

Gravel Watch Ontario
Submission to
ERO: 019-0279
Provincial Policy Statement Review – Proposed Changes
2019 07 22

Thank you for the opportunity to comment on the proposed changes to the Provincial Policy Statement (PPS).

Gravel Watch Ontario is a province-wide coalition of citizen groups and individuals that acts in the interests of residents and communities to protect the health, safety, quality of life of Ontarians and the natural environment in matters that relate to aggregate resources. Formed in 2003 we have over a decade of experience in advising both communities and government agencies in aggregate matters.

Our submission will focus on the proposed PPS changes related to aggregate extraction. In addition, we wish to make it clear that we fully support the submissions made by Ontario Nature and the Canadian Environmental Law Association which cover areas of the PPS beyond aggregate policy.

Overall Gravel Watch Ontario is concerned that the proposed changes do not present a balanced approach to land use planning and that they unduly favour aggregates extraction and development over other provincial interests.

Our first observation is that we do not believe that there is a problem that needs to be addressed when it comes to the supply of aggregates in Ontario. A review of documentation as far back as the 1970s shows that a consistent theme from the industry is that we are facing a crisis of aggregate supply in Ontario. Yet over the decades there is little to no evidence of any major project being delayed or deferred because of a lack of aggregate supply. Furthermore, the price of aggregates when adjusted for constant dollar value, has not appreciably increased. If aggregates were supply constrained, price escalation would be expected. Industry participants themselves speak to a highly competitive industry where the difference between securing a contract or not is measured in fractions

of pennies. And finally, there are examples such as the Acton Quarry expansion which was advocated for based in part on need and a supply crisis, that has recently been made dormant because of a lack of demand. All these factors would indicate that the industry is not supply constrained.

Any actions to enhance the already permissive and facilitative PPS policies around aggregate extraction should only be undertaken once there is a clear and well documented determination that there is actually a supply problem. Currently no evidence of a supply problem exists.

Comments on proposed changes to PPS Aggregate Policies:

2.5.2.2 Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.

Outside of the Greenbelt Area, extraction may be considered in the natural heritage features listed in section 2.1.5, 2.1.6 and 2.1.7, provided that the long-term rehabilitation can demonstrate no negative impacts on the natural features or their ecological functions.

The PPS has a history of being interpreted to give priority to aggregates extraction over protection of water resources, wetlands, woodlands, wildlife habitat and prime farmland. The proposed revisions include a significant change that would make that situation worst.

The proposed new policy 2.5.2.2 would permit aggregates extraction in in all significant natural features currently protected under the PPS except those in the Greenbelt.

The apparent rationale for the proposed changes focuses on the proposed rehabilitation plans presented by applicants during the licencing process.

Aggregate operations routinely continue for decades. Rehabilitation plans are routinely changed over the life of those operations. Aggregate operations

routinely go dormant when there is neither significant aggregate extraction occurring, nor rehabilitation being undertaken.

The proposed policy seems to willfully ignore the decades of time which occur between the proposal of an aggregate operation and when or if any type of final rehabilitation is undertaken. It fails to account for or even acknowledge what will happen to the flora and fauna during those decades. It almost seems to imply that the natural environment can put itself on pause for those decades and then restart itself once extraction is completed and rehabilitation undertaken.

Given that rehabilitation plans are fluid and change over time, that rehabilitation does not occur and at any known future date, that the natural environment can't suspend itself while aggregate extraction occurs, the proposed policy addition is without merit and should be removed from consideration.

2.5.2.4 Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.

Existing mineral aggregate operations shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the Planning Act.

Where the *Aggregate Resources Act* applies, processes under the *Aggregate Resources Act* shall address the depth of extraction of new or existing *mineral aggregate operations* or *their expansions*.

Depth of extraction when it determines whether or not extraction is occurring above or below the water table is of significant interest to stakeholders. During the licencing process whether or not a proposed operation will extract above or below the water table is a trigger for a number of areas of exploration and concern. Proposals are examined with different processes and different criteria depending on whether or not they will be operating within the established groundwater table.

This policy proposal to take the matter of the depth of extraction exclusively into processes under the Aggregate Resource Act (ARA) is only viable if those processes protect the interests of all stakeholders. Currently, changes to the depth of extraction which would trigger a change from above water table

extraction to below are considered “major site plan amendments”. Key stakeholders such the local municipality are consider a commenting agency only for major site plan amendments and have no rights to appeal any resulting decision. Currently there are not even any notification requirements under the ARA processes to inform local communities that such a change is being requested.

Unless the processes under the ARA for changes to the depth of extraction which trigger a change from above to below water table extraction appropriately provide for notification, engagement and appeal rights for legitimate stakeholders, this proposed policy addition should be abandoned.

Gravel Watch Ontario and its members appreciate the opportunity to add our perspective to the discussions of aggregate policy within the Provincial Policy Statement.

Should you have any questions or would like to discuss our comments in more detail, please feel free to contact us.

Sincerely,

A handwritten signature in black ink that reads "G. Flint". The signature is written in a cursive style and is underlined with a single horizontal line.

Graham Flint, B.A.Sc., P.Eng.

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