GREN Meeting Minutes Nov 21, 2019

Chair: John J

Minutes: Susan K

1. Financial Report
Greg M reported $1471.88 in account. Reimbursement of $38 approved for Greg for printing handouts of GREN position aggregates.

**Action:** Donation of $100 approved for Wellington Waterwatchers.

1. Website

Patrick working on updating to make listerv and website more accessible to keep current. Assistance from Deaun and Kevin. **Action:** Send content info to Deaun deaunm@gmail.com

1. Membership

Approved to keep fees as $10 students, $20 individuals, $40 groups

1. Presentations - Composting

Susan K presented update on Good Green Death Project – working to legalize individual, in-vessel composting of human bodies and using the resulting compost to plant a tree on a protected forest cemetery. See website for info [www.goodgreendeathproject.ca](http://www.goodgreendeathproject.ca)

Susan B presented the need for multi-residential buildings (apartments, condos etc) to have composting service for residents. WasteCo has calculated it would cost $8 - $10/mth for each resident to hire compost pick up. The ROW has tips for setting up composting for property managers and landlords: <https://www.regionofwaterloo.ca/en/living-here/landlords-and-property-managers.aspx>

John J provided background and updates on Ontario’s Waste Reduction plans which continue work of previous government towards producer responsibility for waste. Recycling is a legal requirement; why not green bins? One third of Ontario waste is compostable; half of that is residential and the other half is commercial, institutional or industrial. The Region picks up waste from buildings with 6 or less units. They pick up from 160,000 households, but NOT from 40,000 apartments/condos.

Province transitioning to phase in ban starting in 2022 of putting organic waste in garbage; burning waste will still not be considered as diversion; building code will be changed to legislate inclusion of recycling and green bin in multi-unit buildings.

**Action:** John J to draft and send pro-active letter to MPPs supporting composting in multi-residential buildings.

1. Bill 132

Greg M presented GREN position on amendments to Bill 132 and the Aggregate Resources Act at the Standing Committee on General Government in London on Nov 21, 2019. See attached presentation. Question for all of us, “Are we being good ancestors?”

1. Provincial Waste Plan – John J shared further info on transitioning to producer responsibility – new system could see producers contracting municipalities to pick up and sort. Could also be return/deposit. Will see inclusion of multi-residential buildings and parks.

**Action:** John J will keep us informed for consultations in 2020.

1. Provincial moratorium extension for water-takings for bottled water

Extended 9 mths. Wellington Waterwatchers asking for environmental assessments before water taking.

**Action:** John J will draft letter of support to province.

1. Region of Waterloo Official Plan

GREN heavily involved in last review. Winter 2020 consultations. How do we want to grow? Consultations scheduled for: Cambridge City Hall 4 – 8 pm, Nov 27

Wilmot Recreation Complex 4 – 8 pm, Nov 28

Heidleberg Community Centre 4:30 – 8, Dec 4

**Action:** GREN to pull together meeting of allies such as Hold the Line to decide what actions are needed to improve the ROP in response to the climate change emergency declaration. Any volunteers to do so?

1. Hidden Valley

Gord not present. No update.

1. Kitchener Climate change grant

City has 2 main projects related to wastes – assess own buildings for waste, special events waste plans. City of Guelph has template for that.

1. Municipal Climate Change Emergency Declarations - Lulu

All local councils have declared. Cambridge declared “crisis”. Flooding, isolated and low-income seniors, buildings no longer being insurable, traffic issues, food security all tied in. Have lower revenue.

1. Federal Election

No discussion.

1. GREN positions

John J stepping down as chair, Kevin staying as Vice-chair, Greg staying as Treasurer, Susan K and Susan B staying as secretaries. No one stepped up as Chair. Discuss options.

1. Next GREN meeting: Susan K and Susan B will arrange next meeting for Jan/Feb 2020.

**Action**: Send speaker suggestions to susankoswan@execulink.com

1. Meeting adjourned.

**Presentation to the Standing Committee on General Government**

London, Ontario, November 21, 2019

ERO 019-0556

Proposed amendments to the Aggregate Resources Act

Submitted by Greg Michalenko

 on behalf of the Grand River Environmental Network

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**About the Grand River Environmental Network**

The Grand River Environmental Network concerns itself with all aspects of the wellbeing of the environment in the Grand River Watershed. Membership is open to all residents who share our concerns. The organization was founded 11 years ago. Our main concerns include the adequacy of Provincial policies to protect our natural resources, enhance environmental quality, protect natural areas, and safeguard public health.

**Concerns about proposed amendments to the Aggregate Resources Act**

We welcome the opportunity to comment on proposed amendments that we believe could endanger public health and result in irreparable damage to natural areas:

•“Clarify that depth of extraction of pits and quarries is managed under the Aggregate Resources Act and that duplicative municipal zoning by-laws relating to the depth of aggregate extraction would not apply.” (Proposed Amendments to the Aggregate Resources Act, Environmental Registry of Ontario, 019-0556)

•”Outside of the Greenbelt Area, extraction may be considered in the natural heritage features listed in section 2.1.5, 2.1.6 and2.1.7, provided that the long-term rehabilitation can demonstrate no negative impact on the natural features or their ecological functions.”

**1. Proposed prohibition of the right of municipalities to set the vertical limits of aggregate extraction in their zoning bylaws**

**The importance of groundwater in Waterloo Region**

The Region of Waterloo, the most urbanized and populous part of the Grand River Watershed, includes the cities of Waterloo, Cambridge, and Kitchener as well as the townships of Woolwich, Wilmot, Wellesley, and North Dumfries. Their combined population is over 600,000 and the growth rate in the three cities has been ranked as the fourth fastest in Canada. It is also the largest municipal jurisdiction in Canada dependent on groundwater for most of its domestic water supply. Thus the protection of groundwater quality and assurance of adequate supplies are crucial to the security, health, and wellbeing of Waterloo Region.

The Region has had notable success over the past 40 years in instituting various measures to improve efficiency of water use in industry and provide incentives and public education to assist residents to engage in the judicious use of the limited water supply. These measures have resulted in a 50% decrease in per-capita water use with the happy result that the long-projected expenditure of an estimated $1.5billion to bring in additional water by pipeline from Lake Erie is now not necessary, despite rapid population growth. This is a notable achievement and testifies to the ability of the Regional government to manage the resource wisely while remaining accountable to the public purse.

Another concern of the Region is water quality and safeguarding public health. This has entailed state-of-the-art hydrological studies, regulatory safeguards, water quality testing and monitoring, and identification of vulnerabilities. This means that the Region must manage for possible threats coming from a variety of land uses: agricultural fertilizers, pesticides, sewage, road salt, fuel storage, industrial waste, storage of snow, waste disposal, livestock confinement areas, and oil pipelines.

The Regional water supply has already been compromised in the area of Elmira where highly toxic carcinogenic wastes from the production of herbicides destined for U.S. military operations in the Vietnam War in the 1960s-70s resulted in serious groundwater contamination. Remediation actions were expensive and could only be partly effective. Elmira now has to get its drinking water by pipeline from the City of Waterloo. The tragedy in Walkerton where contamination of groundwater resulted in seven deaths and permanently compromised the health of some 2,000 people also shows how vulnerable ground water resources can be to contamination.

It is for this reason that the Region has turned its attention to one of the major industrial activities in the rural areas, aggregate extraction, which poses potential threats to water security.

**An overview of aggregate extraction in Ontario**

The 2017 Report of the Environmental Commissioner of Ontario provides an extensive assessment of aggregate extraction governance and management in Ontario. It notes that there have been some significant improvements in managing the resource and protecting the environment. However there were a number of outstanding problems: natural heritage protection, cumulative effects where there are clusters of mines, and low rehabilitation rates of exhausted operations resulting in long-term damage. It also singled out a key failure in accountability: poor provisions for meaningful public participation and consultation. Recommendations were made to strengthen compliance and enforcement of operating conditions, and systematic improvement of rehabilitation.

**Aggregate extraction and groundwater security in Waterloo Region**

Guelph MNR district, which includes Waterloo Region, is the largest aggregate-producing area of Ontario. A 2013 study found 91 active and 8 surrendered aggregate sites in the Region of Waterloo (Port, 2013), and more large sites have since come into production.

Section 9 “Managing Aggregate Resources” of the Region of Waterloo’s Official Plan notes that:

A large share of the region’s mineral aggregate areas overlaps with some of the region’s best groundwater aquifers and recharge areas,

The challenge facing the Region and Area Municipalities will be to address the growing demand for aggregates while preventing or minimizing the potential impacts of mineral aggregate operations on surface water and groundwater resources, surrounding communities, cultural heritage resources, environmental features and ecological functions, and agricultural resources and operations.

The Region is thus very concerned about the implications for the security of water supplies:

Aggregate operations can create preferential pathways or increase the vulnerability of these aquifers through the removal of the protective overburden. The removal of this overburden increases the risk of groundwater contamination through spills during the extraction operation and in the establishment of post-extractive uses.

Although the effects of individual aggregate pits on groundwater hydrology might not be large or extensive, a research report for the Region indicates there could be significant cumulative impacts from the combined operations of aggregate extraction pits at the landscape level, if appropriate safeguards are not taken (S. S. Papadopulos and Associates, 2004).

Caitlin Port in her study “The opportunities and challenges of aggregate site rehabilitation in southern Ontario”, concludes (p. 115):

 The uncertain cumulative effects of aggregate extraction activities

On water quality and quantity are of particular concern to many Southern Ontario communities that draw drinking water supplies from groundwater sources. **This concern is understudied** **and the cumulative effects on ground water flows from the extraction of aggregate below the water table are unknown**. In order to understand this concern better, there is need for more comprehensive and consistent data for assessing the cumulative impacts of aggregate extraction below the water table on the watershed and sub-watershed level. The responsibility for the collection of this necessary information (i.e. the development and undertaking of cumulative effects assessment) should be the joint-responsibility of the aggregate industry, provincial government, and local government (including conservation authorities). **It is necessary to involve all stakeholders to ensure accountability, transparency, and the accurate interpretation and dissemination of results**.

**Current aggregate regulation and licensing should employ the precautionary principle and assure that below water table extraction will not result in negative cumulative impacts to groundwater sources**. Operational strategies, including rehabilitation planning, should be developed and implemented to minimize the impacts of below water table extraction on the watershed.

**Municipalities must have the right to restrict the depth of aggregate extraction**

The Region of Waterloo has stated that it shares such concerns. The Provincial Policy Statement **requires** municipalities to implement any necessary restrictions on development to protect all municipal drinking water supplies and designated vulnerable areas. Accordingly, the Region has sought to employ a protective practice that aggregate extraction must remain at least 1.5 meters above the water table. This would prevent groundwater drawdown as well as the seepage and penetration of contaminants whether airborne, by way of storm events, from agriculture (fertilizer, pesticides, livestock manure), road maintenance and salting, and accidents or mishaps. However, the Province did not grant approval for the Region to introduce vertical zoning policies when the 2009 Regional Official Plan was revised. Regional Council appealed the matter to the Ontario Municipal Board, which deferred the matter to allow the Region to revisit the issue during the present Regional Official Plan review.

We are deeply troubled by the Province’s proposed amendment to the ARA. Public health is at stake. **The Province should not revise the Act by introducing a prohibition against municipalities setting the vertical limit of aggregate extraction in their zoning bylaws.** We are in full agreement with the Region of Waterloo’s response to this proposed change that would “weaken or work against policy direction that the Region has been working towards for many years, such as providing stronger source water and environmental protection policies” (Region of Waterloo, Planning, Development and Legislative Services, Regional Response to Provincial Policy Statement Review, October 22, 2019).

**2. Proposed revisions to enable permission for aggregate extraction in Provincially significant natural features**

At present, site alteration or development is not permitted within provincially significant natural features (e.g. significant woodlands, endangered species habitat) unless it can be shown that there will be no deleterious effects to the natural features or associated ecological functions. The proposed revision states that “Outside of the Greenbelt Area, extraction may be considered in listed natural heritage features **provided that the long-term rehabilitation can demonstrate no negative impacts on the natural features or their ecological functions**.”

We find this shocking proposal to be completely unacceptable - and indeed dangerous. Port’s study shows “Because the life-span of an aggregate site can be so long (20+ years), it is difficult to anticipate the most desirable final requirements for rehabilitation, due to surrounding land-use change, unanticipated environmental changes, and improvements in best-management practices.” It should be noted that this statement about the difficulties of rehabilitation concern only currently allowed sites (e.g., cornfields) and not natural heritage sites which are so designated because they represent pristine natural systems that are usually more ecologically complex, environmentally sensitive, unusual or rare, or harbour threatened or endangered species. They also serve important ecological functions at the landscape level, such as maintaining biodiversity. The proposal also ignores the realities of climate change, which make matters even more unpredictable.

A recent review of aggregate licences in the Region showed that only 20% of excavated lands have even undergone rehabilitation (Region of Waterloo, Regional Response, October 22, 2019). Port (2013) lists numerous deficiencies in her review of aggregate pit rehabilitation. For example, one third of plans didn’t specify topsoil sources for restoration (a critical factor), only 10% had on-site erosion control, 70% did not specify the species to be used for re-vegetation, only 25% proposed to use native species, procedures were “vaguely explained and lack sufficient detail to guide the undertaking of specific rehabilitation activities”. She summarizes the current situation as seriously deficient:

**This lack of clarity can be expected to have a negative effect on the resulting quality of rehabilitation occurring in the field. Because rehabilitation plans lack direction and performance indicators, there are no criteria available to hold aggregate producers accountable for achieving successful rehabilitation**.

Port also notes problems with the quality of regulations, lack of enforcement, and that operators ignore rehabilitation because it can be costly and affect their profit margins.

This sorry situation in currently allowed extraction sites surely shows that it would be impossible to rely in any way on “long term rehabilitation plans” to justify destruction of designated natural areas for aggregate extraction: there is almost no chance that they could be reconstructed or rehabilitated.

We ask you not to adopt this highly dubious proposal. We concur with the Region of Waterloo’s well-considered conclusion “addressing the negative impacts of aggregate extraction through long-term rehabilitation plans is risky and could result in the permanent destruction of significant natural features or habitats.”

This is too high a price to pay.

**Two Final Thoughts**

The Environmental Commissioner of Ontario provided this thoughtful statement in its 2010/11 Annual Report. We have taken it to heart in preparing this submission:

There is no question that source protection planning is complicated, inconvenient and expensive. However, this should not be allowed to eclipse the sheer importance of the program of not only ensuring a safe drinking water supply but, just as important, of instilling public confidence in it. The suffering that happened in Walkerton in 2000 should be a constant reminder that the benefits to human health and the environment that come from protecting the province’s aquatic resources are priceless.

We must be very careful about decisions that could jeopardize long-term safety nets protectng human health and ecological integrity. British nature author Robert MacFarlane in his recently published book “Underland: a Deep Time Journey” provides a simple precept that should guide us: “Are we being good ancestors?”

**References**

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Environmental Commissioner of Ontario. Good Choices, Bad Choices: Environmental Rights and Environmental Protection in Ontario. 2017 Environmental Protection Report.

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S. S. Papadopulos and Associates, Inc. 2004. Analyses of the Potential Effects of Aggregate Extraction Operations on Water Resources in the Cedar Creek Subwatershed. Prepared for the Regional Municipality of Waterloo.

Port, Caitlin M. 2013. The Opportunities and Challenges of Aggregate Site Rehabilitation in Southern Ontario. An Evaluation of the Rehabilitation Process from 1992-2011. Master of Environmental Studies thesis in planning, University of Waterloo. uwspace.uwaterloo.ca/bitstream/handle/10012/7966/Port\_Caitlin.pdf

Region of Waterloo, Planning, Development and Legislative Services. October 22, 2019. Regional Response to provincial policy statement Review (ERO Posting No. 019-0279).