



## INTERNAL MEMORANDUM

**TO:** A. B. Marshall, Chief Administrative Officer  
**FROM:** Keith Hamilton, Policy Planner  
**DATE:** May 5, 2020  
**RE:** Town of Halton Hills Comments on the Proposed Amendments to the Ontario Regulation 244/97 and the Aggregate Resources of Ontario Provincial Standards under the Aggregate Resources Act

**Under the Emergency Management & Civil Protection Act (Revised Statutes of Ontario, 1990, Chapter E.9); and the delegated authority given to A. B. Marshall, Chief Administrative Officer for the Town of Halton Hills we hereby request the following:**

### **REQUEST:**

The purpose of this Memorandum is to obtain approval for staff to post comments on the Proposed Amendments to Ontario Regulation 244/97 and the Aggregate Resources of Ontario Provincial Standards under the Aggregate Resources Act posted on the Environmental Registry of Ontario (ERO) on February 12, 2020. The Ministry of Natural Resources and Forestry (MNR) has asked that all comments and feedback pertaining to the proposed amendments to the Regulation and Provincial Standards be submitted through the ERO by May 15, 2020. Planning staff have worked in consultation with staff from Development Engineering to prepare comments outlined in this Memorandum on the various changes being proposed by this Provincial review of Aggregate Resource legislation.

### **RATIONALE:**

The purpose of the Provincial review is to provide updates to application requirements for new aggregate extraction sites and existing operational standards for established sites. The changes outlined in ERO posting# 019-1303 are anticipated to:

- Protect the environment and minimize community impacts;
- Ensure proper processes are followed for community engagement and consultation on proposals; and,
- Reduce burden, streamline approvals and add flexibility for new applicants and existing licenced operators.

The intent of the proposed changes is to help maintain a steady supply of aggregate resources in Ontario while minimizing impacts on surrounding communities and the natural environment. If approved, all changes will be implemented within 6 months of the approval date, as outlined in Section 4 of the proposal (attached as Appendix 1 to this Memorandum).

### **Town of Halton Hills Comments and Concerns Re: Proposed Amendments to Ontario Regulation 244/97 and the Aggregate Resources of Ontario Provincial Standards under the Aggregate Resources Act:**

- **Under subsection 1.1.2 (Cultural Heritage Report).** Amendments that would expand current reporting standards to assess impacts on built heritage resources and the cultural heritage landscapes are a welcome change. While the intent of the proposed amendment is to align Aggregate Resources Act Provincial Standards with Provincial heritage policy framework, knowledge, expertise and heritage work completed by local municipalities should also be considered in the creation and review of Cultural Heritage Reports.
- **Under subsection 1.1.4 (Agricultural Impact Assessment).** The impacts of expanding pit and quarry operations on prime agricultural land should also be considered as part of this proposed amendment. A full, or scoped, Agricultural Impact Assessment should, at minimum, be considered for expanding operations where resource extraction and related activities would use prime agricultural land, or abut existing agricultural operations.
- **Under subsection 1.1.5 (Blast Design Report).** Requiring blast design reports for new quarries within 500 metres of a sensitive receptor requiring Class A licences is critical in protecting public health and safety. However, it is unclear why blast design reports are not required for Class B quarry licence applications (on private or Crown land). Given the disruption caused by blasting on quarry sites by noise and ground vibration, design reports demonstrating adherence to Provincial guidelines should be required for all quarry licence applications.
- **Under subsection 1.1.6 (Summary Statement).** Proposed changes would require that summary statements for all new pit and quarry applications contain a section on land use planning considerations, including adherence to applicable Provincial legislation. While this is a welcome update to current summary reporting requirements, the amendment could go further to reflect the true life of a licenced pit or quarry. Updated statement reports should be updated and re-submitted with any expansion applications and at the commencement of rehabilitation phases, as planning considerations and Provincial legislation will likely have changed over time.
- **Under subsection 1.2.1 (Site Plan Standards – Improving Flexibility).** The intent of this amendment is to allow greater flexibility for location of buildings, storage and internal roads on a Site Plan (See subsection 1.2.1 in Appendix 1). While it is understood these changes are proposed to reduce burden on site operators and streamline approval processes, there is some concern over the proposed amendment in its current form. More criteria is required as to what constitutes 'general area' on a site plan, particularly for sites in close proximity to established residential areas.

- **Under subsection 3.3.1 (Site Plan Amendment Process).** Proposed changes within this section seek to improve the site plan amendment request process by introducing a standard form and drawing requirements for all requests. It is understood that site plan amendment requests will continue to be submitted directly to the Ministry for review and approval. As aggregate resources play a role in the long-term planning of the municipalities in which they are located, it is important that municipalities be involved in the resource development process to the greatest extent possible. This amendment should be expanded to allow municipalities the opportunity to review site plan amendment requests and provide comment.
- **Under subsection 3.3.4 (Self-filing of Site Plan Amendments).** The intent of this amendment is for a faster process for which certain site plan changes can be made (outlined in section 3.3.4 of Appendix 1). The amendment should also clarify which amendment requests are not eligible for self-filing. Such requests as the movement of storage for hazardous materials (e.g. fuel and blasting materials/equipment), vehicle and machinery repair buildings, and parking and storage of vehicles should go through a more rigorous site plan amendment process where there is assurance the Ministry has completed a thorough review.
- **Under subsection 4 (When Changes are Proposed to Come into Effect).** The intent of this section is to provide a three phase plan for all proposed changes to come into effect within six months of the revised Regulation's approval. Although not stated, the Ministry should provide notice (minimum 30 days) each time amendments under this review are to come into force.

Once approved by the Chief Administrator Officer, these comments will be forwarded to the Ministry of Natural Resources and Forestry and the Region of Halton. The comments will also be uploaded to the Environmental Registry of Ontario.

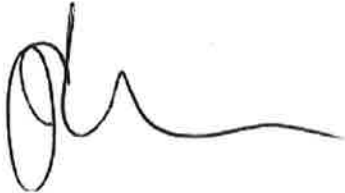
#### **FINANCIAL IMPLICATIONS:**

There are no financial implications at this time.

**PURCHASING APPROVAL:**    Yes         No         N/A

**TREASURER APPROVAL:**    Yes         No         N/A

**Reviewed by:**



**John Linhardt, Commissioner of Planning & Development**

**Approved by:**



**A.B. Marshall, Chief Administrative Officer**

**Date:** May 13/2020