



**FRIENDS OF RURAL COMMUNITIES & THE ENVIRONMENT  
(FORCE)**

**WRITTEN SUBMISSION TO THE ONTARIO MINISTRY OF THE  
ENVIRONMENT REGARDING THE REPORTS OF THE  
IMPLEMENTATION COMMITTEE AND THE TECHNICAL  
EXPERT COMMITTEE ON SOURCE WATER PROTECTION  
PLANNING AND IMPLEMENTATION**

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AND  
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## INTRODUCTION

Friends of Rural Communities and the Environment (FORCE) thank the Ministry of the Environment for the opportunity to input to the next stage of development of comprehensive source water protection legislation for planning and implementation purposes.

We welcome, as well, the government's corollary initiatives to establish stronger provincial direction in policies and procedures through the Strong Communities Act, its draft Provincial Policy Statement, proposed permanent Greenbelt legislation and its companion Plan, and the Places to Grow Act and its companion Plan. Each of these individually and collectively will work to better protect and conserve our drinking water and related natural hydrologic features. The release of the Implementation Committee and Technical Expert Committee reports regarding source water protection planning and implementation are an important next step in the development of comprehensive source water protection legislation.

## FRIENDS OF RURAL COMMUNITIES AND THE ENVIRONMENT (FORCE)

Friends of Rural Communities and the Environment (FORCE) is a federally registered not for profit corporation. It is a citizen-based advocacy group with hundreds of supporters in Campbellville, Kilbride, rural Milton, Mountsberg, Freelon, and Carlisle. FORCE was formed in June 2004 to protect our natural and built environments in the face of a proposed large-scale, *below the established groundwater table*, aggregate development in the Northeast Flamborough portion of the amalgamated City of Hamilton. We note upfront that our organization is not anti-aggregate nor anti-road. Indeed, our area is home to some of Ontario and Canada's largest aggregate operations. We do, however, have significant issues with the current application in its proposed location for substantive reasons. We also believe that our organization has a responsibility to promote good government in the area and in the provincial arena and ergo, we have a responsibility to input to the broader planning reform processes which bear upon the approvals process for development proposals such as the one before our communities.

Two of the overriding themes behind our comments are "*Ecology or Conservation First*" and *Certainty*. We can look to both the pollution prevention/abatement community and the conservation community for interpretations of the "Ecology or Conservation First" Principle. With the former, the precautionary principle must be applied when risks – to such things as source water – cannot be estimated. With the latter, there should be no new or expanded development uses until a network of protected areas is reserved which adequately represents the natural regions – including hydrologic feature/functions - affected by that future development. Source water protection and the Greenbelt Act and Plan are an effort to achieve this principle. Certainty is the second principle – certainty, in our case, for the Aggregate industry, Certainty for the Municipalities charged with implementing Provincial Policies and Procedures locally, and Certainty for the residents who make the decision to call these Communities home for their families and their businesses and are then impacted by the uncertainty of proposed developments and land use changes. Effective source water protection legislation can bring greater rigour to protection of source water and to the assessment of proposed development and can, in so doing, provide greater certainty for all.

## **FORCE APPLAUDS THE SOURCE WATER PROTECTION INITIATIVE**

FORCE supports a strong source water protection planning and implementation initiative. As has been noted throughout the development of this initiative, protection of our drinking water sources is the first step in a multi-barrier approach to ensuring safe drinking water and to providing improved safeguards for human health. Protecting the quality and quantity of drinking water sources will also help maintain and enhance the ecological, recreational and commercial value of our water resources.

In general, FORCE supports the recommendations of both the Implementation Committee and the Technical Experts Committee. Specific comments and points of emphasis are noted below in later sections.

FORCE calls on the Provincial Government to introduce comprehensive source water protection legislation during spring 2005 and to work with the Opposition House Leaders to ensure its timely passage. Sufficient public consultation has been undertaken through the original Walkerton Inquiry, the draft Source Water Protection Legislation (summer 2004), the Implementation Committee and Technical Expert Committee reports and their related consultation, to allow for timely consideration of the legislation in the Legislature.

FORCE also calls on the Provincial Government to make the long term and sustainable financial commitment necessary to support the capacity requirements of the agencies who will be involved in developing and implementing source water protection plans and to support the source water protection planning process. Source water protection is not something about which we should be “penny wise and pound foolish”.

## **FORCE LOCAL ISSUE IS A MICROCOSM OF LARGER PROVINCIAL INTERESTS**

The approval process for the proposed aggregate development by Lowndes Holdings and its concomitant issues and implications are a microcosm of the larger provincial interests which need to be reconciled in the Greater Golden Horseshoe. The initiative is also the first Greenfield aggregate proposal within the Greenbelt, with a significant proposed footprint - hydrologically and ecologically - as the 8<sup>th</sup> largest aggregate operation in the country in terms of proposed annual production, and should be subject to the new planning regime, including source water protection, being established by this government. Specifically:

- The affected communities fall within the Golden Horseshoe Greenbelt Plan – as part of the proposed “Natural Heritage System” in the “protected countryside” – and within the draft Growth Management Plan for the Greater Golden Horseshoe
- Groundwater quantity and quality are already significant issues in our communities – including having been identified in the Carlisle Groundwater Protection Study, pending sign-off by the Ministry of the Environment
- Our aquifers exist in a fractured & solid shale environment as opposed to a moraine environment, making time of travel and transmissivity important issues
- A number of significant natural hydrological features face development pressures on the site and on contiguous properties, including Provincially significant wetlands and Bronte Creek and its tributaries

- Three residential subdivisions abut the proposed development, there are numerous homes on the adjacent concessions and roads and the rural settlement areas of Carlisle, Kilbride and Campbellville are within 3 kilometres
- Schools and community centres operate as close as one concession away
- An active and viable agricultural economy exists on the concession and for many kilometres around
- Upper and lower tier Official Plans designate and Zoning By-laws zone the land for agriculture and conservation management and note the incompatibility of the area with future aggregate development
- Appendices to the Official Plans identified sand and gravel mineral potential as opposed to hard rock quarry
- An active file proposal is for a below the established groundwater table aggregate development – OPA and zoning by law amendment requests were submitted to the City of Hamilton in late September 2004
- There are conflicting provincial and local interests and incompatible land use issues.

As noted above, FORCE feels a responsibility to input to broader provincial policy development not only to address our local issue but in order to establish a better approach for development approvals processes in the future. Our specific comments with respect to the committee reports are found below.

## **CONSISTENCY WITH OTHER PROVINCIAL INITIATIVES UNDERWAY**

Given the sequencing of government initiatives, which sees comprehensive source water protection legislation trail the Greenbelt legislation, Places to Grow legislation, and Provincial Policy Statement, it is very important that key terms and language relating to source water protection be consistent between the initiatives – even if some of the terms wait to find their definition in the pending source water protection legislation. Further, the primacy of source water and source water protection should be clearly delineated in the source water protection legislation and related provincial instruments, such as the Provincial Policy Statement.

## **MORE HUMAN HEALTH/ENVIRONMENTALLY PROTECTIVE PLAN TO PREVAIL**

Further to the point noted above, there is a clear primacy clause for environmental protection and public health when land use conflicts occur in the Places to Grow legislation (section 14(4)). Reflecting an orientation to protection of human health and the precautionary principle, the source water protection legislation should be structured accordingly such that there is a clear legal basis for decision-making in the event of conflict. Further, all provincial and municipal decisions affecting drinking water should be consistent with the source water protection plan.

## **IMPLEMENTATION COMMITTEE REPORT RECOMMENDATIONS**

With respect to the Implementation Committee, FORCE welcomes its recommendations regarding roles and responsibilities, implementation framework and tools, and funding.

In particular, FORCE notes:

- The status (and primacy) of source water protection plans is critical, as noted above
- Municipal land use planning decisions should be required to be consistent with source water protection plans once a source protection plan is approved by the province and should take the draft source water protection plan's directions into account in the interim
- A process should exist for ensuring consistency between source protection plans and all provincially approved activities that affect drinking water sources in a watershed, regardless of the date of the original approval of the activity
- Land securement measures should be developed to help meet source protection goals across watersheds, including for protective buffers around reservoirs, priority stream segments, wetlands, groundwater recharge areas, wellhead protection areas, and other vulnerable zones; and,
- Sector specific best management plans should be developed.

## **TECHNICAL EXPERTS COMMITTEE REPORT RECOMMENDATIONS**

With respect to the Technical Experts Committee, FORCE welcomes:

- the guiding principles outlined,
- the threats assessment framework (including the explicit delineation of threats of provincial concern, such as aggregate activities that penetrate the water table and/or aquifer thereby increasing vulnerability in a direct pathway to current and future drinking water)
- risk identification through watershed description, 25 and 50 year planning horizon water budgets, and protection area delineations (including wellhead protection zones, recharge areas, other vulnerable areas and Time of Travel approaches)
- risk assessment based on semi-quantitative analysis of threat characteristics, vulnerability and population served (including the specific delineation that a significant risk is one that has a high likelihood of rendering a current or future drinking water source impaired, unusable or unsustainable or compromises the effectiveness of a drinking water treatment process, resulting in adverse human health effects)
- risk management approaches, including the recommendation that new development that poses a serious threat to drinking water sources be directed to less vulnerable areas recognizing that it should be easier to address future land use planning issues than to impose significant risk management measures on existing operations
- support for ecological protection to ensure that wetlands and riparian zones are evaluated on a watershed basis and that source protection plans include these areas for protection along with encouragement for provincial ministries, municipalities and conservation authorities to take action to ensure ecological sustainability with respect to source water, even where the water is not used as a source for drinking water; and,

- priority drinking water protection actions by 2008 (including the planning and implementation of programs in jurisdictions that have initiated plans for wellhead protection area through provincial groundwater studies money).

## **CONCLUSION**

FORCE believes that the Province should move expeditiously to accept the recommendations of the Implementation Committee and the Technical Experts Committee and proceed with comprehensive source water protection legislation and companion funding. To do so would see the government meet early tests of its commitment to source water protection and to upholding the principles of ecology/conservation first and certainty.

FORCE also believes that the consistency and primacy issues noted are necessary to ensure, rather than undermine, the government's important directions in terms of source water protection, permanent Greenbelt protection, viable agriculture and rural strategy, and planning reform.

## **THANK YOU**

FORCE again respectfully appreciates the opportunity to input to the Ministry of the Environment on the proposed source water protection initiative. We look forward to the government's timely introduction and passage of comprehensive source water protection legislation in spring 2005 and its ongoing sustainable financial commitment both to support source water protection plans as well as the capacity of the agencies who will be responsible for their development and implementation.