



TRANSITION TO LESS WASTE

Transition to Less Waste (TTLW) Comments Re: ERO 019-8065 – Lafarge Canada Inc.
(Proposed Major Site Plan Amendment)

Comments Submitted by:

Michael G. Farlow, President, Transition to Less Waste (TTLW)

January 21, 2024

Hon. Graydon Smith
Minister of Natural Resources and Forestry
Whitney Block, 99 Wellesley St. W.
Toronto, ON
M7A 1W3

delivered via email: minister.mnrf@ontario.ca, araapprovals@ontario.ca

January 21, 2024

Re: TTLW Comments on ERO 019-8065 – Request the MNRF Refuse Nighttime Aggregate Processing Proposal

Dear Minister Smith,

About TTLW

Transition to Less Waste (TTLW) is an Oxford County based nonprofit that seeks to protect and improve the environment within Oxford County and Ontario. Our organization promotes key concepts from the international Transition movement including waste reduction, prudent use of finite resources, and protection and improvement of land, air and water. We believe that protection of Ontario's environment is in the public interest.

Comments on ERO 019-8065 and Related Matters

TTLW believes that the proposal put forward in ERO 019-8065 may threaten the environment and wellbeing of our community members. The proposed major site plan amendment would alter the area soundscape by increasing the industrial noises quarry neighbours would be exposed to. The proposal would allow loud quarrying activities to occur in the Centre Block of ARA 2180, not just during the day, but also in the evenings, overnight, on weekends, and on statutory holidays in the province.

We recommend the MNRF refuse Lafarge Canada Inc.'s request for a major site plan amendment, as proposed in ERO 019-8065, in relation to their Aggregate Resources Act licensed property in the Township of Zorra, Oxford County (ARA 2180). Our members and neighbours on farms in rural areas of the County deserve the same respect those who do not live adjacent to industry enjoy, including the safeguarding of their auditory environment during sleep and relaxational hours.

The Lafarge Woodstock Quarry has been built up over time amongst operational family farms in Oxford County. Lafarge's quarry and processing operations are in the midst of Class II and Class III properties that contain "sensitive noise receptors", in this case, the "receptors" are our

friends and neighbours living in Zorra Township. Ontario's **Guideline NPC-300**¹ requires noise producing industry to operate with regard to their non-industrial neighbours and indicates that Class II receptors should not face industrial noise pollution during the evening and nighttime hours and that Class III receptors should have a quiet natural environment with little to no traffic.

From the guide:

"Class 2 area"

means an area with an acoustical environment that has qualities representative of both Class 1 and Class 3 areas:

- *sound levels characteristic of Class 1 during daytime (07:00 to 19:00 or to 23:00 hours); and*
- *low evening and night background sound level defined by natural environment and infrequent human activity starting as early as 19:00 hours (19:00 or 23:00 to 07:00 hours).*

"Class 3 area"

means a rural area with an acoustical environment that is dominated by natural sounds having little or no road traffic, such as:

- *a small community;*
- *agricultural area;*
- *a rural recreational area such as a cottage or a resort area; or*
- *a wilderness area.*



Photo, Township of Zorra Aggregate Haul Route

¹ Ontario Ministry of Environment, Conservation and Parks. **NPC-300, Environmental Noise Guideline**
TTLW Comments on ERO 019-8065 – Lafarge Woodstock Quarry Major Site Plan
Amendment

Issues with Environmental Registry of Ontario (ERO) posting

The proposal is listed on the ERO as being posted on December 21, 2023 for 31 days, ending January 21, 2024. Three statutory Ontario public holidays occurred over the course of the ERO posting: Monday December 25, Christmas Day; Tuesday December 26, Boxing Day; and Monday January 1, 2024, New Year's Day.

Between December 21st and January 12th, the ERO listing was re-titled and the 1-2 sentence long description of the proposal was altered on 3 different dates, with no information on what dates the changes were made, or why. Our organization believes this overly-brief description is completely inadequate for a major site plan amendment proposing significant changes to the site plan of one of the largest aggregate properties in Ontario.

The MNRF *Contact* and *Connect with us* contact section was left blank for the majority of the comment period.

No materials were available or linked to on the Environmental Registry of Ontario website that would have provided a complete description of the proposal and the environment the changes would be occurring within. No site plan, noise assessment, traffic study, air pollution modelling or project proposal was linked. The MNRF contact eventually listed on the EBR posting did not provide a copy of the complete 5-page site plan via email until January 17th, leaving scant time for review. In 2024, it is reasonable to believe the MNRF could host these materials online for public review, so that the public consultation period could be more productive and inclusive.

A request was sent to the lead MNRF staff on the file to restart the clock on the ERO public comment period due to the lack of availability of documents related to this major site plan amendment, and difficulties in receiving the files after repeated requests: The MNRF refused to extend the comment period.

Our organization does not believe the ERO posting thresholds were met for this proposal, which did not provide a coherent and comprehensive description of the proposed activities, or access to documents that would have allowed the public to fully review the involved site plan, noise assessments, proposal, and related documents. The fact that the ERO posting was modified at least 3 times, and that it was posted over the Christmas/Boxing Day/New Year's stat holidays, all contribute to a general chilling of the involvement of the public in decision making which may impact the environment and community wellbeing.

Noise, vibrations and dust/particulate

The Province of Ontario provides the following information on sound as noise pollution:

Noise pollution²

Sound is a natural part of our surroundings, but when sounds become unwanted and loud, they can turn into noise pollution.

Noise pollution is any form of sound that disrupts a natural ecosystem or causes a person's property to become unusable or unpleasant.

Noise pollution may have negative impacts on human health, including:

- *loss of sleep*
- *increased stress levels*
- *hearing loss, in severe cases*

The Lafarge Woodstock Quarry operates with an Environmental Compliance Approval – Air, that regulates sources of emissions and contaminants on off the site. The proposed site plan Operational Notes changes add in additional potential sources of air pollutants, which may impact people who live around the operation. Any changes to sources of noise, vibrations, dust, or other environmental contaminants should be addressed through the MECP's Environmental Compliance Approval process for an amended ECA – Air, and should not be allowed through solely the modification of site plan Operational Notes.

Approving the evening, nighttime and weekend operation of mobile aggregate processing plants in the Lafarge Quarry would allow the corporation to disturb the quality of life for quarry neighbours, who live in dwellings as close as 50 metres from the quarry. The proposed activity schedule would subject them to industrial rock processing noise during any hours of the day and night, for an unknown duration (that would presumably be measured in years).

There is no timeline given in the proposal for the various activities, including the proposed construction activities and the operation of quarry stone processing equipment. For example, there is no description of how many months or years any phases of the proposed undertaking will take to complete.

The proposed major site plan amendments include activities that would increase truck movement on site, and truck traffic at the entrance and exit to the property, and on the aggregate haul routes that are also used for local traffic. There was no traffic study available for public review that would address these changes.

² Province of Ontario. **Noise in our environment**. Accessed January 2024.



Photo Line 35, a Paved Road, in The Township of Zorra

In recent years, more scientific information has become available regarding the impacts of sound on the health of humans and animals. In **Cardiovascular Effects of Environmental Noise Exposure**³, the authors have this to say on advancements in knowledge in this area:

The role of noise as an environmental pollutant and its impact on health are being increasingly recognized. Beyond its effects on the auditory system, noise causes annoyance and disturbs sleep, and it impairs cognitive performance. Furthermore, evidence from epidemiologic studies demonstrates that environmental noise is associated with an increased incidence of arterial hypertension, myocardial infarction, and stroke. Both observational and experimental studies indicate that in particular night-time noise can cause disruptions of sleep structure, vegetative arousals (e.g. increases of blood pressure and heart rate) and increases in stress hormone levels and oxidative stress, which in turn may result in endothelial dysfunction and arterial hypertension.

[...]

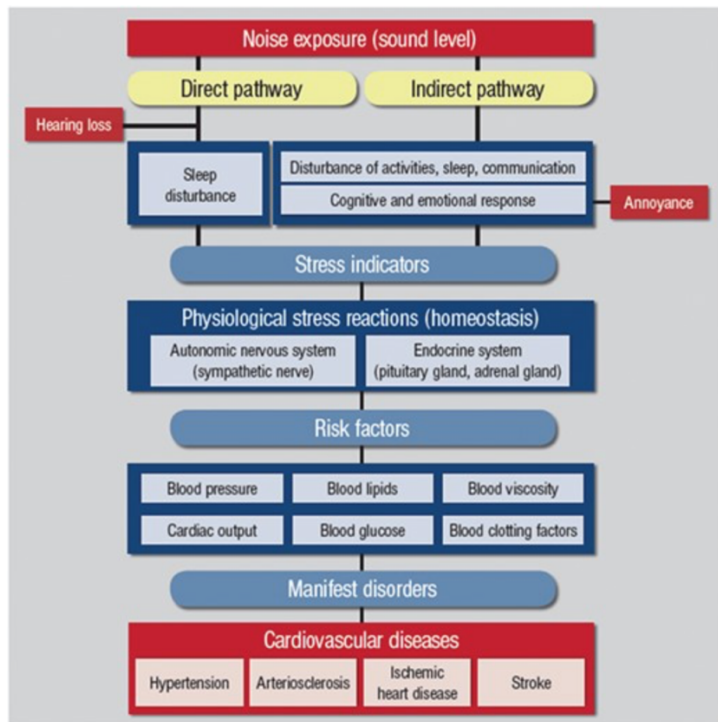
Sleep is a complex and very active process, incorporating many vital physiological processes (e.g. protein biosynthesis, excretion of specific hormones, memory consolidation) that, in a broad sense, serve recuperation and preparation for the next wake period. Acute and chronic sleep restriction or fragmentation has been shown to be associated with inadequate pancreatic insulin secretion,¹³ decreased insulin sensitivity,¹⁴ changes in appetite regulating hormones,¹⁵ and increased sympathetic tone and venous endothelial dysfunction.¹⁶ At the same time, epidemiologic studies have shown that habitual short sleep (<6 h per night) is associated with obesity,^{17,18} diabetes,^{18,19} hypertension,²⁰ cardiovascular disease,²¹ and all-cause

³ Munzel et al., Oxford Academic. **Cardiovascular Effects of Environmental Noise Exposure**. 2014.
TTLW Comments on ERO 019-8065 – Lafarge Woodstock Quarry Major Site Plan
Amendment

mortality,^{22,23} stressing the importance of undisturbed sleep of sufficient length for health in general and cardiovascular health specifically. For these reasons, sleep disturbance is usually considered the most severe non-auditory effect of environmental noise exposure.^{24,25}

[...]

Repeated noise-induced arousals reduce sleep quality through changes in sleep structure that includes delayed sleep onset and early awakenings, fewer deep and rapid eye movement sleep, and more time spent awake and in superficial sleep stages.



Noise effects reaction scheme. Adapted from Babisch

Embedding noise and dust producing alterations into the site plan of an aggregate quarry would increase the complexity of the site plan as well as the number of activities within the plan that are beyond the MNRF’s control to monitor or enforce compliance for. TTLW believes the MNRF should not be making additions to site plans that they have little to no ability to enforce compliance of, such as noise, vibrations, and the dust and particulate produced during the processing of stone at mobile processing plants, without the express and continual involvement of the MECF. Many aspects of this proposal are for activities that the MNRF does not have the authority to enforce compliance for.

In their 2023 report⁴ on the **Management of Aggregate Resources**, Ontario’s Office of the Auditor General concluded that: *the Ministry [MNRF] did not have effective systems and processes in place to ensure compliance with the Aggregate Resources Act and aggregate-*

⁴ Office of the Auditor General of Ontario. **Value-for-Money Audit: Management of Aggregate Resources**, December 2023.

related regulations, policies and approvals, nor to oversee aggregate development and operations in a manner that minimizes adverse impacts on the environment.

The Report noted a number of issues relevant to our review of ERO posting 019-8065, including the acknowledgment of potential negative impacts from pits and quarries in Ontario, and failings of the MNRF to identify non-compliance issues and enforce compliance.

Section 1.0, *Summary*, states:

The extraction of aggregates can fundamentally transform landscapes, temporarily or permanently altering features such as woodlands, wetlands and farmland. The ongoing operation of a pit or quarry, as well as the accompanying heavy-duty truck traffic, can also have a number of negative impacts—particularly when close to communities—including noise, vibration (from blasting) and air pollution (such as dust and particulate matter).

Section 4.1.1, *Ministry Inspections*, reads in part:

Ministry Lacked Experienced Inspectors

[W]e found that there was a significant shortage of experienced individuals performing this function.

[...]

In section 4.1.2, *Ministry Inspected Aggregate Operations Infrequently*, the Auditor General notes that the “primary reason” for a lack of site inspections between 2018 and 2022 was “a shortage of Ministry inspectors.”

[...]

In the absence of regular inspections, the Ministry cannot verify that pit and quarry operators are meeting all of their operating conditions, rehabilitating their sites as required, and properly self-reporting any non-compliance issues. Indeed, we found the lack of inspections was frequently raised as a concern. Community groups and neighbours of aggregate operations complained to us of dust, noise and vibration impacts going unchecked by the Ministry.

The World Health Organization’s **Night Noise Guidelines**⁵ recommend a nighttime average noise level 40dB to help prevent health impacts.

TTLW wishes to bring the MNRF’s attention to the OMB’s 2015 decision notes for case PL130785 regarding a quarry proposed for Braeside, Ontario, in which they draw attention to the need for distance between quarrying activities and sensitive land uses:

Ontario Municipal Board – Issue Date: October 27, 2015

CASE NO(S).:

PL130785

DECISION BY M. C. DENHEZ AND PARTIAL ORDER OF THE BOARD

⁵ WHO. **Night Noise Guidelines**. 2009.

[113] First, as a general principle, s. 4.3 recommended a separation distance of 300 m:

No incompatible development... should occur in the areas identified below...:
... Class III - 300 metres minimum separation distance.

[114] The Guideline's s. 4.4.2 added that, as a general rule, this distance was measured from the industrial property line to the next sensitive land use:

Measurement shall normally be from the closest existing, committed or proposed property/lot line of the industrial land use to the property/lot line of the closest existing, committed or proposed sensitive land use. This approach provides for the full use and enjoyment of both the sensitive land use and the industrial properties.

[249] Concerning the ARA Licence, the Board has found that the licence should issue, but the extraction zone should be subject to the 300 m setback from the property line now recommended by the Township.

Lafarge's construction and quarrying activities including the operation of mobile processing plants should be relegated to daytime hours, as referenced in local bylaws.

Schedule "A" of the Township of Zorra's noise bylaw, By-Law No. 69-12 stipulates restrictions in the noise producing activities of aggregate quarries and pits according to day of the week and time of day. It also references statutory holidays.

SCHEDULE "A"
TO BY-LAW NO. 69-12, as amended

NOISE CREATED FROM THE FOLLOWING ACTIVITIES IS PROHIBITED	PROHIBITED TIME OF DAY	PROHIBITED AREA
11. The operation of gravel or sand pit, stone quarry or stone crushing operation.	7:00 p.m. to 7:00 a.m. Monday to Friday 7:00 p.m. Friday to 8:00 am on Saturday 1:00 pm on Saturday until 7:00 a.m. on Monday Any holiday	Industrial

In conclusion, Transition to Less Waste believes that the Ministry of Natural Resources and Forestry should refuse approval to Lafarge Canada Inc. for their major site plan amendment, as proposed in ERO-8065 and related documents. The alterations would result in potential long term adverse effects including loss of the enjoyment of reasonable use of property, and the

health and social impacts of incessant noise during evening, nighttime and weekend hours. In short, the wellbeing of the residents in rural Oxford County matters to Transition to Less Waste, and we call on the MNRF to join us in proving to them that they are not being used as a buffer between Oxford's urban areas and the local quarry industry.

Sincerely,

Michael G. Farlow
President, Transition to Less Waste



Photo Line 35, a Paved Road in The Township of Zorra

Comments contained in this document are in regards to the Ministry of Natural Resources and Forestry (MNRF) posted proposal "Lafarge Canada Inc.", posted to the Environmental Registry of Ontario (ERO) website on December 21, 2023, numbered 019-8065, and related matters. The Province of Ontario's Ministry of Natural Resources and Forestry has solicited public comments via the Environmental Registry, and we are responding according to our rights; afforded by Ontario's Environmental Bill of Rights. The comments are being submitted by the nonprofit organization Transition to Less Waste (TTLW), and are the opinions of said organization; they are submitted in the public interest, and in good faith, as comments on an ERO proposal which Transition to Less Waste believes may impact the environment and public health and wellbeing.