

# UPDATE on the Teedon Pit Fight by JUDITH GRANT, ADDISON BEACH

Add community opposition to a proposed extension of the Teedon Pit to the list of activities affected by COVID-19.

You'll recall that the aggregate pit's owner, CRH Canada Group Inc. (CRH), had filed an appeal with the Local Planning Appeal Tribunal (LPAT) over the Township of Tiny's failure to change its Official Plan and By-laws to permit an extension of the Pit northward into French's Hill. The latest step in this appeal process—a prehearing teleconference scheduled for May 2020 and an in-person meeting of all concerned parties in August — has temporarily ground to a halt due to a pandemic-related Government of Ontario emergency order: According to the LPAT, "The Tribunal will not schedule any hearing events, including in-person, written, or teleconference meetings while this Emergency Order is in effect."

FoTTSA has party status along with the Township and CRH in the appeal (able to hire legal representation, cross examine witnesses, present issues). Other organizations and individuals have participant status (able to submit a written statement for consideration of the tribunal) and observer status (able to attend the hearing, but not take part).

Meantime, early in 2019, individuals and groups submitted comments regarding CRH's pit extension application. CRH first responded to submissions it took most seriously — those from the Ministry of Natural Resources and Forestry, and Tiny Township.

CRH dealt with the ministry's concerns sufficiently well that the ministry formally withdrew its objection to the application. To the township, CRH provided a series of responses and supporting studies/reports, which Tiny had peer-reviewed by the Severn Sound Environmental Association and R.J. Burnside and Associates.

On January 3, 2020, CRH sent a letter to all those who had commented on the extension application. By this time, CRH had addressed township concerns regarding hydrogeology, noise, site operation, and natural heritage, but Tiny still had concerns regarding traffic on Darby Road. The letter set a response deadline of January 30, 2020 for comments on any outstanding matters.

On January 27, 2020, Council directed staff to include these comments in its response to CRH and the ministry:

1. That the Township is fundamentally opposed to the extraction and washing of aggregate in environmentally sensitive areas.
2. That there is presently a groundwater study being undertaken by Dr. Cherry, et al and that the findings of this report be taken into consideration by the Province prior to the issuance of any further licenses.

### More emerging threats to the environment

In 2019, the province gave notice on the Environmental Registry of Ontario of a number of proposed amendments to the Aggregates Resources Act (ARA). The comment period ended in November 2019.

Gravel Watch Ontario, the Canadian Environmental Law Association and the Simcoe County Greenbelt Coalition all submitted well-thought-out responses. FoTTSA shares their concerns about the lack of detail in the amendments, the evident support of the aggregate industry, and disregard for environmental safeguards in the current act. Like them, we

were appalled by the failure to observe due process when legislation (Bill 132) was introduced before the public comment period was over.

FoTTSA's comments included the following:

"Given that Ontario municipalities are responsible for land use planning and for ensuring that residents have clean drinking water, it is appropriate that they manage where and how aggregate extraction occurs in their jurisdiction. It is NOT appropriate to take away this power."

"We disagree with the removal of the power of the Local Planning Appeal Tribunal and the Minister to require agreements between aggregate producers and municipalities regarding aggregate haulage when making a decision about issuing or refusing a license."

"We would like to see a more robust application process for a Permit to Take Water for the washing of gravel, more frequent reviews of existing aggregate operations, enhanced reporting on aggregate rehabilitation, and a review of inactive pit licenses to ensure that they meet current standards prior to the commencement of operation."

- The township also submitted comments regarding
- more robust application processes for extensions of extraction below the water table and permits to take water for gravel washing operations
  - a change in the tax assessment rate for aggregate operations to an industrial rate
  - municipal ability to require haul route agreements
  - more frequent reviews of existing aggregate operations
  - enhanced reporting on aggregate rehabilitation
  - a review of aggregate fees

Its submission included two statements: the Township of Tiny

- does not support aggregate extraction below the water table for any existing or future gravel pit operations... due to the number of residents who obtain their drinking water from private wells and the potential negative impact on sensitive groundwater resources.
- supports a review of inactive aggregate pit licenses to ensure that they meet current standards prior to commencement of operations.

Even more alarming than the province's handling of amendments is a temporary regulation issued on April 3, 2020 "to respond to the COVID-19 outbreak. This regulation exempts all proposals for policies, acts, regulations and instruments from posting requirements under the EBR and removes the requirement to consider Statements of Environmental Values for its duration."

The Environmental Defence and the Canadian Environmental Law Association are preparing responses. Margaret Prophet of the Simcoe County Greenbelt Coalition recommends keeping "a very close eye on your municipality and planning/land use applications right now."

For its part, FoTTSA advises keeping a vigilant eye on provincial moves that jeopardize the environment.

This spring and summer, along with Aware Simcoe and Friends of the Waverley Uplands, FoTTSA plans to wage a sign campaign to raise public awareness about the risk the extension of the Teedon Pit into French's Hill represents to groundwater in the area.



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Photo by Lynne Archibald

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