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October 29, 2019

[ONLINE SUBMISSION]

Andrew MacDonald  
Ministry of Natural Resources and Forestry  
Natural Resources Conservation Policy Branch  
300 Water Street  
Peterborough, ON, K9J 8M5

Dear Mr. MacDonald:

**Re: Proposed amendments to the Aggregate Resources Act**

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Please be advised that the General Membership of the Grand River Conservation Authority (GRCA) passed the following Resolution on October 25, 2019, related to the proposed amendments to the Aggregate Resources Act as provided through the Environmental Registry (019-0556):

19-176  
Moved by Bernie Corbett  
Seconded by Chris White

THAT Report GM-10-19-103 Proposed Amendments to the Aggregate Resources Act be received as information;

AND THAT this report be forwarded to the Ministry of Natural Resources and Forestry through Environmental Registry Number 019-0556.

Carried

GRCA's Board Report (GM-10-19-103) is attached and includes comments on the proposed amendments. Should you have any questions, please contact Melissa Larion, Supervisor of Resource Planning at (519)621-2763 ext.2247.

Yours truly,

A handwritten signature in black ink that reads "Lawson".

Samantha Lawson, Chief Administrative Officer  
Grand River Conservation Authority

# Grand River Conservation Authority

**Report Number:** GM-10-19-103  
**Date:** October 25, 2019  
**To:** Members of the Grand River Conservation Authority  
**Subject:** Proposed Amendments to the Aggregate Resources Act (ERO 019-0556)

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## **Recommendation:**

THAT Report GM-10-19-103 Proposed Amendments to the Aggregate Resources Act be received as information;

AND THAT this report be forwarded to the Ministry of Natural Resources and Forestry through Environmental Registry Number 019-0556.

## **Report:**

On September 20, 2019, the Ministry of Natural Resources and Forestry (MNR) released a proposal on the Environmental Registry (ERO 019-0556) recommending changes to the provincial aggregate resources framework. The Province has indicated the changes are aimed at reducing burdens on business, while encouraging environmental protection and public engagement. The proposal is in response to the feedback provided at the Aggregate Summit hosted by MNR in March of this year, as well as an online survey posted to their website. The public comment period for the proposal is open until November 4, 2019.

Many of the proposed changes align with the amendments previously made under Bill 139 – the Aggregate Resources and Mining Modernization Act (2016), but have yet to be placed into regulation. The current proposal does not provide any actual changes to the Aggregate Resources Act (ARA) or associated Regulations, but rather a “Summary of Proposed Changes”. As a result, it is challenging to assess the potential effect the proposal may have on water and natural resources within the watershed.

There are some new changes in this proposal related to below water table aggregate applications as well as consultation requirements that we request the Province consider in their review of the ARA and associated regulations.

## **Proposed Amendments to the ARA**

### ***1. Strengthen protection of water resources by creating a more robust application process for existing operators that want to expand to extract aggregates within the water table, allowing for increased public engagement on applications that may impact water resources.***

- Existing applications that seek to expand to below the water table should include all of the review and public consultation that is required for new applications. The current application process to amend an existing license to go below the water table does not require MNR to circulate the application or provide public notice to external stakeholders. GRCA supports a more ‘robust’ application process if it includes mandatory circulation of applications to go

below the water table to municipalities and agencies such as conservation authorities, a requirement for public consultation, and the inclusion of an appeal process for these stakeholders. In addition to applications that may impact water resources (as noted in the proposal), a modified application process should also include applications that may impact natural environment resources both on and off of the extraction site.

- Cumulative effects assessments should be conducted in areas where there are a concentration of existing licences or new applications for licences to go below the water table. At a minimum, detailed hydrogeological assessments prepared by qualified professionals should be conducted for any existing licence that applies for an amendment of a license to go below the water table. This would help to demonstrate that there will be no offsite or onsite impacts to the quantity and quality of local water resources that sustain natural environment features and address municipal interests in the protection of local municipal drinking water sources. These studies should also prescribe detailed pre and post extraction water and natural environment monitoring requirements for these areas. Depending on site characteristics, other studies should also be required for below water table extraction such as Environmental Impact Studies and other evaluations.

**2. Clarify that depth of extraction for pits and quarries is managed under the Aggregate Resources Act and that duplicative municipal zoning by-laws relating to the depth of aggregate extraction would not apply**

- Some municipalities have policies and zoning (i.e. vertical zoning) in place to ensure that local and subwatershed level impacts of below water table applications are fully evaluated. Since it is unclear if the above noted proposal to require a more robust approval process for existing licenses will result in an equivalent or improved opportunity for municipalities and other agencies such as conservation authorities to evaluate the proposal, the use of zoning by-laws and their associated public process should not be included in amendments to the ARA until additional information on the proposed application process is available.
- The PPS requires that municipalities protect, improve and restore the quality and quantity of water. Land use planning mechanisms for changes to extraction below the water table should be addressed and approved by municipalities who are responsible for ensuring adequate quality and quantity of water to their communities. A review through an application for a zoning by-law amendment also provides municipalities with an opportunity to assess and prevent any potential threat or impacts to sourcewater and local municipal drinking water supplies.

Proposed Regulatory Amendments

**3. Reviewing application requirements for new sites, including notification and consultation requirements**

- 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. 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.

## Cumulative Effects Assessments

- 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. A comprehensive data collection and data management process 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 external stakeholders with access to information related to below water table aggregate and quarry applications and operations.

## CA Review of Aggregate Resources Act Applications

Conservation Authorities should continue to review applications and amendments to existing licenses to address natural hazards and the potential for cumulative impacts within a subwatershed through the ARA applications and/or zoning by-law amendment process. Currently the GRCA review is streamlined to ensure that the appropriate agency provides comments on the issues or features associated with an application. For instance, municipalities in the watershed take the lead on commenting on source water and municipal drinking water and conservation authorities review applications to assess the potential for the creation of new natural hazards or the aggravation of existing natural hazards. The GRCA also provides comments related to natural hazards since ARA applications are exempt from the GRCA permit process e.g. floodplains, river valley slopes and wetlands. GRCA provides natural hazard management knowledge and a unique regional perspective that enhances consistency across municipal boundaries. GRCA also currently provides advisory comments to municipalities for Planning Act applications that are related to aggregate applications.

### **Financial implications:**

Not applicable.

### **Other department considerations:**

Source Protection and Resource Planning staff provided input to this report.

### **Prepared by:**

Melissa Larion  
Policy Planner

### **Approved by:**

Nancy Davy  
Director of Resource Management