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Re: Cornerstone Standards Council (CSC), Draft Responsible Aggregate Standards

Submission from: The Coalition Of Concerned Citizens (March 2014)

To: Cornerstone Standards Council
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OTTAWA, ON K2P 1A1
Comments@cornerstonestandards.ca

The Coalition of Concerned Citizens (CCC) is a non-profit community organization having many years experience with aggregate matters in Caledon. We appreciate the opportunity to express our comments and concerns over the draft “Responsible Aggregate Standards” that has recently been released by CSC.

Executive Summary:

The CSC has stated laudatory **goals** of significantly raising the standards under which aggregate companies execute their business practices in Ontario. The Coalition supports this principle, but to date, the draft standards in their present form, are not close to attaining that goal.

We believe that all the details about who the auditors will be, how they will be chosen, the structure and transparency under which they will operate, and the rules they will be implementing, all need to have been spelled out before this draft was ready for release.

Because of this absence, we have concluded, it is not a good use of time to explain in great detail, the pros and cons of the principles to date, as in our opinion, everything hangs on the way the regulations will be monitored and executed. The cart needs to come before the horse.

Overall, the CCC believes the document is either very premature or significantly inadequate—and we will be responding to it only on a high level of analysis.

Highlighted Concerns:

- The auditing process that offers a ten year certificate and an observation audit only once every 5 years is far too lax. The timing is too long between monitoring the sites, especially for operations that may be extracting on a daily basis. We suggest an audit every one to two years with only a two hour notice, and even more frequently if there have been problems.

- The language used frequently throughout the document is very troubling, imprecise, and not acceptable. Here are just a few examples of words and phrases that are subjective and not quantifiable: e.g. “The applicant reduces adverse environmental impacts to an **acceptable level...**” “**good faith**”, “**minor non-conformance**”, “**where practicable**”, “**applied where reasonable**”, “**the expectation that the applicant makes efforts**”. These are only a few examples of the terms used in this document, which make it virtually impossible to carry out a credible audit. Audits need definitive terms of reference, definitive language and definitive teeth.
- We found the document structured in such a way that it was difficult to read and comprehend, as to how it all works together. Page numbers are confusing; hierarchy and process are confusing.
- The Coalition is concerned as to how the government buying process and the certification process may interrelate. The Ontario government (MTO) and the lower tier Municipalities use the majority of the aggregate extracted, so we wonder if they have been approached by the CSC about making a commitment to buying certified aggregate. Without this assurance, the producers would have no incentive to become part of a voluntary programme.
- The government is also involved at the other end of the extraction line, in that they mandate the MNR and the MOE to monitor aggregate sites and protect the environment, on an under-resourced basis. How will this interrelate? Will there be sharing of compliance information with the government agencies? Will this programme just encourage the MNR to neglect monitoring the CSC sites because they are “certified”? Would it be far more cost effective and better for the public interest, to simply properly enforce and adequately monitor the aggregate and environmental policies they have presently?
- The Biodiversity Plan: This whole concept of “offsets” seems dubious at best. It is just a short step to being able to mine pretty much anywhere, and if there is some key feature or function—well, they’ll just offset it somewhere else. There are not enough details to even begin to judge if this is a viable proposition or something that won’t end up having a very negative cumulative impact.
- Section 5.2.4: if mitigation is not working and there are adverse impacts, then why are producers permitted to continue to extract? This whole section is exceptionally lax. It appears that even though there are adverse impacts you can just keep going and suggest that adaptive management will look after it eventually (and it will be dealt with at the next 5 year audit....?) This is really unacceptable. Where is prompt accountability?
- Under Agricultural Land, the Coalition questions the ability of a producer to bring land “back to its classification or better”. We maintain that this is very rarely possible, as the

drainage system, stratigraphy and inherent presence of the aggregate are some of the key ingredients that help constitute the quality of the soil in its present state. Agricultural land with the classification of 1 to 3 or PRIME agricultural land--key to our food production--should be **un-certifiable**. Specialty Crops should be **un-certifiable** for the same reasoning; we should be protecting our best food producing lands.

- The CCC does not believe that it is in the best interests of the public for producers to be able to label a site as a “CSC Candidate Site”. Whether a site is a green-field, an expansion, or an existing site, it needs to meet the qualifications and requirements, and be proven to do so **first**, before it can have any kind of a label (candidate or otherwise).
- In addition, issuing a 10-year certificate is not in the public interest. Either a site is certified and meeting the requirements on an ongoing basis, or if it is not—then it loses its status.

The Coalition would like to suggest another criteria structure with three categories:

- 1) Certified Greenfield Site: A producer plans to meet the requirements to become a certified site. After all the regulatory and stakeholder consultation requirements have been met and the site is in full operation, he may apply, based on how he has handled his siting and operations, etc,
 - 2) Certified Expansion Site: This would cover operations that are expansions of existing operations (certified or not) and meet all the CSC stakeholder consultation requirements and regulatory requirements. May be applied for, after all requirements have been met and the expansion is fully operational.
 - 3) Certified Existing Site: If an operation has been operational for more than 12 years, it may apply after having met all regulatory requirements, and CSC standards as verified by an independent third party. By only allowing existing sites to apply after 12 years of full operations, it prevents providing an incentive for producers to skip all the stakeholder consultation phases and just apply once they have their license.
- In the case of an existing site, the operator’s history of compliance and rehabilitation should be taken into account before certification is granted.
 - Considering the number of abandoned pits in Ontario that have never been rehabilitated, we believe that for a site to be certified, the rehabilitation plan must be progressive and continuous.
 - The Coalition believes that the Greenbelt NHS should be non-certifiable in order to protect its highly valued features and functions—just as the NEC core lands and the Oakridges Moraine core lands are protected.
 - The “traceability” section needs to be much more detailed and robust.

Questions to Be Considered:

- Will the CSC be pressing the government to adjust their standards to embrace the use of recycled materials more fervently than they are at present?
- There seems to be little attempt to differentiate between sand/gravel operations and quarrying, in the draft document. The potential social and environmental impacts vary greatly between the two classifications. Should not this variation be taken into account in the language of the document—especially in the SOPs?
- In the NCA definition—“setbacks and buffers ensure operations do not have demonstrable harm...” Sometimes the decline of a feature or function is gradual. (e.g. it may take a few years for a wetland to become unproductive for a species at risk, with a slowly declining watertable). How will this be addressed in the document?
- Why is there not any attempt to balance the cost of this whole programme against the increased cost of transporting material by rail or boat from less sensitive environmental and agricultural areas?
- Under the heading of unevaluated wetlands: Why should the size of the wetland matter? If there is a possibility of the wetland being significant, then all wetlands big or small should be evaluated.
- Should the Municipalities want to encourage certification and ease the burden of constant monitoring of municipal aggregate sites, then perhaps they should encourage more companies to become certified by mandating higher levies or trucking rates to those companies who do not “buy” into the certification program?
- The CCC is concerned about what is certifiable; we understood only individual “sites” would be certified and yet the language in the “introduction and purpose” section makes reference to an applicant/company being certified. Please clarify.
- Sometimes adverse effects cannot be mitigated and the project should not go ahead, or be certified, in that case. Should there not be some language in the document that states this openly? As it stands the implication is otherwise.
- Under “Consultation”, again a major burden of overseeing the aggregate industry will fall on the shoulders of interested and concerned citizens, citizens who themselves have busy lives and many concerns other than aggregate. Meaningful consultation should ensure **outcomes**, not just steps an operator goes through.
- Human health protection is nowhere in the document when it comes to impacts from adverse effects. For instance heavy metals are potentially a health issue when discharges

from quarry ponds occur. Health impacts from dust, emission particulates and noise can often be factors. How will this be handled in the document?

The CCC encourages and supports the principle of a certification programme for aggregate if it significantly raises the bar over the policies and system we have at present. We do not believe that the draft “Responsible Aggregate Standards” meets that test. In the time ahead, we look forward to significant strides being made with regards to our concerns, if we are to continue with our participation on the panel.

Contributors: The eleven-member Board of the CCC, and R. Stanley.