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Submission to the Standing Committee on General Government Legislative Assembly of Ontario

Review of the Aggregate Resources Act

In the spring of 2010 a former gravel pit that had been promoted by the industry as a good example of rehabilitation changed hands and began receiving soil that was later found to be contaminated to a degree that it might pollute groundwater. Shocked that this could occur on land identified as Area of High Aquifer Vulnerability and bordering on Natural Core Area of the Oak Ridges Moraine, residents formed our little group (mailing list of 100) which has since then been working with municipalities and provincial agencies to strengthen regulations. Learning of the Aggregate Resources Act and the practices of that industry in meetings with MNR and the Ontario Stone, Sand and Gravel Association, we have become envious of the level of planning and control over removing aggregate in comparison to the very little oversight over the dumping of soil. We would like the review of the Aggregates Resources Act to consider innovative measures to prevent pits from becoming dumpsites.



Inactive soil dump at the site of a rehabilitated pit

There is very strong demand for dumpsites for soil coming from two different sources. Excavations for condos, subways, and construction projects such as the PanAm Games are generating thousands of truck loads of excess soil. The Brownfields legislation has prompted redevelopment of contaminated industrial lands, but some by “dig and dump”.

Old and former aggregate pits are apparently attractive sites for this soil. We have personal experience with three examples on Lakeridge Road in Scugog, Morgan’s Road in Clarington, and Coronation Road in Whitby. The justification often given is that they are further rehabilitating the pit by filling it to its former grade. It is troubling however because the pits had been excavated to very near the water table and it is almost by definition that a gravel pit is in an area of high aquifer vulnerability. The quality of the fill material is poorly monitored and, on occasion, even soil classified as ‘clean’ has been subsequently found to be heavily contaminated with components such as petroleum.

In response to this, the municipalities around Toronto have been strengthening their site alteration by-laws but the rural municipalities do not have the expertise nor resources to properly manage this activity. The Ministry of the Environment is drafting a voluntary Best Management Practices Guide for soil management, but there is no provincial level regulation to protect Ontario's drinking water aquifers from this threat. We believe that there are opportunities for improvement through the review of the Aggregate Resources Act.

The review could consider that pit rehabilitation allow fill to be imported. This would of course require appropriate environmental controls as such as lining the pit and rigorous testing of the import material and monitoring by MNR or MOE. While this is not the most desirable outcome environmentally, it is more desirable than what has been occurring. Tipping fees would more than offset the costs. This could also provide an incentive for rehabilitating the many pits that are now lying dormant.

The review could consider that pit rehabilitation planning be extended to include municipal rezoning to uses that are unattractive to dumping. An example appropriate to the greenbelt areas would be severing the parcel into a building lot surrounded by protected land.

Now is the time for a coordinated review of the Aggregate Resources Act in conjunction with the Oak Ridges Moraine Act and MOE's soil management guidelines to reduce the adverse impact of soil dumping on Ontario's environment and ultimately our health.

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