

Bulletin #26 December 2015



An Inactivity fee keeps the community on its toes

The McCormick Pit proposal remains stalled at the Town of Caledon. The aggregate licence application was terminated by MNR [now MNRF] in 2012, because Blueland Farms had not met objections to its proposal within the mandated 2 year time slot. The company then approached Caledon for OP and zoning changes that it needed for a new licence application to MNRF. While this process got underway in early 2013, the file has now been inactive for more than a year. Unlike MNRF, which imposes a time limit on an aggregate licence application, Caledon has no such limit on applications to amend zoning: an inactive file can remain open indefinitely as long as a yearly "inactivity" fee of approximately \$1500 is paid.

The net result is the planning department issues a reminder, the McCormick file remains open once the yearly fee is paid, and a sign remains posted indefinitely at the Heart Lake property advising of an application for OP amendment and rezoning.

REDC has requested that our Ward 1 Councillors Beffort and Shaughnessy consider the possibility of an amendment to impose a time limit on rezoning applications.

Water, Water everywhere...really?? For who?

Like many communities, Caledon grapples with water issues. Are there sufficient water resources to meet our needs? To implement our plans? Climate change activists warn that water shortages and outages will continue to increase. The search for new municipal wells to serve Caledon Village and Alton jointly has been unrewarding. Let's check out some stats available right here in Caledon.

A permit is required to take 50,000 litres or more of water per day. Peel Region's data shows that Caledon Village has a permit to take 961,290 litres per day from its wells to supply its own 1572 residents (last census: 2011). This hardly compares with the water that aggregate operators extract. Just one of the sand and gravel companies near Caledon Village has a permit to take 3,456,000 litres per day from a well on its own property in order to wash gravel.

Both this pit operator and the municipality draw from the same aquifer as do other pit operators in the area. The municipal use is 28% of that allowed for industrial use by just one pit operator: that pit operator is allowed to draw 3.5 times what the town is allowed to draw for its residents. But Caledon Village and Alton are being warned that they cannot expand because there will not be "enough water" to service additional residents in significant numbers.

There is however "enough water" for washing gravel. The permit of the aggregate operator in the example above expired in 2013 but another permit has been issued to continue drawing water in the same place under a new permit number and that will expire on May 31, 2023.

According to the Environmental Commissioner of Ontario the new permit was issued after a month's notice on the EBR that elicited no objections. Who knew?

Will more permits to take water from the same aquifer by industrial concerns be issued by the Ministry of Environment? Will water taking increase? How will we know? Where will the notices be posted?

How is our water being used - where's the transparency?

REDC has done some investigative research to see how easy it is for any knowledgeable citizen to obtain information about water taking. In our search for information REDC contacted the office of Ontario's Environmental Commissioner [ECO] to follow up on the Caledon Sand and Gravel PTTW [Permit to take water] that had expired in March 2013. REDC was unable to find a new permit. The official at the office of the ECO followed through on our account and couldn't find a new permit either.

Eventually it was tracked down by the MOE. ECO's Director of Operations got back to us as well. His department had tracked a copy to the archives and substantiated that a second permit had been issued. The archives are not available electronically to the public so a citizen would have to have the number of the permit first before a bureaucrat could access it. It was a good thing that REDC had the number of the original permit as a starting point. This was not a confidence building exercise.

Most of us believe that this type of information, about permits and licences, is available on the EBR Registry especially during the period set aside for comment. But it turns out that only a **very small number** of PTTW's, issued by the Ministry of the Environment [MOE], are ever available online.

In the 2014/2015 ECO report [Small Things Matter](#), Part 3 has a large section entitled "Taking Ontario's Water: Issues of Transparency and Cost reports" that contains a statement which would surprise most people: "In fact, notices for more than half of all high-risk permits (56 per cent) are not posted on the Registry, and more than three-quarters of all moderate-risk permits (76 per cent) are not posted" (page 90).

ECO is strongly recommending a complete overhaul of the EBR.

In environmental circles there have been many complaints about recently redesigned website pages at MOE and MNR that make it more difficult for researchers to access online information than before. The new MOE website is hard to use since it involves knowing the exact geographic coordinates of a water taking operation or in the case of MNR, an aggregate operation, before a search can be activated for a permit or licence. Even then it's hard.

It's our belief that citizens need to be empowered with impartial and complete, readily available information in this area if we are to weigh in as informed and responsible active participants in the debates over water rights and climate change. We mustn't be hobbled by policies and practices of government agencies that render us powerless.

A tale of two communities

Citizens in Adjala-Tosorontio Township, a sparsely populated, widely distributed, rural community, have organized to oppose to the proposed Nelson Aggregates below water gravel pit near Everett.

The application has [divided the community and pitted Councillors against each other](#). [In a 5 to 2 split](#), Council voted for the zoning amendments asked for by the proponent.

Two Councillors have championed the concerns of the local group Concerned Citizens of Adj/Tos [C-CAT] which is prepared to take its challenge to the OMB in order to protect their social and natural environment.

Council has taken a minimalist approach to the proposal for a new aggregate pit: respond to the by-law requests alone, plead fiscal prudence, avoid any independent investigation of the effects of the proposal on the community and abnegate responsibility to represent constituents on the basis that this is outside the municipality's jurisdictional bailiwick, and pass the hard choices on to MNRF thereby avoiding a costly challenge to Nelson's proposal at the OMB.

This is a microcosm of the dilemma faced by many small dispersed communities when confronted by the huge resources available to industrial interests.

Nevertheless there are communities that have successfully battled unsuitable aggregate proposals by various means - making the case at the OMB, obtaining the protection of a Ministerial Order, even achieving reclassification of aggregate resource areas as conservation lands protected by covenants that keep them in public hands for future generations.

For several years CRC (Concerned Residents Coalition) in Rockwood, Guelph-Eramosa Township [GET], has campaigned against the Hidden Quarry proposed by James Dick Construction Ltd. While CRC has exceptional organization and leadership, it also has access to a population, resources and expertise well beyond Rockwood, in nearby towns and cities also affected by the proposed quarry in their vicinity. What a phenomenon it is to see 4 municipal bodies - GET, Halton Hills, Milton, and Halton Region coming together - even pooling their resources in support of their citizens' concerns.

C-CAT expects to ultimately take its fight to the OMB. CRC is already there. Both citizens groups are fundraising incessantly. But only one has been joined by a municipal cohort of local councils.

New Environmental Commissioner for Ontario

After a distinguished 15 years of service, Gord Miller left the office of Environmental Commissioner of Ontario in early 2015. Interim ECO Ellen Schwartzel produced the excellent 2014/2015 Report "[Small Things Matter](#)" which includes a critique of the Environmental Bill of Rights and a commentary on Managing Water for the Future.

Dianne Saxe, an internationally renowned environmental lawyer, was appointed the new ECO last month. She is a leading supporter of the [Protection of Public Participation Act](#) (Nov. 3rd) which puts an end to SLAPP suits (strategic lawsuits against public participation) that threatened activist groups with lawsuits when they challenged situations that they believed endangered the environment.



Many Thanks for your support, donations, emails and updates throughout the year.

On behalf of the President and Board of REDC our very best wishes for the festive season ahead.

Christine Shain, REDC Communications and Strategy

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Please be assured your e-mail or postal information will not be shared and will be used solely to update you on REDC activities. Thank you for your support of our common interest in our natural heritage and opposition to the McCormick Pit. If you wish to have your name removed from the update list please send your request to info@peopleforcaledon.com