**Amendment to Expand an Existing Site Below the Water Table**

Existing pits and quarries on private land can apply to the ministry for a site plan amendment to extract below the water table. Applicants are required to notify landowners within 120 metres of the pit or quarry and various agencies (including the local municipality and the county or region where the site is located) of the proposed amendment. The applicant works with commenters to try to resolve any concerns that are brought forward. As a result of recent 2019 changes to the Aggregate Resources Act, if concerns cannot be resolved, the ministry can refer the application to the Local Planning Appeal Tribunal (LPAT) for a hearing. Until application requirements are set in regulation, requirements default to what is required for a new application.

**Proposed Approach**:

The ministry is proposing to require the following information and notification as part of an amendment application to expand an existing pit or quarry on private land below the water table.

a) Applicants would be required to prepare and submit a hydrogeological (“water”) report, prepared by a qualified person, requiring all of the same information that an application for a new pit or quarry to extract below the water table would need to prepare (see section 1.1.1 for proposed changes to what is currently required). o Note: it is recognized that some existing pits and quarries, which are already approved to extract below the water table in specified areas of their site, may need to apply for approval to widen their existing below water extraction area. If such sites had previously prepared a hydrogeological report, only a supplemental report would be required to determine if the proposed amendment would result in the potential for any new impacts and necessary mitigation measures.

b) If no new surface area would be disturbed as a result of the amendment, the applicant would usually not need to prepare a new natural environment report, a new cultural heritage report, a new noise assessment or a new blast design report. However, the ministry may ask for additional information from the applicant to help assess potential impacts of the proposal (this would be determined on a case-by case basis).

c) An updated site plan showing any proposed changes to extraction phases and to operational and rehabilitation plans would be required. For Class A licences, a qualified person would be required to prepare the revised site plan.

d) Information would be required describing how the proposed amendment aligns with any relevant Provincial Policy Statement or Provincial Plan policies (e.g. some policies may prohibit extraction below the water table or may require site rehabilitation back to an agricultural condition). Note: This would not be required from pits and quarries that are already approved to extract below water but who wish to widen their existing below water extraction area.

e) A notice would be required to be posted to make the public aware of the proposal (e.g. a newspaper notice), a sign would be required to be erected, and a public information session would need to be held. Note: Pits and quarries that are already approved to extract below water but who wish to widen their existing below water extraction area would not be required to post notices or host public meetings.

f) Applicants would be required to circulate the amendment application to the following:

o landowners within 120 metres of the boundary of the existing pit or quarry,

o the Ministry of Natural Resources and Forestry

o the Ministry of the Environment, Conservation and Parks,

o the local municipality in which the site is located,

o the county or region in which the site is located, if applicable,

o the conservation authority in whose jurisdiction the site is located (subject to the proposal in section 1.3.4), and

o the Niagara Escarpment Commission, if applicable.

g) Landowners and agencies would be given 60 days to comment on the proposal. The applicant would be required to attempt to resolve any concerns received and then provide commenters with 20 days to submit formal objections.

h) The applicant would need to submit documentation of the notification and consultation process to the ministry within two years of notifying landowners and agencies of the proposal. Documentation would include a summary of all notification and consultation activities, comments received, attempts at resolving concerns and details about any outstanding objections. Note: The ministry may refer outstanding objections to the Local Planning and Appeal Tribunal for a hearing and decision on the application.