



**January 25, 2019**

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*(sent via email to [nathaniel.aguda@ontario.ca](mailto:nathaniel.aguda@ontario.ca))*

**Re: OSSGA comments on MECP's Made-in-Ontario Environment Plan (013-4218)**

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The Ontario Stone, Sand & Gravel Association (OSSGA) appreciates the opportunity to comment on the Ministry of the Environment, Conservation and Park's (MECP) Made-In-Ontario Environment Plan (ERO: 013-4218).

OSSGA is a not-for-profit association representing over 280 sand, gravel and crushed stone producers and suppliers of valuable industry products and services. Collectively, its members supply the substantial majority of the more than 160 million tonnes of aggregate consumed each year in the province to build and maintain Ontario's infrastructure. OSSGA works in partnership with the public and government agencies at all levels to promote a safe and competitive aggregate industry, contributing to the creation of strong communities.

As the model of, and the voice of environmental sustainability and stewardship for the aggregate industry, OSSGA advocates for consistent application of best operating standards and for environmentally responsible resource use. We support a plan that balances a healthy environment with a healthy economy and offer our comments below.

**Ensuring sustainable water use and water security for future generations**

OSSGA supports a water management framework which ensures that we have sustainable water resources. As the government continues to undertake a review of its water taking policies, programs and science tools, it is essential that a sector specific approach is taken. Aggregate producers are water handlers – not water users. Although the aggregate industry has the third largest permitted volume of water taking in the province, PTTWs are used mainly to handle water as opposed to *consuming* water. It is estimated that only 2 % to 8 % of handled water at an average aggregate site is consumed, primarily due to: 1) retained moisture on shipped aggregate product; 2) water applied on haul roads for dust control (it is a requirement of most site licences and Environmental Compliance Approvals issued by the MECP that water be used to manage fugitive dust at site); and 3) wash water evaporation from stockpiled materials. Water handlers should not be subject to the same level of scrutiny as water consumers.

As the impacts of climate change lead to increasing flooding and droughts, aggregate operations may play a supportive role in helping to mitigate flooding and/or supplementing water during periods of drought, which protect environmental features and agricultural resources. Certain aggregate operations may also provide base flow to watersheds during the summer months which might assist in maintaining the health of aquatic environments.

As the government assesses multiple water takings, consideration should be given to the role aggregate operations play in the watershed and the fact that the bulk of handled water at a pit or quarry is returned to the local hydrological system. It is essential that decisions made regarding water management policies and tools are based on science and not influenced by a political process.

### **Making it Easier and Safer to Reuse Excess Soils**

OSSGA supports the government's continued commitment to responsibly manage excess soil and reduce the amount of soil being sent to landfills and unlicensed fill sites. OSSGA strongly supports sustainable excess soil management and is particularly interested in soil quality stewardship since many rehabilitation plans mandated through the *Aggregate Resources Act* (ARA) are dependent on the receipt of clean fill.

OSSGA continues to emphasize the need for greater flexibility for soil quality standards. As soil standards evolve due to new regulations - like the proposed excess soil standards - then there should be a government wide adoption of such standards. Even now the MNR opposes current provincial standards in the form of risk-based, site specific standards that have been adopted by MECP under the Record of Site Condition (brownfield re-development) standards. There is little scientific rationale when adjacent lands could impose differing standards merely because one parcel is ARA licensed and the other is not.

Aggregate facilities are a very convenient and favourable location for bringing in excess soil yet MNR's Aggregate Policy restricts bringing in excess soil that is not permitted under the ARA licence. We encourage the MECP and MNR to work closely together to ensure that aggregate fill policies have increased flexibility and facilitate a seamless transition from active extraction to post rehabilitation use, especially if aligned with MECP's proposed regulatory framework.

### **Improve Coordination of Land Use Planning and Environmental Approval Processes**

OSSGA strongly supports the government's plan to improve coordination of land use planning and environmental approval processes and cut regulatory red tape for environmental approvals. As outlined in our Red Tape Submission – *Addressing Duplication and Redundancy in the Aggregate Industry*, increasingly more agencies are being involved with review and comment on operational permits (i.e., Permit to Take Water and Environmental Compliance Approval). If the industry was fraught with historic problems, then this might seem justified. In contrast, the legacy of the aggregate industry

in Ontario over the past century of operations is truly enviable from an environmental perspective; because it is a clean industry.

Given this legacy, OSSGA recommends a single agency role responsible for the operational permit process and to establish clear policy and MoUs between ministries to identify the responsibility for single Agency Review. Redundancy in the review process with the need to obtain ancillary permits and approvals adds to unnecessary costs and delays. This redundancy is also evident with Municipalities duplicating the review and permitting function.

### **Conservation Authorities Focus on Core Mandate**

In line with these comments, OSSGA supports the government's commitment to "work in collaboration with municipalities and stakeholders to ensure that conservation authorities focus and deliver on their core mandate of protecting people and property from flooding and other natural hazards and conserving natural resources."

As outlined in our aforementioned Red Tape submission, Conservation Authorities are increasingly over stepping their jurisdiction with respect to applications under the ARA. Conservation Authorities are not only reviewing technical studies but also imposing additional requirements for further information and studies. This duplication adds exponentially to the length of time for an application to proceed through due process as well as the cost of an application. Existing technical reports required under the ARA application process, comprehensively assess any potential impact to the environment or human health. This additional review does not support good decision-making and does not offer any additional environmental protection.

### **Natural Ecosystems Preservation**

The plan commits to "collaborate with partners to conserve and restore natural ecosystems such as wetlands and ensure that climate change impacts are considered when developing plans for their protection."

Aggregate producers are strong environmental stewards and often work in partnership with other NGO's (e.g. Ducks Unlimited) to restore natural ecosystems. Aggregate licences must undergo progressive and final rehabilitation prior to being surrendered. As such, aggregate extraction and rehabilitation in Ontario can create aquatic habitat features, including wetlands. With over 6,000 active pit and quarry licences in the province, the aggregate industry has the potential to contribute substantially to the creation of new, biologically diverse habitat, whether wetlands, prairie grass communities, migratory bird habitat, reforested tracts or similar.

In a 2017 OSSGA study, it was found that 55% of surrendered aggregate licences within the Provincial Plan Areas were found to include 293 ha of aquatic habitat features, including six different Provincially Significant Wetland (PSW) Complexes. The wetlands created through aggregate rehabilitation contribute to biodiversity and ecological functions on a local and broader landscape level. Wainfleet Wetlands Conservation Area

(Wainfleet, ON), Kerncliff Park (Burlington, ON) and Kelso Quarry Park (Milton, ON) are all former aggregate operations.

Other examples of rehabilitated operations include community recreational facilities like Christie Pits, agricultural resources including viticulture lands or unique opportunities such as the Royal Botanical Gardens in Hamilton or the University of Guelph Arboretum in Guelph.

### **Protect Species at Risk and Respond to Invasive Species**

OSSGA supports the government's commitment to ensuring that the *Endangered Species Act* (ESA) "provides stringent protections for species at risk, while continuing to work with stakeholders to improve the effectiveness of the program." As significant land holders, aggregate producers play a critical role in the protection of species at risk. Unfortunately, the assessment process that leads to the listing of species is not consistent and may be based on limited population data which leads to the protection of common and widespread species such as Barn Swallow. This has significant implications for the industry's ability to secure long-term resources, especially in Provincial Plan areas containing Natural Heritage Policies that contradict the ESA. Unlike the federal COSEWIC process, in Ontario, species are automatically listed based on COSSARO recommendations, with little transition time for industry to adapt to new listings. Better consideration also needs to be given to species-specific threats and recovery outcomes (i.e. monarch is at risk due to loss of overwintering habitat outside Canada whereas Little Brown Myotis is threatened during hibernation due to White Nose Syndrome, a fungal disease). Additionally, implementation of the ESA needs improvement as demonstrated through inconsistencies with respect to MNRF decisions regarding habitat protection and/or survey protocols. For example, rules around Bank Swallow habitat and colony protection are interpreted differently across various districts. Ministry review guidelines and timelines should also be required to ensure a transparent and dependable review process for ESA approvals.

OSSGA looks forward to providing more detailed comments during the consultation process on the 10<sup>th</sup> Year Review of Ontario's ESA.

### **Conclusion**

Thank you again for the consideration of our comments. The aggregate industry is committed to environmentally responsible resource use and we look forward to continuing to work with the Ontario government to secure the long-term availability of valuable aggregate resources in an environmentally sustainable manner. Should you have any questions or concerns, please do not hesitate to contact Ashlee Zelek, Director of Environment and Education at 647-727-8778 or [azelek@ossiga.com](mailto:azelek@ossiga.com).



ONTARIO STONE, SAND  
& GRAVEL ASSOCIATION

*Essential materials for building a strong Ontario*

Sincerely,

A handwritten signature in blue ink, appearing to read "Norman Cheesman", is written over a light blue circular stamp.

Norman Cheesman  
Ontario Stone, Sand & Gravel Association