



May 17, 2019

Ministry of Natural Resources and Forestry
Natural Resource Conservation Policy Branch
300 Water Street
Peterborough, Ontario K9J 8M5

Attention: Alex McLeod

Dear Mr. McLeod:

Re: ERO Posting 013-4992 – Focusing Conservation Authority development permits on the protection of people and property

The Ontario Stone, Sand & Gravel Association (OSSGA) is a not-for-profit association representing over 280 sand, gravel and crushed stone producers and suppliers of valuable industry products and services. Collectively, our members supply the substantial majority of the 164 million tonnes of aggregate consumed, on average, annually in the province to build and maintain Ontario's infrastructure needs.

OSSGA works in partnership with government and the public to promote a safe and competitive aggregate industry contributing to the creation of strong communities in the province.

OSSGA appreciates the opportunity to provide comments on *Conservation Authorities Act* regulations related to development and other activities in hazardous areas. We have two primary issues that we submit for your consideration:

1. Exemption for activities approved under the *Aggregate Resources Act*

In 2006, the Minister of Natural Resources approved the individual "Development, Interference and Alteration" Regulations for all Conservation Authorities, consistent with Ontario Regulation 97/04. Through these regulations, Conservation Authorities are empowered to regulate development and activities in or adjacent to river or stream valleys, Great Lakes and inland lakes shorelines, watercourses, hazardous lands and wetlands.

Section 28(11) of the Act provides an exemption for aggregate operations, such that no permit is required from a conservation authority if the activity is approved under the *Aggregate Resources Act*. This exemption was incorporated in the Act as a red tape reduction measure, to avoid duplication of review and approvals process. The exemption is a critical component to the aggregate industry.

Recommendation:

OSSGA wants to confirm that this exemption will be reflected in the proposed regulation.

2. Conservation Authority Fees

We understand that the province is also proposing to bring into force un-proclaimed sections of the *Conservation Authorities Act* associated with Conservation Authority permitting decisions and regulatory enforcement. It is unclear whether these changes will affect Part IX of the Act, and in particular, Section 40. Among other things, Section 40 enables Conservation Authorities to make regulations respecting the amount of any fee that may be charged by an authority in relation to a program or service, including determining the manner in which the fee is calculated (Section 40(2)(b)).

There is currently vast discrepancy in the fees that local Conservation Authorities apply to the review of aggregate applications, ranging from \$3,000 to over \$75,000. While we recognize that there may be some variation in fees, the extreme range in fees for the same service is patently unfair, and represents a significant barrier to business in some regions. This concern is exacerbated by the fact that in many areas, applicants are also paying fees for municipal peer review of the same technical reports that the Conservation Authority is reviewing, adding significant cost without necessarily adding value to the review process.

Recommendation

As part of the province's efforts to harmonize Conservation Authority regulations, we recommend that **the fees for aggregate application review be capped**. Furthermore, we suggest that the province **consider performance standards** to ensure that application reviews are completed in a reasonable time frame, so as not to unduly slow the process as we have seen in some cases.

OSSGA appreciates the opportunity to provide input on the proposed regulation. We have also made a submission to the related Ministry of Environment, Conservation and Parks proposal to modernize Conservation Authority operations (ERO 013-5018). A copy of our submission is attached for reference. We would be pleased to discuss our submission in further details at your convenience. Please feel free to contact me if you have any questions.

Yours truly,

ONTARIO STONE, SAND AND GRAVEL ASSOCIATION



Norman Cheesman Executive Director

c.c. Carolyn O'Neill, Ministry of the Environment, Conservation and Parks