

June 25, 2021

Ministry of the Environment, Conservation and Parks
Conservation and Source Protection Branch
40 St. Clair Avenue West, 14th Floor
Toronto, Ontario
M4V 1M2

Attention: Liz Mikel

Re: ERO Posting 019-2986 – Regulatory Proposals (Phase 1) under the
Conservation Authorities Act

The Ontario Stone, Sand & Gravel Association (OSSGA) is pleased to provide comments on the proposed Regulations under the *Conservation Authorities Act*.

OSSGA is a not-for-profit association representing over 260 sand, gravel and stone producers and suppliers of products and services that serve the industry. Collectively, our members supply the majority of the 164 million tonnes of aggregate used, on average, each year in the Province to build and maintain Ontario’s infrastructure needs. OSSGA works in partnership with governments, agencies and members of the public to promote a safe and competitive aggregate industry, contributing to the creation of strong communities in the Province.

OSSGA considers this review as an important opportunity to clarify the roles and responsibilities of Conservation Authorities (CAs) in the aggregate licensing and approval process. We offer the following comments for your consideration:

Reduce duplication of effort in review of aggregate applications

The proposed regulation would allow for the delivery of “non-mandatory programs and services as an Authority deems advisable”. Our understanding is that this would include commenting on applications under other Provincial Acts, including the *Aggregate Resources Act* and the *Planning Act*.

As with other applications submitted pursuant to the *Planning Act*, CAs may review Official Plan amendments, zoning bylaw amendments and other applications for proposed new or expanded aggregate operations submitted pursuant to the *Planning Act*, and comment in an advisory capacity to municipalities making decisions on *Planning Act* applications.

mandatory program and service that a municipality may request a conservation authority to provide on the municipality's behalf and that would require a MOU would be conservation authority input on municipal land use planning matters outside of natural hazard policies; such as natural heritage policies".

Our primary concern is related to the overlap in the issues that provincial agencies and CAs raise in the review of aggregate applications. For example, CA comments may cover a number of areas which are already managed by MNR and MECP, such as species at risk, significant wildlife habitat, and well water issues.

In one recent example, an aggregate company submitted an application for a new gravel pit under the *Aggregate Resources Act*. The application was reviewed by NDMNR and MECP, and through modifications to the application, the project received the support of both provincial agencies. The CA was circulated on the ARA application, but did not provide comments. Subsequently, the company submitted an application to the local municipality for a zoning by-law amendment. The CA provided a 9 page letter citing concerns with species at risk, hydrogeology, wetlands, and other issues. Despite the technical review and sign off from NDMNR and MECP, the CA comments on overlapping areas of provincial mandate, held up the application for over a year.

OSSGA members are increasingly frustrated with the duplication of effort in technical reviews that add cost and time to the approval process, with no added value.

Recommendation

To reduce overlap and duplication of effort, we recommend that municipal program and service agreements clarify the CA role in the review of aggregate applications under the *Planning Act* and the *Aggregate Resources Act* and restrict CA comments to matters covered under Section 3.1 of the Provincial Policy Statement (PPS 2020) for aggregate applications. Municipal agreements or memorandums should also recognize the Section 28(11) exemption for activities approved under the ARA.

We believe that this would align with government's red-tape reduction priorities and help to streamline approval processes.

Conclusion

OSSGA appreciates the opportunity to provide comments as part of the consultation on the proposed regulations. Please feel free to contact me with any questions or concerns.

Yours truly,



Norman Cheesman
Executive Director