

March 23, 2020

Resource Development Coordinator
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RE: Proposed amendments to Ontario Regulation 244/97 and the Aggregate Resources of Ontario Provincial Standards under the *Aggregate Resources Act*

Dear Resource Development Coordinator:

Thank you for the opportunity to review and comment on the proposed amendments to Ontario Regulation 224/97 and the Ontario Provincial Standards under the *Aggregate Resources Act*. Regional staff would like to provide the following comments in response to the proposed changes.

Section 1: Proposed Changes for Applications to Establish New Sites

Regional staff supports the proposed changes that enhance the study and information requirements for new licence applications. In particular, the proposed new requirement for the Water Impact Assessment Report to address impacts to private and municipal wells, and to consider Source Water Protection plans and policies is supported. Regional staff would encourage the Ministry of Natural Resources and Forestry to consider further enhancements to the Water Impact Assessment Reports, potentially requiring cumulative impact assessments for water resources when there is a concentration of aggregate licences within an area. The Ministry can also give consideration to providing additional guidance regarding the preparation and evaluation of adaptive management plans when reviewing new licence applications.

Regional staff supports the proposed amendment to align the requirements of the Natural Environmental Report with the current natural heritage policies in the Provincial Policy Statement, 2020 and other provincial plans. Staff strongly supports consistency and continuity between provincial plans and policies. However, additional to the natural heritage protection policies found in the provincial plans, regard should be given to local official plan policies which protect natural heritage features that are considered significant to the municipality and protected in local official plans.

Regional staff supports the proposed requirement to conduct an Agricultural Impact Assessment in order to assist in protecting agricultural lands and operations. Support for agricultural lands and operations can be further enhanced by requiring rehabilitation

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to agricultural lands where it is directed by provincial plans or municipal official plan policies.

Section 2: Prescribed Rules for Minor Excavations

Regional staff supports the proposed amendments to reduce administrative requirements for the agricultural community when extracting aggregate from private land for personal use.

Section 3: Management and Operation of New and Existing Sites

Regional staff is generally supportive of the changes to address dust mitigation. In regards to applying water or another provincially approved dust suppressant to internal haul roads and processing areas, Regional staff supports the proposed change to apply the suppressant when a sensitive receptor is located within 1000 metres of the boundary.

The Province is encouraged to consider further reviews and comprehensively update the study requirements prescribed in the ARA policy framework's standards, policies and procedures to include current best practices for air quality impact assessment requirements. Both the Ministry of Natural Resources and Forestry and the Ministry of the Environment, Conservation and Parks is encouraged to support the monitoring and assessment of cumulative impacts of current and proposed aggregate facilities on the local airshed. The Province should also consider requiring continuous on-site monitoring of air quality (at representative locations along the boundaries of the aggregate operation and potentially on the immediate road(s) where trucks will enter and exit the pit or quarry from) during the operation of the pit or quarry, similar to the water quality monitoring which is currently undertaken. This would allow the operator to immediately implement a mitigation plan.

The management of aggregate recycling is very important. The proposed amendments to regulate the storage, tonnage reporting and operations of recycling in relation to pit operations addresses concerns previously raised by Regional staff. It is recommended that the Ministry give consideration to requiring groundwater monitoring near to any stockpile of recycled aggregate in order to achieve early detection of any changes in groundwater quality.

The Region collects and analyzes the information provided in the annual compliance reports for monitoring and reporting on extraction and rehabilitation activity. This information is used to provide updates to Regional Council and the public. The proposed changes to require additional details regarding the nature of the site rehabilitation is therefore supported.

Protection of groundwater is a policy directive in the Regional Official Plan. Regional staff supports the proposed amendment to require additional study information and notifications when expanding an existing pit or quarry to extract below the water table.

This amendment addresses concerns raised by the Region in its response to the 2016 Blueprint for Change paper.

In the Region's response to the proposed changes to the *Aggregate Resources Act* through Bill 139, Regional staff requested that the Province clarify the parameters around self-filing of site plan amendments for small and routine changes. Regional staff do not have any concerns with the proposed processes that have been identified to be eligible for the self-filing process.

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Regional staff appreciates the need for streamlining the licence application review and approval process by avoiding duplication of comments by Provincial ministries and agencies through further coordination. However, the conservation authorities provide valuable input into the licence application review process. Through memorandums of understanding entered into under *the authority of the Conservation Authorities Act*, the conservation authorities in Peel Region provide technical advice regarding environmental protection on behalf of the Region. Regional staff requests that the Province recognize the role of the Conservation Authority as a technical advisor to municipalities who may be required to provide input on application beyond commenting on flooding and natural hazards.

Overall, regional staff supports the changes to O.Reg. 224/97 and to the Aggregate Resources of Ontario Provincial Standards under the Aggregate Resources Act, subject to the recommendations noted in this letter. We look forward to continued dialog with the Province in order to improve aggregate resources planning and management.

Best Regards,



Adrian Smith, RPP, MCIP
Chief Planner, Director, Regional Planning and Growth Management