



**TOWNSHIP OF WOOLWICH
DEVELOPMENT SERVICES**

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March 17, 2020

Resource Development Coordinator
MNR - Natural Resources Conservation Policy Branch - Resource Development Section
300 Water Street
2nd Floor, South tower
Peterborough, ON
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Canada

Dear Sir/Madam:

RE: Comments to Regulation 244/97, ERO Number 019-1303

The Township of Woolwich has reviewed the Proposed amendments to Ontario Regulation 244/97 and the Aggregate Resources of Ontario Provincial Standards under the Aggregate Resources Act and provides the following comments for review.

Key themes

The Province stated they heard the following key themes as a result of the 2019 consultation process:

- Ensure environmental protection, particularly related to water resources
- Increase opportunities for community engagement on applications
- Improve access to aggregates
- Cut red tape by reducing duplication and inefficiencies that create barriers to industry
- Ensure pit and quarry rehabilitation

Comment

In addition to the above summary from the Province, the Township continues to highlight the concern that the changes in the Acts and the Regulations have removed control and review of aggregate applications from the local municipality. Repeatedly the Township has had concerns that a Provincial review of such operations is not as extensive as the local review, especially for extraction below water table, and as a result removes the local context from the process.

However, Bill 132 has made that shift to approvals to the Provincial level, and the Township provides the following comments in that context.

New Operations

Summary of the regulation changes proposed:

- *enhancing the information required to be included in summary statements and technical reports at the time of application;*
- *improving flexibility in how some standard site plan requirements can be implemented and modernizing how site plans are created;*

- *creating better consistency of site plan requirements between private and Crown land and better alignment with other policy frameworks;*
- *updating the list of qualified professionals who can prepare Class A site plans;*
- *updating the required conditions that must be attached to a newly issued licence or permit;*
- *adjusting notification and consultation timeframes for new pit and quarry applications*
- *changing and clarifying some aspects of the required notification process for new applications;*
- *updating and clarifying the objection process; and*
- *updating which agencies are to be circulated new pit and quarry applications for comment.*

Comments:

The Township supports the requirements around the water reports, which includes clarifying the water table, summarize how local source water protection plans and policies are addressed, protecting well head protection areas, and a water budget. It is critical that the Province require detailed reports, and that as part of that a detailed review of the same is completed, to ensure that the issues are properly addressed.

Further, it is supported that site plans be standardized, which includes that tonnage limits include the recycled aggregate removed each year and clarify the term operate as it related to hours of operation. With regard to the Recycling component (Section 3.1.4), it is also recommended that all recycled material be stored a minimum of 2 metres above the water table.

Existing Operations

Summary of regulation changes proposed:

- *making some requirements related to dust and blasting apply to all existing and new pits and quarries (requirements which were previously only applied to new applications);*
- *updating and enhancing some operating requirements that apply to all pits and quarries, including new requirements related to dust management and storage of recycled aggregate materials;*
- *providing consistency on compliance reporting requirements, while reducing burdens for inactive sites;*
- *enhancing reporting on rehabilitation by requiring more context and detail on where, when and how rehabilitation is or has been undertaken;*
- *clarifying application requirements for site plan amendments;*
- *outlining requirements for amendment applications to expand an existing site into an adjacent road allowance;*
- *outlining requirements for amendment applications to expand an existing site into the water table; and*
- *setting out eligibility criteria and requirements to allow operators to self-file changes to existing site plans for some routine activities without requiring approval from the ministry (subject to conditions set out in regulation)*

Comments

In addition to the changes proposed the following comments are noted:

- With regard to dust, it is further requested that the Province require that all operations maintain a daily dust log which includes (but not limited to) daily weather conditions, mitigation completed, and complaints received along with responses to the same, all of which can be reviewed by the Province.
- Further to the dust issue, operators should be required to cease operations in heavy winds.
- Notification requirements should be set to 150 metres for both residents and landowners of a proposed Class A licence.
 - Circulation of Agencies – it should be clear that the local and upper tier municipalities within 1 km of an operation be considered required agencies and notified regardless of the application.
 - With regard to amendments to go below the water table (Section 3.3.3), it is recommended that the notification be sent to all landowners and residents within 150 metres versus the proposed 120 to just landowners.
 - That appeals to LPAT can be lodged not only by the Minister but also by the local municipality (Section 3.3.3) if issues remain unresolved.

Absent from the regulations, and of a concern is addressing the long-standing operations that are not being rehabilitated. The Township requests that the Province require existing operations that have been around over 20 years, which remove minimal material, to be rehabilitated. Site plans should contain requirements around a minimal amount of material to be removed annual, as well as over a 5-year time frame, and if these criteria are not met, the operations should be deemed inactive and required to be rehabilitated. This then balances the need to extract material where there is a need, but also to see agricultural lands back into production.

Minor Extraction

Regulations are also proposed to allow minor extraction for personal or farm use which includes outlining eligibility and operating requirements in order for some excavation activities to be exempted from needing a licence (i.e., if rules set in regulation are followed). This would be for personal use (max. of 300 cubic meters) or farm use (max. 1,000 cubic meters).

Comments

The requirements are extensive but reasonable, which includes that the individual is also are required to ensure all other approvals are granted before extracting. The Township supports this requirement as other approvals may be necessary at a local level that must also be adhered to (e.g., conservation authority permits, site alteration permits).

Implementation

The Province notes that the proposed changes would be implemented in stages, either upon the regulations being approved, 6 months after the regulations are approved and 1.5 years after being approved (See Section 4 in Appendix A).

Comments

Rather than a staged approach, it is recommended that upon approval all the regulations come into effect or a date set that they all come into effect, and that transition policies be noted for applications in process.

Additional Comments:

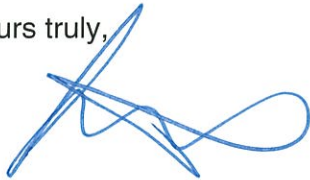
The Township fully supports processes that reduce redundancy and provide clarity. Where it comes to existing pits and quarries, it is noted that the land use or planning approval to extract material has been granted and that the Province has removed the ability for the planning process to regulate the depth of extraction. This means that any changes to an existing operation requires an amendment to the site plans under the ARA and to be reviewed and approved by Province. It is also then the Province who must ensure the approvals are enforced. Historically the Province has not ensured compliance or actively responded to concerns but relies on self regulation. This is not sufficient. Therefore, the Township requests that the Province:

- ensures that adequate and qualified Provincial staff are retained to review the reports from the various experts, and
- that sufficient enforcement staff are available to address complaints and to review each operation no less than every 5 years for compliance to the approved plans.

Although the proposed regulations contain many important elements, there still remains some concerns on the loss of local review and input, and well as enforcement, and bringing seeing all active operations brought to rehabilitation in a timely manner.

We trust these comments will be reviewed and considered. If you have any questions or comments please feel free to contact me.

Yours truly,



Jeremy Vink MCIP RPP
Manager of Planning
Township of Woolwich