



May 17, 2019

Ministry of the Environment, Conservation and Parks
Land and Water Division, Great Lakes Inland Waters Branch
Great Lakes Office
40 St. Clair Avenue West, Floor 10
Toronto, Ontario M4V 1M2

Attention: Carolyn O'Neill, Manager

Dear Ms. O'Neill:

Re: ERO Posting 013-5018 – Modernizing Conservation Authority Operations
Conservation Authorities Act

The Ontario Stone, Sand & Gravel Association (OSSGA) is pleased to provide comments on the proposed amendments to the *Conservation Authorities Act*.

OSSGA is a not-for-profit association representing over 280 sand, gravel and stone producers and suppliers of products and services that serve the industry. Collectively, our members supply the majority of the 164 million tonnes of aggregate used, on average, each year in the Province to build and maintain Ontario's infrastructure needs. OSSGA works in partnership with governments, agencies and members of the public to promote a safe and competitive aggregate industry, contributing to the creation of strong communities in the Province.

OSSGA considers this review as an important opportunity to clarify the roles and responsibilities of Conservation Authorities (CA) in the aggregate licensing and approval process. We offer the following comments for your consideration:

1. Clarify roles and reduce duplication of effort in review of aggregate applications

Under Section 28 (11) of the *Conservation Authorities Act*, areas licensed for aggregate extraction under the *Aggregate Resources Act* (ARA) are exempt from CA permitting activities. However, CAs are afforded an opportunity to review and provide comments directly, or through their participating municipalities, to MNR on applications submitted under the ARA, during the application review and consultation process.

As with other applications submitted pursuant to *The Planning Act*, CAs may review Official Plan amendments, zoning bylaw amendments and other applications for proposed new or expanded aggregate operations submitted pursuant to *The Planning Act*, and comment in an advisory capacity to municipalities making decisions on Planning Act applications.

As the mandate of CAs has grown over the years, beyond flood control and management of hazard lands, there now exists an increasing overlap in the issues that provincial agencies and CAs raise in the review of aggregate applications. For example, CA comments now encompass a number of areas which are already managed by MNRF and MECP, such as species at risk, significant wildlife habitat, and well water issues.

In one recent example, an aggregate company submitted an application for a new gravel pit under the *Aggregate Resources Act*. The application was reviewed by MNRF and MECP, and through modifications to the application, the project received the support of both provincial agencies. The CA was circulated on the ARA application, but did not provide comments. Subsequently, the company submitted an application to the local municipality for a zoning by-law amendment. The CA provided a nine page letter citing concerns with species at risk, hydrogeology, wetlands, and other issues. Despite the technical review and sign off from MNRF and MECP, the CA comments on overlapping areas of provincial mandate, held up the application for over a year.

OSSGA members are increasingly frustrated with the duplication of effort in technical reviews that add cost and time to the approval process, with no added value.

Recommendation

The ERO proposal would establish a transition period for Conservation Authorities and municipalities to enter into agreements for the delivery of non-mandatory programs and services. To reduce overlap and duplication of effort, we recommend that municipal program and service agreements clarify the CA role in the review of aggregate applications under *The Planning Act* and the *Aggregate Resources Act* and restrict CA comments to matters covered under Section 3.1 of the Provincial Policy Statement (PPS 2014). Municipal agreements or memorandums should also recognize the Section 28(11) exemption for activities approved under the ARA.

As drafted, the sections of the legislation dealing with municipal programs and services¹ are ambiguous, and we are concerned that this could potentially confound the province's objective of streamlining and focusing Conservation Authorities' role in municipal plan review

2. Aggregate application review fees

OSSGA believes that fees related to the review of aggregate licence applications by Conservation Authorities are an issue that needs to be addressed in the review. There is currently a vast range of fees that different Conservation Authorities charge for the review of aggregate applications. Our

¹ (*Bill 108, Schedule 2, Section 21.1.1*)

members report that these fees range from less than \$5,000 to over \$75,000 depending on the Conservation Authority. Furthermore, there is a concern that the fees charged for the review of applications do not reflect the amount of work completed, and as such the fees charged tend to be arbitrary.

There needs to be greater accountability and adherence to timelines to complete reviews and increased transparency related to work done by the CA.

Recommendation

We recommend that the Act include provisions for a fair and accountable fee structure. The complexity of aggregate applications vary, and fee structures should reflect the corresponding level of effort required. A provincially established review fee, or at least a cap on the amount that can be charged for this service, would provide greater certainty for business.

Conclusion

OSSGA appreciates the opportunity to be engaged with the ongoing consultation of the proposed legislation and is most interested in participating in the development and review of the regulations and policies.

We have also made a submission to the related Ministry of Natural Resources and Forestry proposal to streamline Conservation Authorities development permitting (ERO 013-4992). A copy of our submission is attached for reference.

Please feel free to contact me with any questions or concerns.

Yours truly,

ONTARIO STONE, SAND AND GRAVEL ASSOCIATION



Norman Cheesman
Executive Director

c.c. Alec McLeod, Ministry of Natural Resources & Forestry