



*c/o University of Guelph, School of Environmental Design & Rural Development, Guelph, ON N1G 2W1
(519) 824-4120 ext. 52654 | fax (519) 767-1686 | info@ontariofarmlandtrust.ca*

October 28, 2013

Alex Blasko
Special Project Officer
Ministry of the Environment
Environmental Assessment and Approvals Branch
2 St. Clair Avenue West
Toronto, ON M4V 1L5

Dear Alex Blasko,

RE: Terms of Reference for Southwestern Landfill Proposal, Walker Environmental Group

Thank you for the opportunity to provide comments on the Terms of Reference for the Environmental Assessment of the Southwestern Landfill Proposal in Oxford County. The Ontario Farmland Trust (OFT) is a not-for-profit organization with a province-wide mandate to protect and preserve farmland and associated agricultural, natural and cultural features of Ontario's countryside for the benefit of current and future generations.

The Southwestern Landfill Proposal presents a unique scenario, with conversion of an aggregate resource extraction site to a landfill, and raises some important questions and concerns about protection of provincial interests, adequacy of the Aggregate Resources Act requirements for timely and effective rehabilitation of aggregate extraction sites, and appropriate interpretation and implementation of the Provincial Policy Statement (PPS).

Protection of Ontario farmland is a provincial interest, made explicit in the PPS, and must continue to be a priority consideration in all land use decisions. Ontario farmland is a strategic provincial resource and the single most important agricultural resource in Canada, producing a greater variety of crops than anywhere else in the country – over 200 different commodities. This rich farmland and diversity of production provide the foundation for the largest sector of Ontario's economy, with agriculture and agri-food industries contributing over \$34 billion annually. Oxford County is blessed with much of this productive farmland, and with a moderate climate and clean groundwater, Oxford farms produce a wide diversity of crops, dairy and livestock that make a major contribution to Ontario's agriculture and agri-food sector.

Unfortunately, Ontario farmland is a resource in decline – over the past 30 years over 2 million acres of farmland have been lost to non-farm development including aggregate extraction, urban expansion and other non-farm uses. Only 5% of Ontario's total land area is capable of supporting agriculture and the

ongoing loss of our most productive farmland undermines our local and provincial economies by removing a perpetual resource capable of producing food forever and sustaining Ontario's largest industry.

In the interest of protecting prime farmland and local agriculture, it is encouraging to see the Terms of Reference for the Environmental Assessment of the Southwestern Landfill Proposal include a thorough Agricultural Impact Assessment Study with an analysis of the potential displacement of prime agricultural land, as well as the disturbance of existing agricultural activities surrounding the site.

The overall premise of pursuing landfill development in a former quarry site within areas of prime agricultural land needs to be thoroughly assessed and may prove to be inappropriate and contradictory to provincial policy objectives. OFT's primary concern is commitment to rehabilitation of aggregate pits and quarries to agricultural use, particularly in communities where agriculture is the predominant land use. In section 2.5.4.1, the PPS states that *in prime agricultural areas, on prime agricultural land, extraction of mineral aggregate resources is permitted as an interim use provided that rehabilitation of the site will be carried out so that substantially the same areas and same average soil quality for agriculture are restored.*

We understand that the site of the proposed Southwestern Landfill, currently designated for mineral aggregate extraction and known as the Carmeuse property, was previously farmed and that the original intent was to see the site rehabilitated to agriculture post-extraction. This is consistent with the PPS, where aggregate pits and quarries developed within prime agricultural areas are treated as an interim use, and extraction sites are restored and reintegrated into the farm landscape once aggregate material has been removed. As we understand, the rehabilitation plan for the Carmeuse quarry site, however, was changed a number of years ago from rehabilitation to agricultural land to rehabilitation to a treed "recreational quality" green-space. Permitting additional changes to the rehabilitation plan for this site to allow the establishment of a landfill seems contradictory to the PPS requirement to treat aggregate extraction in agricultural areas as an interim use and further undermines the policy's intent to protect and restore Ontario farmland.

Both the Aggregate Resources Act and the Provincial Policy Statement are under review and in the process of being updated and presumably improved following recent public and stakeholder consultations. It is important that the new policy provide clarity and direction for instances where land use issues arise that involve multiple provincial priorities and interests, and where such priorities may come into conflict, as in the relationship between farmland protection, mineral aggregate extraction and location of waste management sites. Particularly we are concerned with mineral aggregate extraction in Ontario's prime agricultural areas as an interim land use and the confidence that can be placed on rehabilitation plans upon approval of aggregate licenses. These are the very questions presented by the Southwestern Landfill Proposal.

The PPS principles should be upheld, and the commitment to agricultural land preservation and rehabilitation enacted on-the-ground. We must ensure that rehabilitation of aggregate extraction sites will be carried out so that substantially the same area and average soil quality for agriculture are restored, as is consistent with the PPS. We need to see more timely, progressive and final rehabilitation of aggregate sites across the province and expedited rehabilitation of aggregate sites in farming areas that return the land to agricultural use. Rehabilitation plans for aggregate extraction sites that are permitted to locate in farming communities must include restoration of the lands to agriculture and compatibility with surrounding agricultural uses. Aggregate proponents should be required to adhere to these farmland rehabilitation plans and not be given an "escape clause" to circumvent their license conditions through alternative approval processes.

Full agricultural impact studies must be required for aggregate sites proposed in agricultural areas, and if subsequent changes are proposed for such sites, then it makes sense that the full analysis should be conducted for any new proposed use including assessment of agricultural soils, types of agricultural

production, fragmentation of the agricultural landscape, local agricultural infrastructure and market impacts (e.g. seed, feed, fertilizer and machinery dealerships, field tile and municipal drains, etc.) and interference with farming activities in the area. Aggregate applications and rehabilitation plans must demonstrate that the extraction will not negatively impact agriculture in an area.

OFT is concerned that if the Southwestern Landfill Proposal is allowed to proceed, it could encourage other aggregate quarries in prime agricultural areas to reject approved rehabilitation plans and propose landfill developments or other industrial uses, rather than seeing them rehabilitated back to agriculture. This would lead to further loss of prime farmland and to further disruption of agricultural communities. If such a use is permitted in Oxford County without adequate assessment, would this open the doors to allow similar developments to take place in other communities across the province? Would other aggregate extraction sites also be permitted to modify rehabilitation plans to disregard farmland restoration and permit other non-farm developments in agricultural areas? How would this impact the protection of farmland and farming communities throughout Ontario?

OFT respectfully requests that the Ministry of the Environment, in collaboration with the Ministry of Natural Resources, the Ministry of Municipal Affairs and Housing, and the Ministry of Agriculture and Food conduct a thorough analysis of how this proposed change in land use is consistent with the principles and requirements of the Provincial Policy Statement and the Aggregate Resources Act. This should also consider recent feedback the province has received from the public and internal discussions about necessary improvements to the PPS and Aggregates Act to address stakeholder concerns and any inadequacies of the existing policy, such as those raised by this proposal.

Thank you again for this opportunity to comment on the Terms of Reference for the Environmental Assessment of the Southwestern Landfill Proposal. It is a unique proposal that requires careful consideration and in-depth analysis in order for the province to understand the full implications of permitting such development to proceed. We trust that the Ministry of the Environment recognizes the importance of protecting our limited agricultural land resources and will give full consideration to the impact of this proposed landfill on the farming community in Oxford County, as well as the broader impact on farmland preservation throughout Ontario.

Sincerely,

A handwritten signature in cursive script, appearing to read "N. Ragetlie".

Norman Ragetlie
Chair, Board of Directors

c.c.

The Honourable Jim Bradley, Minister of the Environment
The Honourable David Oraziotti, Minister of Natural Resources
The Honourable Linda Jeffrey, Minister of Municipal Affairs and Housing
The Honourable Kathleen Wynne, Minister of Agriculture and Food