



The Ontario Headwaters Institute

Aggregate Reform
Ministry of Natural Resources and Forestry
PDF via e-mail to AggregateReform@ontario.ca

March 26, 2019

**Re: Aggregate Review and Aggregate Summit
Comments as submitted to the on-line survey**

The Ontario Headwaters Institute, a charity working to protect headwaters, watersheds, and natural heritage, writes to express some concerns regarding the ministry's efforts on aggregate reform.

While certain aspects of aggregate extraction are not in our wheelhouse, we have expressed a series of concerns to MNRF over the years on a number of topics.

Our primary concerns relate to the integrity of hydrologic and aquatic systems, regional natural heritage, agriculture, and public health, and include:

- Protecting the top classes of agricultural lands, including specialty crop areas, from aggregate operations;
- Prohibiting extraction below the water table in most instances;
- Avoiding permanent pumping unless there are strict ecological conditions and assurances for permanent funding not paid from the public purse;
- Proving improved provincial oversight of impacts on groundwater and surface water, including on ephemeral streams and their role in proving key seasonal habitats;
- Maintaining historic flow regimes upstream and downstream of aggregate operations, including with respect to water temperature;
- Incorporating most upstream and downstream reports required to be submitted by aggregate operators, including impacts on groundwater, as part of the public domain, and ensuring their inclusion in provincial databases;
- Keeping sediment out of downstream flows, where it can disturb fish habitat, alter stream morphology, and cause erosion;
- Establishing a base set of turbidity monitors near aggregate operations;
- Establishing clear codes of practice for constructed wetlands;
- Ending the reverse onus on owners of wells with reduced water level, flow, or increased siltation to prove that an aggregate operation caused the adverse impact by declaring such wells to be in the public interest and providing the owners with adequate provincial support to help ascertain the cause of such adverse impact; and,
- Ensuring limited impact on local natural heritage and sound remediation practices.

We provide the following comments, and may submit more by May 1.

Sustainable Aggregates Industry

We are deeply concerned that MNRF impugns its integrity when it cites a “sustainable aggregates industry” within its framework for sustainable resource management.

We imagine what you mean is an industry that is financially viable for some time-frame, but share with you our concerns that:

- Aggregates are not like trees: no one is growing more aggregate such that we can establish a sustainable annual yield. Using the word sustainable with respect to aggregates needs to be done very carefully; and,
- Even if MNRF wishes to continue using the term “sustainable aggregates industry” with respect to financial viability, we urge you to craft a definition that includes all of the issues listed above, guidelines for recycled content, adequate funding for local road maintenance, fees for pit restoration, and other pertinent aspects.

Red Tape

The OHI is not opposed to harmonized and more effective regulation and permitting to reduce costs and delays to innovation and entrepreneurship, but seeks continued safeguards for the environment and public health.

Rather than loosen current aggregate permitting, operational, and monitoring initiatives in a laissez faire concession to corporate perceptions about “red tape” - for which the government has offered no evidence - the OHI urges the government to balance efforts to encourage free market creativity with the fact that it is human activity that is causing the sixth mass extinction.

We are not blaming Ontario aggregate operations for deteriorating conditions at the Great Barrier Reef, but we suggest that the government has a duty to protect the province’s ecological integrity, biodiversity, drinking water, and public health, as well as to limit long-term impacts that are contributing to the sixth mass extinction now underway.

Over-population and business-as-usual have created the prospect of the sixth mass extinction, and business-as-usual must change.

The OHI therefore urges that the aggregate reform initiative should be much broader than as currently depicted on the MNRF website; should address more than the narrow, competition-focused, 3-5 year framework depicted in an unscientific and biased survey; and must better engage all stakeholders.

The Aggregate Summit

The OHI fully understands the right of the government to invite who it wants to various meetings.

Given the opportunity of the summit and our perception that we could have added value to the future of the aggregate industry as well as for the environment and local communities, however, we sought to attend.

Here is what we encountered:

- Un-attended autoresponders to e-mails seeking information on and/or requests to attend the Summit;
- Line staff with responsibility for aggregates having virtually no information about the Summit, but rather an apparent role of acting as message takers for unknown senior management that may work in the minister's office or elsewhere;
- The removal of individual phone numbers for members of the minister's staff from Info-GO;
- One unattended phone number for all the staff the minister's office;
- Calls left on that number not being returned; and,
- E-mails to the minister's office staff similarly not being returned.

We urge the government to do better and honour its campaign pledges for increased transparency and accountability, and to provide a government "for the people".

In conclusion, we urge the government to:

- Fully define what sustainable resource management might look like in the aggregate industry;
- Provide evidence about any existing duplication of red tape, how it might be handcuffing the aggregate industry, and what reasonable fixes might be;
- Identify/establish environmental and public health safeguards with respect to aggregate operations, including monitoring and public access to data, that should be maintained;
- Commit to meaningful public engagement involving all stakeholders should the aggregate reform initiative go forward; and,
- Ensure that the public can contact ministry staff who would be able to provide information in response to reasonable questions about government intent, evidence, and process.

In addition, given the government's clear desire to facilitate innovation and entrepreneurship in the province's economy, we urge the government to identify and encourage ways in which Ontario can play its part, in the aggregate and indeed all industries, to limit the impacts of the sixth great extinction now under way.

Sincerely,

Andrew McCammon

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cc: Premier Ford, John Yakabuski at MNRF, Rod Phillips at MECP, Environmental Commissioner of Ontario, selected provincial staff, Norm Chessman at OSSGA, selected organizations