



Committee Report

To: Warden Mitch Twolan
Members of the Planning and Development Committee

From: Kara Van Myall
Director of Planning and Development

Date: April 9, 2020

Re: Proposed Changes to Ontario Regulation 244/97 and the Aggregate Resources of Ontario Provincial Standards

Staff Recommendation:

That the "Proposed Changes to Ontario Regulation 244/97 and the Aggregate Resources of Ontario Provincial Standards report" be forwarded to the Ministry of Natural Resources and Forestry as the County of Bruce's comments on the Environmental Registry of Ontario posting #019-1303.

Background:

Aggregate resources are governed in Ontario by the Minister of Natural Resources and Forestry (MNRF), through the Aggregate Resources Act and Ontario Regulation 244/97.

Amendments to the Aggregate Resources Act were made on December 10, 2019, as part of [Bill 132, Better for People, Smarter for Business Act](#). Bruce County's comments on haul route agreements were considered in part, in that the Province maintained the ability of Municipalities to ensure that initial road upgrades or improvements can be considered when making a decision about a new site. The Province removed consideration of wear-and-tear costs from decision-making about issuing licenses.

To build on these changes, the Province has initiated a similar, follow-up consultation on proposed regulatory changes (i.e. Ontario Regulation 244/97 and the Aggregate Resources of Ontario Provincial Standards). On February 13th, 2020 the government sent an email to municipalities inviting their input, seeking comments on the proposed changes. The full proposal is available on the Environmental Registry: <https://ero.ontario.ca/notice/019-1303>, with comments open until May 15, 2020. Additionally, an extensive document detailing the proposed changes is available in the supporting materials: [Proposal to amend O.Reg. 244/97 and the Aggregate Resources of Ontario Provincial Standards under the Aggregate Resources Act](#).

Summary of Proposed Changes

The summary below provides an overview of proposed changes to Ontario Regulation 244/97 and the Aggregate Resources of Ontario Provincial Standards.

The proposed changes for new pits and quarries focus on:

- enhancing the information required to be included in summary statements and technical reports at the time of application,
- improving flexibility in how some standard site plan requirements can be implemented and modernizing how site plans are created,
- creating better consistency of site plan requirements between private and Crown land and better alignment with other policy frameworks,
- updating the list of qualified professionals who can prepare Class A site plans,
- updating the required conditions that must be attached to a newly issued licence or permit,
- adjusting notification and consultation timeframes for new pit and quarry applications,
- changing and clarifying some aspects of the required notification process for new applications,
- updating the objection process to clarify the process, and;
- updating which agencies are to be circulated new pit and quarry applications for comment.

For existing pits and quarries the proposed changes focus on:

- making some requirements related to dust and blasting apply to all existing and new pits and quarries (requirements which were previously only applied to new applications),
- updating and enhancing some operating requirements that apply to all pits and quarries, including new requirements related to dust management and storage of recycled aggregate materials,
- providing consistency on compliance reporting requirements, while reducing burdens for inactive sites,
- enhancing reporting on rehabilitation by requiring more context and detail on where, when and how rehabilitation is or has been undertaken,
- clarifying application requirements for site plan amendments,
- outlining requirements for amendment applications to expand an existing site into an adjacent road allowance,
- outlining requirements for amendment applications to expand an existing site into the water table; and,
- setting out eligibility criteria and requirements to allow operators to self-file changes to existing site plans for some routine activities without requiring approval from the ministry (subject to conditions set out in regulation).

In allowing minor extraction for personal or farm use the proposed changes focus on:

- outlining eligibility and operating requirements in order for some excavation activities to be exempted from needing a license (i.e., if rules set in regulation are followed). This would be for personal use (max. of 300 cubic meters) or farm use (max. 1,000 cubic meters).

No changes to aggregate fees are being proposed at this time, however, the Province notes that they are committed to reviewing and consulting further on any proposed changes to aggregate fees and royalties.

Comments on Proposed Changes

The Province is asking for feedback in four areas to support its review:

1. How will these proposed changes affect you or your business (e.g. implementation costs and timelines, community impacts and concerns)?
2. How effective will these changes be at reducing regulatory burdens while maintaining appropriate levels of environmental protection?
3. Can you offer suggestions for improvements to these proposals?
4. Do you have ideas for additional changes or improvements?

Bruce County's comments in review of the proposal, organized across these four areas, are outlined below. The County's previous comments related to the Aggregate Resources Act amendments continue to be relevant and are attached again for consideration.

- 1. How will these proposed changes affect you or your business (e.g. implementation costs and timelines, community impacts and concerns)?**

Comment:

Aside from the following specific comments, the proposed changes are reasonable.

A change to note that "Agencies would not be asked to review aspects of applications that are beyond their mandate" may impact the coordination and timing of local government review. In consideration of Planning Act amendments, a fulsome policy review of proposals is undertaken, which outlines consideration of many different aspects, from various domains, to arrive at a balanced recommendation on the merits of the proposal. Through these reviews, identified deficiencies with information and inconsistencies between supporting documents and site plans have been uncovered. These may fall within the technical domain of other agencies but impact the ability of the proposal to demonstrate consistency with policy and effectiveness of mitigation. It is important that applications be reviewed as a whole, and not as the sum of their parts.

- 2. How effective will these changes be at reducing regulatory burdens while maintaining appropriate levels of environmental protection?**

Comment:

Enabling self-filing of routine amendments may free up time for regulatory staff, which should be devoted to audits, monitoring, and enforcement.

We encourage the Ministry to consider how proposed limits on self-filing will be implemented: for example, how to ensure that a condition that was established to resolve objections or concerns it is not removed by a self-filed amendment a few years after the license is granted.

Efforts to streamline site plans by removing reference to required approvals under other legislation and including this in original licensing correspondence may be counterproductive, as the Aggregate Resources Act site plan presents an opportunity for a “dashboard” of all of the operating requirements for a site to be located and referenced on an ongoing basis.

Proposed standardized and fillable reporting forms can offer efficiencies in terms of standard conditions. Quarries are increasingly complex in terms of operational requirements and may have several non-standard mitigation conditions and/or requirements to maintain conformity with the PPS and other policy. Compliance monitoring forms should provide opportunity for operators to review and confirm compliance or issues with these site-specific operational requirements.

Changes to operating requirements for existing licensed extraction offer an opportunity to improve the consistency of the operating environment and could address conflicts from some existing operations.

3. Can you offer suggestions for improvements to these proposals?

Comment:

Recent quarry proposals in Bruce County have struggled to adequately address community concerns regarding impacts to groundwater. It may be appropriate for hydrogeological reporting standards to outline an approach to addressing potential for groundwater impacts in karst environments, such as the majority of Northern Bruce County, as groundwater in these environments can quickly move through conduits to areas that are well beyond conventional study areas.

In quarry clusters, hydrogeological reports for new extraction or changes to extraction depths should be required to incorporate data from surrounding extraction operations and account for data discrepancies.

Water reports and operational standards should outline circumstances where ongoing monitoring of nearby water supplies are required, and actions required by operators if impacts to nearby water supplies are identified.

The proposal to apply a ‘Maximum disturbed area’ in the ‘Protected Countryside’ of the Greenbelt Plan appears logical. It may also be appropriate to apply this concept outside the Greenbelt Plan where extraction is permitted within core areas in a Natural Heritage System.

4. Do you have ideas for additional changes or improvements?

Comment:

Consider permitting self-filing for limited accessory uses (ex. landscaping supply, heavy equipment repair), where permitted by zoning by-laws. This could reduce barriers to establishing complementary uses in quarry clusters.

Submission of 3D modeling of final rehabilitation plans for new applications or changes to existing licenses that impact depth or area of extraction or rehabilitation could support comprehensive rehabilitation planning as encouraged by Provincial Policy Statement (i.e. 2.5.3.2 "*Comprehensive rehabilitation* planning is encouraged where there is a concentration of mineral aggregate operations").

We encourage the Ministry to ensure adequate resources for monitoring and enforcement, amid streamlining efforts which provide more opportunity for and onus on applicants for self-reporting compliance, self-filing amendments, and self-awareness of applicable legislation.

Financial/Staffing/Legal/IT Considerations:

There are no financial, staffing, legal or IT considerations associated with this report.

Interdepartmental Consultation:

Staff from Planning & Development and Office of the CAO co-wrote the report.

The report will be shared with the local municipalities for awareness and in support of building our collective local voice if they wish to provide comments to the Ministry.

Link to Strategic Goals and Elements:

Goal 5: Eliminate our own red tape:

- e. Focus on the internal and external customer / client needs first

Goal 7: Stimulate and reward innovation and economic development:

- a. Streamline and simplify our Planning Processes (Official Plan, Zoning By-law)

Goal 9: Coordinated, Concerted effort to advance our agenda:

- b. Politicians and staff lobby associations and government in support of local policy needs;

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Approved by:



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