SUBMISSION TO THE ENVIRONMENTAL REGISTRY OF ONTARIO
ERO Number: 019-1303

1.1.1 Water Report:

Robust protection of water resources is fundamentally, one of the most crucial elements of a proper aggregate regulatory system. Your requirements for the assessment of impacts to water wells should be consistent and explicit. Regrettably, few details are included in your proposals but it would be appropriate to include, among other things, regular monitoring of all local well water quality and quantity. Regular measurement of well flow rates, not simply static well water levels, ought to be part of these standard practices. Additionally, well water quality testing with chemical analyses would be appropriate. Given the complexities of hydrogeology, a peer review component ought to be incorporated into the application process including details on who selects the peer reviewer to ensure transparency. It would seem only logical to have proponents fund costs for peer reviews.
If an aggregate operation does create adverse impacts to wells or the local watershed, how will this be rectified? A clear answer to such problems needs to be agreed upon prior approval of any license.

1.1.3 Natural Environment Report

Currently, the Provincial Standard requires that applicants include in this report "significant habitat of endangered or threatened species", among other things. As we are aware, changes to the Endangered Species Act of Ontario now include an opportunity for proponents who will be encroaching on these endangered species to proceed with their developments. The proponent may simply pay a fee to a third party in lieu of modifying the project to avoid impacting endangered or threatened species. This "pay to slay" option is sadly misguided and should not be part of aggregate extraction in Ontario.

1.3.1 Notification and Consultation Timeframes

Proposed: "The Ministry is proposing to extend the existing notification period to 60 days (calendar days) to allow more time for agencies and interested parties to review and comment…."

Suggestion: Given that many pits and quarries are active for decades, a 60 day notification period is relatively brief. Furthermore, applications can be technically complex with issues such as extraction below the water table, social impact studies, etc. Accordingly, a minimum of 90 days for notification would be more reasonable.

1.3.2 Notification and Consultation Process

Proposed: “Requiring Class A licence applicants to notify residents (e.g., residents who may not be landowners) located within 150 metres of a proposed pit or within 500 metres of a proposed quarry…”
Suggestion: Adverse effects of a pit or quarry including noise, dust, traffic and vibration can often impact residents well beyond one kilometer from the source. Also, the majority of pits and quarries are located in sparsely populated rural areas. Accordingly, it would be reasonable to require applicants to notify all residents and landowners within one kilometer of the proposed mining operation.

1.3.3 Objection Process on Private Land

It seems the proposed process for submitting formal ‘objections’ will be more onerous for local residents and potentially confusing. It would effectively become a three step process under the new system with only 20 days to prepare and submit the final “standardized objection form” along with required supporting documentation. Predictably, some commenters would be reluctant to appear before an LPAT hearing and thus, you will have created an effective impediment for formal objections. 20 days is insufficient time to prepare a formal objection for many regular folks and furthermore, it’s likely that many will submit a first comment within the initial 60 days, mistakenly assuming that this submission qualifies as a formal objection.
Suggestion: Allow commenters to submit a formal objection during a 90 day initial notification period.

3.3.1 Site Plan Amendment Process

Proposal: “Depending on the nature and significance of the change being requested, additional information may also be required (e.g. new or updated studies to assess potential impacts). Circulation of the proposed amendment(s) to municipalities, other agencies and interested parties for comment may also be required.”
Suggestion: Site plan amendments for pits and quarries can result in significant increases in adverse effects for local residents and add years to the lifespan of a pit.

Failure to circulate the proposal to all parties including municipalities, agencies, land owners and local residents would be a travesty. There is too much at stake with amendment applications to rely on discretionary decisions in choosing to circulate a proposed amendment. Mandatory circulation of all such applications would be appropriate.

3.3.3 Amendments to Expand an Existing Site Below the Water Table

Clearly, any initial application or amendment application to mine below the water table must be subjected to an equally thorough and robust vetting process with more effective safeguards in place than were present in years past. Sub-water table mining creates enormous potential for adverse impacts on the local environment and additionally, rehabilitation options become considerably more limited.
Proposal: "b) If no new surface area would be disturbed as a result of the amendment, the applicant would usually not need to prepare a new natural environment report, a new cultural heritage report, a new noise assessment or a new blast design report."
Suggestion: When a pit or quarry modifies their operations to extract below the water table, different equipment, procedures and blasting methodology will be implemented. Accordingly, sound emissions and blasting impacts may change considerably. It would be reasonable that new noise assessments and new blast design reports be required.

Proposal: "f) Applicants would be required to circulate the amendment application to the following: - landowners within 120 metres of the boundary of the existing pit or quarry,..."

Suggestion: This proposed limit for informing landowners is simply inadequate given the potential implications of mining below the water table. Again, I would recommend the same guidelines I have suggested in section 1.3.2 for a new Class A licence application be applied to applications for an amendment to mine sub-water table. That is, notify all residents and landowners within one kilometer of the proposed mining operation.

Proposal: "g) Landowners and agencies would be given 60 days to comment on the proposal. The applicant would be required to attempt to resolve any concerns received and then provide commenters with 20 days to submit formal objections."

Suggestion: There are two shortcomings in this proposal. Firstly, all local residents in addition to landowners and agencies, ought to be able to comment or object. Secondly, the difficulties mentioned above in 1.3.3 apply to this process as well. That is, 20 days

is insufficient to submit a formal objection with the necessary documentation and technical reports for a complex issue like this and the effect of the proposal turns a one step objection into a more onerous three step process.

Final Thoughts

In the preamble to these proposed amendments, your website states "it is equally important to manage and minimize the impact extraction operations may have on the environment and on the communities that surround them." Do your proposals achieve this goal? As they are presently written, I would say unequivocally no, however I sincerely believe this elusive balance could be improved with the suggestions made herein.