

November 4, 2019

Dear Sir or Madam:

RE: Proposed Amendments to the Aggregates Resources Act (ERO 019-0556)

Walker Aggregates Inc. (“Walker”) is a division of Walker Industries. Walker operates several mineral aggregate operations across Ontario. Walker supplies a full range of crushed limestone and sand and gravel products serving a continually growing need for these resources across Southern Ontario.

At Walker, our focus is on sustainability, environmental stewardship and innovation. We are committed to the communities in which we operate and to extracting aggregate in a manner that protects Ontario's other rural resources including agriculture, water and natural heritage.

We appreciate the opportunity to provide the following comments on the Proposed Amendments to the Aggregate Resources Act (“ARA”), as posted on the above-noted ERO #019-0556.

With respect to the proposed changes to the ARA, Walker Aggregates is please to provide the following comments:

1. *Strengthen protection of water resources by creating a more robust application process for existing operators that want to expand to extract aggregate within the water table, allowing for increased public engagement on applications that may impact water resources. This would allow municipalities and others to officially object to an application and provide the opportunity to have their concerns heard by the Local Planning Appeal Tribunal.*

The existing process to move from above water to below water extraction requires a major site plan amendment. These amendments already require public and concerned stakeholder input. Aggregate producers also prepare technical information regarding such changes with third party agencies who specialize in such areas of expertise. This data is presented to the stakeholders during the public consultation process.

Decisions on these applications are made by the MNRF and are not subject to any appeal. The proposed changes now introduce an appeal process and will be sent to the Local Planning Appeal Tribunal (LPAT) for adjudication. Although new, the LPAT process is heavily congested with case files. This is adding significant amounts of time and resources in our process to amend and progress forward within a reasonable amount of time.

- 2. Clarify that depth of extraction of 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.*

We strongly agree with the Ministry's proposed change on the matter of extraction depth of pits and quarries. It is very important that the MNRF continue to maintain control of such matters as extraction depth and not allow local municipal vertical zoning to govern the operation.

- 3. Clarify the application of municipal zoning on Crown Land does not apply to aggregate extraction.*

We strongly agree with the Ministry on this matter. Walker believes that MNRF is addressing this before the matter, grows out of control. This is another example of maintaining Provincial control over our very important aggregate resources.

- 4. Clarify how haul routes are considered under the Aggregate Resources Act so that the Local Planning Appeal Tribunal and the Minister, when making a decision about issuing or refusing a license, cannot impose conditions requiring agreements between municipalities and aggregate producers regarding aggregate haulage. This change is proposed to apply to all applications in progress where a decision by the Local Planning Appeal Tribunal or the Minister has not yet been made. Municipalities and aggregate producers may continue to enter into agreements on a voluntary basis.*

We believe that when the MNRF reviews license applications (inclusive of a new application or expansion application), that they consider reviewing the approved haul routes, as determined by the Upper and/or Lower Tier Municipality.

Adhering to such routes, will ensure that we have harmonious operations in transporting our valuable resource around the province. Municipalities already receive contributions to the wear and tear on the road systems through the TOARC levy. These funds are to be used towards infrastructure projects within the Upper and Lower Tier municipalities that the operations exist.

Currently, there are situations where municipalities are trying to agree to deals with individual aggregate producers regarding haulage on adjoining roads. Although, this cannot be controlled, this is setting the precedent for new agreements in order to get a license application finalized, and is not right. The MNRF must intervene and control this through the ARA when reviewing license or expansion applications. We agree that the MNRF must clarify this issue.

5. *Improve access to aggregates in adjacent municipal road allowances through a simpler application process (i.e. amendment vs a new application) for an existing license holder, if supported by the municipality.*

Walker Aggregates is supportive in this change. There are occurrences where high quality aggregates have been left in place due to road allowances approvals, through the municipality, not being approved.

6. *Provide more flexibility for regulations to permit self-filing of routine site plan amendments, as long as regulatory conditions are met.*

Firstly, we must emphasize that the local Aggregate Inspector be involved with the approval process of the amendments proposed to one's license.

There is a variation in processing of amendments between the Districts and it is directly related to the workload that the staff at the district offices are subject to. Allowing for more flexible, self-filing amendments is a huge step in the right direction. It will provide the local Aggregate Inspector more time to focus on processing major amendments. However, ensuring that the all-regulatory conditions are met is essential. The local Aggregate Inspector can observe the amendments when they perform a site inspection.

Regulatory Changes

With respect to Regulatory Changes that are being considered by the MNRF, Walker Aggregates has the following comments:

1. *Enhanced reporting on rehabilitation by requiring more context and detail on where, when and how rehabilitation is or has been undertaken.*

We support this cautiously, as the process must remain manageable by both producers' staff and from a cost perspective. We cannot afford for this to become too overwhelming on the personnel collecting the data and submitting it to the MNRF.

2. *Allowing operators to self-file changes to existing site plans for some routine activities, subject to conditions set out in regulation. For example, relocation of some structures or fencing, as long as setbacks are respected.*

The process to conduct minor site plan amendments is very long and time consuming. We support the Ministry's idea to allow operators/producers to self-file such changes in a consistent manner. Currently, minor amendments requires a local Aggregate Inspector travel to the site to observe the change. They should be focussed on working on major amendments and getting those changes through the system. When local Aggregate Inspector travels to and observes the site, they can verify the amendments at that time.

- 3. Allowing some low-risk activities to occur without a licence if conditions specified in regulation are followed. For example, extraction of small amounts of aggregate if material is for personal use and does not leave the property.*

We strongly suggest this change be better explained and approached carefully. This can open the door for illegal operations to set up and undercut a responsible producer in the same vicinity. Again, the local Aggregate Inspector must be involved in this process to ensure approval conditions are met and compliance is adhered to.

- 4. Clarifying requirements for site plan amendment applications.*

We agree with the concept of clarifying requirements for site plan amendments. However, we believe this must be approached carefully and set forth, controlled and governed by the MNRF.

- 5. Streamlining compliance assessment reporting, while maintaining the annual requirements*

We agree with this suggestion. We believe that collectively as a group (producers and MNRF) should look at replicating questions in the annual compliance report. Additionally, this group should also explore such streamlining options such as; online, electronic filing of the annual compliance report, more communications between the MNRF compliance officers if an annual compliance report has not been received, or a CAR has not been completed on time. Options such as date and time stamped pictures of the CAR can be included in the communication between the MNRF and producer. The compliance officer can further assess upon future visit to the site.

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

Walker Aggregates agrees with the proposed change. However, this must be approached carefully. The Ministry must ensure that the proposed site be harmonious between various provincial acts, but remain governed by the MNRF and the ARA. We support working and consulting with all stakeholders of the community in which the application is proposed for.

Over the past decade, the process has changed and other agencies has increased their influence in the licensing process. MNRF must regain control of the process and set time lines that keep the process moving along at an acceptable pace.

An update of the Provincial Standards will have to take place in order to effect any change in the notification and consultation requirements, which reside in the Standards.

In conclusion, we appreciate the opportunity to comment and engage with the MNRF on the ARA proposed amendments. We cannot stress enough that governance over the ARA must remain with the MNRF. The aggregate resource must remain a provincial commodity in order to remain effective, economical and sustainable.

Should you have any questions or concerns please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Lucyshyn', with a stylized flourish at the end.

Ken Lucyshyn
Executive Vice President, Aggregates & Construction
Walker Industries