

Grand River Conservation Authority

Report number: GM-04-20-25

Date: April 24, 2020

To: Members of the Grand River Conservation Authority

Subject: Proposals to amend O.Reg.244/97 and the Aggregate Resources of Ontario Provincial Standards under the Aggregate Resources Act (EBR 019-1303)

Recommendation:

THAT Report GM-04-20-25 – Proposals to amend O.Reg.244/97 and the Aggregate Resources of Ontario Provincial Standards under the Aggregate Resources Act (EBR 019-1303) – be received as information;

AND THAT this report be forwarded to the Ministry of Natural Resources and Forestry through Environmental Registry Number 019-1303.

Summary:

N/A

Report:

On September 20, 2019, the Ministry of Natural Resources and Forestry (MNRF) released a proposal on the Environmental Registry (ERO 019-0556) recommending changes to the provincial aggregate resources framework. GRCA provided comments to the MNRF noting concerns with the process for existing operators that want to extract aggregates within the water table, the lack of cumulative effects assessments, a provincial data management strategy and proposed notification and consultation requirements. Changes to the Aggregate Resources Act were made effective December 10, 2019.

On February 12, 2020, the MNRF posted a proposal on the Environmental Registry (ERO 019-1303) recommending amendments to Ontario Regulation 244/97 and the Aggregate Resources of Ontario Provincial Standards under the Aggregate Resources Act. The proposal recommends changes for applications to establish a new aggregate extraction sites, prescribed rules for minor excavations, and how new and existing sites are managed and operated, including amendments to expand an existing site below the water table.

The public comment period for the proposed changes initially was open until March 30, 2020. The commenting period has been extended until May 15, 2020. A description of the proposed amendments can be found on the Environmental Registry of Ontario (<https://ero.ontario.ca/notice/019-1303>)

The current proposal does not appear to provide any actual changes to the Aggregate Resources Act (ARA) Regulations. It provides a summary of proposed changes to the 'Standards' for ARA applications. As a result, it is challenging to assess the potential

effect the proposal may have on water and natural resource systems within the watershed.

There are some changes in this proposal related to a new requirement for a document called a 'Water Report'. This report appears to replace and incorporate the Hydrogeological Report that is currently a requirement in the Standards. The ERO document identifies a proposal to require a qualified professional to complete the Water Report. This recommendation is supported by the GRCA and it is noted that Ecological expertise will also be necessary to assess impacts and mitigation options for changes to water resources related to the natural environment. In addition, the proposal appears to require various technical studies for below water table applications including new or amended applications. Below is a brief summary of key comments:

- Pre-consultation with agencies such as conservation authorities and municipalities should be a mandatory requirement to ensure that 'terms of reference' for technical reports are completed or new aggregate or quarry sites or amendments to existing applications to go below the water table. This would ensure that applications include the required technical information prior to municipal and agency review and that they can be reviewed in a timely and efficient manner.
- MNRF should develop cumulative effects assessment and data collection and sharing regulations and criteria for new aggregate or quarry sites for below water table extraction. At this time, there is no mention of cumulative effects assessments in the ERO proposal.

In 2010, a document entitled "Cumulative Effects Assessment Best Practices Paper for Below-Water Sand and Gravel Extraction Operations in Priority Subwatersheds in the Grand River Watershed" was released. The document was completed in consultation with various provincial ministries and representatives of the Ontario Stone Sand and Gravel Association. It provides a framework for cumulative impacts to be assessed in a consistent manner and to guide decisions makers, such as municipal governments and the MNRF and Ministry of Environment, Conservation and Parks with responsibilities in this area. Eleven priority subwatersheds within the Grand River watershed were identified.

- The Best Practices Paper identified the need for a comprehensive data collection and data management process. This was to be developed and maintained by MNRF in consultation with the partners to facilitate collecting the appropriate data and sharing this information with aggregate resource applicants. This data process has yet to be established and it would provide an opportunity for a transparent and open-data sharing framework to permit all external stakeholders with access to information related to below water table aggregate and quarry applications and operations.
- A requirement for applications to be consistent with provincial or local Technical Guidelines needs to be included in the ARA Technical Standards. This would include studies that identify and evaluate impacts to water or natural environment resource systems.
- GRCA supports the identification of source protection vulnerable areas and activities and how source protection plans and policies are addressed. To better

protect municipal drinking water supplies, GRCA recommends the Ministry consider the following:

- A water budget should be required for all applications proposing below water extraction
- Water Report requirements should include an assessment of potential impacts to sources of drinking water, in particular for proposed below water extraction (e.g., breaching of aquitard), and propose any necessary measures to prevent, where possible, mitigate, or remediate any negative impacts.
- All aggregate extraction should be prohibited in Wellhead Protection Area (WHPA) A and B, not just extraction activities by private land owners and farm businesses
- Chloride based dust suppressants should be prohibited where dust suppression is required at aggregate sites located within source water protection areas

In addition to this report Attachment 1 provides comments on the proposal and we request the Province consider the GRCA comments in their review of the ARA Standards.

Financial implications:

Not applicable.

Other department considerations:

Resource Management Division and Source Protection staff provided input to this report.

Prepared by:

Martin Keller
Source Protection Program Manager

Approved by:

Samantha Lawson
Chief Administrative Officer

Nancy Davy
Director of Resource Management