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via e-mail

November 22, 2016

Lafarge Canada Inc. (c/o MHBC Planning)
113 Collier Street
Barrie, ON
L4M 1H2
bzeman@mhbcplan.com



Ministry of Natural Resources and Forestry
Midhurst District
2284 Nursery Road
Midhurst, ON
L0L 1X0
midhurstagg@ontario.ca

Re: Lafarge Canada Inc.. Category 1, Class 'A' Pit Below Water (ARA) in combination with Licence #3760

Objection 1: Aggregate Master Plan Required

More and more Ontarians are paying attention to the way aggregate operations are being approved, operated, monitored and rehabilitated across the province, and what we are seeing is not good. As a result, Taxpayers demanded a review of the *Aggregate Resources Act (ARA)* and its underlying policies – a review which was started by Premier McGuinty in 2013 and to-date has resulted in a proposed Schedule 1 of Bill 39 - Aggregate Resources and Mining Modernization Act, 2016. The comment period to the latter Bill is underway until December 5, 2016.

Fundamental questions need to be answered:

- ? Why is “need” for aggregate assumed in law?
- ? Why does the approval process for aggregate licences avoid a “need” analysis?
- ? Why is Lafarge Manitoulin quarry shipping “a significant percentage” of product to the USA¹ if Canada is in such dire need?
- ? Why does the State of the Aggregate Resource of Ontario Study (SAROS) (Feb-2010) neglect to take Ontario’s largest quarry, Manitoulin, into account?
- ? Why does the aggregate industry alone have a legal requirement for “close to market” product? Why isn’t agriculture afforded the same economic monopoly? As Wayne Roberts of NOW Magazine writes: ““Close to market,” a stand-alone piece of stupidity that would be laughed out of court if applied to uranium, computers, steel or coal, let alone food.”

¹ Rock to Road Magazine - <http://www.rocktoroad.com/content/view/958/38/>

- ? Why are aggregate operations being allowed on protected green-space?
- ? Why are aggregate operations taking priority over prime farmland and food security?
- ? Why are aggregate operations allowed to go below the water table in source water areas without an environmental assessment?
- ? Who is looking at the “big picture” of consolidated impacts?

Forty (40) years ago today’s proposals would not have been possible. The technology and the infrastructure were not available. Our capabilities have changed and the law should be adapted accordingly. Also our values have changed so our laws and policies should reflect that too.

Important values today are:

- ★ Environmentally Protected Spaces – including the Oak Ridges Moraine, the Greenbelt, the Niagara Escarpment.
- ★ Food Security – partly achieved by the protection of prime farmland (classes 1-4)
- ★ Fresh Clean Water for All – as a human right. *It should be noted that the ARA as it stands is a back-door to owning Canadian water rights.*
- ★ Protection/Recovery Plans for Endangered Species
- ★ Resource Conservation and Waste Elimination – through reduction, reuse and recycling.

I object to the establishment of this new aggregate resource until the *Aggregate Resources Act* has been finalized with outstanding issues addressed (see Appendix 1 “Recommendations for Changes to the Aggregate Resources Act & Underlying Policies (2012)”) and a master plan for aggregate has been established.

Objection 2: Tonnage Fee Will Not Cover Road Costs

Aggregate Licence Fees - \$0.115 per tonne @ 450,000 tonnes per year:

Cents per Tonne	Annual Revenue at Full Capacity
\$0.06 - Township of Clearview	\$27,000
\$0.015 - Simcoe County	\$6,750
\$0.035 - Province of Ontario	\$15,750
\$0.005 - Abandoned Pits and Quarries Fund (for rehabilitation purposes)	\$2,250

The dollar amounts expected from tonnage royalties will not cover the cost of the wear and tear on the local road system. In May 2012, Marolyn Morrison², Mayor of Caledon, and Chair of the Top Aggregate Producing Municipalities in Ontario (TAPMO), pointed out that the cost of heavy aggregate traffic on infrastructure warranted a fee of at least \$0.93 per tonne to break-even. Currently that fee is \$0.075 per tonne.

I object to this aggregate licence because the real cost to taxpayers is not being recovered.

² Committee Transcripts: Standing Committee on General Government - May 14, 2012 - Aggregate Resources Act review ([link](#))

Objection 3: Aggregate Companies Strive to Cut Taxes

For the past several years an ongoing legal challenge by the Ontario Stone, Sand and Gravel Association at the provincial level has aggregate site owners appealing their land value and associated taxes. Pit and quarry owners are well aware of the fact that their land is worthless once fully extracted without major investment.

A decision to exclude extracted aggregate from the tax assessment would have significant impact on township revenues especially if the decision is retroactive³.

I object to approving this licence application because aggregate companies are not good long term businesses and propagate a boom/bust economic cycle.

Objection 4: Proposal is on Prime Farmland

Ontario boasts the largest agri-food sector in Canada. The industry employs 740,000 people and contributes \$34 billion to the economy each year. Ontario loses around 350 acres of farmland each day, progressively jeopardizing Ontario's food security, and risking a major economic contributor.

It is death by a thousand cuts -- farm fragmentation is a major threat to the local agricultural industry.

I object to this application because the proposed land is another 200-acre bite in farmland and agricultural erosion. The targeted (former Emerton) farm is prime class 2 food land that produced corn and soy this past summer.

Objection 5: Not Good for Tourism

Clearview Township is an agricultural community with proud heritage and strong rural-style tourism.

I object to approval of this licence because gravel pits are unattractive, dangerous and therefore secured and unavailable, and are not good for tourism.

Objection 6: Long-Term Productivity Outweighs Short-Term Gain

Currently the proposed site is active farmland. Crops can be planted year after year providing food, jobs and tax revenue forever. When this site is operational, the pit will provide product, jobs and tax revenue for 8-10 years. After extraction the land becomes worthless unless there is significant investment.

As former Clearview Councillor, Brent Preston and owner of The New Farm, said, "Aggregate sells for an average of \$8 a tonne in Ontario. The salad mix I produce on my

³ Uxbridge tax base takes hit from gravel pits ([article](#))

farm sells wholesale for \$18,000 a tonne. I can produce salad in perpetuity. You can only mine a tonne of gravel once.”⁴

I object to approval of this aggregate application because long-term use of farmland is more valuable than short-term production of aggregate, which can be sourced elsewhere.

Objection 7: Lafarge Has Not Met Current Obligations

Lafarge’s run-out pits near New Lowell (#3720 & #3721) are an eye-sore and example of neglect. The product is gone, the jobs are gone, and local residents are left with the mess.

I object to Lafarge being approved for another aggregate licence until the company has fulfilled the obligations of their social licence and fully rehabilitated their existing sites in Clearview Township to an attractive and useful state.

Objection 8: Cultural Heritage View from Niagara Escarpment

In 2014 Clearview Township undertook a cultural heritage study which identified the view from the Niagara Escarpment as being a significant characteristic of our area. As the township becomes more industrialized and less farm oriented, the “clear view” is subject to change.

However, the addition of a 200+ acre pit will not be a gradual change. Also the pit will likely visually merge with Lafarge’s existing 365 acre site (licence #3760) making the operation even more prominent.

I object to the approval of this aggregate licence because the operation will have a major and obtrusive impact on the cultural heritage view of Clearview Township.

Objection 9: “Interim” Land Use Questionable

At the same hearing, Marolyn Morrison, Mayor of Caledon, also noted that with transportation being upwards of 60% of the cost of aggregate “there is ... 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.” The recent decision to expand the Walker Aggregate pit in Duntroon – in the “protected” Niagara Escarpment – is a prime example. In addition, the emerging task of recycling aggregate, or the need to dump fill from city development, or the need for waste management and landfill sites, mean that there is little likelihood that the pit will be closed in as timely a fashion as promised.

I object to this application because weakness in the current Aggregate Resources Act would allow this pit to continue without an end in sight.

⁴ Brent Preston, The New Farm, [ARA Review Orangeville \(27-Jun-2012\)](#)

Objection 10: Rehabilitation Unlikely

Gordon Miller, Environmental Commissioner of Ontario, stated on May 7, 2012⁵ that “because of the competitive pressure for land, pits now are often rehabilitated to residential or commercial developments.”

Mr. Rick Bonnette, Mayor of Halton Hills and Vice-Chair of the Greater Toronto countryside Mayors Alliance, noted on May 16th ⁶ that “some landowners are very creative when it comes to quarry rehabilitation. Example: In Scugog, one of our communities, new owners of former quarries are claiming depleted sites are aerodromes, thereby using federal aviation legislation to bypass municipal oversight. When concerns are raised over the nature of the fill being dumped in the abandoned pit, municipal staff is told that local bylaws don’t apply since federal aviation regulations superseded them.”

Or sometimes pits never seem to get rehabilitated – like the Lafarge pit in New Lowell. Since there is no forced closing of a pit, a few truck loads of aggregate can be withdrawn on an annual basis so that the expense of rehabilitation does not have to be undertaken.

Further, Mr. Miller notes:

“There were changes in the fees some years ago, in 1997, to provide more fees, more money, for a number of things, including rehabilitation, but it remains a challenge to rehabilitate these aggregate sites. It remains a challenge to get the inspectors out there to site them or to give them rehabilitation orders, because there aren’t enough.

One special account of rehabilitation: When the fees were set aside back in 1997, they took a half cent per tonne and they gave it to an organization referred to as TOARC. Their job is to take that half cent per tonne and rehabilitate historic sites that were not rehabilitated back in the day. Now, these are sites which are often orphaned, if you like. They’re on people’s land, but the people who own it didn’t cause the problem. They were never closed, back in the day when we didn’t require them to be properly rehabilitated.

This is a good program. I cast no aspersions on it, other than: A half cent is not doing the trick. A half cent gets you about 45 sites a year. There are thousands of these sites. Increasing that to two cents would give you four times as many sites or more. It’s not a lot of money relative to the price of aggregate, but it’s certainly an area that could do with a lot of improvement. We could get a lot more of these scars on the landscape cleaned up.”

Finally, according to the Canadian Environmental Law Association (CELA) “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

⁵ Committee Transcripts: Standing Committee on General Government - May 07, 2012 - Aggregate Resources Act review ([link](#))

⁶ Committee Transcripts: Standing Committee on General Government - May 16, 2012 - Aggregate Resources Act review ([link](#))

ranges from about 90 years to 335 years, based on the current annual rate of rehabilitation.”

I object to this application because the necessary support and resources are not in place to remediate the site either at the end of the lifespan of the pit or if the pit operator should default.

Objection 11: Recycled Product Use Should Take Precedence

The *Aggregate Resources Act* does not require that the prospective site owner should prove “need” for aggregate. Such blind demand coupled with low royalty fees for consumption of virgin aggregate gives virgin product a distinct edge over expensive recycled product. This advantage is compounded further by the inconvenience and cost of establishing new processes, procedures, and sales programs to market the recycled product to clients.

Aggregate is a non-renewable resource and we have a responsibility to ensure that we use it to its fullest capacity.

I object to establishment of this new aggregate source because opening a new pit does not give the market the incentive to develop and use recycled product.

Objection 12: Shows a Complete Disregard for the Importance of Water

When she was the federal minister of the environment, Christine Stewart wrote: "Water is more than a precious resource. Water is life itself. Unfortunately, too many Canadians think it's limitless. We say it's priceless, but we act like it's dirt cheap. We waste it and pollute it."⁷

Residences, farms, businesses, wildlife, green space, all rely on water. We are all downstream. In a paper released early in 1999, The Canadian Environmental Law Association (CELA) said, "Water is an essential need, a public trust, not a commodity. It belongs to everyone and to no one."

There are residential drinking water wells local to the proposed site. There should be a ban on below-the-water-table extraction in source water areas.

Objection 13: Poor Oversight & Enforcement by MNRF

There are roughly 6,500 pits and quarries in Ontario. The aggregate industry has operated on a self-inspection basis since 1997. The Ministry of Natural Resources and Forestry (MNRF) has a target to review 20% of the sites annually and otherwise relies on complaints to catch problems. In reality, the MNRF only has the resources to follow-up with 10%-12%³ so a site might be visited once in 5+ years.

⁷ Canada's Water – by Martin O'Malley and Angela Mulholland, CBC News Online ([link](#))

I object to establishment of this new aggregate resource since the Ministry of Natural Resources and Forestry is already stretched beyond capacity offering little to no oversight or law enforcement.

Objection 14: Proposal is not listed on EBR

According to Ontario's Environmental Registry (www.ebr.gov.on.ca):

“The Government of Ontario is committed to engaging the public regarding its environmental activities. Your input will be used by the government as part of its decision making process.”

As of November 3, 2016 this application is not listed online on the EBR. Therefore, people have been unable to review the proposal in a convenient format. The public information session is scheduled for November 22, 2016, which is a mere 20 days before the end of the 45-day public comment period (December 12, 2016).

I object to the approval of this aggregate licence application without the comprehensive involvement of Taxpayers as promised and expected.

Objection 15: Proposal Seems Deliberately Understated

The proposal is generally unknown to the local public and township Councilors, and there seems to be an effort to keep the proposal under-the-radar:

- Only one notice (Form 1) appeared in the local paper (The Creemore Echo) on October 28, 2016, which did not give notice of the public information session scheduled for November 22, 2016.
- The public information session was not advertised in the local events listing of the same newspaper in any of the approaching weeks.
- There is no online notice of the proposal or the public information session on Lafarge's own website (www.lafarge.com / www.lafargeholcim.com) (keywords Avening, Clearview).
- The notice board at the proposed licence site is positioned across a deep ditch and far enough away to be difficult to read from the road.
- Only 10 or so people attended the November 22, 2016 public information session.
- The Proponent submitted the application around October 28, 2016 fixing the end of the objection period as December 12, 2016, which coincides with Hallowe'en and the busy pre-Christmas season.

I object to the approval of this aggregate licence due to lack of transparency in the application process.

Objection 16: Consolidated Licences Cover Too Much Area

Effectively the proposal is an extension of the existing Lafarge licence (#3760), which covers 365 acres adjacent to the Mad River. The consolidated area would be close to 600 acres and more than twice as big as any other pit in the area. The size of such an operation would be precedent setting.

Conclusion

Summing up, this application for a 200+ acre site is too large, too close to the existing 365-acre operation, too near the Mad River and too close to Avening. The two licences combined would be a 600-acre scar in the valley.

There are concerns of loss of water quantity and quality, loss of prime farmland, food security, community impact, health impact, loss of long-term jobs, erosion of the local agricultural industry, additional heavy traffic, dust, loss of air quality, noise pollution, environmental impact, Niagara Escarpment impact, impact on the Mad and Nottawasaga Rivers, impact on fish, potential to take water, water ownership, rehabilitation and site after-use.

This aggregate licence application should not be approved.

Sincerely,

Donna Baylis

/attachment

cc: Clearview Township: Mayor Chris Vanderkruys, Deputy Mayor Barry Burton, Deborah Bronee, Shawn Davidson, Kevin Elwood, Connie Leishman, Doug Measures, Thom Paterson, Robert Walker; Pamela Fettes, Steve Sage

County of Simcoe

APPENDIX 1

Recommendations for Changes to the Aggregate Resources Act & Underlying Policies (2013)

1. Make conservation of aggregate, a non-renewable resource, a priority over approval of new extraction sites. Conservation can occur through aggregate recycling and use of alternative materials. All three levels of government need to be encouraged to use recycled product.
2. Reserve virgin aggregate, a non-renewable resource, for use within Canada.
3. Prohibit aggregate extraction below the water table without a full Environmental Assessment and full understanding of the impact on all areas, near and far.
4. Prohibit aggregate extraction below the water table in drinking water source areas.
5. Develop a process and guidelines for identifying and designating new Specialty Crop Areas to safeguard unique agricultural land resources. Prohibit aggregate extraction in Specialty Crop Areas.
6. Conduct a thorough study of all existing aggregate reserves in Ontario. We cannot know what we need until we know what we have.
7. Develop an “Aggregate Master Plan” and disallow new aggregate mining licenses within environmentally protected spaces until the “Aggregate Master Plan” has been fully approved by the people and the province. Align the “Aggregate Master Plan” with existing environmental protection legislation including the Greenbelt, the Niagara Escarpment Plan and the Oak Ridges Moraine.
8. Provide an assessment of the cumulative affects (dust, noise, air quality, traffic emissions; effects on water) of the “Aggregate Master Plan” on Ontario residents by district.
9. Require that new aggregate proposals demonstrate need for additional aggregate resource extraction in meeting the demands of the Ontario market.
10. Mandate that an Environmental Assessment occur for all new or expanding aggregate operations.
11. Realign the cost of virgin aggregate to reflect reality. Economically, aggregate is a low-priced, heavy-weight commodity that takes the bulk of its cost from transportation. Today, however, the price of virgin aggregate must include the activism necessary by residents to fight for their best interest despite the elected and public institutions designed to represent and protect the public interest. As well, the cost must encompass the environmental cost on residents. In other words the market cost for virgin aggregate is unrealistically cheap. Create a management system that works for residents and price the product accordingly. This is called full cost accounting.
12. Implement “social licencing” where operators must earn the right to continue extraction through responsible operation, and timely and progressive rehabilitation.
13. Include an end to the aggregate licence, a “sunset clause”. Legally, all contracts require a termination point. Give communities a light at the end of the tunnel. Operators have a tendency to keep a near exhausted site active enough to avoid rehabilitation due to the expense. Or, they extend the life of the operation by accepting commercial fill – the more contaminated/suspect the fill the higher the fee earned.

Aggregate Resources Act

Form 1 – Notice of Application for a Licence

I, Lafarge Canada Inc.

6509 Airport Road, Mississauga, ON, L4V 1S7

Hereby give notice that application has been made for a Category 1, Class A Pit Below Water to excavate aggregate from a pit of 86.1 hectares, located in:

Part Lot 3, Concession 1 and 2

Township of Clearview (formerly Township of Nottawasaga)

Simcoe County

Application is for: A new pit.

Annual Tonnage Condition applied for is: 450,000 tonnes / annum in combination with License # 3760.

A detailed site plan and report(s) for the proposal may be examined at the County of Simcoe municipal offices, Township of Clearview municipal offices or at the district office of the Ministry of Natural Resources and Forestry.

Any person(s) wishing to object to this application must send, in writing, their objection with reason(s) to the **Applicant** and to the district office of the **Ministry of Natural Resources and Forestry** at the addresses below. Note: E-mail submissions are acceptable however they must contain the objector's complete postal mailing address where a response can be delivered. **E-mail objections which do not contain a postal address will not be considered acceptable.**

The Applicant: Lafarge Canada Inc. (c/o MHBC Planning)

113 Collier Street

Barrie, ON, L4M 1H2

bzeman@mhbcplan.com

MNRF: Ministry of Natural Resources and Forestry, Midhurst District

2284 Nursery Road

Midhurst, ON, L0L 1X0

MidhurstAgg@ontario.ca

The last day on which objections may be filed with the **Applicant** and **Ministry** is: the December 12, 2016.

Note: All information in respect to this application including written objections, the names and addresses of any objector(s) is available for public review for the purpose of this application under the Aggregate Resources Act. In submitting a written objection an objector consents under the Freedom of Information and Protection of Privacy Act to its disclosure for purposes of the application.