you interpret as a quantitative number for “interim” land use?

Mr. Bill Hill: Well, frankly, I haven't given that a tremendous amount of thought, but when I saw the presentation done by the councillor from Caledon, I thought that was a reasonable projection, quite frankly. We know that there's a tremendous cost to anything to do with aggregates, so if there are going to be aggregates taken—and we do have pits and quarries in our area, by the way—then there has to be some time frame. Maybe a 20-year life cycle isn't a bad idea.

Ms. Sylvia Jones: Okay. My other question relates to the provincial policy statement. I see that you did present to the ministry when they were seeking input on the PPS review. When did you do those comments?

Mr. Bill Hill: That was back in 2010. I think it's date-stamped September 23, 2010.

Ms. Sylvia Jones: I see that here. And have you heard anything back in terms of what the ministry is doing/not doing?

Mr. Bill Hill: No.

Ms. Sylvia Jones: So we're in a waiting period?

Mr. Bill Hill: Yes, that's correct.

Ms. Sylvia Jones: Okay. Thank you.

The Chair (Mr. Michael Coteau): An NDP question?

Ms. Sarah Campbell: Thank you. I want to thank you for the very thoughtful and thorough and also very reasonable presentation that you made. I found it quite insightful.

I do have some questions, though, regarding especially number 4, where you state, “the point being, if more

money and human resources were devoted to rehabilitation, a better job could and should be done.” You know that money and cost is always a concern. Do you have suggestions about how we could raise some additional funds or prioritize?

Mr. Bill Hill: Yes, I do. I think if you look at the fact that a proponent will take \$80 million to \$120 million out of a project in a year and the municipality gets \$600,000, that's where the money comes from, quite frankly.

Ms. Sarah Campbell: Thank you.

The Chair (Mr. Michael Coteau): Thank you very much. Oh, you have a question?

Mr. Rosario Marchese: I got lots.

The Chair (Mr. Michael Coteau): Sorry. Go ahead.

Mr. Rosario Marchese: Thank you. Thank you again for the presentation. I agree with the levy and the fees. You made the same comment on stronger enforcement that the other mayor made earlier, and I'm a strong believer in enforcement. The problem is, the ministry doesn't seem to have any money to enforce anything, so it means absolutely nothing. So we have to deal with that.

1620

Self-regulation: You heard I'm not a big fan. Neither are you, obviously, based on the “transparency” remark. How do you know how much they're hauling out? Based on that, there's a fee, but if they're telling you, “We haul out 50 trucks” but it's really 150, you don't really know because of secrecy surrounding their agreements. So we need to deal with self-regulation, and there's got to be better transparency. I am agreeing with that.

The interim use: I think you're absolutely right. Others have commented on this as well, but it would be good to give municipalities a sense of certainty around, “What does that mean?”, because “interim” means absolutely nothing.

Mr. Bill Hill: Right.

Mr. Rosario Marchese: If it can be so elastic, at the end of it, it means absolutely nothing; it's not interim anymore. So I agree that we need to put a time frame on that.

Recycling: I'm assuming you are a big fan of recycling, right?

Mr. Bill Hill: We are a fan of it. It doesn't happen, particularly, in our municipality at this stage, again, partially because of the resources, or lack of resources, I guess I should say, that we have available for that.

Mr. Rosario Marchese: But on the whole, you believe that we need to look at how we recycle material as opposed to extracting more and more of the land, especially in sensitive areas?

Mr. Bill Hill: Definitely. Yes.

Mr. Rosario Marchese: Thank you for coming.

The Acting Chair (Mr. Michael Coteau): Thank you very much.

FRIENDS OF RURAL COMMUNITIES
AND THE ENVIRONMENT

The Acting Chair (Mr. Michael Coteau): Next we have FORCE, the Friends of Rural Communities and the Environment. Welcome. You've probably heard the rules around 10 minutes and five minutes of questions. Please state your name and begin. Thank you.

Mr. Graham Flint: Certainly. Thank you very much. My name is Graham Flint and I have the honour to serve as the chairman and spokesperson of FORCE, Friends of Rural Communities and the Environment.

FORCE was formed in June 2004 to protect our natural and built environments in the face of what is now the St Marys Cement-proposed Flamborough quarry.

We also believe that our organization has a responsibility to promote good government, and as such, we have participated in a number of past processes, including consultations on the provincial policy statement, the Greenbelt Act and the Clean Water Act. We also sit on the standards development panel of SERA, Socially and Environmentally Responsible Aggregate, an organization active in developing voluntary standards for aggregate operations. I believe you'll hear from them on Wednesday. We welcome this opportunity to participate in the committee's review of the Aggregate Resources Act.

Given the time available to me today, I will only present to you a brief snapshot from our eight-year-long story. But one of the overarching themes that I do want to identify is that of presumptive development or entitlement. Many communities feel that it is a culture that permeates the ARA, from proponent right through to MNR.

I can tell you that when I first called the MNR district office, the staff person advised me that I should call the proponent and develop a working relationship with them because "these proposals always end up getting approved." You may remember in Mr. Pichette's comments from the MNR presentation last week when he explained that at the end of the ARA application process the minister could either approve the licence or refer it to the Ontario Municipal Board. The ARA actually gives the minister a third option: They can deny the application, but to us it is revealing that the refusal option is no longer in the working language of the MNR. The MNR appears to have given up that responsibility.

Let me begin by outlining a few of the characteristics of the proposal facing our communities. It is a limestone quarry on the border of the Hamilton and Halton region. The site is in the drinking water protection area for the community of Carlisle, along with hundreds of private wells. It is in the natural heritage system of the greenbelt, with a significant collection of protected features, including provincially significant wetlands, significant woodlands, significant wildlife habitat, species at risk etc. It is an active farming community mixed in with a number of rural residential developments. The proponent's own documentation estimates an operation in existence for some 60 to 70 years on the initial lands—this is not an interim land use—and the lands will be permanently

changed, especially by the time the lake-based rehabilitation plan would be complete. It will be our children's children's children who will still be living with the effects of this proposal.

The committee members may be aware that an aggregate application requires evaluation for both an ARA licence and for Planning Act approvals. In our case, the proponent purchased lands that were zoned for agriculture and conservation management. The proponent is now seeking an official plan zoning amendment to change it to industrial extractive. No approvals are guaranteed; it is a buyer-beware situation where the proponent is speculating on an outcome. In the St Marys Cement case, the risk of the situation should have been even more apparent, as they purchased the lands from an initial land speculator who had already enraged the community and had given rise to significant opposition.

To make our long story very short, consider the highlights from the last couple of years. St Marys Cement formally applied for their aggregate licence in 2009. Staff and elected officials in Hamilton, Burlington, Milton and the region of Halton, as well as their medical officers of health, all objected to the proposed quarry as part of the ARA process. They not only objected, but many of them passed specific resolutions calling on the province to deny the licence or stop the quarry. Other public agencies and stakeholders such as Conservation Halton, the Niagara Escarpment Commission, the Hamilton Wentworth District School Board, individual public and private schools, the Halton Federation of Agriculture and the Hamilton Wentworth Federation of Agriculture all objected. So did the provincial Ministry of Natural Resources, with seven full pages of comments, and the Ministry of the Environment. Along with those institutional stakeholders, more than 1,200 area residents also formally objected to the proposal.

The St Marys Cement Flamborough quarry proposal is not a partisan or political issue. Opposition to this proposed development crosses all levels of government and all political parties, including municipal councillors in Hamilton, Burlington, Milton and Halton, Conservative Halton MPP Ted Chudleigh, NDP leader and Hamilton Centre MPP Andrea Horwath, Liberal Ancaster–Dundas–Flamborough–Westdale MPP Ted McMeekin, and Conservative Ancaster–Dundas–Flamborough–Westdale MP David Sweet.

"No" was the decision from our communities, our local and regional governments, the relevant agencies, and all other stakeholders. Unfortunately, St Marys Cement refused to accept that decision.

In 2010, six years after the project was first proposed, the province made a decision to use an existing tool under the Planning Act, a ministerial zoning order—or MZO—to freeze the zoning on the property. This action appears to us, at least in part, to reflect the unanimous stakeholder positions that had already developed.

The company then pursued its interests before the Ontario Municipal Board and sought a hearing to revoke or amend the MZO. Hamilton, Milton and Halton made

decisions to participate, along with the provincial government. These municipalities also requested that the province make a declaration of provincial interest, or DPI, in the proceedings based on the issues involved. As the preliminary hearing started in 2011, the province made the decision to declare a provincial interest.

St Marys Cement then chose to adjourn the OMB hearing and to escalate the situation to the courts by launching a judicial review challenge against the province's MZO and DPI actions.

We disagree with the company's interpretation of events and any suggestions that the provincial government's decisions were made for inappropriate or improper purposes. To make that accusation—that the reasons for the provincial decisions were for other than the fact- and science-based concerns related to the project—appears disrespectful to all the private and public officials who had evaluated the project and made a professional decision to recommend that the project not proceed.

The company then, under another corporate entity, SMC VCNA LLC, filed a NAFTA application for arbitration under chapter 11 against the federal government of Canada. They are seeking \$275 million US in compensation from Canadian taxpayers as a result of the province's actions.

In March 2012, the federal government determined that there were issues with the investor's status because of its limited business activities in Canada and that it is wholly owned by a Brazilian conglomerate, and Brazil is not a signatory to NAFTA. St Marys Cement has since responded by filing a judicial review request against the federal government and launching a second NAFTA claim.

When you add in an appeal of a recent Environmental Review Tribunal's decision to support the Ministry of Environment's decision not to issue another permit to take water for more quarry testing, we now have six legal or quasi-legal actions underway.

The industry often argues that companies need efficiency, transparency and certainty. What about efficiency, transparency and certainty for the communities in the province? Surely when all agencies and stakeholders are saying no, the process should be able to come to a "no" outcome. To us, it unfortunately seems that the philosophy of presumptive development and entitlement prevents this company from accepting a "no" decision.

During his remarks last week Mr. Moroz from St Marys Cement presented his perspective on this situation. We are disappointed that the company attempted to single out some of FORCE's hundreds of supporters and volunteers. It is inappropriate that St Marys Cement is targeting volunteers due to their past or current public service. We are also concerned that the company continues to make serious allegations based on incorrect facts and information.

We categorically state that FORCE has not received and does not receive any funds from the Friends of the Greenbelt Foundation, either directly or indirectly

through any other organization. FORCE is 100% funded by individual and business donations from supporters in our communities. These transactions are all reflected, as they have been each year, in the FORCE annual audited statements that are posted on our website.

FORCE intends to stay engaged and continue to represent our communities' interests until the proposed quarry is stopped once and for all. We very much appreciate the time to correct the record and to offer a small portion of our story in the hope that no other community needs to face what we've faced.

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Review of the ARA needs to be about updating and strengthening the regulatory framework to reflect current standards and expectations. All of the affected communities across the province hope that you will ensure that the evaluation of proposed aggregate developments is comprehensive, accountable and inclusive, and that where extraction is licensed, it is operated responsibly, transparently and remains accountable to the communities that host it. FORCE will be submitting detailed recommendations in our written submission.

As the Environmental Commissioner pointed out in a 2005 Toronto Star article, there is no shortage of rock in this province; the question is where and how we should extract and recycle it and what kind of legacy we want to leave our children and our grandchildren. The committee's recommendations regarding the ARA, the provincial standards and the MNR policy and handbook will help shape that legacy. Thank you.

The Acting Chair (Mr. Michael Coteau): Thank you very much. We'll start with the PC caucus.

Ms. Laurie Scott: You say on the first page of your report, I believe, that MNR appears to have given up the responsibility in regard to the ARA; then you say, on page 2 of your report, "So did the provincial Ministry of Natural Resources (with seven full pages of concerns)...." I don't know if you looked, but in their presentation—they appeared before us. They are clearly involved.

Mr. Graham Flint: They're very much engaged with it, but their leadership role, their ability to make the decision of management—I think what you'll find most communities feel is that there's a leadership and a responsibility to coordinate and control this, and it's not being done. They're a facilitator but not a manager.

Ms. Laurie Scott: Those two comments that you made are not quite accurate. They are involved, and you say they're engaged. They are the leadership ministry on these decisions—

Mr. Graham Flint: I apologize if I wasn't clear. When Mr. Pichette listed the things that would happen at the end of the application process—there are three choices: approve, refuse, or refer to the OMB. Both in correspondence from MNR over the years as well as in his testimony, he said the choices were approve or refer. He did not list the third one, and we just think that's telling of the culture that has now become dominant.

Ms. Laurie Scott: How do you feel about the ministerial zoning order that came in that hadn't been done before?

Mr. Graham Flint: Well, in 2010, when all of a sudden it arrived—we weren't really expecting it—we were thrilled. We thought that this was going to be the end of it. The fact that it seems to have now just precipitated a variety of lawsuits and further legal proceedings leads us to say maybe it wasn't the panacea that we thought it was.

Ms. Laurie Scott: The company got, so far—I don't know for sure—around \$20 million of investment, and then this came in. So it's not fair to any of the sides when this did occur. It has gone down such a path—

Mr. Graham Flint: It had gone far down the path, and \$20 million is the number that they represent.

I think it's very important to know, and I did put it in my comments, that there was a speculator out in front who had sort of started this project along from 2004 to 2006. In 2006, when St Marys Cement bought up the project and took over the application, all the issues and all the positions of all the municipalities had already been on the record. So they knew exactly what they were getting into.

The Acting Chair (Mr. Michael Coteau): Let's go to the next question. NDP caucus?

Mr. Rosario Marchese: Thanks, Graham, for the presentation. I agree with the beautiful phrase that you have put together, which is “the philosophy of presumptive development and entitlement.” We're up against big forces with big dollars, and they intimidate governments from time to time. From time to time, governments do the right thing, and then people wonder why. But it is good that they do the right thing and find the fortitude to challenge the entitlement comment that you made.

The fact of the matter is that 70% or 80% of all extraction comes from the Niagara Escarpment and the Oak Ridges moraine. A lot of people agree that these are sensitive areas. As you point out or somebody else points out, there's a lot of rock around the province. I think that even if the cost might be higher in some ways, we may have to deal with that as a way of protecting prime land.

Mr. Graham Flint: I would say that the testimony you had in your very first day of hearings, where the point was made that eventually close-to-market resources in environmentally sensitive areas will be exhausted—eventually you're going to have to solve the problem of bringing it further afield and take a different approach to how we manage aggregates. We need it. It's important for our economies and our quality of life. But it can't always come close to market. We're going to have to solve these—

Mr. Rosario Marchese: You're quite right, except they'll still be extracting in sensitive areas for many years to come, and that's part of the problem.

I agree with your comment about strengthening the regulatory framework. While it appears that all three parties are in agreement on many areas, at the end of it we'll see where agreement actually is. It's kind of nice to

hear agreements in a lot of areas, so we'll see where it lands at the end. Thanks very much.

The Acting Chair (Mr. Michael Coteau): Okay, thank you. We'll move on to the Liberal caucus.

Mr. Mike Colle: Okay, thank you, Mr. Flint. Again, I'm not going to comment on some of the controversy with that company, because it is before the courts.

Mr. Graham Flint: It is.

Mr. Mike Colle: But it seems like a pretty tortuous road you've been down with the people in the community, and a very costly one. I guess the question I have is, in terms of this section you talked about—that there's nothing guaranteed when you go forward with these applications—should we maybe look in this committee about putting a sort of a warning clause in this amendment to the act which says that all these applications are subject to municipal, provincial—these ministries—and that nothing is guaranteed; no matter how much money you spend it's still possible you may not reach a point where you will get approval?

Mr. Graham Flint: My perspective on that would be that the companies are very aware of the complexity of the landscape they work in. I think one of the very interesting things that have come out of this is—I've gotten involved in this and I sit on standards development, where industry representatives, environmental groups and planners are coming together to work on this. We've really worked on some approaches to deal with that, and it deals with early consultation. The problem now is, what happens is that these companies do what's called the DAD: They develop, announce and defend their applications. If they were out in front and there was more consultation and more discussion upfront about these things, the standards that we're trying to draft—the draft standards now say, “The moment you're in talking to any government agency about potentially doing this, you should be telling all the stakeholders about this so we can get all the input upfront, so that that investment, that \$20 million that was mentioned on this side, the complexity that you're talking about on what needs to be done, can be decided upon once you've heard all the voices from all the interested parties and all the different perspectives.” In other words, understand the complexity of the environment and then decide what your business decision is.

Mr. Mike Colle: And do more upfront notification?

Mr. Graham Flint: Correct.

Mr. Mike Colle: Okay, thank you.

The Chair (Mr. David Oraziotti): Thank you very much for your presentation.

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

The Chair (Mr. David Oraziotti): Next presentation: the Canadian Environmental Law Association. Hi. Good afternoon. Welcome to the Standing Committee on General Government. You've got 10 minutes for your presentation.

Ms. Ramani Nadarajah: Good afternoon, Mr. Chair and committee members.

The Chair (Mr. David Orazietti): Please state your name for the purposes of Hansard, and you can proceed when you're ready.

Ms. Ramani Nadarajah: My name is Ramani Nadarajah, and I'm counsel with the Canadian Environmental Law Association, which is a legal aid clinic specializing in environmental law. Seated next to me is Mr. Joseph Castrilli, who is also a counsel with the Canadian Environmental Law Association.

We will be addressing only a few of the major issues facing aggregate extraction in the province, given the time constraints. I would note, however, that a more comprehensive brief on the key issues related to aggregate extraction in Ontario was done by the Canadian Institute for Environmental Law and Policy last year. That brief is available on CELA's website. We've provided the title of that brief and a link in a footnote, too, of our written submission.

I'm going to be dealing with part 4 and 5 of our written submission, which is the relationship of the Aggregate Resources Act with the 2005 provincial policy statement. It's on pages 4 to 7 of our submission. I'll also be addressing compliance and enforcement issues. My colleague, Mr. Castrilli, will be dealing with the issue of abandoned pits and quarries, which is addressed in part 6 of our submission.

The provincial policy statement which is issued under the authority of the Planning Act has a very significant impact on aggregate extraction in this province. CELA submits that any review of the Aggregate Resources Act also needs to consider the policies and legislation which are relevant to the operation of this act. In fact, we submit that any reform of the Aggregate Resources Act without similar changes to the PPS will fail to achieve a proper control of aggregate extraction in Ontario.

Unfortunately, the provincial policy statement is overwhelmingly weighted in favour of protection of aggregate extraction at the expense of other provincial interests such as protection of water quantity and quality, natural heritage, and preservation of agricultural lands.

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Under the PPS, municipalities, as well as the Ontario Municipal Board, are required to allow aggregate operations to operate as close to market as possible, without any consideration of need. This has meant that aggregate extraction is allowed to take place at the expense of other land uses in Ontario.

CELA therefore recommends that the Aggregate Resources Act should be amended to require applicants for aggregate licences to demonstrate the need for aggregate extraction in a particular area. We also submit that the provincial policy statement should be amended accordingly.

In addition, the Ministry of Natural Resources should develop and maintain an up-to-date, publicly available assessment of current aggregate demand and supply and of projection of future needs. This should also include an

analysis of opportunities for conservation and reduction in the demand for aggregates.

The second issue which I want to deal with is the failure of MNR to effectively ensure compliance and enforcement under the Aggregate Resources Act. The Environmental Commissioner of Ontario has frequently commented on the weaknesses in the current regulatory framework as well as the poor enforcement record in relation to aggregate in his annual report. This problem, as you've heard before, has been compounded by the lack of adequate staff within MNR.

CELA therefore recommends that the Ontario government make funding available to restore the number of field inspectors to a level that will allow for more frequent and thorough monitoring of pits and quarries in Ontario. One option to achieve this would be through a cost recovery regime, by increasing the current per-tonne licence fee and royalty charge on extraction.

Those are my submissions, and I'll now turn it over to Mr. Castrilli.

Mr. Joseph Castrilli: Thank you. Mr. Chairman and members of the committee, the one final issue we wish to deal with this afternoon is the issue of abandoned pits and quarries. As you know, one of the purposes of the act is to require rehabilitation of land from which aggregate has been extracted. In this regard, there are really two categories of pits and quarries to consider: firstly, active operations, and secondly, abandoned pits and quarries.

Due to time constraints, our written submissions only deal with the second category, that of abandoned pits and quarries. Those are defined in the act as "pits and quarries for which a licence or permit was never in force at any time after December 31, 1989." As you know, Mr. Chairman, and probably would have heard from the Environmental Commissioner last week, there are almost 7,000 abandoned pits and quarries in Ontario.

The act establishes an aggregate resources trust to provide for rehabilitation of abandoned pits and quarries, which includes surveys and studies respecting their location and condition. The regulations under the act establish a licensing fee—a very small one—and a very small portion of that very small fee is dedicated to the trust for the purposes of abandoned pits and quarries research and rehabilitation. Within the trust, there is separate management of abandoned aggregate properties, which is known as the MAAP program, which is administered by the aggregate industry for the trust for the purposes of rehabilitating sites using a portion of a licence fee that's dedicated to that program.

Today, we're not here to talk about or discuss the adequacy of what has been rehabilitated under the MAAP program; we are here to talk about the size of the task that is yet to be completed, how long it will take, how much it will cost and why law reform is certainly necessary in this area. For this purpose, we prepared three tables—they're tables 1, 2 and 3, which respectively appear on pages 9, 10 and 11 of our written material—to show the magnitude of the problem.

Depending upon whether you accept that there are only 2,700 sites that require rehabilitation, which is the position of the Ministry of Natural Resources, or 6,900 sites, which is the position of the Environmental Commissioner of Ontario, based on MNR's own numbers, as the number of sites needing rehabilitation, the time it will take to achieve their rehabilitation ranges from about 90 years to 335 years, based on the current annual rate of rehabilitation.

By any benchmark, a program the potential success of which can only be measured in centuries is not a program either the Legislature, the public, the regulated community or regulators can have any confidence in. It also underscores, Mr. Chairman, why aggregate is not an interim use of land in this province.

The legacy of abandoned pits and quarries will not only take a long time to clear up if we continue at the current pace, but will also be costly. Our estimates—and this is based on table 3 of our submission—range from \$134 million for 6,900 sites to \$52 million for 2,700 sites. So those are the problems with the rehabilitation program for abandoned pits and quarries under the act.

The question is, what are the solutions? In the circumstances, the place to start is to craft a solution to the problem that begins with a realistic evaluation of the adequacy of the legislative framework for rehabilitation, the fee limits contained in the regulations with respect to rehabilitation, the Ministry of Natural Resources staffing requirements for inspectors, along with a credible time frame for clearing up the backlog of abandoned sites.

The goal of such a reform should be to achieve the rehabilitation of abandoned pits and quarries in a few decades—and I would suggest that one to three decades would be something the public might reasonably accept, not one to three centuries.

In our written material, we have specific recommendations directed to this issue that we would be happy to discuss with the committee following questioning.

The Chair (Mr. David Oraziotti): Thank you very much for your presentation.

Conservative caucus: Go ahead, Ms. Jones.

Ms. Sylvia Jones: You mentioned that the provincial policy statement would need to be updated with the ARA. As you know—because I'm assuming that you also put in a submission for the PPS review—that five-year review was in 2010. It's 2012; we're still waiting for any kind of feedback from the ministry. Do you know or have you any theories as to why we're still waiting for that response to the PPS?

Ms. Ramani Nadarajah: I can't comment on why there's a delay in providing that response. One of our colleagues—in fact, the executive director of CELA—has also made a submission in relation to the current review, that aggregate extraction should not be allowed to trump other land uses. This is a recommendation we have consistently made with the ongoing reviews of the PPS, which is done every five years.

Ms. Sylvia Jones: On page 6, one of your recommendations is that "MNR should develop and maintain an up-

to-date publicly available assessment of current aggregate demand and supply and provide projections of future needs...."

You talk about the interest in including need in permit applications. How many years of supply would you suggest would be adequate or appropriate before an application or a permit is considered?

Ms. Ramani Nadarajah: I can't give you an exact figure on that. We think that getting that information is vital to any kind of conservation strategy. The last time I believe that an actual assessment of aggregate supply and demand was done was in 1992. I think I'm going to defer that to actual experts in that field who could probably provide the kind of economic information that you're seeking.

Ms. Sylvia Jones: In the SAROS report, it does make reference to the diminishing supply and the need for finding more and licensing more applications.

My last question is related to the rehabilitation of abandoned pits and quarries. With your numbers, I'm wondering if you could tell me how many of those abandoned pits and quarries are actually municipal sites.

Mr. Joseph Castrilli: The information that we have, which came from the Ministry of Natural Resources and the Environmental Commissioner's office, doesn't actually do a breakdown in that way.

One thing I think I should add is that the entire province is not designated, so these numbers are probably underestimates.

Ms. Sylvia Jones: Thank you.

The Chair (Mr. David Oraziotti): Mr. Marchese?

Mr. Rosario Marchese: With respect to your first recommendation about need, do they do that in the UK?

Ms. Ramani Nadarajah: The UK has actually taken a much more aggressive position in relation to aggregate extraction. You heard earlier speakers talk about the issue of imposing a levy. They do have a much more up-to-date assessment of demand and supply. Whether an applicant is required to actually assess need in the context of a licence, I can't answer that right now.

Mr. Rosario Marchese: Does anybody do it, anywhere?

Ms. Ramani Nadarajah: The requirement to—

Mr. Rosario Marchese: Yes, requiring need; to demonstrate need.

Ms. Ramani Nadarajah: I'm going to defer to my colleague.

Mr. Rosario Marchese: If you don't know, that's okay.

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Mr. Joseph Castrilli: Since I was so focused on rehabilitation, which is the back end of the process, I haven't spent any time this week looking at the front end. But certainly in any other—and in fact, if you actually look at our submission, there are a couple of different comments from both the Niagara Escarpment Commission and municipalities that for any type of land use they deal with, any application before them always has to

demonstrate need, regardless of the activity. Why should this industry be exempt from that?

Mr. Rosario Marchese: I appreciate that.

Ms. Ramani Nadarajah: If I could just—

Mr. Rosario Marchese: That's good. I need to ask the other question—

The Chair (Mr. David Oraziotti): Briefly.

Mr. Rosario Marchese: —about recommendation 2, where the ministry should increase its inspectors for compliance. What if they don't do that? What happens?

Ms. Ramani Nadarajah: I think you're going to see the status quo. I think even MNR has conceded that currently there is inadequate inspection and enforcement in this particular area. So you will see the current status quo continue, and I think that would be extremely unfortunate.

Mr. Joseph Castrilli: One of the implications of that is actually referred to in our brief at footnote 13, where an application by a company in 2010 was rejected because the Ontario Municipal Board had no confidence in the Ministry of Natural Resources' ability to actually act as an inspector for the site during its operations.

The Chair (Mr. David Oraziotti): Okay, I'm going to have to stop you there.

Mr. Rosario Marchese: I agree with recommendation 3, too, by the way.

The Chair (Mr. David Oraziotti): That's time for your questions, Mr. Marchese. Mr. Colle.

Mr. Mike Colle: How do you deal with this more proactive role by MNR—you've suggested a way of off-setting some of these costs—when you've got a climate here that basically is saying, "Government is taxing me too much," "Government is imposing too many fees," "There's too much government regulation, too much government red tape," "Government, stay off my land"? I mean, there's signs all over Ontario that say, "Government, stay off my land, or else." How do you deal with this phenomenon of saying, "Government, stay off my land," and then, "Government, come in and rehabilitate my quarry"?

Ms. Ramani Nadarajah: Well, I think if this issue is not addressed, what you're going to see is increasing land use conflicts in Ontario, and that's what happened in other jurisdictions and the UK, which prompted governments there to take action. So I think this is an area where in fact the public wants the Ontario government to take a leadership role and address the increasing land use conflicts.

Mr. Mike Colle: But what about these signs all over these properties in Ontario that say, "Government, stay off my land. Ministry of the Environment, stay off my land"?

Ms. Ramani Nadarajah: Well, I've also seen signs that are going up in my neighbourhood where there's a lot of concerns about aggregate extraction and the need to protect water quality, and NDACT signs going up in my neighbourhood as well. I don't think you can simply look at it in terms of sort of putting your finger out there and testing where the political winds blow. I think this is an

area where even the provincial ministry, MNR, has conceded that there have been weaknesses in monitoring and enforcement. They recognize there's a need for a conservation strategy. You have independent watchdogs like the Environmental Commissioner, who has also commented on this. I think at this point there needs to be a leadership role by government.

Mr. Joseph Castrilli: If I could just add, in response to your question—

The Chair (Mr. David Oraziotti): Very briefly.

Mr. Joseph Castrilli: —the issue of rehabilitation and the abandoned pits and quarries program doesn't come at a cost from the public taxpayer. The amount of money that's being spent on rehabilitation, as little as it is, comes from that very small portion of the fee that's imposed for every tonne of aggregate that's extracted. So it doesn't come at any expense whatsoever to the landowner and, in fact, is usually welcomed by the landowner. My issue and I think the issue of many other folks is that it's happening way too slowly.

Mr. Mike Colle: Centuries rather than years.

Mr. Joseph Castrilli: Yes, that's right.

The Chair (Mr. David Oraziotti): Thank you for your presentation. Thanks for coming in. That's time for today.

ONTARIO FARMLAND TRUST

The Chair (Mr. David Oraziotti): The next presentation is Ontario Farmland Trust. Good afternoon. Welcome to the Standing Committee on General Government. As you know, you have 10 minutes for your presentation. Simply state your name and you can start your presentation.

Mr. Matt Setzkorn: Good afternoon. I'm Matt Setzkorn. I'm the policy coordinator with the Ontario Farmland Trust. It's great to be here as part of the Aggregate Resources Act review.

Like many of the colleagues in the room, we feel that this legislation is overdue—or a review of this legislation is overdue. We're glad to see some movement to update and improve aggregate policies that really reflect our collective values and really enable us to plan appropriately for the use of the resources that we are blessed to have here in Ontario.

The Aggregate Resources Act obviously has far-reaching impacts on communities across the province, and we appreciate this committee's decision to extend the period for public hearings and expand consultations beyond Toronto to some of the rural and agricultural areas of the province that are trying to manage some of these aggregate issues. I think that's especially important right now, when we have farmers out in the fields planting and they have little opportunity to be able to participate in this week's hearings, recognizing that farmers are quite a large stakeholder group that should be part of this dialogue.

A bit about the Ontario Farmland Trust: We are a non-profit organization with a mission to protect and preserve

Ontario's farmland and associated agricultural, natural and cultural features of the countryside for the benefit of current and future generations. We're actually the only province-wide organization with a specific mandate to further farmland preservation in Ontario, and we pursue this through research, education, policy development and direct land protection.

Our board of directors includes representatives from two of Ontario's major farm organizations, the Ontario Federation of Agriculture and the Christian Farmers Federation of Ontario, as well as farmers, academics, planners, researchers and other land conservation advocates.

Our comments and recommendations today are directed toward consideration of agriculture and farmland specifically as part of this review process, and we hope that some new policy directions will emerge through this process that present a greater balance between the protection of aggregates and agricultural land resources in the province.

There is, obviously, quite a dynamic tension between agriculture and aggregates, largely because southern Ontario is home to these two very valuable, non-renewable resources that are protected for very specific uses. We often take this farmland, particularly in southern Ontario, for granted and don't really see it for the strategic resource that it really is. I'd like to provide a bit of context for that and raise the profile of that issue.

In Canada we have a land classification system, classes 1 through 7, through the Canada Land Inventory, class 1 being the best agricultural land—no real limitations for agricultural production; crop production, that is—and class 7 not being able to support any kind of agriculture, classes 1 to 3 of farmland being able to support quite a diversity of crop production and considered prime agricultural land. We often think of Canada as being a land of vast and infinite resources, but really only 5% of Canada's land mass is considered class 1 to 3 prime agricultural land. Only 0.5% of Canada's land is class 1 farmland, and we have over half of that land here in southern Ontario.

Combined with the geography here as the southernmost point in Canada, we have the best climate for agriculture, which enables us to produce a great number of crops that can't be grown anywhere else in Canada: over 200 different commodities, different tender fruit crops—peaches, pears, apples, wine grapes—as well as vegetables and field crops like soybeans and corn.

The land itself and the diversity of production that we see here in Ontario is really the foundation for the agriculture and agri-food industries in Ontario, which contribute over \$30 billion to Ontario's economy every year. All of this makes southern Ontario farmland the single most important agricultural resource in Canada, and protecting farmlands and maintaining the stability of this agricultural land base is, of course, foundational to the well-being of our economy and our communities across the province.

The current loss of farmland in Ontario is, however, quite unsustainable: over 200 million acres lost in the past 30 years. Yes, we've been improving some land use policies over time, but we're still losing about 100 acres a day to non-farm developments, which include the extraction of aggregate resources. We also just completed a study that indicates we could actually lose the ability to be self-sufficient in food production here in Ontario in the next 25 years, given loss of farmland and the population growth projections that we have for this province.

Our position is that prime farmland in Ontario needs to be protected as the strategic resource that it is, alongside aggregate resources. Unfortunately, as we've heard, the provincial policy statement and the Aggregate Resources Act seem to set a higher priority for aggregate over other land uses, including agriculture. So we have a sense that planning needs to be more coordinated and integrated between these two land uses and that we need to really question why aggregate applications all seem to be equally important and are fast-tracked for the approval process without a more comprehensive look at what is lost in that process.

We have a sense that there should be a more coordinated and cohesive strategy that is developed in terms of how we use these resources of aggregates and agricultural land, developing some kind of strategy that involves meaningful consultation with municipalities and community stakeholders.

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We should, through a strategy, identify where long-term aggregates and agricultural reserves should be strategically located and protected for their respective uses. Such a strategy would effectively analyze and mitigate impacts on host communities and look at differentiation between different types of aggregate, the quality of aggregate itself and the different types of those materials, and also linking production to the need for those materials.

The four areas that I wanted to speak to today are the approval of new aggregate extraction sites; aggregate conservation and recycling; rehabilitation of aggregate extraction sites to agriculture; and lastly, aggregate fees and royalties.

In terms of approval for new aggregate extraction sites, we feel that more comprehensive and full agricultural impact studies should be completed for aggregate sites proposed in agricultural areas and include assessments—looking at the soil itself, looking at fragmentation of the agricultural landscape and interference with farming activities in the area and, of course, at rehabilitation plans.

Just to reiterate some of the comments that we made as part of the provincial policy statement review in the fall of 2010, we really feel it's important that aggregate extraction is prohibited on specialty crop areas, which are areas like the Niagara tender fruit and grape lands, which we don't allow urban development on. There's no need for us to allow aggregate extraction in those areas, which are a clear provincial interest to be maintained in agri-

culture. In addition to that, we would like to see aggregate prohibited on class 1 to 3 farmland below the water table because, of course, that prime agricultural land is lost in that case, and rehabilitation is not possible.

Aggregate conservation and recycling is an obvious priority. We've heard that throughout the day, and it should be a priority over approval of new licences and permits. We really think the province should be setting targets in terms of recycling and incrementally increasing recycled aggregate material use over time. That, of course, makes more efficient use of those resources and relieves some of the pressure on the landscape in terms of developing new aggregate sites.

The third point, rehabilitation of aggregate extraction sites to agriculture: Just quoting the provincial policy statement, "In prime agricultural areas, on prime agricultural land, extraction of mineral aggregate resources is permitted as an interim use provided that rehabilitation of the site will be carried out so that substantially the same areas and same average soil quality for agriculture are restored."

While there has been some successful rehabilitation of aggregate sites in Ontario back to agriculture, in many cases the farmland hasn't been restored or there has been extensive delay in that rehabilitation process. We've heard the term "interim land use," and we really feel there needs to be a stronger commitment to the long-term rehabilitation of aggregate sites and reintegration of those areas back into agriculture.

Also, referring to the timelines, we feel like the aggregate operators must be required to surrender licences in a timely manner following extraction to expedite their rehabilitation of the sites back to agricultural use. Of course, new incentives and mechanisms may be necessary to achieve that, as well as policy.

The last point, on aggregate fees and royalties: We also feel that the fees are very low right now, and those could be raised in order to support, of course, MNR in improving the monitoring of aggregate sites and enforcement of the act itself. We could use some of those additional fees to support programs and incentives that encourage greater reuse and recycling of aggregate material. We could also use those fees to support new incentives for the rehabilitation of aggregate sites following extraction, so all of the same things that I have talked about here.

In conclusion, I'd just like to thank you for the opportunity to present the Ontario Farmland Trust's concerns and some of the recommendations that we have as part of this review, and hope that that's a consideration in balancing these land uses.

The Chair (Mr. David Oraziotti): Okay, we've got some questions for you. Thank you for your presentation. Mr. Marchese is up first.

Mr. Rosario Marchese: Thanks, Matt. A few quick questions.

The Ministry of Natural Resources said that they clearly don't have enough staff. I'm not sure they admitted that, but because they don't have enough staff,

they say they try to go after the people that they know are a problem. Do you consider that a good strategy in terms of enforcement or oversight?

Mr. Matt Setzkorn: It's clearly not comprehensive or it doesn't quite go far enough, in terms of monitoring what's actually happening across the landscape.

Mr. Rosario Marchese: They should have more staff, in other words, right?

Mr. Matt Setzkorn: Absolutely.

Mr. Rosario Marchese: That would be my view, too.

With respect to rehabilitation of aggregate extraction, you heard the previous presenters talk about rehabilitation that will take place over 100, 200 or 300 years. Do you agree with them, and me too, that maybe there should be a shorter time frame?

Mr. Matt Setzkorn: Absolutely, yes. I think that needs to be part of it, and certainly rehabilitation of abandoned pits—but also ensuring that for the pits that are currently operating, there is an end time to that and some commitment to rehabilitation and some—

Mr. Rosario Marchese: What's a reasonable time frame for you?

Mr. Matt Setzkorn: I think it varies on the site and the conditions there. There may have to be some elaborate formula that's developed, that I don't have expertise to do but I think could be done. We could be looking at fairly long time—

Mr. Rosario Marchese: But there should be a time frame on this, right?

Mr. Matt Setzkorn: There should certainly be a time frame, and certainly a commitment to bringing land back to agriculture.

Mr. Rosario Marchese: I wanted to thank you for reminding us that only 5% of Canada's land is prime agricultural land, and that only 0.5% of Canada's land area is class 1 farmland. It's an important reminder, because we tend to think that our farmland is limitless. These kinds of numbers tell you how fragile the whole thing is. Thanks for that.

Mr. Matt Setzkorn: It goes back to the previous comment, too, about needing to see some of these linkages between the provincial policy statement and this act, and how we direct land use in this province, and keeping those—

The Chair (Mr. David Oraziotti): Okay. Thank you. Mr. Berardinetti, go ahead.

Mr. Lorenzo Berardinetti: Something that sticks out for me is the fact that in the statement here, you say we continue to lose over 100 acres, or one farm, per day. This is in southern Ontario?

Mr. Matt Setzkorn: Yes.

Mr. Lorenzo Berardinetti: In your view, the agricultural places like the Niagara Escarpment should not be touched at all.

Mr. Matt Setzkorn: There are a couple of select places that are called specialty crop areas, which include Niagara; the Holland Marsh, which is just north of Toronto; and, I believe, the Grey county apple-producing area. Those are designated specialty crop areas and are to

receive the highest priority of protection—except for aggregates—currently, as the policy stands.

Mr. Lorenzo Berardinetti: You also mentioned that the farmland is taken and used to do aggregate extraction and then not rehabilitated at the same pace; for example, the aggregate extraction is not keeping up with the rehabilitation of the land.

Mr. Matt Setzkorn: I think it's a frustration that we see in the rural and agricultural communities, particularly when you have these aggregate sites throughout the agricultural landscape: a frustration that some of these pits aren't very active, or there's an intentional delay in rehabilitation, because of cost, perhaps—a real lack of commitment on behalf of the aggregate industry and those companies who are operating in those areas to complete that rehabilitation and bring that land back into agriculture. It doesn't seem to be keeping pace.

The Chair (Mr. David Oraziotti): We've got to move on. Mr. Colle.

Mr. Mike Colle: I was at the grocery store yesterday, and everything there—berries from Florida, raspberries and bananas from Costa Rica. Would it help if Ontarians would buy more Canadian-grown food, Ontario-grown food? When you go to the grocery store, it's all foreign food.

Mr. Matt Setzkorn: Absolutely, but there's certainly a need for a policy to balance some of these land uses and obvious players with a lot of money behind some of these development applications.

The Chair (Mr. David Oraziotti): Ms. Jones, go ahead.

Ms. Sylvia Jones: Before we go away from it—I don't want to mislead you—while the committee has asked for the right to travel and agrees with the right to travel, we are actually still waiting for approval from the House leaders, unless the Chair has got some good news that he's waiting till the end to share with us.

The Chair (Mr. David Oraziotti): You are correct.

Ms. Sylvia Jones: Specialty crop areas: As I understand it, there are only three in the province of Ontario. They were given many, many years ago. There is no formal process with the Ministry of Ag to apply for a specialty crop area. Is that your understanding?

Mr. Matt Setzkorn: That's right. We've been encouraging that for many years too.

Ms. Sylvia Jones: One other question: When you talk about what Ontario Farmland Trust does, do you have a breakdown on the loss of agricultural land that is as a result of homes and development and the loss of agricultural land that is as a result of aggregate extraction?

Mr. Matt Setzkorn: Unfortunately, that data just isn't there at this point, but over time, hopefully, we'll be able to track those more effectively. I think that's a process coming through municipal affairs and housing, to track more directly the change of land use.

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Ms. Sylvia Jones: As a farm girl, I was always told that the best agricultural land is sitting under the CN Tower, so I'm going to suggest to you that the bulk of the

agricultural land that we have lost in the province of Ontario is a result of us paving and building homes and not for other reasons.

The last question I have is relating to the rehabilitation of aggregate extraction. You pull out a line from the PPS—the provincial policy statement. I'm wondering if you have the wording that you would like to see. It has the famous interim use and prime agricultural land. Is there something in there that you would like to see tweaked in the provincial policy statement?

Mr. Matt Setzkorn: I'm not sure it needs to come through the PPS. I think it's fairly clear, the intent here. It's a matter of how we actually make that happen through this act now, the Aggregate Resources Act, and hold these aggregate operators accountable and ensure that there is a commitment to rehabilitation in the long term and at the end of the use of that site.

Ms. Sylvia Jones: Because, of course, every permit now that is applied for, there must be a rehabilitation component in it. The concerns that I think we see and we hear about of rehabilitation that hasn't occurred are pits that didn't have that component in it. So now every new expansion—correct me if I'm wrong, Parliamentary Assistant—has to have a component that talks about rehabilitation: what it'll look like and the timeline of how it happens.

Mr. Matt Setzkorn: There seems to still be a delay in having it happen on the ground, the actual rehabilitation. Are there incentives needed or mechanisms needed to encourage that more so that we can see that rehabilitation happening more quickly?

Ms. Sylvia Jones: Thank you.

The Chair (Mr. David Oraziotti): Thank you for your presentation. We appreciate you coming in today.

NATIONAL FARMERS UNION IN ONTARIO

The Chair (Mr. David Oraziotti): Our next presentation: the National Farmers Union in Ontario. Good afternoon. Welcome to the Standing Committee on General Government. You have 10 minutes for your presentation. You can start by stating your name and proceed when you're ready.

Ms. Ann Slater: My name is Ann Slater. I'm here on behalf of the National Farmers Union in Ontario.

I will, first of all, say that I'm a farmer. Our organization felt it was important that this committee heard from farmers. I should be home on the farm; I've got a ton of work today. I worked yesterday so that I could come here today. When you see me listed as a coordinator, that may confuse you; you think that job is a staff person. It's not. I'm a farmer. Being the coordinator is an elected position in our organization, and all of us who work on behalf of our organization have farm work to be doing.

I think one of the questions that's before the committee here today is really about what we value as a society. I've sat here and I've heard how important the growth and the development are: That's why we need aggregates; that's why we need cement and such. I think

it's part of what we value as a society: Do we value growth and development; do we value our environment; do we value communities; do we value being able to feed ourselves?

The National Farmers Union is an accredited general farm organization with over 2,400 members in Ontario. We work towards the development of economic and social policies that will maintain family farms as the primary food producers in Ontario. Our organization believes agriculture should be economically, socially and environmentally sustainable and that food production should lead to enriched soils, a more beautiful countryside, jobs for non-farmers, thriving rural communities, and biodiverse natural ecosystems. Within our vision for agriculture in Ontario is a commitment to working towards growing food first and foremost for the people of Ontario.

The most important resource for family farmers is access to land—land that is healthy enough to produce food and land that is affordable to present and future generations of family farmers. The NFU views farmland as a non-renewable natural resource that must be protected, not as a commodity to be exploited. Every year across Ontario, farmland is lost to industrial uses, including the extraction of aggregate, and to urban development. It's not limitless. I think sometimes when we're in urban areas and we drive out into that countryside, we think that that farmland goes on and on forever. It doesn't.

Although this is a review of the Aggregate Resources Act, the ARA cannot be viewed in isolation from other provincial policies which address how land is used in the province. Under the provincial policy statement, aggregate extraction is given priority over all other land uses, including the protection of prime agricultural land. According to the 2011 census, only 5.6% of the land base in Ontario is used for farmland. As a non-renewable resource in limited supply, farmland must be given priority over other land uses.

I didn't mention this, but we also made a submission in 2010 around the provincial policy statement, and that was the main point of our submission there as well.

The notion that aggregate extraction is an interim use of land must also be addressed. The suggestion that once aggregate is removed from under farmland, the land can then be rehabilitated to the same average soil quality does not make sense to a farmer. The soil quality and unique characteristics of gravel-bottom farmland are directly related to the gravel bottom or aggregate under the soil. To continue to assume that farmland can be rehabilitated to its original state after aggregate is removed is to trivialize the importance of food production and of farmers to the future of Ontario.

In 2010, the NFU published a research paper which looked at how non-farmer investors, corporations and foreign entities buying up farmland are threatening the family farm model of food production in Canada. This is part of a growing trend around the world whereby vast amounts of farmland are being bought up by foreign in-

vestors, often for food production. As farmland becomes scarce around the world and as wealthy investors and foreign corporations gain control of farmland, local communities lose access and control of food and lose access and control of the production of food for their own citizens.

The Highland Companies in Dufferin county is one example of a non-farmer investor purchasing farmland in Ontario. The company has proceeded to attempt to develop the land in a manner that provides them with the greatest financial return—in their case, by extracting aggregate. As our land use policies place more value on the aggregate under farmland than on the food that the land can produce, investors and developers eyeing the industrial uses of the land are able to outbid farmers for farmland. Each time we, as citizens of Ontario, allow farmland to move out of the hands of farmers and into the hands of investors and developers, we put our ability to feed ourselves now and in the future in jeopardy.

The NFU acknowledges that, as farmers, we use and we require aggregate, just like the rest of society. We would like to encourage this review to investigate the ways in which we can better recycle aggregate, decrease our reliance on aggregate, and source aggregate from areas of the province which are not prime agricultural land.

Just on the topic of prime agriculture land, we would look at class 1, 2 and 3 as being prime agriculture land. That is all land that is very capable of providing food to the people of Ontario, in addition to the specialty crop areas. The loss of any of those classes of farmland jeopardizes our ability to produce food.

Aggregate extraction is a competing land use with food production. In this review of the ARA, the NFU strongly encourages the standing committee to acknowledge the need to make the protection of farmland the number one priority so that, as a province, we have the ability to feed the citizens of the province now and, more importantly, in the future. Thank you.

The Chair (Mr. David Oraziotti): Thank you very much for your presentation. The Liberal caucus is up first. Mr. Colle, go ahead.

Mr. Mike Colle: Thank you very much, Ann. What kind of farming do you do?

Ms. Ann Slater: I'm a small-scale market gardener from the northwest corner of Oxford county, just south of the town of St. Marys.

Mr. Mike Colle: Okay. A beautiful town, St. Marys.

I just want to get to your point about valuing farmland. How can we expect people to value farmland, getting back to my previous point, when, when they go to the grocery store, they buy garlic from China, blackberries and raspberries from Florida, and they buy bananas from Central America? They're basically getting to the point where they are saying, "Why do we need farmland here in Ontario? It always comes in by truck from abroad." Then we've got to build more roads for the trucks and use more aggregate.

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So how can we get people to understand that there's a correlation between what they buy at the store and if they're going to be able to keep their farmland for future generations by maybe buying local once in a while?

Ms. Ann Slater: Well, that's an ongoing challenge. It's ongoing work that an organization like ours does on a daily basis, trying to point out the importance of supporting farmers, the need to have farmers who produce food for the people of Ontario. So it's an ongoing thing.

As I think I said at the beginning, this is part of what we value as a society and it's incumbent upon us all to do the work, to point out why farmland is so valuable. I mentioned the report the NFU did in 2010 basically about land-grabbing. We need to start to get our head around the fact that other countries are running out of farmland and are paying big money in other places for farmland because they want to secure a source of food. We have the chance here to sort of look at—we want to secure our own source of food here in Ontario. We still have the farmland to do it, as long as we quit using it for various other purposes. It has to be a number one priority that we protect our source of food for us, the people of Ontario. It's not going to happen overnight. It's a job that we all need to do on a daily basis.

You know that garlic from China? I'm heading off to my first farmers' market this coming Saturday, and I can guarantee you there will be several people come and ask me when my garlic will be ready because they're tired of that garlic from China.

Mr. Mike Colle: So am I.

The Chair (Mr. David Oraziotti): Thank you for your comments. Over to Mr. O'Toole. Go ahead.

Mr. Mike Colle: There should be a law: No garlic from China.

Mr. John O'Toole: Thank you very much, Ann. I also represent a riding—which is primarily the three people here, really—that is agriculture. In fact, as somebody said earlier, you can see all the class 1 farmland from the CN Tower, and that includes the issue that really is pertinent to this committee: proximity to market. That's where the competing use does come into it.

You talked about values. I think everyone here would support the idea of food security, given the context of the world and seven billion people and all those larger and larger issues.

But I'm amazed—the previous presenter, I think, put on the table some interesting approvals with respect to restrictions on farmland. What do you expect this committee to do with respect to putting in legislation protection of class 1—and you said class 3—farmland and meeting the other requirements to provide resources? One would say, “What is that requirement?” But could you put some context in that as advice to the committee?

Ms. Ann Slater: It's come up several times today, and we mentioned it there at the end, that we need to look at better recycling of aggregate so that we don't need new. We were just having a conversation around the supper table last night about all of the barns that are being torn

down and the rock that's part of those barns that's simply being buried. Now, that's a very small, little piece, but it's a lot of little pieces. So recycling is one.

Two, we may have to be prepared to pay more for aggregate to bring it from farther afield. We have rock in this province in other places. I understand that we've got a certain percentage of aggregate that's leaving the province to go south of the border. If aggregate is so important, more important than food—and it may well be at times; we need it, we as farmers need it—we may have to be prepared to pay more.

Mr. John O'Toole: I have two sites in my riding that are now under review, and I don't think they will be opposed, for putting solar panels on two different sites within my riding, each 100 acres or more, under glass. What's your view on that? They exempt municipal planning on much of this stuff. In most cases, the Aggregate Resources Act exempts the municipal oversight with respect to zoning of provincial resources.

Ms. Ann Slater: Our position is that solar farms should not be put on class 1, 2 and 3 farmland.

Mr. John O'Toole: Good. Thank you very much.

The Chair (Mr. David Oraziotti): Okay, thank you. NDP caucus: Ms. Campbell?

Ms. Sarah Campbell: On the note speaking about recycled aggregate, one of the things that we've talked about in this committee and we've heard is that Ontario doesn't use anywhere near as much recycled aggregate as other jurisdictions. I'm wondering if you have any suggestions about how we could use more, and if you would support going as far as possibly legislating a certain amount of recycled aggregate.

Ms. Ann Slater: I haven't looked into recycling aggregate very much, or hardly at all, but it's just like recycling any of our non-renewable resources: We need to find a way to recycle what we can. I can't speak for what our organization would say; we haven't discussed it. Personally, I would be in favour of making a legislative requirement, because sometimes that's the only way to do what needs to be done.

The Chair (Mr. David Oraziotti): Thanks for coming in. We appreciate your time today. That concludes the time for your presentation.

Mr. Rosario Marchese: I just wanted to congratulate you, Ms. Coordinator, for your work.

COUNCIL OF CANADIANS

The Chair (Mr. David Oraziotti): Our next presentation: the Council of Canadians. Good afternoon. Welcome to the Standing Committee on General Government. You have 10 minutes for your presentation. You can start by stating your name for the purposes of our recording Hansard, and you can begin when you're ready. Thank you.

Mr. Mark Calzavara: My name is Mark Calzavara. Thank you very much for the opportunity to speak here today. I'm the regional organizer for the Council of Canadians.

We are Canada's largest member-based advocacy organization. We've been at it for more than 25 years now. We have more than 25,000 members here in Ontario. We don't take any government money. We don't take any corporate money. It's only the individual donations of our donors that allow us to continue our work. We also have 16 chapters in the province of Ontario, chapters that are run by volunteers dedicated to the work that we're doing.

I have only one suggestion to make to the committee today, and that is, give the communities the right to say no to aggregate resource extraction in their area. It sounds like it might be a disaster, but the reality is that we're actually headed for a disaster already. As the Environmental Commissioner was saying last week, we are running out of aggregate sources close to the city. We have to go farther away. We have to go up north to get our aggregate. There's no choice in the matter.

If you give the communities the right to say no, what ends up happening is you're then in a position—as consumers of aggregate, we're trying to convince them to say yes, and then we have to make the conditions right for them to say yes. Giving the communities the right to say no guarantees that the various necessary changes will be made to ensure that aggregate supply meets aggregate demand in Ontario.

Most of the aggregate that's at a close proximity right now is either going to be exhausted in 10 years, or it's off limits because of environmental and heritage features. Those areas, while there are significant amounts of aggregate there—that aggregate supply is now surrounded by communities that are going to fight harder to stop the exploitation of that aggregate than anyone else is willing to fight to exploit it. That's a very key point. When a community decides that it really doesn't want to suffer the impacts associated with any industrial project and aggregate extraction, especially in cases like the mega quarry in Melancthon, the impacts are going to be substantial—unquestionable, the size of the impact. The question is, do they have a right to say no? Should they have a right to say no? I think there's a natural answer to that, and that is yes, they should absolutely be allowed to say no. Whether you're talking about saying no to wind turbines or saying no to aggregate extraction or saying no to a dump site being put in somebody's community, when you take away that right to say no, you ensure that you're going to have a fight on your hands. So you'd better not go down that road unless you're sure you can win.

We've learned from dump site 41 that these communities, given the right situation, are willing to do far more than anyone else is to protect themselves. At site 41, they were facing a garbage dump—for 25 years, they were fighting against a garbage dump. This was in Tiny township. In 2009, they won the battle, even though the construction of the site had actually started. Tens of millions of dollars had been spent. They had started construction. The community didn't give up. Senior citizens, First Nations, farmers, cottagers, townspeople and activists

stood shoulder to shoulder. They blockaded the construction of the dump site for over a month. Court orders didn't move them; lawsuits didn't move them; being arrested didn't move them. They won because they wanted to stop the dump more than anyone else wanted to build it. They were willing to risk their own present to protect the community's future.

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That's an important issue as well. Right now, the way our regulatory system is rigged, we've got the proponents that are risking the future of these communities for their own gain. They get the rock, they get out and they're done. Who pays the price? If there's a price to pay, it's the community. They might pay that price five years down the road or 10 years down the road, but it's that community that ends up with all of the impacts of that proposal.

The lessons that we learned at site 41 have been spreading across the province. The people who are against the proposed mega quarry in Melancthon have learned a great deal from site 41, what happened there. They've attracted a critical mass of determined people to help their community to stop the certain destruction that the mega quarry would cause.

Just like at site 41, they're participating in the current regulatory process, but I would say that most of them don't really have a whole lot of faith in it. If the mega quarry wins approval, I'm certain the community will decide to stop it and that they will ultimately be successful.

Just a few weeks ago, a new pit was proposed in the Paris area. The community is already organizing against it. They're already talking to the people in Melancthon who are fighting the mega quarry. They're already talking to the veterans of site 41. You see how fast it's moving now?

What I'm trying to get at is, the situation has changed. This isn't the 1970s anymore, or the 1980s, and the communities have figured out that they can stop it. All they have to do is care more about stopping these projects than the proponents care about putting them in. That means they'll go to jail if they have to. That means they'll leave a \$2-million cheque to buy them out sitting on the table because things are more important to them than money. If they're willing to do that, what is the proponent willing to do to get that project in? In comparison, they can't win. They just don't have the same strength. They don't have the same unity.

So where do you get your aggregate from? You have to go to communities that are willing to accept you, and that means you have to give them guarantees that what you're selling them is going to be what they get. That means you have to have enforcement of the rules. You have to have inspection, which we don't have. The rules around aggregate and current pits might as well not even apply. The enforcement has been reduced and hobbled to such an extent, you might as well not have those rules anymore.

If you want to convince a community to accept a new aggregate mine to go in, you've got to guarantee them that what you say you're going to do is really what's going to happen and that there's an impartial referee there that's going to protect them.

I'm not saying that any community should be able to have an aggregate mine if it wants to. You have to keep the rest of the rules in place, the rules that say where it's acceptable and how far down and how much aggregate. Those rules have to stay. What you have to do is just add that one simple rule: Let them say no. By doing that, you force the industry and the government and all the consumers of aggregate to pay the true cost of aggregate and to make those projects acceptable to the communities that are going to host them.

When you try to force a community to take a project that will have such tremendous impacts on them, then they're going to stand up and fight, and now they know how. So it really is the fairest way forward. It's the best way forward for everybody involved, including the proponents of the aggregate mines themselves. How they are best able to guarantee that they'll have the supply is by convincing people to let them come and do it.

The Chair (Mr. David Oraziotti): Thank you. Does that conclude your presentation?

Mr. Mark Calzavara: I think I've made the points I need to.

The Chair (Mr. David Oraziotti): We'll go to questions, then. The Conservative caucus is up first. Ms. Scott, go ahead.

Ms. Laurie Scott: Okay. I'll do one quick question and then let my colleague Mr. O'Toole follow up.

You said that you want the communities to have the right to say yes or no. How are you doing that? Are you suggesting some type of referendum? Because the process on the average siting is eight to 10 years as it is, right?

Mr. Mark Calzavara: Right.

Ms. Laurie Scott: That seems to be quite a long time.

Mr. Mark Calzavara: The reason it takes so long is, you have like what happened in Melancthon. The proponent came in; didn't tell anybody, supposedly, that they wanted to have an aggregate mine. They came in and bought up as much land as they could, and then word got out and then they got a big fight on their hands, and that's going to last forever.

If you start with getting the buy-in from the community, then you don't waste all your time with all the hydrogeology reports and all the testing to find out if it's acceptable. You put word out, "Look, we need to find aggregate. We're going to do right by your community. You're going to get good jobs. We're going to take care of you. We're going to put the money aside to rehabilitate the area afterwards. You're going to get the infrastructure to ship that aggregate down to where we need to use it."

It's going to cost more, for sure. It's going to cost the government more because you're the biggest user of aggregate, the biggest buyer, but that's the true cost of

aggregate. It's not the true cost to impose a pit on a community that doesn't want it.

Ms. Laurie Scott: Go ahead, John.

Mr. John O'Toole: Just following up on that similar theme as my colleague, we've had one presenter today—really, without me attributing value to what he said too much, but the mayor of West Grey was—I would define as a willing host community, changing some of the rules under the process. Is that what you're advocating here? Is it like going out there and saying, "Who wants to be in?" and let the municipal level of government decide?

Mr. Mark Calzavara: As I'm saying, really it's a right to say no. It's like a veto for the community.

Mr. John O'Toole: This is an important observation. I would only put to you that the process has been described—I'm sure you know it very well—as very expensive, very controversial, for sure. This is why everybody's here.

Mr. Mark Calzavara: Absolutely.

Mr. John O'Toole: But also the current structure is sort of that they have to do all these studies before they go in to get the permit, and they've spent millions of dollars acquiring land or options, but then you have the other environmental implications which of course your particular Council of Canadians would like to think is proximity to market. These are conflicting issues, and this is why your presentation was general about saying no, general about having protests like in Tiny township. But I think that putting on the table some specific policy directions outside of "Just say no" would be important to the committee.

Mr. Mark Calzavara: Sure. Here it is: You give the community—

Mr. John O'Toole: You didn't have a written presentation today.

Mr. Mark Calzavara: I will be passing that in—

Mr. John O'Toole: Very good. Do that, and put something with more substance in there. I'm not lecturing, but I don't think anyone is really a willing host. If there's someone living close by, somebody's affected by it, whether it's the roads, the noise, the dust, but by the same token, it's an essential resource—

The Chair (Mr. David Oraziotti): Mr. O'Toole, you're not going to have time for the response here if you keep going.

Mr. John O'Toole: Yeah, sure.

The Chair (Mr. David Oraziotti): So if you want to briefly respond to that, go ahead.

Mr. Mark Calzavara: Yes, I'd love to respond to that. We know that there are communities in northern Ontario that would welcome it. Not every area where there is aggregate in the province is surrounded by a community that would fight it. Some of them would love to have that infrastructure, would love to have those jobs. It still has to be done in a way that is going to respect the environment. You can't just trash it because somebody needs a job because they're poor. That's not acceptable either.

The Chair (Mr. David Oraziotti): Okay.

Mr. Mark Calzavara: The idea being, until you give a community the right to say no, they will always fight against you. If you want to assure your aggregate supply, you have to get them on your side.

The Chair (Mr. David Oraziotti): We need to move on to the next presentation, so we'll see the balance of it in the submission that you're going to make formally. We appreciate that. All members will get a copy.

NDP: Ms. Campbell, go ahead.

Ms. Sarah Campbell: I have a couple of questions. What we heard today is that there are a number of groups that have concerns about the timelines that individuals have to oppose or express concern, and that these timelines are too short and the process is too convoluted. Do you think that there's adequate time in the process?

Mr. Mark Calzavara: Absolutely not. The entire process is called an approvals process because it's meant to end in an approval. It's not a fair process. It has never been. We saw that at site 41, which wasn't an ARA process, but it's the same concepts involved, where you've got the proponent offering up these huge amounts of so-called science that they've paid for, the government has given up any capacity to actually look at that science and decide whether it's real or not, and it's left to these communities to come up, in 45 or 60 days, with the ability and the payment and the scientific wherewithal to check it.

1740

Ms. Sarah Campbell: The other concern that we've heard a lot is that the approval process isn't streamlined, that what will happen is a community or a site will go through—basically, that all the acts are kind of disjointed. It's not coordinated. I'm wondering if you would support streamlining with all of the acts and effectively shortening that time frame in favour of extending public consultation and feedback and involvement in the process?

Mr. Mark Calzavara: Any time you talk about streamlining or cutting red tape, there's a danger that you're going to be getting rid of something useful. So I come back to the concept of giving that community the right to say no. If they have that, then you can streamline all you want, because in the end they won't say no if it's not in their best interests.

This concept of Nimbyism, that people just don't want it in their backyard—well, the people who live there are the ones who are going to care the most about that land and about that water and they're going to care the most about having that community there for the next generation. We've seen that time and time again. They are the best people to decide whether it's good or not.

The Chair (Mr. David Oraziotti): Thank you. To Mr. Colle.

Mr. Mike Colle: Thank you, sir, for your thoughtful presentation. You were talking about saying no. We went through this process back in the late 1980s with solid waste in Ontario. We tried to find a willing host. It went on for five, six, seven, eight years. Everybody said no. Do you know what they did with the garbage?

Mr. Mark Calzavara: They shipped it away.

Mr. Mike Colle: Yes, to Detroit. Nobody protested that Toronto garbage, at the cost of \$130 million a year, was shipped and put in a hole in Detroit for the last decade. They said, "Well, it's out of sight, out of mind." But we said no. The same thing is going to happen here. If everybody says no and the people keep on building concrete swimming pools, they want more highways, more roads—they don't see the quarries that are affecting Melancthon. They just say, "Well, I still want my swimming pool, I still want my road, but I don't see the quarry. I'm happy. The quarry is up there in North Bay"—out of sight, out of mind, problem solved.

Mr. Mark Calzavara: The garbage crisis was a complete failure by the government of the day to solve the problem.

Mr. Mike Colle: Everybody said no.

Mr. Mark Calzavara: And rightly so. Why would anybody say yes to a garbage dump when every single dump that they've produced has leaked, when there has been no real effort to reduce the amount of garbage—

Mr. Mike Colle: Well, there have been some good efforts in recycling.

Mr. Mark Calzavara: Here's the thing. If you talk about aggregate, why would any community accept to have those impacts forced on them when we're barely recycling our aggregate? We could do so much better. When the price of aggregate is essentially subsidized at the cost of that community, I would say no. Wouldn't you? Why should everybody get—

Mr. Mike Colle: Why should people keep asking for more swimming pools, more highways—

Mr. Mark Calzavara: Let them pay the right price for that. If they're willing to pay the true price, that means that the cost of that aggregate means that the pits are being reclaimed correctly, that the community is getting a net benefit from being the host to that. If you put that scenario in play, then everybody wins; we're all happy. The community takes the aggregate project because they get a net benefit for it. You and I end up paying more, but we have a guaranteed supply.

Mr. Mike Colle: You and I may want to pay more, but most people don't want to pay more.

The Chair (Mr. David Oraziotti): I've got to stop you there, folks. We appreciate it. Thank you very much for coming in for your presentation. That's all the time we have for it.

ONTARIO NATURE

The Chair (Mr. David Oraziotti): Our next presentation: Ontario Nature. Good afternoon. Welcome to the Standing Committee on General Government.

Interjections.

The Chair (Mr. David Oraziotti): Folks are getting restless.

You have 10 minutes for your presentation. You can start by stating your name for the purposes of our recording Hansard and proceed when you're ready. Thanks.

Ms. Caroline Schultz: Good afternoon, members of the committee. Thank you for the invitation to present here. My name is Caroline Schultz. I am the executive director of Ontario Nature.

By way of introduction, I'll just give you a little bit of background. Ontario Nature was founded in 1931. We represent and work with 140 member conservation groups across the province and over 30,000 individual Ontarians who are part of our membership. Our mission is to protect Ontario's wild species and wild spaces through conservation, education and public engagement.

Ontario Nature has a long history of working on issues related to aggregate extraction. We've been involved in legislated landscape-scale land use plans, notably the Niagara Escarpment plan, the Oak Ridges moraine conservation plan and the greenbelt plan, and we've also been involved in opposing specific licence applications, such as Dufferin Aggregates' Milton quarry expansion.

Aggregate extraction is a major, intense land use, primarily concentrated in southern and eastern Ontario but increasing in central and northern parts of the province. Impacts include destruction of rare and at-risk wild species and habitats, disruption of hydrological systems, and fragmentation of natural heritage systems that support wildlife and also yield essential ecological goods and services, such as clean drinking water. These are in addition to other community level concerns, such as noise, dust, water quality and quantity, and truck traffic.

For the past three and a half years, Ontario Nature has been working with representatives of the aggregate industry and other environmental organizations as members of the Aggregate Forum of Ontario. The Aggregate Forum of Ontario was formed to develop a voluntary program for environmental certification of aggregates to raise the environmental bar substantially above that currently prescribed in legislation. However, voluntary certification should not substitute for sound legislation and effective regulations. Indeed, the Aggregate Forum has acknowledged the limitations of voluntary certification for such issues as siting of operations and duration of licences.

I'd like to say that Ontario Nature strongly supports the review of the Aggregate Resources Act, though we are disappointed with the lack of sufficient notice to allow stakeholders and the public fair opportunity to provide meaningful input into the review process. It's also very important to understand that what is required is substantively more than a review of the act itself. Many of the key issues are ones that need to be dealt with in the provincial standards and the manual that guides aggregate extraction.

To this end, we believe that the Aggregate Resources Act and the associated standards and manual require major amendments to ensure the following:

First of all, to ensure appropriate siting of aggregate operations. Despite the requirement under the current ARA to have regard to, amongst other things, the effects of the operation on the environment, on ground and surface water, on nearby communities and on agricultural

resources, the provincial standards and the manual do not require comprehensive assessment of environmental impacts.

The provincial standards are much too restricted to the site itself and fail to address potential impacts of an operation that extend further than the most immediate neighbouring land. Furthermore, the nature of aggregate deposits means that sites are often found in clusters. Cumulative impacts of several operations in close proximity, such as alterations to hydrology and water resources and fragmentation of natural heritage systems, are not currently addressed.

Resources other than aggregates, such as prime farmland and water, are in short supply either regionally or provincially, and these must be protected. Siting of aggregate operations are land use decisions that must address the protection and conservation of other vital resources through thorough and comprehensive impact assessment.

The second recommendation: There needs to be a defined duration for aggregate licences. A key issue for the public and stakeholders is the duration of aggregate licences. There is no set term for an aggregate licence, which means that an operator can keep a site open indefinitely before moving to final rehabilitation and closure. Communities, municipalities and other stakeholders want greater clarity and certainty about the length of time a particular operation may be in existence. It's essential to know when a site will undergo final rehabilitation in order to plan for its use after a licence is surrendered.

For example, a site may be destined to become an important future element of a municipality's natural heritage system or may be tied to future economic development as a recreation feature. Understanding that demand and type of material are key factors that determine how quickly or sporadically a particular site is mined, the current completely open-ended nature of licences is unacceptable.

The third recommendation: Pumping of water in perpetuity is not an accepted mitigating measure for licensing. Licences should not be issued for sites where depletion of ground and surface waters can only be mitigated through pumping forever. This is a burden for which a company cannot be properly accountable and ultimately rests on the shoulders of society.

1750

The fourth recommendation is that there be improvements to the rehabilitation of pits and quarries. Site plans should include progressive and final rehabilitation plans that put landscape-scale targets first and foremost. This means proper consideration of the contribution of rehabilitated sites to regional natural heritage systems as either future core habitat or linkage. It also means developing comprehensive rehabilitation plans that address rehabilitation on the basis of site clusters rather than individual sites, even if the plan covers a lengthy time period because of the various stages of extraction for individual sites.

An effective site plan review process should be in place for sites that are currently in operation—some of them for many decades—to determine if current rehabilitation plans are consistent with landscape-scale objectives. Operators should be entitled to a thorough and efficient review and amendment process to expedite their ability to contribute to enhanced environmental protection and conservation. Rehabilitation of individual sites should be expedited by requiring the incorporation of a maximum allowable disturbed area into site plans, as is currently done under the greenbelt plan.

Recommendation number 5 is that there be streamlined processes to remove barriers to aggregate recycling. There's a huge potential for taking the pressure off sourcing new virgin aggregate if we get the recycling side of the equation right. Current challenges include the fact that some major aggregate-consuming municipalities will only use virgin aggregate; another is the reluctance of some municipalities to potentially extend the life of pits by allowing recycling operations. A challenge for municipalities with recycling facilities in pits is that their roads will bear the brunt of aggregate truck traffic but their levy revenue will shrink as the amount of virgin aggregate produced declines. Despite the challenges, increasing the availability of recycled aggregates is an essential part of lightening the footprint of the industry by reusing what we have already extracted. The ARA and associated regulations must clear the path and streamline the process to get more recycled material on the market.

Recommendation number 6 is that there needs to be greater municipal decision-making in terms of how and where aggregates are extracted. Aggregate-producing municipalities bear the brunt of providing the materials that society needs but currently have little say in deciding where and how aggregate extraction will occur. Some of the top aggregate-producing municipalities are rural ones with few resources to go to an OMB hearing to fight a licence application. Municipalities must be included at the front end with a meaningful and informed decision-making role.

Recommendation number 7 is that there needs to be an increase in the aggregate levy to achieve inspection targets and effective compliance enforcement and rehabilitation. Currently, operators pay 11.5 cents per tonne of aggregate produced, which is divided four ways: three and a half cents to the province, six cents to the lower-tier municipality, one and a half cents to the upper-tier municipality and half a cent to the abandoned pits and quarries fund. Compare this to the United Kingdom's \$3.23 tonnage levy—quite a difference.

The province overall collected \$5.8 million as its share of the levy in 2010. Given the inability of the Ministry of Natural Resources to achieve its 20% inspection target, increasing the levy should enable the province to increase its inspection and enforcement capacity as well as invest more into long-term planning and other initiatives such as reviewing and approving updated sites that are designed to reflect increasingly sophisticated approaches

to rehabilitation and environmental protection. Increasing the levy would also increase resources to enable rehabilitation of the province's backlog of abandoned pits and quarries.

Increasing the levy will also give donor municipalities—those municipalities that produce aggregate—a fairer deal. For example, the township of Uxbridge, one of our top 10 producing municipalities, produced 3.35 million tonnes of aggregate in 2010 but only received \$200,000 for its share of the levy, with which it's expected to build and maintain its roads to sustain the volume of gravel truck traffic.

In conclusion, I think with this review we have a huge opportunity to get things right in a way that works for the benefit of the environment and communities and, I hope, in a way that is largely palatable to the progressive members of the aggregate industry. With the appropriate legislation, regulation and enforcement, combined with voluntary implementation of best practices, we will see considerable reduction in the number of adversarial hearings that cost municipalities, community groups and proponents millions of dollars and countless hours. For this reason, Ontario Nature respectfully asks that this committee take the time needed to reach out and consult extensively with stakeholders and communities affected by aggregate production in key areas of the province and to go beyond the GTA to areas such as northern and eastern Ontario. Thank you very much.

The Chair (Mr. David Oraziotti): Thank you for your presentation. The NDP caucus is up first. Ms. Campbell, go ahead.

Ms. Sarah Campbell: Thank you for that presentation. I think you're absolutely right when you raise the point—well, your point number 5—about the challenge to municipalities as they transition from virgin aggregate to recycled aggregate and the impact that will have on their infrastructure. I'm wondering if you have any suggestions of how we can compensate municipalities. How can we address that issue?

Ms. Caroline Schultz: I don't have specific suggestions as to how they might be compensated, but they need to be compensated. I think it's really up to municipalities to make those recommendations specifically how that might happen. But if we're going to foster recycling and for municipalities to host these facilities, they need to be able to pay for maintaining the road infrastructure, at the very least.

Ms. Sarah Campbell: I agree. Thanks.

Mr. Rosario Marchese: A quick question.

The Chair (Mr. David Oraziotti): Briefly.

Mr. Rosario Marchese: Would you say that extraction of aggregates should be prohibited in prime agricultural land?

Ms. Caroline Schultz: I think it should be prohibited in prime agricultural land, but I do think it's important that we look at the specific impacts and be careful about blanket exemptions or prohibitions. We need to have a very clear definition as to what areas the industry may

potentially proceed in and which not, but that we're very clear about what the impacts might be.

Mr. Rosario Marchese: So we could designate where they could actually go—

The Chair (Mr. David Oraziotti): Thanks. We need to move on.

Mr. Rosario Marchese: —is what you're saying. We could do that?

Ms. Caroline Schultz: Yes, and we do, to a certain extent, with other land use plans like the Niagara Escarpment plan and the Oak Ridges moraine conservation plan.

The Chair (Mr. David Oraziotti): Thanks for that response. I appreciate it. Mr. Colle?

Mr. Mike Colle: Thank you for your presentation. I just wondered: Did you ever find any other references to any other jurisdictions that do recycling? We've heard about just one: the UK. Is there any other jurisdiction you know of that does any recycling?

Ms. Caroline Schultz: I'm only really familiar with what happens in the UK, so I can't really add to that at this point.

Mr. Mike Colle: Okay; we can find that out. The other thing is, I think you made an important statement about blanket policies, because this province is quite diverse in its topography, geography, geological makeup. You're suggesting that we not have one blanket policy but take a look at the specific area and take that into account, whether it be the escarpment, whether it be the Oak Ridges moraine, that that has to be part of what we do.

Ms. Caroline Schultz: I think it's a combination of both, depending on what specifically we're talking about. But if we're talking about areas where aggregate extraction should not proceed, we need to have a clear definition of and certainty about where those areas are and where they aren't. Then, in terms of the actual environmental assessment approach that needs to be taken when looking at specific areas and what the impacts might be, there needs to be a much more detailed assessment.

Mr. Mike Colle: Thank you.

The Chair (Mr. David Oraziotti): Thank you for that. I appreciate it. Ms. Jones, go ahead.

Ms. Sylvia Jones: Thank you for the presentation. Just a couple of follow-up questions.

In your second point, where you talk about "defined duration for aggregate licences," are you familiar with or can you share with the committee any jurisdictions where this occurs?

Ms. Caroline Schultz: No, I'm not familiar with where it occurs.

Ms. Sylvia Jones: Can I task research to find out whether there are any jurisdictions in North America—we'll start with that—where aggregate licences come with an end date? Fair enough? And a timeline on it.

My second question is on the pumping of water in perpetuity. I couldn't agree more. Again, have you seen any other licence where that is part of the licence? Again,

maybe that's more for research than putting you on the spot.

Ms. Caroline Schultz: As a mitigative measure in Ontario?

Ms. Sylvia Jones: Yes.

Ms. Caroline Schultz: The Dufferin Milton quarry—

Ms. Sylvia Jones: Has it in perpetuity?

Ms. Caroline Schultz: Yes.

Ms. Sylvia Jones: It's included in their licence?

Ms. Caroline Schultz: Yes.

Ms. Sylvia Jones: Okay. Could we get some additional information on that?

Ms. Caroline Schultz: I believe that the Highland application also would require pumping in perpetuity to mitigate the impact.

Ms. Sylvia Jones: I believe it does too. That's the first time I read it, so I'm interested to know if there are others.

Ms. Caroline Schultz: Yes.

Ms. Sylvia Jones: The last question relates to greater municipal decision-making. I'm going to ask you, because you haven't put it in your presentation: Do you have some thoughts on whether municipal official plans should include the mapping of where aggregates are in their municipality?

1800

Ms. Caroline Schultz: Yes, I do think that they should. There should be constraint mapping to look at what the natural heritage system targets are, along with other targets, and where there are areas of conflict, for example, and potentially how those conflicts could be avoided if there are options open to avoiding those conflicts. Unfortunately, that doesn't happen nearly to the extent that it could and should.

Ms. Sylvia Jones: Presumably, it would give some transparency to someone who is purchasing in or considering moving into a municipality, where they could go, review, see whether there is the resource there and whether it is—

Ms. Caroline Schultz: Yes, that information is available, but it would be very difficult for a general member of the public who was going to buy a property to know what the future of that land would be.

Ms. Sylvia Jones: In the town of Caledon, it's actually right in their official plan, and it's fairly standard. The feedback I receive is that people appreciate that transparency.

The Chair (Mr. David Oraziotti): Thank you. That's time for the questions and presentation. We appreciate you coming in today.

CANADIAN NETWORK FOR RESPIRATORY CARE

The Chair (Mr. David Oraziotti): The last presentation today, folks: Canadian Network for Respiratory Care. Good afternoon. Welcome to the Standing Committee on General Government. As you know, you have

10 minutes for your presentation. Please state your name, and you can proceed when you're ready.

Ms. Cheryl Connors: Thank you very much. I really welcome the opportunity to be here. My name is Cheryl Connors. I am the executive director of the Canadian Network for Respiratory Care. I appreciate the opportunity to come to speak about an adverse effect of industrial aggregate operations other than water—not that water isn't important, but I'd like to talk about air.

The Canadian Network for Respiratory Care, through its certified asthma and respiratory educators and member organizations, works to improve the quality of life for Canadians and their families living with respiratory disease by developing, promoting and advocating the highest standards of quality respiratory health care and innovative education. We have over 1,000 certified asthma and respiratory educators across Canada, and we are an umbrella organization for other organizations with an interest in respiratory disease. You'll see in the package the list of my member organizations, which include the Canadian Lung Association, the Asthma Society and Clean Air Champions.

I'd like to just give a definition for "air." It's the common term for the atmosphere, the layer of nitrogen, oxygen and other trace gases that surround our planet and make life on earth possible. The atmosphere is a complex natural system. Air pollution from transportation, industries and other sources causes an imbalance in the system by modifying its chemical composition. Living things are affected by air pollution in a variety of negative ways.

Each year, more than 21,000 Canadians die from the effects of air pollution. Canada has one of the highest rates of asthma in the entire world, with an astonishing 3.2 million Canadians believed to have asthma and an estimated 1.7 million with COPD, chronic obstructive pulmonary disease, known as emphysema and chronic bronchitis. COPD and lung cancer rates are expected to increase by more than 50% by 2030 and asthma by more than 24%. Some 15.6% of our children have asthma. Asthma is the leading cause of emergency room visits for children in Canada. In 2012, asthma, COPD and lung cancer caused \$12 billion in direct health care costs in Canada and an estimated \$8.6 billion in indirect costs.

Pits and quarries produce dust. Dust is produced from blasting, crushing, screening and stacking operations as well as conveyor belts and loader and truck transport on-site and trucks off-site as haul routes. Dust is also produced during overburden removal and from wind blowing over stockpiles and across barren pit floors. It is also harmful to vegetation.

There are two types of fine particulate matter. PM of 10 microns or less in diameter is the type of particulate matter that can travel for further distances. The more harmful type of particulate matter to our lungs is the one that's 2.5 microns or smaller, because that's the type that can enter in through the blood system and get into your lungs, and we have no biological mechanism for clearing that particulate matter from the body. Recent research has

shown us that fine particulates pose a greater danger to our health than better-known kinds of air pollution, such as smog, sulphur dioxide and carbon monoxide.

Every day in my email I get a new research study that is showing the increasing harmful effects of air pollution on our health. Silica dust is also common from processing sand and gravel and is a known carcinogen. The Ontario Ministry of Labour has strict guidelines in place for workers who come into contact with silica dust, requiring them at all times to wear respirators, yet there are no guidelines in place to protect Ontarians living near pits and quarries to protect them from being exposed to silica dust. This can lead to a disease called silicosis. I've included more information about that, and how silica enters into the body. There's also a direct co-relationship between silica dust and lung cancer, and quite a few studies to show the linkages with that.

The point that I'd like to make to the committee today is that there are no safe mitigation procedures when it comes to dust. They are either inadequate, relying on an operator to spray water to haul routes when they determine there are high winds—what happens when it's windy at night?—or they create additional adverse health effects: spraying chemicals on stockpiles, for example.

Other adverse air quality effects from aggregate operations would be diesel exhaust from trucking and other heavy equipment. Diesel is also identified as a known carcinogen.

The other point: Exposure to most air pollutants follows a gradient. Those living closer to hotspots experience higher exposures compared to those living further away.

Who's most at risk? People with existing respiratory or cardiovascular conditions, young children, the elderly, and those active outdoors, and it will still affect those who are otherwise healthy. Young children are included in the sensitive groups because, on a per-body-weight basis, they tend to inhale relatively more air than adults.

There are also weather variables—wind, inversion and topography—that I've included information on, but the bottom lines are that pits and quarries create ideal topography for trapping pollutants.

The air quality health index was developed by Health Canada to measure air quality in a way that would teach Canadians that there is a health impact. In the past, the AQHI just told you what the air quality was. The new air quality health index comes with advice on how to moderate your behaviour based on the air quality. The AQHI identifies ozone, particulate matter and nitrogen dioxide. Those are all pollutants.

The AQHI and our certified respiratory educators and other health care professionals teach patients to do trigger management of their asthma and COPD. So how we would teach you trigger management if you were on a high-AQHI day—10—or living beside a pit and quarry is to stay inside with your windows closed. We don't think that's an acceptable solution for our children or for other folks with respiratory illness.

Educating Ontarians about poor air quality is only one part of the equation; it isn't the solution. We need to focus on prevention. We have to work to improve our air quality. Ontarians who have the misfortune of living next to a pit or quarry should not be made prisoners of their own homes, yet this is the only way we can manage this.

I'll speak about the legislative context for a moment. An air quality technical report is not listed as a requirement under the provincial standards or ARA regulations. There are also no references to air quality assessment reports and no recommended monitoring reports. What can we do? The only safe mitigation is to stop approving industrial extraction in the midst of highly populated residential areas. The Ontario government has a responsibility to protect the health of Ontarians who live close to market.

My other recommendation would be: Ensure that air quality assessment reports and ongoing monitoring are mandatory under ARA regulations and provincial standards, and must include detailed analysis of specific mineral content; for example, silica.

Other legislation would be the Ontario Environmental Protection Act and provincial policy statements.

Some other health concerns would be vapour intrusion.

1810

I would like to speak for a moment about personal impact. We've been talking about virgin aggregate. I was an aggregate virgin until about six months ago, when we discovered that an old aggregate pit that had completed its extraction was about to be reopened, with a massive extraction—five times the size it is now—below the water table. We learned that there was something called a site plan amendment. I'd like to speak about site plans for a minute because I feel this is a dangerous loophole that exists in the current legislation.

MNR staff have the authority to make massive changes to site plans and don't even tell the public that they occur. I'd like to urge the committee to take a look at site plan amendments with the ARA review. With 6,900 abandoned pits and quarries in the province, if companies spend \$20 million for a new licence application, it's a whole lot easier to buy up an old pit or quarry and just have your local aggregate officer sign an amendment approving a massive extraction. In our case, this is in the Oak Ridges moraine natural linkage area, where below-the-water-table extraction is allowed, yet it's clear that the approval will be given even though it's clearly prohibited by legislation. It puts the residents in a position where their only course is to end up in a David-and-Goliath battle through the court system.

The Chair (Mr. David Oraziotti): Okay, I'm going to need to stop you there; that's time for your presentation. We're going to go to questions. You're going to have an opportunity to elaborate a little bit more. Mr. Colle, you're up first.

Mr. Mike Colle: Yes; thank you. I'm going to ask for information on that process with site plan approval and

what is entailed there. So I'm going to ask research to find out exactly what the rules are.

I was going to ask you a question about air quality. Right now in Toronto here, I've got people who are complaining to me because their carbon monoxide detectors are going off; they can't open their windows anymore. These are people who live on Dufferin Street, right in the middle of the city, and they can't open their windows. So, carbon monoxide: Where is that coming from?

Ms. Cheryl Connors: The carbon monoxide? I can't answer that. I'm not an expert on carbon monoxide; I'm sorry.

Mr. Mike Colle: And you can't smell it—I was just trying to find out what it was.

The second question I have is, we used to get regular smog-day warnings in the GTA. In the last couple of years, I can't recall a smog-day alert. What is happening?

Ms. Cheryl Connors: They've replaced it with AQHI. The AQHI you'd be hearing in Toronto is a one-to-10 system. Most summer days in Toronto are at the very high side, when folks highly at risk would be told to stay indoors and to not engage in physical activities. When it's in the eight-to-10 range, even people who are healthy with no other conditions will be asked to stay inside and avoid physical activities.

Mr. Mike Colle: But there's no such thing as smog days anymore?

Ms. Cheryl Connors: They use the AQHI monitoring system now. That's the tool that would be used to broadcast alerts on air quality.

The Chair (Mr. David Oraziotti): Thanks for your response. We need to move on. Ms. Scott, go ahead.

Ms. Laurie Scott: Sorry for the limited time, so I'll be quick here. Thank you for the background. It's very thorough. I'm a nurse also. We've had a lot of presentations. This is good that we're getting some health background.

I do have a question, though. When we were briefed by the ministry—and it's all on public record—they said that an expansion is considered a new application, so there should be notice given out there. I just wondered if you had a case where it wasn't, because that's what we were told when briefed.

Ms. Cheryl Connors: The word "expansion" is if it was involving new land, so, new land not included in the licence. But there is a footprint within that licence, an extraction footprint. If they owned 100 acres, they may only have permission to extract 20 acres of that 100-acre parcel. So an extraction expansion would be to go beyond the 20 acres where they're allowed, to make it 100 acres.

In our case, there will be no land use at the end of the day because they virtually are going to turn the entire 100-acre parcel into a below-the-water-table lake, and do so with a process that is secretive, in which they tell you that, legally, they don't even have to inform a single resident. We only found out about it at the very end of the process.

Ms. Laurie Scott: Okay. I know Mr. O'Toole had a quick question.

Mr. John O'Toole: I appreciate your input. It's a little bit different than the ones we've heard today.

For years, we've heard a lot about coal being the largest—I've been working with the Canadian Lung Association, meeting with them, and we're trying to develop what they call a lung strategy. That's something that we're working on collectively with other parties, I might say. We were told by the Environmental Commissioner that the largest contributor to particulate matter is actually unpaved roads. That's what the Environmental Commissioner told us here last week. Have you got any comment on that? I agree it's a significant issue. It needs to be dealt with directly in terms of site plan control, specific to this.

Ms. Cheryl Connors: I'm not sure where the quantitative evidence for the commissioner's comments is, but he would likely have more information on that. It does produce a lot of dust, so it doesn't surprise me. A lot of the dust problems in industrial extraction come from unpaved routes.

Ms. Laurie Scott: I just wanted to clarify that when I asked the question—we're going to actually ask research just to clarify what you were saying compared to what we were told by the MNR. So we'll have a record of the difference if there's not proper—

Interjection.

Ms. Laurie Scott: Yes. I appreciate that.

The Chair (Mr. David Oraziotti): NDP caucus: Go ahead, Mr. Marchese.

Mr. Rosario Marchese: You've heard many people talk about recycling, and I am a big proponent of that, and so are a few others. When we think about the environmental effects it has on people in terms of blasting and trucks and the particulates of driving and so on, when I think about the damage it could do to our water table—in some places more than others—and when I think about the taking away of prime land, I say to myself, we have to get better at recycling the material that exists so that we don't damage our environment and we don't damage our farmland by taking it away and don't damage potentially potable water. Have you thought about that, too?

Ms. Cheryl Connors: Absolutely. I agree. I think it's terrible that we aren't recycling more.

In our community in Palgrave, there are 7,000 people in the little, small pit—where this pit is located, two thirds of them are on private wells with no alternative source of water. This is a pit that has already had tremen-

dous adverse effects. When it was last operating in the 1980s, lots of people lost their wells. Ponds and streams dried up. You can see the wetland in the picture I included in the proposal; it's not there anymore. When I spoke to the Ministry of the Environment staff person about it, his response was, "Oh, well. It's gone now. You can't get it back, so who cares?" As a former public servant myself, the secrecy, the lack of transparency, that we had to hire lawyers to try to get access to information—I'm so offended by that. I took my oath as a public servant very seriously when I worked for six years in the Ontario government, that we were doing what was in the best interests of the public. The MNR staff really do behave like they are employees of the aggregate industry.

The Chair (Mr. David Oraziotti): Thank you. That's time for the presentation, and that's all of the presentations we have for today. The committee is adjourned.

Ms. Sylvia Jones: Wait, wait, I have a research request. May I?

The Chair (Mr. David Oraziotti): Go ahead. Put it on the record.

Ms. Sylvia Jones: We've had a number of deputations talking about recycling. Many referenced the UK model. Can we first get an overview of what they're doing in the United Kingdom and also, probably as importantly, how we can make some recommendations on how we could do a better job here in Ontario?

Mr. Michael Coteau: Can we not limit it to the UK—if there are any other jurisdictions that are leaders?

Ms. Sylvia Jones: Yes. Fair enough.

The Chair (Mr. David Oraziotti): Okay. Anything else?

Ms. Sylvia Jones: I have one question for the Chair. I am assuming, because you have not shared anything, that we have not heard back from the House leaders on whether we can travel.

The Chair (Mr. David Oraziotti): Correct.

Ms. Sylvia Jones: How do we go forward as a committee? Do we put another request in? Do we wait?

Mr. Rosario Marchese: Sylvia, I was hoping we might have heard something from the House leaders, and we didn't.

Ms. Sylvia Jones: Me, as well.

Mr. Rosario Marchese: So we should talk about that so that by Wednesday we will have something to recommend, right?

Ms. Sylvia Jones: Okay. Thank you.

The Chair (Mr. David Oraziotti): Okay. Committee is now adjourned.

The committee adjourned at 1821.

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