

Melissa Bigford
[REDACTED]
Port Colborne, Ont.
[REDACTED]

January 10, 2024

To: Members of Regional Council and Staff,

Considering the Port Colborne Quarries (PCQ) track record of excessive dust, noise and pollution, falsely stated claims of no complaints from the public since they took over operations how are the issues of public health, public safety and environmental impact truly being addressed and protected by members of this council? The peer review report states that the studies and recommendations are adequate, adequate meaning minimal just good enough! Is that what the Region strives for in the protection of its citizens' health and homes? By approving the Regional Official Plan Amendment and Approval of Local Official Plan Amendment how are members of this council ensuring the protection of affected landowners now and in the future?

Who will enforce the numerous monitoring programs in the Aggregate Resources Act (ARA) site plan that will ensure the protection of the hydrological, hydrogeological, and tree preservation plans/features for the life of the quarry?

Especially considering Ontario's Auditor General's damning report released on December 6, 2023 that confirms what we have been saying all along that violations are widespread in the aggregate industry, and the provincial government is failing to protect lives and the environment from the devastating impacts of gravel mining.

The Auditor states that gravel mining can "alter or destroy woodlands, grasslands, wetlands or farmland"; "pose a risk to local groundwater resources"; and cause serious health impacts from air pollution and heavy truck traffic.

Here are some of the report's key findings:

- Evidence points to a significant oversupply of aggregates
- Violations are widespread in the aggregate industry
- There are shockingly low rates of inspection and enforcement by Ministry of Natural Resources and Forestry (MNRF)
- Industry self-reporting is failing
- There is no process in place to ensure that pits and quarries are rehabilitated
- The Ministry of Natural Resources and Forestry's current program for managing aggregate resources is financially and environmentally unsustainable

The audit found that the Ministry did not have effective systems and processes in place to ensure compliance with the Aggregate Resources Act and aggregate-related regulations, policies and approvals, nor to oversee aggregate development and operations in a manner that minimizes adverse impacts on the environment.

The limited number of experienced inspectors who play a front-line compliance role, and the infrequency with which aggregate operations are inspected, raise significant concerns that non-permissible activities will remain unchecked—perhaps for years on end. The intention of the self-compliance approach is to encourage operators to proactively self-identify, disclose and rectify any issues of non-compliance. The success of this approach rests upon the premise that operators who fail to self-disclose issues of non-compliance (that are subsequently identified through complaints or Ministry inspections) will be more harshly penalized than those that do. Through our audit, however, they found that this was not the case. They also found that the Ministry was not ensuring that land from which aggregates are fully extracted is rehabilitated effectively and in a timely manner.

The number of sites that have remained dormant and unrehabilitated for more than 10 years, and in some cases for over two decades, challenges the notion within the Provincial Policy Statement that aggregate extraction is an interim use of land. This has also given rise to public concerns that more than enough aggregate sites have already been approved, and there is no need to issue more approvals for extraction. Also feeding into these concerns, the Ministry did not have reliable data about supply and demand, further compounding perceptions of an oversupply.

Finally, they found that the Ministry was missing opportunities to increase the use of recycled aggregate, which can be an effective way to reduce the need for new or expanded pits and quarries and limit impacts on the environment.

As previously stated and with the information in the Auditor's report how and who ensures the timelines for the moving of the processing plant from Pit 1 to Pit 3 as PCQ has repeatedly stated different numbers of years for this to happen. Where is the guarantee that this will ever happen?

I question the integrity of the Agricultural Impact Study and many of the studies paid for by PCQ and the conclusions that were reached specifically that the lands' capability for agricultural uses had the lowest priority lands for preservation within the prime agricultural area. The provincial soil mapping proves that the majority of the Subject Lands are comprised of Canada Land Inventory (CLI) Class 2 and 3 lands which again are considered to be prime agricultural land.

Also, that the traffic studies did not account for the proposed abutting residential developments that will impact traffic volumes on Highway 3 and Hwy 140 and the fact that accurate and detailed future traffic information was not submitted to the Ministry of Transport (MTO). Another point is the fact that the traffic study refers to over 15 trucks per hour entering and exiting Hwy 3 entrance and the quarry is only accommodating the queuing of up to 11 trucks inside the quarry property. So again, truck traffic will be causing delays and problems along Hwy 3.

It is not in the best interest of the region for the protection of the environment and the surrounding neighbours to alter the branch of the Wignell Drain that currently extends into the wetlands and woodlands in the southern portion. The ARA site plans acknowledge that the drain realignment process will need to be finalized (including any appeals under the Drainage Act), prior to certain phases on the operational plan to be accessible for extraction. Again, why is this application brought before council and seeking approved considering the Wignell Drain realignment has not been finalized?

What happened to the members of the JART Public Liaison Committee and why were they not replaced in a timely manner? Especially, considering the purpose of the committee was to allow members of the public to provide input on the review process and comments on the applications!

Under ROPA 6 policies what is the desirability of the proposed use and benefit to the community, when the community has repeatedly expressed and stated it has no benefit! Also, how is reducing the setback by 60m protecting the established transportation corridor of Hwy3/Main St. and consistent with the PPS 2020 & ROPA 6?

In conclusion, approval of Regional Official Plan Amendment and Approval of Local Official Plan Amendment, Port Colborne Quarries Pit 3 Extension should not be approved, nor the minimum setbacks reduced as too many unanswered questions, and concerns remain. Too many processes and procedures need to be finalized. The Auditor General's exposé of the crisis in aggregate management should empower this council to say no to new pits and quarries in their communities! What is the greater long term public interest of the proposed land use? Past behaviour is a true indicator of future behaviour and PCQ continues to operate with a disregard for the protection of the environment and neighbourhood including working within the current rules, standards and By-laws.

Thank you,

Melissa Bigford