



ISSN 1180-5218

Legislative Assembly
of Ontario

First Session, 40th Parliament

Assemblée législative
de l'Ontario

Première session, 40^e législature

Official Report of Debates (Hansard)

Monday 16 July 2012

Journal des débats (Hansard)

Lundi 16 juillet 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
Greffière : Sylwia Przedziecki

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Monday 16 July 2012

Lundi 16 juillet 2012

The committee met at 1503 in the Kanata Salon, Holiday Inn, Kanata.

ELECTION OF ACTING CHAIR

The Clerk Pro Tem (Ms. Tamara Pomanski): Good afternoon, honourable members. It is my duty to call upon you to elect an Acting Chair for the remaining hearings today and tomorrow. Are there any nominations? Mr. Colle.

Mr. Mike Colle: I'd like to nominate the honourable member from Pickering–Ajax.

The Clerk Pro Tem (Ms. Tamara Pomanski): Are there any further nominations? There being no further nominations, I declare the nominations closed and Mr. Dickson elected Acting Chair of the committee.

AGGREGATE RESOURCES ACT REVIEW

The Acting Chair (Mr. Joe Dickson): Welcome, ladies and gentlemen, to the Standing Committee on General Government, in particular the aggregate review. The timing will be 15 minutes per presenter, of which 10 minutes is for you to present and five minutes for questions, split evenly amongst the three parties. We will start with the Tories, then go the NDP, then go the Liberal side. When you come forward, please give us your name. If you think it's a difficult name to spell, you might want to spell it out for us. We absolutely welcome everyone here this afternoon.

AGGREGATE RECYCLING ONTARIO

The Acting Chair (Mr. Joe Dickson): I would ask our first presenter, Aggregate Recycling Ontario, to come forward. Could you give us your name, please, although you do look familiar.

Ms. Moreen Miller: Thank you. My name is Moreen Miller. Good afternoon, Mr. Chairman and committee members. It is a pleasure to be here today to address aggregate recycling issues and to update you on Aggregate Recycling Ontario, or ARO for short. ARO was created last year by industry stakeholders who produce, recycle and consume aggregate materials in Ontario to raise awareness about the benefits of using recycled aggregates in infrastructure projects. I am the executive director of ARO and I'm here today on behalf of the chair, Adrian

Van Neikerk of Gazzola Paving, who was unable to attend today.

Many of the aggregate producer companies that you have met during this review process are also members of Aggregate Recycling Ontario, including 19 of the largest aggregate recycling companies in Ontario. Our membership also includes eight very committed industry associations: the OSSGA; the Toronto and Area Road Builders; the Ontario Road Builders' Association; the Ontario Hot Mix Producers Association; the Ontario Good Roads Association; the Ontario Sewer and Watermain Construction Association; the Ready Mixed Concrete Association of Ontario and the Residential and Civil Construction Alliance of Ontario.

ARO was created to provide a focus for aggregate recyclers who are frustrated by the lack of progress in getting aggregate recycling into the construction mainstream. Although historic issues with product quality are partly to blame, there remains a systemic bias in the municipal engineering community to only specify primary aggregates in their projects. To overcome this bias, we are educating our own members about quality control concerns while we work to convince municipalities, consulting engineers and provincial legislators that they can be part of the solution to Ontario's low aggregate recycling rates.

Although the MTO and a few municipalities such as the city of Toronto can also claim a leadership role in promoting the use of recycled aggregate because they consistently allow its use in their projects, we are the only organization that is actively promoting aggregate recycling in a substantive and proactive way.

A couple of years ago, dismayed by their inability to move the millions of tonnes of recycled aggregate stockpiled in their yards, the Toronto Area Road Builders' Association began lobbying municipalities in the GTA to get them to use more recycled aggregates, in accordance with provincial standards and specifications that have been in place since 2004. Those standards clearly identify that recycled aggregates are suitable for use in road construction, parking lots and trails and as backfill. Aggregate recyclers have been accepting broken concrete, such as old roads, sidewalks and curbs, at their yards free of charge, thus keeping this material out of landfills and disposal sites while saving taxpayers from the charges associated with those options. There, the material is sorted

and re-engineered to meet Ontario provincial standards and specifications for reuse.

However, these recyclers mistakenly assumed that if they produced a quality product and sold it at a cheaper price, municipalities would use it. Instead, they've watched trucks loaded with primary materials drive in from the countryside to fill orders at projects located in close proximity to the enormous mountains filling their yards. Even when the road builder has their own recycling yard and wants to use recycled aggregate, the procurement specifications simply will not permit them to do so. To augment the irony of this situation, those stockpiles are mostly made up of reclaimed materials from the same municipalities that won't take them back.

Notwithstanding the fact that the recycling yards save the municipalities the costs of having to dispose of their broken roads, the value of this perfectly fine, non-renewable resource is being recklessly ignored. While TARBA's early efforts softened the stiff resistance of many municipal engineers, most remain cautious at best and, for the most part, wedded to the status quo.

Other companies and associations supported TARBA's efforts to push the recycling agenda and determined that it should be a province-wide effort, with widespread industry support. So, last summer, ARO was born to build on TARBA's efforts and extend this campaign province-wide.

ARO members have been participating in these hearings. While we agree with the frustration that comes from many of the speakers and committee members about Ontario's overall lack of recycling success, many of those same speakers misappropriate blame or fail to acknowledge that their own municipalities routinely discriminate against the use of recycled aggregate in their construction projects. They also routinely oppose applications to secure permits to locate and establish recycling facilities, even when they are proposed in existing pits and quarries.

However, we're not here today to lay blame or point fingers or to imply that using recycled aggregate will solve the complicated issues and the conflicts that have naturally converged at this particular legislative review. Instead, we're here to continue ARO's mission of education, advocacy and leadership by example.

We've been listening to the discussion taking place at this committee, and we agree that many of the proposals that have come forward would be helpful in promoting recycling, from financial incentives, to material bans at landfills, to revised construction codes, to dedicated levies designed to support recycling. We have also heard a lot about the UK experience, because they've done some very interesting things. We're exploring these proposals and the UK model more fully as part of our overall agenda, and we look forward to discussing these initiatives in the future.

Since being formed, here is what ARO has been doing. Our first priority is to tackle the low-hanging fruit: making sure that recyclers produce a product that meets prescribed standards, and getting municipalities to recog-

nize the value and properties of this material, so that they will allow its use in their projects. This small step can at least lead to establishing a functional market and quickly absorb several million tonnes of stockpiled material.

In an effort to convince municipalities and consulting engineers that recycled is a comparable alternative to primary materials, we've produced several communication pieces designed for both the technical reviewer and the decision-maker. I've brought some of those with me today, the most important, I think, being the Best Practices Guide for Recycling Aggregate.

We have also placed ads in trade publications, made presentations to groups and committees, and met with politicians, councils and engineers from several municipalities.

We've created a website, aggregaterecyclingontario.ca, so that people and decision-makers can learn more about aggregate recycling. The website will also soon be expanded to have a comprehensive list of current research on recycled aggregates, designed to provide one central place to source research material.

Last fall, ARO hosted a one-day forum that attracted 120 municipal and consulting engineers, provincial staff and assorted stakeholders from across the province to talk about the topic. This forum featured intense discussions and excellent guest speakers, including the head of the UK's recycling initiative. We are currently planning a follow-up forum for the fall of this year.

Last year, TARBA created the Best Practices Guide that we're now promoting to the industry province-wide. We acknowledge that some of the pushback that we get from municipal engineers is based on isolated but nevertheless legitimate concerns about contamination issues that stem from the early days of recycling. It's our position that provincial standards and specs are appropriate for buyers and sellers and that both sides need to acknowledge that they will rigorously apply those standards, as appropriate. This means that recyclers commit to providing a quality product, and municipalities commit to recognizing those qualities by designing their projects and tenders accordingly. We expect that these best practices will be revised in the future as we gain insight and new information from all of our partners.

In light of fears regarding the performance and durability of recycled aggregates versus primary materials taken directly from a pit or quarry, OPSS 1010 was developed by engineers from MTO and the Municipal Engineers Association in 2004. This specification is very prescriptive about the composition of recycled aggregate materials to be used in roads, trails and as backfill. It also contains a rigorous and comprehensive testing protocol that ensures a quality product that is just as good as or better than primary aggregate in these applications.

When ARO was formed, we quickly realized that there is little information available about recycling rates or facilities in Ontario, so we have created and distributed two surveys, one for the largest 119 municipalities and one for our producers.

1510

The information received from these surveys will help us understand the existing situation and attitudes towards recycling. The results from the municipal survey trickled in last fall, and our more recent producer survey is currently in the field. This latter survey should tell us some very pertinent details about the state of recycling in Ontario and provide us a benchmark to guide and evaluate future efforts.

It should also be pointed out that the demolition industry is separate from our activities. They manage huge volumes of broken concrete and aggregate materials that may or may not be recycled, reused or even counted. We plan to explore options to address this and will follow up as appropriate with provincial officials to determine how to quantify demolition material volumes and destinations.

We expect that most, if not all, of the regulatory or legislative changes designed to bolster aggregate recycling are actually outside of the Aggregate Resources Act, but this review has proven to be an excellent vehicle to discuss and advance the recycling agenda. Permitting recycling facilities as of right in new or existing pits and quarries is one area that ARO feels could be addressed in a revised ARA. We envision that, in the future, regulators would consider that aggregate recycling is a standard part of every licensed or permitted pit or quarry in Ontario.

Non-ARA recommendations could include changes to the provincial policy statement so that it requires municipalities to provide for aggregate recycling facilities; directions to all levels of government and their agencies to include recycled aggregate in their green procurement policies; assistance seeking greater recognition for the use of recycled aggregate in the LEED certification program; and an MOE review of the conditions that permit the landfilling and lake filling of used concrete materials.

We also plan further research to determine how recycled aggregate is referenced in municipal official plans and existing green plans and, in the future, hope to explore how changes to building codes and product specs could assist us in developing a much more successful recycling rate than is currently the case in Ontario.

I know that there has been considerable discussion about recycling during your deliberations and I hope that I've been able to clarify the situation as it exists today and tell you what industry is doing to address serious flaws in the overall approach to recycled aggregates that currently exists in this province. ARO is committed to overcoming these challenges, our members believe strongly in recycling, and we look forward to working with you to advance this important agenda.

Thank you. I'd be happy to answer any questions.

The Acting Chair (Mr. Joe Dickson): Thank you very much, Ms. Miller. We will go to the Tories. By the way, your timing was excellent.

Mr. Michael Harris: Moreen, thank you for your presentation. You mentioned ways to increase recycling, from financial incentives to material bans in landfills. A

quick one of two: Are there any material bans in landfills currently in Ontario at all?

Ms. Moreen Miller: There are restrictions in many municipal landfills, but not all. The landfills, I think, are making a concerted effort to direct most of this material into a recycling stream, but it's still often not.

Mr. Michael Harris: Thank you. Just quickly, of the top-five consuming municipalities for aggregate—or even 10, should you know—how many of them allow for actual recycled materials in their specifications? I don't know if you have that off the top of your head: top five, and do any of those actually allow for recycled materials or not?

Ms. Moreen Miller: In the top-10 producing municipalities, I would say that three out of 10 allow for recycled aggregates routinely in their tenders, and the other seven do not.

Mr. Michael Harris: Thank you.

The Acting Chair (Mr. Joe Dickson): We'll now go to the NDP.

Ms. Sarah Campbell: Thank you for your presentation. In your presentation, you noted that permitting recycling facilities as of right in new or existing pits and quarries is one way that the ARO can encourage more recycling to take place.

In other discussions, we have had some members of the public who have expressed some concerns about recycling in pits and quarries when already there has been so much use that it's close to the surface water. They're saying that when you recycle these materials that have contaminants in them, you run the risk of possibly contaminating the area and the groundwater. Do you think that those concerns are warranted? Do you think that there's a risk of surface contamination where recycling takes place?

Ms. Moreen Miller: There are already clear rules and regulations in the Aggregate Resources Act to take into account the storage of recycled products within licences, so I think the fear of contamination is very limited. The biggest advantage to having this in a pit or quarry, though, is to allow for the use of what we would call materials that are too fine to make a product otherwise, so they would be materials that were a very fine sand. Without a coarser material to mix with them, we can't make a product out of it. So, in fact, it's encouraging the sustainability and the full use of the product to its highest, best use. I think the other pieces are easily manageable as we move forward to gain that sustainability.

Ms. Sarah Campbell: Thank you.

The Acting Chair (Mr. Joe Dickson): We'll now go to the Liberal Party.

Mr. Mike Colle: Thank you, Moreen, for the presentation, especially for the recommendations about how we could, maybe, incorporate some of these recycling activities within official plans and how we can also include it in the LEED designation and certification.

I guess the other thing is: How do we ever get the association of engineers of Ontario to ever come forward with a rationale of why they basically discriminate

against aggregates? Perhaps what I'd like this committee to support is a request that we write a letter to the Municipal Engineers Association of Ontario asking them if they could explain to this committee their policy on the use of recycled aggregates. If we could do that—and maybe also write a similar letter to AMO asking for the same clarification. That way, I think we might be able to elicit some responses on paper rather than these ad hoc responses we've been getting from various municipalities. So if the committee would agree to that, I'd like to make those two requests.

Ms. Sylvia Jones: I would suggest you add ROMA to that as well.

Mr. Mike Colle: Yes.

Mr. Michael Harris: And possibly even the city of Toronto, because they're not members of AMO, right?

Mr. Mike Colle: Yes, and their policy—

Mr. Michael Harris: A direct letter to them.

Mr. Mike Colle: —on the use of recycled aggregates.
Interjections.

The Acting Chair (Mr. Joe Dickson): It shall be done.

Thank you very much, Ms. Miller. Well done.

KARSON AGGREGATES

The Acting Chair (Mr. Joe Dickson): I would ask the representative from Karson Aggregates to come forward. Welcome, sir.

Mr. Erwin Schulz: Good afternoon. My name is Erwin Schulz. You just watched a 20-minute presentation condensed into 10, but Ms. Miller is a lot smarter than I am and a lot younger than I am, so you're about to see a three-minute presentation dragged out to 10.

Good afternoon. My name is Erwin Schulz. I'm the vice-president of Karson Aggregates. We appreciate the fact that you have taken the time to come to Ottawa to hear a non-GTA point of view.

This is the Hansard. I spent a lot of time going over it on the weekend. I have absolutely no idea how many written submissions that you might have—I can only imagine—but reading at least this much of it gave me an appreciation of the task ahead of you. I have a confession to make: Yesterday morning, when it was time to go to church, I stuck my nose just a little bit deeper into this book; my wife took one look at me, shook her head and went to church by herself.

In preparation for this deputation, I asked myself: What can I possibly add that hasn't already been covered? What information can I possibly present that hasn't already been presented? It's all here: 350-plus pages; some 60 or so different presenters. You've seen it all and you've heard it all. Any information that I might provide would simply be a regurgitation of information that you already have.

Everyone who has presented wants to influence the outcome of this review. Some of the presenters have appealed to your emotions by recounting personal experiences. Some have appealed to your sense of responsibility

by painting a picture of wanton disregard for the environment. Some have bombarded you with technical information. Some feel that a message repeated 20 times will leave an indelible impression on you. All of these things could probably work, I suppose.

How are you going to filter all this information? What's real? What's noise?

Here we are in Ottawa. I wonder what the seeming lack of participation outside of the GTA might have on you. How do you interpret that? I'd like to address that, because I would hate for you to think that it's apathy. It's not. Ottawa is simply different from the GTA. The city of Ottawa has mapped designated areas for the extraction of aggregates. Some of it is already under licence, but there are reserved areas that are not. This is a city that takes planning and close-to-market aggregates seriously, and because of this approach, this city will benefit from well over 50 years of close-to-market supply. We will go about our business of building our community economically and with a minimum of fanfare.

1520

Most of the producers are born and raised here. We have established ourselves and our families as part of the community. We help the community where they need help. We try to take care of our neighbours. We have issues, but we work them out.

We believe that the Aggregate Resources Act is a good act. It was written by some pretty knowledgeable people who believed that serving the provincial interest was important. Is it perfect? No. Can it be improved and updated? Yes. But is it broken? Absolutely not.

How can anyone expect this committee to sift through all of this information and come up with recommendations that support the provincial interest? Well, it stands to reason that you will go through a consolidation of similar issues, get a perspective of those consolidated issues, establish some guiding principles and finally come up with some recommendations. I'd like to suggest some ways to gain perspective on several of the overarching issues.

(1) Regulation and oversight: There is a perception evident throughout this Hansard that the aggregate industry is self-regulated. We are not, and neither are the other industries in this province that operate under a similar system. We self-report. This is an extremely important distinction. The industry has an obligation to report non-compliance with the regulation, and the regulator determines the veracity of those reports through the audit process.

Oversight: The common theme throughout this Hansard is that there is not enough oversight—and I mean "the common theme," and that comes from everybody. How do you fix that? You could hire and train more inspectors, but do you really believe that, given the current fiscal situation in this province, you're going to be able to do that? What if you increase the amount of regulation just to discover that your recommendations have created less oversight? Is that acceptable? What will the public perception of this exercise be? You as a committee will

have to determine that. I suggest you adopt a guiding principle to refer back to during your deliberation, and that is: Any change that has the potential of resulting in less oversight is unacceptable.

(2) **Aggregates and the environment:** Another common theme throughout this Hansard is the “adverse effects of aggregate extraction on the environment.” There is a tremendous concern evident throughout the deputations that this industry and the operations of aggregate sites are having a huge negative impact on the natural environment and the health and welfare of the public at large. My goodness, there are references to Walkerton in here, and as near as I can tell, Walkerton had nothing to do with the aggregate industry; I believe it had a great deal to do with alcohol. But somehow—and I suppose it’s meant for effect—this industry gets linked to that tragedy.

All the hue and cry about environmental Armageddon has spawned more and more sophisticated mechanisms that can be used to stop applications, such as the precautionary principle. The precautionary principle or precautionary approach states that if an action or policy has a suspected risk of causing harm to the public or to the environment, in the absence of scientific consensus that the action or policy is harmful, the burden of proof that it is not harmful falls on those taking the action.

In other words, if you don’t want my granddaughter to open a lemonade stand on the corner, all you have to do is invoke the precautionary principle, and she is required to initiate a series of studies which prove conclusively that lemonade is not harmful. Until such a time as she proves no harm, she will not be allowed to sell lemonade.

Listen: I’m just a simple guy who crushes rock for a living, but as far as I can tell, the precautionary principle is an economic Trojan horse. It’s a virus that’s designed to bring economies to a grinding halt.

I’d like to suggest an alternative. Before you deliberate, I urge you to employ whatever resources are available to you to provide yourselves with a list of licensed aggregate extraction sites that have had a significant negative impact on the environment over, say, the past 50 years and what those negative impacts were. Then ask them to provide that data in two forms: in quantity—how many?—and then as a percentage of the total number of licences operated during that time frame. Then I would take that data breakdown a little bit further. Of the sites that did have a significant negative impact on the environment, which ones occurred during the extraction phase and which ones occurred from the after-use?

History can give us some insight into the future and that data might give you some valuable perspective: What are the known issues, and in order to mitigate the possibility of them happening again, where do you need to concentrate your recommendations?

Finally, close-to-market aggregates, the holy grail: The issue of close-to-market aggregates really boils down to balancing economic and social priorities. I’d like to take the liberty of repeating part of the submission that Mr. Idone and I gave exactly two months ago. The

SAROS report suggests that the massive distribution network for marine or rail is currently not in place and is going to require a dedicated infrastructure program of massive proportion. We can’t imagine how and when this will happen, so the short answer is, if you go further from the market, we’re going to truck it.

The province’s current infrastructure budget is \$35 billion over three years. We realize that without increasing taxes, cutting programs or, even worse, borrowing money, the \$35 billion is a finite pot of money.

Over the three-year period, the province will produce approximately 510 million tonnes. Let’s make an assumption, because Ottawa has close-to-market aggregate, that 50% of the aggregate will remain close to market. That leaves 255 million tonnes that we need to truck. Now, we know from the SAROS report that public authorities consume 60% of that aggregate. Again, from the report, the average cost of delivering one tonne of aggregate to the market in 2009 was \$9.46.

We can tell you that the cost of owning, operating, maintaining and realizing a return on a truck is about 10 cents per tonne per kilometre. If we have to go another 250 kilometres for the aggregate, the cost to the province’s aggregate supply has increased by \$3.8 billion, or 11% of the infrastructure budget.

The Acting Chair (Mr. Joe Dickson): You have one minute, sir.

Mr. Erwin Schulz: Did you say I have less time?

The Acting Chair (Mr. Joe Dickson): Just one minute, sir.

Mr. Erwin Schulz: Okay.

We realize this isn’t going to happen in the next three years, but it gives us a pretty realistic picture of the future.

We leave it to you to decide. Once you have debunked the myths and filtered out the noise, ask yourselves, “What are the true consequences of increasing the cost of aggregate?” The answer will undoubtedly be this: An increase in the cost of aggregate will result in an increase in the budget deficit or an increase in the infrastructure deficit; most likely an increase in both. In our opinion, making decisions which increase the budget and infrastructure deficits will result in damage to our fragile economy and consequently reduce the social well-being of our communities. That should be unacceptable to all Ontarians.

This industry didn’t create consumer demand, but we simply service it. In the end, we have no choice but to go where Mother Nature put the aggregate. All of it—and I repeat, all of it—comes from a hole in the ground. From that hole, we get the materials that are required to build our communities, maintain a healthy economy and preserve our social well-being.

Thank you for your time.

The Acting Chair (Mr. Joe Dickson): Thank you very much, Mr. Schulz. We appreciate you being here.

Just before I go to the NDP, I’d just like to mention that I just noticed MPP MacLaren in the audience. Thank you for being here, Jack. And I will go to the NDP.

Ms. Sarah Campbell: Thank you for your presentation. The question that I have for you is that many presenters have suggested that we aren't necessarily paying the true cost of aggregate production. We've also heard, as you've mentioned, that a lot of people believe that we have a deficiency in the oversight. When you add the two together, it looks like we may be going towards an increase in levies—

Mr. Erwin Schulz: I don't know why one would have anything to do with the other.

Ms. Sarah Campbell: As you mentioned the deficit and how money seems to be tight provincially, it's a suggestion. My question is this: As somebody who works in the aggregate industry, what do you think would be a fair increase in the levy?

Mr. Erwin Schulz: First of all, let's understand what the levy is and what the levy is for. If the levy is to increase oversight, that would be a good thing. But you've got to understand that there are probably only two ways of increasing that oversight. One is consolidation of all the acts, bringing it in so that the finite number of people you have now can do more, or you would take the levy and you would have a dedicated third party—you might take the MNR and take the policy and planning and leave that in government and create a third party agency and you would fund that through a levy. You would be able to give them gas for their trucks; you'd be able to train them in a lot more of the acts, to be well trained and then have more oversight.

1530

We, as an industry, want more oversight. We consider that to be an integral part of the partnership that we have with the public. We're under 26 different acts. Okay? You've got to understand that it's very, very difficult to be on the ball all the time, so we invite more oversight.

If you're talking about—

The Acting Chair (Mr. Joe Dickson): Just 10 seconds to wrap up, sir.

Mr. Erwin Schulz: If you're talking about just a levy that goes into government coffers, that's just another tax. If it's not dedicated, it's simply another tax.

The Acting Chair (Mr. Joe Dickson): Thank you. We'll now go to the Liberal Party.

Mr. Mike Colle: Thank you, Mr. Chair.

Again, it's the second time I've heard you, and you are a very eloquent rock crusher and a well-educated one, I would say. I don't know where you got your information from, but you certainly are very, very articulate in your presentations and I appreciate that. I think the committee does too.

Just one thing I'm not clear on: You're talking about more oversight, yet on the other hand there are already 26 different acts that the aggregate industry is under. I'm not quite sure how we who are asked to refocus this Aggregate Resources Act can maybe trigger that sort of blending of more effective oversight—

Mr. Erwin Schulz: Mr. Colle, the 26 different acts and regulations that we are under all require some sort of oversight, and all of the different ministries that have

them might spend a little bit of time at each one of those. What we're talking about is oversight from the Ministry of Natural Resources or someone like the inspectors at the Ministry of Natural Resources who would be more educated, more trained in more of these acts and could come in and help us. They could say, "Mr. Schulz, you've got a problem over there and you've got 10 days to fix it."

The Acting Chair (Mr. Joe Dickson): Thank you. We will now go to the Tories.

Mr. Mike Colle: A point of order: Could I just also ask for what the presenter asked for? He asked to see if we can get any information on the environmental jeopardy that various pits have created, if there's any kind of listing of that by MOE or anybody. I think that's what you asked for at the beginning.

Mr. Erwin Schulz: Yes. I think if I were you, I'd want to know that.

Mr. Mike Colle: Yes.

The Acting Chair (Mr. Joe Dickson): I think he does have that.

Mr. Mike Colle: If we could make that request—

The Acting Chair (Mr. Joe Dickson): In the words of the Bible, it shall be done.

We'll go to the Tories, please.

Ms. Sylvia Jones: Thank you, Mr. Schulz. You raised—and I'm glad you raised it. At the beginning of your presentation, you said don't assume, because we have a fewer number of presenters in Ottawa, that it's for lack of interest. Then you talked about how Ottawa, as a municipality, has mapped out their aggregates, including the reserve. In the GTA, in the town of Caledon, they have done the same. It's actually embedded into their official plan.

Is that something that you would recommend the committee look at to bring some knowledge for both consumers and producers as to where the aggregates are so that future planning can be done?

Mr. Erwin Schulz: Absolutely. The designation of the source, where the aggregates are, is a process that isn't done by a proponent such as an aggregate producer. It's done by the municipality and it's a recognition by the province and the municipality that the aggregate is here and we need to extract it from here. We can't let ourselves be swayed from that, and we have the political will to get it extracted from here, because that's where it is.

Ms. Sylvia Jones: So you would recommend that—

The Acting Chair (Mr. Joe Dickson): Thank you very much, Mr. Schulz. We're over our time. We appreciate you being here, sir.

G. TACKABERRY AND SONS CONSTRUCTION CO.

The Acting Chair (Mr. Joe Dickson): I would ask for representation from the G. Tackaberry and Sons Construction Co. Welcome, Mr. Dopson.

Mr. Benjamin Dopson: Hi. Thanks. Good afternoon, ladies and gentlemen. My name is Benjamin Dopson and

I'm the property and environmental coordinator for G. Tackaberry and Sons Construction Co.

On behalf of our company, thank you for having us here today to present. We thank you for coming to Ottawa and going to the different parts of the province to see. We think you'll find that the opinions of the area vary across the province. We feel that you'll get a more informed overview of the act by doing this.

A review of the Aggregate Resources Act is necessary, and in no way do we oppose it. Having said that, we do not believe that sweeping changes are needed for the act, but minor adjustments that will address some of the issues and concerns that have arisen over time.

Tackaberry Construction is headed in Athens, Ontario, which is a small town. We also have divisional offices in Perth, Kemptville and Seeleys Bay. In total, Tackaberry Construction holds 50 licences that are spread out from the town of Joyceville near Kingston, Ontario, throughout the united counties of Leeds and Grenville and north into the county of Lanark.

The reason that I bring this up is, we are a rural company. We operate in rural areas; we complete our work in the rural areas. Throughout this review, there have been some suggestions made of where aggregate extraction should occur. While we view the siting of aggregate extraction as a provincial policy matter and not one under the ARA, we feel that as a rural company, it is important that our view is heard on this subject.

A common suggestion is that the siting of aggregate licences should be based not on a close-to-market policy but on a policy that would see aggregates extracted from rural areas and transported into urban areas. As one speaker repeatedly put it, "Go north." We would argue that going north or east or west has the potential for greater concerns and fewer solutions.

For one, transportation costs are already a significant portion of aggregate prices, and they will only continue to increase over time. Sufficient infrastructure does not exist to accommodate the shipping of large quantities of aggregates. The construction of a new transportation corridor that could handle the volumes of aggregates that we're talking about would not only have short-term but long-term environmental impacts.

Quality aggregate deposits do not move. By using the rural resources at a higher rate and sterilizing others, we are ensuring that a shortfall of material will occur in the future. It is becoming increasingly hard to find areas even in rural Ontario where materials aren't sterilized by a natural feature or development. If we're going to use these resources, we need to have them more strongly protected.

Rural aggregates are needed for rural projects. By asking rural sites to meet the demands of the entire province, the price per tonne of material will be increased significantly. This will mean that rural communities with a smaller tax base and less revenue will be forced to do fewer infrastructure repairs and upgrades every year. This comes at a time when a recent report from the Eastern Ontario Wardens' Caucus found that rural com-

munities are falling behind in maintaining their infrastructure.

Establishing aggregate sites close to market is a proven policy that has worked, worked well and worked across the province. We do not believe that it is practical or reasonable to limit by geographical region where aggregate extraction can occur.

It is harder and more onerous now than ever before to obtain a new licence or to upgrade an existing one. The process has become confusing and frustrating for all involved. The numerous pieces of federal and provincial legislation that cover the aggregate industry create a web of duplicity and inefficiency that we believe can be adjusted to make the process more transparent and restore the public's faith.

As an example, the current process for upgrading a licence from a class B to a class A is the same as getting a new licence. We do not believe that this should be so. There should be a streamlined process that expedites these requests. In addition, class B licences are no longer financially viable and, in our opinion, should be removed from the act while simultaneously giving all existing class B licences the option to increase their annual tonnage. These small changes will effectively increase the amount of resource available in the short term and reduce environmental impacts, all without establishing new sites.

As well, it is now common that a licence requires several approvals from the Ministry of Natural Resources as well as other ministry bodies. We believe that a site plan should function similarly to a comprehensive environmental compliance approval under the MOE and that all approvals needed from MNR are given on that site plan. This would improve the efficiency and reduce some of the confusion.

Further to making site plans a comprehensive document, we believe that the current standards for progressive and final rehabilitation should be upgraded to encourage producers to design innovative landscapes that add a positive benefit to the community. As a company, we try to incorporate and consider the local vegetation and wildlife in all of our rehabilitation projects. In addition, with growing concern around the protection of habitat for species at risk, we try to create new features or add to existing ones to help these species.

1540

We also believe that establishing a program that recognizes innovative rehabilitation and partnerships between producers and other organizations would produce more unique landscapes and more rehabilitation in general.

While we do believe there are opportunities to increase rehabilitation plans, the industry has been creating useful, unique and healthy environments for years. The rehabilitation of extraction sites provides opportunities for communities to work with producers to add value to the local environment or infrastructure that otherwise might not be affordable. This is especially true in rural areas. We have several rehabilitation sites that we will be

eventually developing into public parks and recreation areas and we'll be turning them over to the local municipalities. These sites will provide lasting benefits to the local community for years and, we believe, show that aggregate extraction is a temporary land use.

The consultation process is set out in the provincial standards and allows for public input through the EBR, a public meeting and a local consultation process. There have been suggestions that this process should be increased in length. In our opinion, this decision should be made on a site-by-site basis.

We concede that there are areas within the province where an increased consultation process may be effective for both the public and the producers, especially in areas where there are greater concerns or higher population density. However, in rural areas where population is widely spread, increasing the commenting period will only delay the progress of an application.

As an example, with our most recent application, we received no comments from the public, we received no comments through the EBR, and we had no one attend our public information session.

Make the option for an increased public consultation period a decision made by MNR staff that is utilized in appropriate situations.

The aggregate program under the Ministry of Natural Resources has been significantly reduced in recent years. Funding has been cut and there are fewer inspectors to administer the act. MNR has the appropriate knowledge and experience required to manage aggregates, but needs increased funding and resources to effectively carry out their duties under the act.

For example, the local MNR district in Kemptville has approximately 500 licences and two inspectors. That's down from three inspectors in 2010. If an average work week of an inspector is 37.5 hours and each inspector works for an average of 48 weeks a year, that's approximately 1,800 work hours annually. If an inspector is responsible for half of those sites—250—that leaves him 7.2 hours for each licence. This is simply not enough time to administer the act effectively across that number of sites.

Having said that, the ministry has made significant changes in the past year to how they administer the program. The introduction of mobile workstations, a new inspector's guide and a methodology for identifying high-priority sites show that MNR is committed to enforcing the act as effectively as they can. However, additional funding is still needed to make sure that these efforts are not wasted.

In closing, we have several suggestions that we would like you to consider in your review.

—Maintain the current policy of establishing aggregate sites close to the market.

—Remove class B licences and allow existing class Bs to have an annual tonnage increase through a streamlined process.

—Site plans should be developed in a manner similar to MOE's comprehensive environmental compliance approvals.

—Promote innovative rehabilitation plans and partnerships between producers and other organizations.

—Establish a system that recognizes and rewards innovative rehabilitation on a provincial level.

—Increased consultation periods should be assessed on a site-by-site basis by MNR, and not as a blanket change.

—MNR has made significant efforts to revitalize their enforcement program, but additional funding is still needed.

—The administration of the act should remain under MNR, as they have the experience necessary to effectively administer the act.

Thank you very much.

The Acting Chair (Mr. Joe Dickson): Thank you very much, Mr. Dopson. We will go to the Liberal Party.

Mr. Mike Colle: Thank you very much, Benjamin. Very well presented and thought out, and I know you put a lot of work into it. I think this is very helpful. It's very comprehensive—and with some very good suggestions.

I'm just trying to get my head around the fact that we do need more inspectors—you made that very clear—and then the reality is that all ministries are being asked to constrain their budgets. Any ideas on how we might get more inspectors out there without asking MNR to go to the treasury for more money?

Mr. Benjamin Dopson: Well, I think you've heard a lot of suggestions about that. One way that has been suggested is an increase in the levy and then it going to a purpose account that goes to MNR to fund—

Mr. Mike Colle: That might be directed towards more inspection and more oversight. That's a good idea.

The other thing is, could you just briefly explain this abolition of class B licence process that you're talking about?

Mr. Benjamin Dopson: A class B licence is a licence where you're allowed to extract anywhere from zero to 20,000 tonnes but no more.

Mr. Mike Colle: Fewer than 20,000, okay.

Mr. Benjamin Dopson: Yes, and class A is 20,000 to any amount. It's unlimited. So what we were finding a lot in the rural areas is that farmers would go and get class B licences. Now they are being bought up because material is worth so much. So, I mean, we own quite a lot of class B licences. However, because of the tonnage, we're limited in how much we can take out of there. We end up hauling from further away on other sites because once we get to 19,999, we can't take any more out of there. So if you allowed those to be upgraded to class A, you would reduce the environmental impacts and make the resource more efficiently used.

The Acting Chair (Mr. Joe Dickson): Thank you very much, sir. We will now go to the Tories, and you actually have a few extra seconds. You got short-changed on the last one.

Ms. Laurie Scott: Oh, wow. Joe, thank you.

Thank you very much for appearing here before us today. I represent rural communities, all of which have aggregate extraction. I'm up in the hundreds, easily, for my riding of Haliburton–Kawartha Lakes–Brock.

We saw today on our tours of the area some abandoned sites and some rehab sites. It was interesting that for some rehab sites, they commented that even the conservation authorities did not want to take them back as part of the conservation authority lands. So when you were mentioning about working with municipalities, I just wondered if you had already started that process of saying, "This project is rehab," and just wondering if prior steps can be taken so they don't face what they seem to face today, which is the conservation authority or whatever not wanting to take rehab sites over.

Mr. Benjamin Dopson: Yes, so the process that's going on now, is we're in the process and start of rehabilitation on a lot of these sites. When they're finished, it looks like we are going to make or trying to make an organizational deal where we manage it for so long and aid them in managing it and then that it will be turned over and allowed to, most likely, naturalize in a lot of ways. But still, hopefully through community groups and partnerships with stewardship councils as well as other non-profit groups that aren't necessarily part of the municipality, it will stay part of the management for the area in use.

Ms. Laurie Scott: Okay. It would be great to get those partnerships early.

The Acting Chair (Mr. Joe Dickson): Thank you. We will now go to the NDP.

Mr. Jonah Schein: Thank you for the presentation. I just have a simple question. Is it your assessment that we just simply do not have enough funds through the MNR to properly inspect and have decent oversight?

Mr. Benjamin Dopson: At least in our area, in the Kemptville district, it seems to be that way. I mean, we're already down one full-time position and we've had a number of contract staff who were aiding the two inspectors go through. So it does appear to be a lack of funds and not a lack of knowledge or effort.

Mr. Jonah Schein: Of course. So would you say it's significantly underfunded in terms of resources to inspect?

Mr. Benjamin Dopson: Yes. I don't know how you classify "significantly," but, yes, there needs to be more funds allocated for sure.

Mr. Jonah Schein: Okay. Thanks very much.

The Acting Chair (Mr. Joe Dickson): Thank you for your presentation, Mr. Dopson.

Mr. Benjamin Dopson: Thank you.

R. W. TOMLINSON LTD.

The Acting Chair (Mr. Joe Dickson): I would now ask for the representative from R. W. Tomlinson: Domenic Idone. Welcome, sir. Good to have you here with us. Please feel free to start.

Mr. Domenic Idone: Good afternoon, and welcome to Ottawa, Ontario's top aggregate producing municipality. My name is Domenic Idone and I'm with the Tomlinson group, based here in Ottawa. It is my pleasure to be here before you today to present Tomlinson's views.

The Tomlinson group of companies directly employs over 1,000 people whose employment is related to the aggregate industry. There are thousands more indirectly employed. Our company not only produces the aggregate; we also use and supply the aggregate in the production of concrete and asphalt as well as for the construction of central infrastructure such as roads, bridges, sewers, water distribution systems, homes and hospitals.

You may or may not have noticed the work being done at the Ottawa airport on your way in. The work involved to improve the safety and performance of those runways that you flew in on and which you'll use later to leave will require the use of over 100,000 metric tonnes, or the equivalent of 7,000 dump truck loads, of high-quality aggregate which will be produced here in Ottawa from a quarry less than 15 kilometres from that job site—a quarry close to market.

1550

The Aggregate Resources Act, or ARA, is not broken. It may be frustrating at times to work through, but it works here in Ottawa and eastern Ontario. Can the act, its regulations and the provincial standards use some updating? More than likely, since it was last revised in 1997. The review is an opportunity to make the ARA application process more efficient, more productive and more transparent for all involved, both proponent and opponent.

It is essential for the province to remain responsible for regulation and control of pits and quarries. Siting and aggregate protection are covered by the provincial policy statement and are outside the scope of the ARA. Ontario's current close-to-market policy is appropriate, is in the public interest and serves Ontario well. These policies have and continue to serve Ottawa well.

Let me illustrate that for you. Back in 1993, the former regional municipality of Ottawa-Carleton and the pre-amalgamation version of the current city of Ottawa undertook an aggregate review to understand what aggregate resources would be required for the future and to designate where aggregate operations should be directed. Close-to-market was a guiding principle; the balancing of other resources was another. In fact, there is only an overlap of 1% between the prime agriculture and bedrock resource areas. That planning exercise had input from many stakeholders, including the Ministry of Natural Resources and the aggregate industry, and was outside the scope of the ARA. That planning exercise and the recommendations that were put forward from it continue to guide planning decisions in Ottawa today, and aggregate development has been directed to the appropriate areas.

We believe that the key to your review of the Aggregate Resources Act is balance. The environment, social

and economic interests need to all be considered and practically evaluated during this review. Giving any one of those interests more prominence over the other is a recipe for failure; not being practical is another. We strongly support aggregate recycling and firmly believe that the best place for this to happen is in licensed pits and quarries. Recycling, though critically important, is not the solution; it is only part of the solution.

Even those who oppose the aggregate industry recognize that a reliable and secure supply is essential for a healthy provincial economy, just as we recognize that the proper management of Ontario's other resources, such as the environment, water and agriculture, is essential to the well-being of the people of Ontario. The ARA is legislation that not only focuses on the management of Ontario's aggregate resources but also ensures the protection of Ontario's other resources.

Let me give you a few examples from Tomlinson's experiences to highlight this point. At our Stittsville quarry, we, along with the other quarry operators in the area, are working together to monitor the cumulative effects of groundwater drawdown due to quarry dewatering. This voluntary program, which has been ongoing for over 10 years, was undertaken to address concerns of local residents during the licensing process. This program, funded entirely by the quarry operators, is conducted by a consultant, and the yearly report is shared with the community, the Ministry of Natural Resources, the Ministry of the Environment and the city of Ottawa.

The same program at our Stittsville quarry was used as a model to develop a similar program at our recently opened Brechin quarry in Kawartha Lakes on the Carden Plain, where there are a number of quarries clustered. Both the Ministry of Natural Resources and the Ministry of the Environment are involved with this program as well.

When our Rideau quarry was expanded in 2005, we worked with the Ministry of Natural Resources to develop a butternut recovery strategy for the species at risk. This predates the implementation of the Endangered Species Act. I feel more than a little proud to tell you that this program we helped pioneer is being used as a template for all types of development applications today.

Currently, we have an ARA application for a quarry before the Ministry of Natural Resources, and we are working with the ministry to develop a strategy to deal with the Eastern Meadowlark and Barn Swallow, two species just recently added to the endangered species list, so that there will be an overall benefit for these species if a licence is granted.

This same application also showed that an adjacent provincially significant wetland was actually larger than what was shown on published natural heritage feature mapping, thus reducing the area available for extraction.

The ARA works. It is, in and of itself, an industry-specific environmental assessment. The standards are high and should continue to remain as such. Pits and quarries do not need to be subject to the Environmental

Assessment Act. This would be a duplication in process to what already exists.

There is more than one market in Ontario. Often, the focus is on the greater Toronto area, but there are other strong markets. Ottawa is one of those markets. The issues that may exist in other parts of the province do not necessarily exist here in Ottawa. While it may be time to undertake a review of the ARA, please don't lose sight of what is working well. The ARA is not broken and it works in Ottawa. The ARA needs updating, but it does not need to be reinvented. A practical and balanced approach is required to ensure a reliable and secure supply of aggregate for a healthy economy for Ottawa and the province of Ontario.

When Mr. Erwin Schulz of the Karson group and I had the opportunity to address the committee back in May, we made the point that if aggregate does not get delivered to our construction sites, the jobs stop. I wanted to impress that point again. If our trucks don't deliver aggregate, the jobs stop. The airport project I mentioned at the beginning of my presentation and similar projects in Ottawa and Ontario would stop. In fact, if the supply of aggregate becomes less secure and less economical, these projects may never start at all.

Thank you for your time, and once again, thank you for coming to Ottawa.

The Acting Chair (Mr. Joe Dickson): Thank you very much, sir. That ends your presentation?

Mr. Domenic Idone: That's it.

The Acting Chair (Mr. Joe Dickson): Thank you. I would like to go to the Tories.

Mr. Michael Harris: You mentioned that the ARA act does not need to be completely overhauled, yet some forums, you suggest, are broken. What would be the number one thing that you would suggest, or area to focus on, for this committee to look at in terms of being broken?

Mr. Domenic Idone: Thank you for that question. We've gone through a number of quarry applications in the last number of years, and one of the things we hear from local opponents is that the process is complicated; the notification process—they didn't know about it; it seems like there's always something underhanded going on, where it's not; we're just following the rules. As a company, I can tell you what we've done. We try to pre-consult now with the communities we go into. We tell them, "We purchased a piece of property. So that there are no rumours going on, this is what we'd like to do." They might not like it, but it's an upfront approach: "Here's what we're looking to do. What are your concerns? Is it water? Is it the environment? Air? Noise?" Getting that form of dialogue early on in the process allows us to understand where the community is coming from, to address it during the process and to have a less confrontational process throughout.

This might be a meeting that's outside of the prescribed process. We say, "We're not going to hold it against you, but just work with us and let's see if we can't come to some common ground." That's what we do

as a company, but what I've heard before is that that has been the major concern: that it's complicated and we don't know what's going on and it's underhanded. But that's not really what's going on; we're just following the rules.

The Acting Chair (Mr. Joe Dickson): If you have another short question, please go ahead.

Ms. Sylvia Jones: Thank you. You mentioned that recycling should occur in the pits and quarries. Expand on that, because I could give you examples where there's recycling in the construction industry but it doesn't necessarily happen where the build occurs. So tell me why.

Mr. Domenic Idone: Sure. Again, we're supportive of it, but why we think it should happen in licensed pits and quarries is: to get the best quality product that you need, most of the time you should be blending with virgin material. That virgin material is in those pits and quarries. The quality control protocols and programs are already in place in those pits and quarries, so you'll get a consistent and quality product in the end. The environmental safeguards are already in place in those pits and quarries. Monitoring of your permit to take water and of sewage discharge—all those environmental safeguards are already there. And from a safety standpoint, all the equipment is already there.

The Acting Chair (Mr. Joe Dickson): Thank you. We will now go the NDP, please.

Mr. Jonah Schein: Thanks very much for your presentation. We heard from somebody else here earlier that they'd be in favour of an increased levy if it was directed to supporting the aggregate industry, and I think I'm impressed by how what I hear is that people want consistency and predictability. Would you see a levy as something that the industry could withstand? Would you suggest that?

Mr. Domenic Idone: I think the last time we were in front of the committee I said, "No, not really." We've heard that people have asked about it, but it's not really—I mean, we think the levy is appropriate right now. If it was to go to the aggregate program, sure. It would have to be appropriate. What that number is, I don't know. What you have to understand is that if it's targeted for the aggregates program to allow for more resources, yes, we would be in favour of that.

1600

The other thing is—and I'll talk to you from our own standpoint. We operate a quarry up in northern Ontario, about an hour east of Sault Ste. Marie. That quarry originally started as—it wasn't under the Aggregate Resources Act. It was in a non-designated area; it was under the Mining Act. It was under a claim.

We ship a lot of material into the GTA, but we also ship some of the material out into the United States. Now, this is a very specialized rock, so it's a very specialized product. It's not general backfill. It's used for higher-quality aggregates in the GTA. Because of the hardness of the rock, it's used in railroad applications in the United States. That's what these firms are looking

for. So whatever you do for that, as long as the levy is appropriate and it doesn't make us less competitive, yes, we would support that.

The Acting Chair (Mr. Joe Dickson): The gentleman obviously did his presentation very timely, with time to spare. I'll go to the Liberal Party, please.

Mr. Michael Coteau: Thank you, Mr. Chair.

Thanks for the presentation. We've been hearing from different presenters about the environmental issues. Being involved in the quarries directly, have you experienced first-hand any environmental issues that have occurred in your quarries or ones that you're connected to? Then I have a follow-up question.

Mr. Domenic Idone: Yes, we've had some. They're minor issues. We have to monitor during discharge. Sometimes you might get where—again, very technically—your total suspended solids might be higher than the threshold of 25. What we do is we stop until those sediments can settle down and then we'll re-pump it. But we'll report that. We don't keep that from the ministry. We let them know, so the ministry knows.

There are those issues. They're minor issues but they are not things that are of a grand nature that are going to really impact people's lives.

Mr. Michael Coteau: And have you heard of water supplies being affected by aggregate extraction?

Mr. Domenic Idone: We have not. I have not personally. Our operations are closely monitored to ensure that they are not affecting people's water supplies. That's part of the monitoring program. In the licensing process, you determine—especially if you're going to be operating a quarry below the water table, you look at what the draw-down cone is, you look at what the effects are not only to people's water but potential effects on natural features as well: Are you going to under-drain something? You have to say, okay, where do we cut off? Do we go deeper, do we go shallower? If there's a drawdown on people's wells, is it going to affect their water?

And then you don't just model. You also have to get out there and practically test it. That's why we have these monitoring wells between our quarries and people's—it happens in every quarry, between your operation and the people you may affect, so that if you know something's not performing the way it should be, that the drawdown is steeper than it should be and you have the potential to affect people's wells, then you stop or you modify your operations.

Mr. Michael Coteau: Thank you very much.

The Acting Chair (Mr. Joe Dickson): Thank you for your presentation here, Mr. Idone. Well done, sir.

Mr. Domenic Idone: Thank you, sir.

ONTARIO FEDERATION
OF AGRICULTURE, ZONE 8

The Acting Chair (Mr. Joe Dickson): I would like to now call on Ms. Pretty-Straathof for her presentation for the Ontario Federation of Agriculture.

Ms. Debra Pretty-Straathof: Thank you very much for the opportunity to present today, and thank you for coming to eastern Ontario to listen to our concerns.

As someone who represents the interests of farmers, it follows that my comments will focus on protecting our primary resource that is our land base. It's not just any land; it's the fertile soil from which our food, fibre and fuel grow, not to mention the feedstock for biochemicals, which is an emerging market in Ontario. This part of Ontario is a microcosm of what you will find across the province. We have some precious, prime agricultural land and a lot of land that is very useful for other purposes.

At this point, I will disclose that our family owns a very small aggregate pit within 100 acres of rural property in Lanark county. The actual pit is only about three acres or so. My mom holds the licence, and a local sand and gravel company has been contracted to extract some of the resources. This is not on agricultural land and is typical of a pit that would be found on many farms across the province. It services a local market and does not allow excavation below the water line. It is kept small to maintain the integrity of the rest of the property and to protect valuable forest resources.

We have some experience with the challenges of rehabilitation, and we have experience with the requirements of government agencies treating all pits the same. They are not.

I will now return to the issue of agriculture. I am a member of a dairy farm family in Renfrew county and I represent about 2,000 farmers in our zone, which includes Ontario Federation of Agriculture members in Lanark, Renfrew, Ottawa and the Arnprior region. I am a member of the Arnprior Region Federation of Agriculture. One of our ongoing concerns is the preservation of productive farmland and how to balance conflicting uses.

This is a non-renewable resource that we are losing at an alarming rate. Housing, recreation, industry, transportation corridors, energy projects, etc. are all competing land uses, and urban sprawl seems to be ever paving over productive agriculture land, so the issue of aggregate extraction is just one more challenge on the list.

While we recognize the need for aggregates, we oppose their extraction from beneath prime agriculture lands. It is distressing that we allow our railroads to tear up tracks, putting more pressures on our roads, and then claim that it's too expensive to move aggregates from more remote regions to where it's needed.

Melancthon township has become a focal point for this issue and is a prime example of the struggle between competing interests. We urge you to move the agricultural production capacity of prime ag land to the top of the priority list within the provincial policy statement. When this land is gone, it's gone. The seemingly endless appetite for building must be met, but not at the expense of food production. Society is going to have to decide how much value they actually place on domestic food production. There appears to be an abundance of good farm land, but there is not.

You have heard a number of statistics over the course of these hearings: that only 0.5% of the Canadian land mass is class 1, and 52% of that is in Ontario; that we have an ideal climate, this summer notwithstanding, for food production. You have been told a number of times that only 6% of Ontario's land mass is suitable for agriculture, and only about half of that is prime farmland.

Make no mistake: Investors and foreign countries are buying up productive farmland on a global scale because food production is a major issue for many nations. Investors are recognizing that in the long term, the ability to produce food and to own the primary agent of that production will reap them dividends in the future. When are governments and society at large going to recognize that productive land is a non-renewable resource that we are treating like there is no limit to its productive capacity or availability? We have seen what happens to other resource industries when we treat them like a bottomless pit. The cod fishery comes to mind.

You have heard other presenters point out that the provincial policy statement says we are to protect farmland but then provides numerous loopholes such as access to aggregates that allow other activities to destroy it. It is naive to think that just because you set topsoil aside, it would ever be returned to the same productive capacity again. Farmers are moving to no-till methods to preserve their land. Those who practise conventional tillage are very careful not to plough too deeply. The soil structure, the microorganisms, etc. all combine to create productive soil. It's not just a few inches of dirt. Maintaining and enhancing the productive capacity of soil takes skill and experience. Scraping it off, stockpiling it, perhaps for years, and then bulldozing it back to approximately what was there previously is not going to return the land to its productive capacity.

Where land is taken from agriculture and where rehabilitation is attempted, we request, as OFA has requested, that MNR must develop and implement an inspection regime to verify rehabilitation actions and achievements that extends to at least five to seven years after rehabilitation has been completed. After that, the rehabilitation goals and objectives for area and soil fertility should be achievable and measurable.

Thank you again for this opportunity to comment. I'm keeping my remarks short.

The Acting Chair (Mr. Joe Dickson): Thank you very much. I appreciate your presentation. I will let my colleagues know that we do have a couple of extra minutes as we go around the table. We will start with the NDP.

1610

Ms. Sarah Campbell: Thank you for your presentation. Now, in your presentation you spent time talking about the importance of maintaining and protecting what prime agricultural land we have in Ontario. Would you go as far as suggesting that the committee examine restricting aggregate extraction to agriculturally unproductive land?

Ms. Debra Pretty-Straathof: That would be ideal.

Ms. Sarah Campbell: Okay. Now, in an ideal world, if you were able to protect some of this land, which classes would you say should be protected?

Ms. Debra Pretty-Straathof: I believe our position is 1, 2, 3 and 4. I would double-check on the actual OFA submission. In this area, prime ag land is at a premium, and the gentlemen that spoke before seemed to be aware of the fact that there's a lot of land around here that has aggregate capacity. It doesn't sound like a lot of it is coming from prime ag, but for the little bit that we do have we'd certainly like to see it protected.

The Acting Chair (Mr. Joe Dickson): Further? We will then go to the Liberal Party, please.

Mr. Mike Colle: Thank you for the presentation. I guess one of the areas that is quite complicated is, when a farmer sells their land to an aggregate producer, is there any disclosure on the part of the purchaser that they're going to use it for aggregate extraction? How does that take place?

Ms. Debra Pretty-Straathof: That's a very good question. I can only speak from small personal experience. We had a large aggregate company from this area—not anyone that's in this room—approach my mother to buy the land. She was assured that she would be able to walk the land, hunt, collect wood, basically use it the same as she has been forever. But when she actually got the purchase contract, of course—to her credit, she read it—they'd be able to cancel all of what they had sold her on within one month's notice. It would be standard practice; that's not illegal, it's not uncommon. But there was some—I would call it slightly misleading on how she would be able to use something after it had been sold, and that's just not right.

Mr. Mike Colle: Because I would think that many families like yours that have been in agriculture for generations would really want to see the land retained for agricultural use. Meanwhile, the aggregate buyers come along and they basically want to make the deal, so there's really no way of a person being protected from that. Have you ever seen any kind of covenants or anything like that?

Ms. Debra Pretty-Straathof: Not personally, but I would say in their defence—I'm not here to speak for the aggregate people—it's a business, it's a free market as long as they follow the rules, and if people understand what they're getting into then you don't have much recourse. You can say no. In this case with our own land, we don't have this. On our dairy farm in the family that I married into we don't have this issue at all. On my original family, the one I was born into, it's more of an issue. But that's not prime ag land; it's actually a perfect place to be taking aggregates out of, except that these people here, they're talking about big projects, the airport and stuff like that. I can understand why they would want it closer. If they're taking it out of appropriately zoned land that's not prime ag land, then great. I understand how it's a problem with the cost of transportation, we all understand that, but at the same time we're busy ripping out railroad tracks and making access more difficult.

The Acting Chair (Mr. Joe Dickson): Thank you very much. I'll now go to the Tories. You have over three and a half minutes.

Ms. Sylvia Jones: Thank you, Chair. Debra, you mentioned that your family has a small pit. How long has that licence been in your family?

Ms. Debra Pretty-Straathof: Many years, I would say. It's been quite a long time.

Ms. Sylvia Jones: And you take something out, or something gets taken out of that—

Ms. Debra Pretty-Straathof: At times it has been kind of dormant, but recently it has been reactivated. But again, we're talking very small numbers of trucks a day.

Ms. Sylvia Jones: Right. Three acres?

Ms. Debra Pretty-Straathof: Yes, like I said—if that. If I might add, I'm not really sure, but I think the way the ministries deal with it—and I stand to be corrected, but I think they're dealt with as if they're all the same. So you get the same paperwork and—

Ms. Sylvia Jones: In terms of the licensing?

Ms. Debra Pretty-Straathof: Yes, in terms of assessing them and stuff like that. And instead of sending somebody out to actually look, they send out a form and say, "Here, fill this out." They're asking the questions that they would ask of the bigger guys. It's a little frustrating. I just reassured her: "Draw a map and say, 'Non-applicable' and send it back to them."

Ms. Sylvia Jones: It's that constant balance, right?

Ms. Debra Pretty-Straathof: Yes.

Ms. Sylvia Jones: Because if the licence application is all about balancing and protecting the environment, then whether you're a one-acre pit or a 100-acre pit, you have to have the same checks and balances to ensure that the environment and the neighbouring property owners are being protected, and the watercourses, etc.

I'm going to segue away from that, because you talked about the provincial policy statements. As you know, no doubt, because you are with the OFA, the PPS has been waiting for a very long time to be updated; I think it's got a five-year review. Are we past five years, waiting for the first five-year review to occur? So my question is more from the federation of ag side: Would you request of the committee or would you ask us to motivate the Ministry of Ag to actually get that review of the provincial policy statement done?

Ms. Debra Pretty-Straathof: My understanding is that it's up for review quite soon.

Ms. Sylvia Jones: It's already—the feedback has occurred, and now we're waiting for the ministry to come back with their comments, as I understand it. Is that different from what you understand?

The Acting Chair (Mr. Joe Dickson): No answer is a bad answer.

Ms. Debra Pretty-Straathof: I'm just trying to get that straight in my mind. I know we've had input, but I didn't understand that it was completed.

Ms. Sylvia Jones: I believe it has been.

Ms. Debra Pretty-Straathof: Okay.

The Acting Chair (Mr. Joe Dickson): Thank you very much for your presentation. Thank you to everyone who was here today. Thank you for the audience. Certainly a lot of us have been impressed with the amount of

research and your actual presentations today. So thank you again. It has been a very worthwhile day. We appreciate your input.

The committee adjourned at 1622.

CONTENTS

Monday 16 July 2012

Election of Acting Chair.....	G-455
Aggregate Resources Act review	G-455
Aggregate Recycling Ontario.....	G-455
Ms. Moreen Miller	
Karson Aggregates	G-458
Mr. Erwin Schulz	
G. Tackaberry and Sons Construction Co.	G-460
Mr. Benjamin Dopson	
R. W. Tomlinson Ltd.	G-463
Mr. Domenic Idone	
Ontario Federation of Agriculture, Zone 8.....	G-465
Ms. Debra Pretty-Straathof	

STANDING COMMITTEE ON GENERAL GOVERNMENT

Chair / Président

Mr. David Oraziotti (Sault Ste. Marie L)

Vice-Chair / Vice-Président

Mr. David Zimmer (Willowdale L)

Ms. Sarah Campbell (Kenora–Rainy River ND)
Mr. Michael Coteau (Don Valley East / Don Valley-Est L)
 Mr. Joe Dickson (Ajax–Pickering L)
 Mr. Rosario Marchese (Trinity–Spadina ND)
 Mr. David Oraziotti (Sault Ste. Marie L)
Ms. Laurie Scott (Haliburton–Kawartha Lakes–Brock PC)
 Mr. Todd Smith (Prince Edward–Hastings PC)
 Mr. Jeff Yurek (Elgin–Middlesex–London PC)
 Mr. David Zimmer (Willowdale L)

Substitutions / Membres remplaçants

Mr. Mike Colle (Eglinton–Lawrence L)
Mr. Grant Crack (Glengarry–Prescott–Russell L)
Mr. Michael Harris (Kitchener–Conestoga PC)
Ms. Sylvia Jones (Dufferin–Caledon PC)
Mr. Jonah Schein (Davenport ND)

Clerk pro tem / Greffière par intérim

Ms. Tamara Pomanski

Staff / Personnel

Mr. Jerry Richmond, research officer,
Legislative Research Service