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For Immediate Release

Loophole big enough to truck 160,000 tonnes of sand through

Toronto, 22 September 2010 – The Ontario government is ignoring the law, and allowing a sand pit to operate without a licence says Environmental Commissioner of Ontario Gord Miller in his 2009/2010 annual report released today.

“The Ministry of Natural Resources is making some questionable policy decisions that allow aggregate extractions to occur without the necessary legislative protections provided by the *Aggregate Resources Act*,” says Mr. Miller. “Pits and quarries result in the digging up and removal of potentially large quantities of sand or gravel, and require government oversight to ensure that their environmental impacts are minimized.”

In 1996, owners of a large farm near Ottawa asked the Ministry of Natural Resources for permission to remove some “sand hills” without a licence, in order to improve the agricultural value of their property. MNR officials allowed them to proceed under a policy that overrides the definition of a “pit” in *the Aggregate Resources Act*. As the Environmental Commissioner says, “a policy document simply has no authority to override legislation.”

MNR officials estimate that they have allowed 160,000 tonnes of sand to be trucked away from this pit over the past 13 years, without ever requiring the operators to obtain a licence. They say they have allowed this to occur because the sand was being removed to improve the agricultural value of the land. But an inspection by the Ministry of Agriculture, Food and Rural Affairs has found there’s been little or no improvement in the agriculture value of the land.

Last year, two members of the public contacted the Environmental Commissioner and raised concerns about the pit near Ottawa. They allege the sand pit has increased silting in the local creek, and actually damaged the farmland in question to the point where it can no longer be used for agriculture.

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“This case highlights a government policy that is wide open to gross abuse,” says Mr. Miller. “Under this policy, seemingly anyone can excavate huge volumes of sand or gravel without a license if they simply claim that the work is being done for another purpose, such as improving the agricultural quality of the land.”

- [Click here to read the chapter “When is a ‘Pit’ not a ‘Pit’” on the website of the Environmental Commissioner of Ontario](#)
- [Click here to download the full report in .pdf.](#)

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The Environmental Commissioner of Ontario is appointed by the Legislative Assembly to be the province's independent environmental watchdog, reporting publicly on the government's environmental decision-making.

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