



**Presentation to Standing Committee on Justice Policy
Bill 39, Aggregate Resources and Mining Modernization Act, 2017**

Good Afternoon Chair Qaadri and Committee members, thank you for allowing us this opportunity to present our concerns regarding Bill 39. Zorra Township is a small rural municipality in Oxford County that is rich in aggregate resources as well as being home to some of the most productive farm land in North America. We are home to over 40 licensed pits and quarries and these licensed lands encompass an area of over 2,500 hectares with permitted maximum extraction of 23,000,000 tonnes. To put this in context, the area of land licensed for aggregate extraction in Zorra would cover 25% of the entire Town of Richmond Hill or almost 9% of the City of Mississauga. In the last reporting year, 2015, Zorra was the 8th largest aggregate producing municipality with over 4.1 millions tonnes of aggregates produced.

Bill 39 is the enabling legislation that follows over six years of study and review. The Township has been patiently waiting for this legislation due to our role as supplier of aggregates for south-western Ontario. Throughout the legislation there are many references to the regulations and the Blueprint for Change listed off key proposed changes that will also be dealt with by regulation. Will there be the same consultation on many of the key changes? Zorra would be like to be actively involved with this process and we have many issues that we have great concern with. Today we have a number of specific comments on the legislation as well as general concerns for areas that we feel should be strengthened or included in the legislation.

Section 11 introduces the concept of a 'custom plan' to carry out the notification and consultation requirements of this section. This approach can be used to set out "alternative or additional" procedures to those



legislated in subsection 11 (1); although, it is unclear if this type of customized plan will be required for proposed extraction activities over a certain size or magnitude. The Act or regulations should clearly establish the circumstances under which such alternative procedures could be considered, including the need for formal pre-consultation with affected municipalities on their requirements and expectations. The ARA summary statement should also include that an 'ARA Consultation Plan' be provided in plain language.

Section 12.2 amendments will remove the requirement of the licensee or MNRF to send the license and final site plan to the local municipality. It is unknown if this requirement is intended to be relocated to the regulations, or removed from the process entirely. The Township strongly disagrees with removing this section. It is unfair to the local municipality and our ratepayers that a trip to the local MNRF office would be required to view a site plan. This appears to be contrary to making government services transparent. The perception from the public would be that MNRF is making it more difficult for the public to access information.

Deletion of Section 15.1(2) removes the requirement for submission of a copy of the annual report to the clerk of the local municipality. The Township monitors these reports and carries out analysis to determine trends in non-compliance and to determine whether deficiencies are being remediated. The Township would request that Section 15.1.(2) not be deleted.

The Township supports the inclusion of Section 48(1.1) by requiring every licensee to submit reports on the progressive rehabilitation and final



rehabilitation of the site. We would request that the licensee be required to submit a copy of the same report to the clerk of the local municipality.

The Township supports the inclusion of Section 71.1 and requirement to have removal of recycled material included in annual tonnage reporting.

We do have concerns about permitting, as a right, the stockpiling and processing of recycled materials. The additional truck traffic that is generated by hauling of materials to the site must be addressed through a traffic impact study. There must also be an assessment carried out on potential contamination of storm water and leaching of same into the natural environment. As an aside, the Township of Zorra uses recycled asphalt on many projects and is fully supportive of its use by the municipal sector.

Now we have some general comments on the ARA and what we feel are areas of concern that must be addressed.

During submission of an application for a pit or quarry, the Provincial Standards, Version 1.0 requires applicants to prepare a summary statement to provide information on different facets of the application including the main haulage routes and proposed truck traffic to and from the site. After this, MNRF does not have any jurisdiction concerning truck traffic regardless of whether the licensee follows the truck routes submitted as part of the application process. This is a major concern of all municipalities having aggregate operations. When asked about policing of truck traffic, we are told that MNRF cannot do anything at all about truck traffic as their jurisdiction is for matters contained on the site plan. It is up to local municipalities to enforce truck traffic. This is impractical as by-law



enforcement officers are not equipped to pull over offending vehicles. The other alternative expressed by MNRF staff is to designate local rural municipal roads as non-truck roads. This too is impractical as rural property owners require feed trucks, milk trucks, dead stock removal trucks and many larger operations have trucks used in their own farm operation. There is one very easy solution for regulating truck traffic and adherence to established haul routes. That is to require the site plan to have an appendix to show the designated haul routes and to have the same signed by affected road authorities. This will then become enforceable by MNRF inspectors and the fine provisions will apply as well licence suspension or revocation. We believe this quickly and adequately address one of the most troubling enforcement issues surrounding the aggregate industry.

The Blueprint for Change contained requirements that water impact studies be enhanced as well as potential for a cumulative effects study when deemed necessary. The Township is of the opinion these same requirements concerning cumulative effects should also be applied to:

- the impact on the natural environment including environmentally significant features, wildlife and environmental constraints;
- compatibility of the extraction activities and rehabilitation plans with surrounding land uses;
- truck traffic and potential impacts on municipal and county roads and provincial highways where applicable.
- the social-economic impacts on local communities;
- noise
- dust



Finally, the last issue we would like to bring to the Committee's attention is the payment of royalties. The Top Ten municipalities provide the entire Province of Ontario with 34% of all aggregate materials produced. In return for this, the Top Ten receive \$3.3 million. This would construct less than 2km of an urban road or 6.5km of rural paved road. And this is for the entire Province of Ontario. Therein lies the imbalance in the present levy system. Aggregate rich municipalities are providing the very building blocks of our infrastructure system and local taxpayers in these municipalities are bearing the brunt of costs through the degradation of local roads and the social economic impacts by living in proximity to the pits and quarries. In 2016, Zorra received \$154,000 in total taxes from aggregate operations as well as our royalty fee of approximately \$280,000 for a total of \$434,000. In return for supporting the economy of south-western Ontario Zorra will see over 200,000 tandem dump trucks using municipal roads to leave our municipality. Think about that for moment, that means there will be 550 trucks a day, 24 hours a day, 365 days a year using our roads.

We have heard that work is ongoing to ensure any new levy increase will meet the Eurig Test. We feel this does not address the social and economic impacts noted above. The financial imbalance is patently unfair. Aggregate rich municipalities must be compensated fairly, be it a tax or a royalty fee. And while this is not within the purview of this Committee, another injustice is being felt by aggregate producing municipalities and that is the loss of property taxes paid by aggregate producers. The Municipal Property Assessment Corporation changed the valuation method and this has dramatic negative impact on municipalities.



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In conclusion, we would like to thank the Committee for this opportunity and we sincerely hope that our valid concerns will be addressed in second and third reading of Bill 39. We also hope that our other issues will make their way into regulation.

As the member from Prince Edward – Hastings noted during debate of this Bill on October 27, 2016, “It’s also an issue that differentiates many of our urban members from the suburban and rural members across the province. You don’t get a lot of aggregate quarries here in downtown Toronto or Ottawa. Each of us literally couldn’t live our modern lives without using tonnes of aggregate every year—and when I say tonnes, I mean tonnes of aggregate.”