PRESIDENT’S LETTER

Dear PALS Supporter,

You will see in our yearly report from PALS researcher Dr. John Bacher, that urban pressures are mounting to develop fruit lands, despite the intent of the Greenbelt Act to ensure “permanence”. This speaks so strongly to the absolute necessity of an easement/restrictive covenant program, and yet there is still no word from the Minister of Agriculture Food and Rural Affairs, Leona Dombrowsky, regarding Dr. Wayne Caldwell’s Fall 08 report to her on the viability of using easements to protect Niagara fruit lands in “perpetuity”.

The most recent and clear indicator of the building momentum against the protective Greenbelt Act and Places to Grow Act, was the February 19th Niagara Region Council vote to approve its planning document, ‘Niagara 2031, A Strategy for a Healthy, Sustainable Future’. Council voted almost unanimously to move new growth to the south of Niagara, away from the fruit lands. However in passing a last minute recommendation of staff, that each future urban expansion proposal should be reviewed independently, regardless of whether the land is in the Greenbelt or outside areas slated for growth in the Places to Grow Act, Council clearly gave notice that it supported growth in the fruit lands and other inappropriate areas and ignored the government’s intent that there be no reviews for fruit lands.

We know from meetings with government civil servants in the Infrastructure Renewal Ministry, that they have rebuffed previous municipal suggestions of growth on fruit land and outside of planned growth areas in recent months and will turn down any required amendment to the Regional Official Plan that supports such an intent. Nevertheless, it is very worrisome that our planners and politicians are pressuring the government to loosen the Greenbelt Act in this way and that they conveniently disregard the Greenbelt’s intent of permanence for Niagara’s fruit lands.

We have expressed our growing unease to Ministry officials and St. Catharines MPP, Minister Jim Bradley, in the hope that they will help convince the government to stave off mounting urban pressures on the best lands in Canada through prompt government action to initiate a program that uses the purchase of restrictive covenants to bolster the intent of the Greenbelt Act and seal Niagara’s urban boundaries next to tender fruit land permanently. We know that even in these extremely difficult financial times, the monies spent here would serve present and future generations of farmers and the public very well.

We’ll as usual keep you posted,

Val O’Donnell

PALS Blossom Walkabout

Saturday, May 16th • 10:00 a.m. - 2:00 p.m.

Liisa and Leo Harju are most kindly inviting us all to the PALS Blossom Walkabout at their home at 1746 Cream Street, Fenwick. We always have a wonderful lunch, to which we all contribute, so if you wish to walk with us and raise much needed funds for PALS work, please phone Liisa at 905 892 7871 and tell her what you are bringing to share, and get directions.

We would also appreciate it if those who cannot attend consider sponsoring our lead walkers, Gracia and Bob Janes, Andrea Gravelle, Leo Harju (if his new hip allows), John and Mary Lou Bacher and others as yet to announce their intentions. We walk through the fruit lands in Fenwick for about 10 kilometers, starting at 10 a.m. and then dig into the lunch and lots of stimulating conversation about fruit land preservation. See you there!
Niagara Region is threatened by a number of urban expansions (on fruit lands, prime class 1 farmlands, and natural areas) To oppose these check your newspapers over the next month and come to the Public meeting that Niagara Region must hold soon when they amend their Official Plan to bring it into conformity with the Province’s Growth Plan. The message that needs to be sent to our regional Councillors, is: No! To all these expansions which cannot be justified on the basis of need. Studies by the Region have shown that we have a 43 year residential land supply. How can we ever have a sustainable Niagara, with efficient transit, if any of these absurd expansions are approved?

Here are where the expansions are now proposed:

**Grimsby**
The Municipality is planning, with the support of the Region, to have the Province change the Greenbelt Plan to allow it to pave over the last remaining agriculturally zoned fruit lands here north of the Escarpment. This area should be a priority for conservation easements from the provincial government, if this needed measure is adopted.

**Niagara Falls**
There are two urban boundary proposals here, both of which would add to severe sewage overflows from the City into area streams such as Shriner’s Creek, much of which is a protected conservation area as a source for the Class One wetland of the Welland Canal Turning Basin. Proposals in Niagara Falls total around 450 acres. One is from the North West Land Owners Group and the other from sponsors of a Golf/Villa complex. Although not designated Good Grape Land in the Regional Plan, these lands actually are since they immediately south of lands that are recognized as such on Mountain Road.

**Smithville**
Urban expansion here would be on environmentally sensitive lands and would further degrade the very stressed Twenty Mile Creek, much of which already dries up in the summer months.

**Welland**
Welland already has a huge area to develop and will only support urban expansion here if the proposals in Grimsby, Niagara Falls and Smithville are approved. This expansion would mean the entire area between Welland and Fonthill would be one urbanized area.

**WASTE ISSUES**

**A Story of the OWMC: The “Wasted Years”**
by Marilyn J. Gracey - Volume Three, Epic Press
Reviewed by John Bacher
A careful reading of Marilyn L. Gracey’s, “The Wasted Years”, gives a hopeful but at the same time disturbing account of how close the most precious farm lands in all of Canada, the Niagara Fruit Belt, came to being wiped out by an ill considered scheme to build an incinerator and dump for all of Ontario’s hazardous waste in West Lincoln. This near miss is described in the starting appendix to Gracey’s final volume where John Jackson provides a special report on the disastrous operations of Alberta’s Swan Hills toxic waste incinerator.

Jackson provides gripping details of “the Swan Hills” fiasco, a plant which was kept alive only through the importation of hazardous waste first from all of Canada, and then, the United States. (all in violation of the original pledges of the Alberta government.) Government losses at this facility were so high that the province paid a private company $147.5 million dollars to take it off its hands in 1996. Due to subsequent losses the private company dumped it back in the Province’s lap four years later.

The waste of around a half billion dollars in public revenues however, is minor compared to the ecological damage this monster has spewed out. In addition to what Jackson describes as “the spraying of PCBs, dioxins and furans into the air”, as a result of malfunctions such as fires, a furnace leak and an explosion, there are even more serious cumulative impacts from the normal running of the operation. For instance, Jackson points out that between “2000 and 2006, the operators of the facility have reported releasing fifty kilograms of mercury into the air.”

The Swan Hills toxic waste incinerator is located away from agricultural areas, so it has not had an impact on working farms comparable to what farms in Niagara would have suffered had the Ontario Waste Management proposal gone ahead in the early 1990s. It has had however, a devastating impact on wildlife found within a radius of the plant in a zone roughly comparable in size to the agricultural area of the Niagara Region.

Jackson notes that as a result of contamination levels in wildlife, since 1997, the Alberta Health Ministry has issued orders warning residents of the impacted areas to limit their consumption of fish and game caught within a thirty kilometres radius of the Swan Hills incinerator. While most adults could consume small amounts of such food, young children, pregnant women and breast feeding mothers are told to eat no fish or animals at all within this danger zone.

If a thirty-kilometre danger zone similar to Swan Hills had been applied to the proposed OWMC plant, Jackson notes that “it would have covered almost all of the Niagara Peninsula.” This would have meant that “most fields, orchards, and gardens in the Niagara Peninsula would have been put at serious risk.”

Gracey explains that the warnings about the impact of air pollution from the OWMC toxic waste incinerator were put before the joint Environmental Assessment and Ontario Municipal Board Tribunal, not only by the Ontario Toxic Waste Research Coalition (OTWRC) of which PALS was a member, but also the respected global environmental group, Greenpeace. Its representative at the hearing, Jay Palter, pointed to findings by the United...
States’ Environmental Protection agency that such facilities “emit hundreds of times more dioxins and other toxic pollutants than is allowed by their own (U.S.A.) regulations.”

Despite Greenpeace’s support however, and OTWRC’s own heroic efforts, the potential for air pollution of the type that devastated the Swan Hills region could not kill the OWMC’s proposed incinerator. In the end the Tribunal approved all but one aspect of the proposal i.e. “need, the site, a central facility and the technology.”

What did achieve victory at the protracted hearing was a below ground issue of water pollution. This involves the leaking of contaminated salts called chlorides into the ground water. The leakage of chlorides from the landfill of OWMC’s incinerated ash would have eventually contaminated the aquifer underneath 3,000 acres of land beyond the disposal site. In this regard, Gracey reveals that PALS played a critical role in exposing the proper way in which to handle chloride waste, in retrievable ceramic containers stored in salt mines. This intervention before the joint Tribunal was especially important since it had been earlier eliminated “by common consent of all the parties before the hearings ever began.” Gracey notes that PALS brief pointed out that the cost restraints with above ground storage were “not as serious in the situation of the salt mines.” While others dismissed PALS concerns as a “dead end”, Gracey believes that our joint board submission caused her to “grasp a new way of looking at the salt mine issue.”

In the end, on the day of the great victory on November 23, 1994, the Ontario Toxic Waste Research Coalition won because of the salt mine issue, put forward stubbornly by PALS, as the Tribunal ruled that the OWMC had not: “properly assessed the reasonable alternatives”, to its landfilling of chlorides below ground. This was because, “They hadn’t looked at using salt mines to store the chlorides.”

Gracey’s Coalition victory was tempered with the later gutting of environmental laws by the Mike Harris government. This situation has changed however, in part because old-style dumps and incineration have huge environmental costs; incineration is extremely expensive; newer incineration technologies have yet to be proven effective for municipal waste and also have huge costs; and both gasification and incineration draw waste away from recycling efforts. The happy atmosphere at the book launch last November was increased by Jackson’s mon consent of all the parties before the hearings ever began.

What is especially outrageous about Dump Site 41 is that to construct the waste pit, the world’s cleanest water would have to be pumped out first. Without this pumping, the water would flood the pit and become a lake. For this reason, the dump site is the target of a private member’s bill by Simcoe North MPP, Garfield Dunlop, which will kill the dump site but compensate Simcoe County for the money it has spent on engineering studies to justify the proposal.

Please go quickly to the on line Facebook Campaign to Stop Dump Site 41. It is http://www.thepetitionsite.com/1stop-dump-site-41. The petition is sponsored by Danny Beaton, Turtle Clan, Mohawk Nation, the Council of Canadians, Citizens for Safe Water, the Green Party of Canada, and the Sierra Club of Canada.

The petition points out that:

1. Scientists have referred to the pristine artesian aquifer in the area as one of the cleanest sources of freshwater in the world, comparable to ancient arctic ice. The water is so clear that it can be used as a benchmark for gauging the purity of other water around the world.

2. There is widespread resistance to the proposed dump site within the communities around the aquifer. The citizens and First Nations of Simcoe County are demanding that the County explore other options to manage waste by implementing waste reduction strategies, upgrading the 50 existing landfills, and recycling recyclable products lying in older landfills.

3. Several sources, including Environment Canada, agree that Canada is on the brink of a freshwater crisis. It is important that we make the protection of freshwater sources—not the placement of new landfills—our first priority.

4. All life drinks from the springs that will be drained: beaver, bear, wolves, deer, fox, coyotes, turkeys, eagles, ducks and many others. The draining of the aquifer at Site 41 will affect the Wye River and Wye Marsh—an important bird sanctuary in Ontario.

The petition also points out that native peoples have

**ACROSS THE PROVINCE**

**Simcoe County: Stop Dump Site 41 - Sign Online Petition**

Despite new Provincial policies regarding the need for “zero waste”, the dangerous Municipal dump i.e. Dump Site 41 in Simcoe County, that we reported on in our Winter 08/09 newsletter, is moving ahead. Much like the defeated OWMC proposal, the site sits on deep Class One clay soils that are excellent for farming. The dump is in a belt of dairy farming and an organic dairy farm is immediately adjacent to the proposal. In violation of norms of good planning intended to protect farmland from intrusive heavy industry, a recycling plant is being planned by Miller Waste adjacent to the dump site.

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The petition also points out that native peoples have
never been consulted about the Dump Site 41 proposal. It impacts a number of nations, such as the Ojibwe, Chippewa, Wendat (Huron) and Mohawk. The proposal, the petition notes also contradicts the government’s “stated goal of moving Ontario “toward a zero-waste future.”

**Ontario Enforces Growth Management Plan**

In addition to successfully opposing the Niagara Falls and Niagara Region’s efforts to have urban sprawl on over 500 acre for rural estate subdivisions in Wilnoughby, the Province is also tackling urban boundary expansions that are in violation of the principles of the Growth Plan. All regional governments are required to amend their plans to be in conformity with the Growth Plan in June of this year. One municipality, York Region, has attempted to defy the Growth Plan by having urban boundary expansions in violation of it. This has resulted in two appeals by the Province of these expansions to OMB. Given this provincial track record, it is surprising that Regional Niagara is testing the waters in its latest decision to support Grimsby’s intent to urbanize fruit land there. (See article)

**Durham Region Attacks Growth Management Plan**

Durham Region is trying to push the expansion of its urban growth boundary to include the headwaters of Carruthers Creek watershed. The land is part of the “white belt” in between the Greenbelt and the actually zoned urban area. The rationale for the boundary expansion by the Durham Regional Planning Department called “Growing Durham”, has been condemned by the Toronto Region Conservation Authority (TRCA) for ignoring flood and erosion impacts that would be stimulated by the proposed sprawl. The report also ignores a resolution passed by the TRCA that states that regional governments should update watersheds plans before making amendments to their plans.

**ANNUAL REPORT BY PALS RESEARCHER, JOHN BACHER**

1. **PALS Works to Support Farmers Economically**

PALS has been quite active this year in renewing support for the easement program. One success is that the Province finally hired a very well qualified consultant Wayne Caldwell to review this proposal. We developed an extensive report illustrating how the most effective farmland protection system in North America in Lancaster County, is based on such a program as we are proposing, that of having easements purchased immedi-

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2. **PALS Polices Greenbelt.**

According to the Greenbelt Plan, the urban boundaries in Niagara are supposed to be permanent. Grimsby in particular however, is trying to deny that this is the case. For three years, PALS wrangled with Grimsby over its attempt to create a new town at the cross roads of Kemp and Mountain Road. This was to be built on two a half acre lots, to be serviced by septic tanks. Half of this area was within and half outside the Greenbelt. Finally, this year, this issue was resolve by restricting further development here to a limited number of infill lots. Grimsby is also attempting to expand its urban boundaries, so that there is no more agriculturally zoned land here north of the Niagara Escarpment. It is trying to have this issue put on the table for the review of the Greenbelt in six years time. PALS has indicated to Wayne Caldwell that this attitude of Grimsby’s is a good reason for the easement program. There is still a working farm in the area they are trying to expand into, and this would be an excellent choice for the first easement if the program was put in place.

3. **PALS Struggles For Sound Growth Management Plan for Niagara.**

Throughout the year, PALS has been deeply involved in the Growth Management Plan for Niagara, taking part in numerous workshops and presenting briefs to the region and the province. We were pleased that the Niagara Regional Planning Department and Dillon Consultants who were working on this together, had come up with a strong “Option D”, which called for the end to urban boundary expansions. Unfortunately, however, at the last minute the Niagara Regional planners caved it and wrote a report that indicated that although these expansions did not conform to the growth plan, they should be considered on their own merits. This means that we are faced with plans for urban boundary expansions in Smithville, Welland and Niagara Falls, which are outside the Places to Grow directions for Niagara and even in Grimsby onto tender fruit land. In a few weeks the Niagara Region will be coming up with a proposed Amendment to its official plan to deal with the growth plan, and PALS members are urged to become involved.

4. **Mid-Peninsula Expressway**

PALS has spent considerable effort in the last year in opposing the mid-peninsula expressway. One important bit of information brought forward at the latest round of consultations is that the most of the traffic on both the Burlington and Garden City Skyways is local. This illustrates our contention that the need for such a project can be eliminated by improvements to infrastructure...
that get such local traffic off the QEW and into transit. We have pointed out that one way to do this is by a transit way from St. Catharines to Port Colborne, which could eventually be converted to a light rail system.

5. Source Water Protection - Watershed Plans
PALS has been deeply involved in the Source Water Protection Strategies for Niagara, and the watershed planning exercises of the Niagara Peninsula Conservation Authority. In this regard we achieved a notable victory since the source protection committee will examine potential threats to rural wells. This will ensure that threats to groundwater from dumps, fuel storage facilities and car wrecking yards are studied and solutions found.

6. Protecting Niagara’s Forests
A major threat to our rural landscape is posed by attempts to have development in our forests. In addition to protecting these areas from urban expansions, PALS has opposed other schemes that would put development inappropriately into provincially significant Carolinian forests. In this effort, we have been guided by the hard work of one of our founding members Jean Grandoni, who has drawn to our attention threats to the Ramsey Road and Warren Woods forests. One of our successes was to save a threatened forest on Brown Road, which is a provincially significant wetland. We were able to gain access the Ramsey Road forest by the Ministry of Natural Resources and on April 14th the environmental protection area of the Warren Woods Forest is expected to be expanded through a decision of the Ontario Municipal Board.

7. Willoughby Rural Development
One of the major victories of PALS was to stop a 500 acre complex of forests and farmlands in Willoughby from being cut up into two and half acre lots for rural estate development. We persuaded the Ontario Ministry of Infrastructure Renewal to appeal this to the Ontario Municipal Board and took part as participants in support of their position at a successful hearing.

QUOTABLES

E Mail Letter to Ms Audrey Bennett Ministry of Municipal Affairs and Housing

February 20th, 2009
Dear Ms. Bennett,
I am writing to you as it is my understanding that your Ministry is responsible for ensuring that municipalities are in compliance with the Greenbelt Plan. Yesterday, the Niagara Regional Council passed a motion which indicates that it does not want to be in compliance.

As you are aware a key principle of the Greenbelt Plan is that Niagara’s fruit lands, unlike other areas of the Greenbelt, with the exception of the Holland Marsh, are to be protected in perpetuity, and therefore exempt from the 10 year review of the Greenbelt Plan. Yesterday, the Niagara Regional council passed the following motion. It read that its Regional Growth Strategy be updated based on:

“The Region commit to work with the Town of Grimsby to pursue the recommendation of the Dillon Consulting Phase 3 and 4 Report, Section 5.4., that additional study be undertaken to address agricultural use and natural areas within the Town in preparation for the 10 year Greenbelt review.”

In passing this motion the Niagara Regional Council is pretending that the unique tender fruit lands of Niagara may be removed from the Greenbelt. Your Ministry should clearly inform them that this perspective is inconsistent with the Greenbelt Plan.

Sincerely,
Dr. John Bacher (PhD)
Researcher, Preservation of Agricultural Lands Society
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PALS
Box 1090 St. Catharines, ON L2R 7A3 · Phone (905) 468 2841 · Fax (905) 468 7614