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RE: Proposed changes to the Aggregate Resources Act, Ontario Regulation 244/97 to expand self-filing activities and a new policy regarding amendments to existing aggregate approvals

Jamie Prentice:

Thank you for the opportunity to review and comment on the proposed regulatory changes to Ontario Regulation 224/97 under the *Aggregate Resources Act* to expand the list of changes that can be made to site plans without ministry approval (subject to conditions) and proposing a policy that would provide direction for changes to licences, permits and site plans where ministry approval is required.

Peel Region staff would like to provide the following comments in response to the proposed changes.

Proposed regulation amendment

Changes to the regulations in 2020 allowed operators to self-file certain prescribed changes to some existing site plans for routine activities without requiring approval from the ministry (subject to conditions set out in regulations).

It is now being proposed to expand the list of eligible site plan changes that can be made without ministry approval when certain conditions are met. These are specifically:

- Changes to site entrances or exits
- Adding, removing or re-locating above ground fuel storage
- Where processing activities have already been approved for the site, adding the importation of materials for recycling
- Adding, removing or re-locating portable processing equipment or portable asphalt or cement processing equipment for public road authority projects.

The proposed site plan changes described above would only be eligible for self-filing, provided they do not conflict with the Act, the Regulation, any other Act or regulation or any licence, permit or approval issued under the Act, the Regulation or any other Act or regulation.

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Peel Region Comments

Peel Region staff supports the proposed changes to expand the list of eligible site plan changes that can be made without ministry approval when certain conditions are met. The conditions to be met for self-filing set out limitations that are important to ensuring recyclable material storage, processing and handling minimize potential community and environmental impacts. The Ministry should consider if it is also appropriate to extend the locational requirements applying to asphalt recycling (i.e., no storage within 30 m of a water body or within 2 metres of established groundwater table) to other types of recyclable material listed in the regulations. Staff understand these other materials have different properties and lower environmental risk that may warrant a different requirement; however, the recommended requirements for self-filing changes may benefit a consistent requirement be included in the regulation.

Clarification is also requested with respect to importation of recyclable material as the permission to self-file to permit the importation of recyclable material would only apply to licences on private lands only and not to permits on Crown lands. Given the benefits of recycling, it would also be beneficial to permit self-filing on Crown lands.

Proposed Policy When Considering Changes to Licences and Site Plans

New policy is being proposed to clarify requirements and the approach to public notification and consultation for amendments to authorizations that require ministry approval. Amendments vary in type and complexity and can range from small or administrative changes to significant changes to operations and rehabilitation.

The proposed policy is therefore intended to provide direction on the requirements for applying for an amendment, guide ministry decision-making for amendment applications and provide direction on notification and consultation requirements for certain amendments.

Regional staff request the Ministry consider the following comments on specific sections of the proposed new policy when finalizing it:

Section 3.2 Examples of significant changes - It is suggested that “sensitive receptors adjacent to the operation including residential dwellings, facilities, amenity areas or outdoor spaces where routine activities occurring at reasonably expected times may experience one or more adverse effects from the operation (e.g., noise, vibration or dust)” be added to the list of circumstances when proposed changes would be deemed to be significant. The list includes references to potential impacts to “nearby communities”. “Nearby communities” is a broad term that may not necessarily be interpreted to include nearby sensitive receptors that experience adverse effects as a result of changes to a licence or site plan. The requested change will more clearly communicate to licence holders expectations when making applications for changes to site plans to the Ministry.

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Section 3.3 Examples - changes that are not significant, Table - Rehabilitation changes

Changes to vegetation cover or tree species: Suggest further clarifying changes to vegetation to specifically reference “additions or revisions to the amount or species composition of vegetation cover or tree species” and adding a note that any changes to remove vegetation cover or tree cover that has been included on the site plan as a required condition for approval will generally be considered to be a significant change to an operation or rehabilitation requiring consultation. The proposed “changes to vegetation cover” category is unclear and open ended and should not permit removals of vegetation cover as a minor amendment.

Excavation within setbacks/buffers: Similar to the comments on changes to vegetation noted above, the example should be clarified to note that excavation within setbacks and buffers should normally be considered significant if the setbacks/buffers were required to mitigate impacts of the operation on adjacent sensitive land uses.

Section 3.4 Changes to licence, permit, or site plan conditions, Preamble paragraph and Section 3.4.1 Tribunal and Joint Board conditions - For either of the two sections identified immediately above, it is not clear if municipalities would receive notification of changes to conditions that were specifically requested by the municipality. The policy guidance should be clarified to indicate that unless changes to conditions are very minor, notification to the parties initially requesting the condition should be given.

Section 5.1 Planning and land use - The planning and land use policies that the Ministry will have regard to, should be expanded to include reference to municipal official plan policies in effect and require consultation with municipalities if changes are deemed to be significant or if new official plan policies are adopted and applicable to the review of the proposed licence or site plan change. Official plan policies may be amended from time to time and new policy considerations may apply if amendments are proposed after the initial licence and site plan was approved.

Notwithstanding the suggested edits proposed, Regional staff is generally supportive of the proposed policy changes and have noted that local and upper tier municipalities where the site is located should be notified for significant amendments that relate to municipal interests or jurisdiction, including but not limited to:

- Planning and land use
- Traffic and haul routes
- Natural heritage
- Source water protection
- Community Impacts

Further, the Niagara Escarpment Commission will have to be notified about all amendments for sites within the Niagara Escarpment Planning Area, unless the Niagara Escarpment Commission has already approved the amendments.

Overall, Peel Region staff generally supports the changes to the Aggregate Resources Act, Ontario Regulations 244/97 to expand self-filing activities and a new policy regarding amendments to existing aggregate approvals.

I would be pleased to provide any clarifications or additional comments on these matters and answer questions that you may have.

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Best Regards,



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