

Tuesday, July 11, 2023

Jamie Prentice
MNR Information Officer
MNR – RPDPB – Resources
Development Section
300 Water Street
2nd Floor South
Peterborough, ON K9J 3C7

Dear Mr. Prentice,

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 – ERO 019-6767

The City of Guelph (City) has received notice through the Environmental Registry of Ontario (ERO 019-6767 - <https://ero.ontario.ca/notice/019-6767>) regarding the Streamlining of Approvals under the Aggregate Resources Act and Supporting Policy.

The Ministry of Natural Resources and Forestry (the Ministry) is proposing changes to [Ontario Regulation 244/97](#) under the [Aggregate Resources Act](#) (ARA) to expand the list of changes that can be made to existing pit or quarry site plans without Ministry approval, called self-filing changes (subject to conditions and eligibility), as well as seeking feedback on a new policy that provides direction for making changes to licenses, permits and site plans that do require Ministry approval. Herein, the City provides comments on the proposed changes to the ARA.

The City of Guelph does not have licensed aggregate operations within its municipal boundaries. However, there are a number of aggregate sites located within close proximity to the City and some of these sites lie within the City's Wellhead Protection Areas (WHPA) or Intake Protections Zones (IPZ) for water quality and water quantity. The City's comments on the proposed changes to the ARA are primarily with respect to ensuring the ongoing protection of the City's drinking water sources.

The Ministry has proposed five categories of site plan amendments that will be eligible for self-filing as follows:

- Importation of Recyclable Materials - Enabling recyclable aggregate material to be imported (concrete, asphalt, bricks, glass, or ceramics) to aggregate sites

- Entrances and Exits - Adding or relocating entrances or exits to aggregate sites when the operator can provide proof of the relevant road authority approval for the change
- Portable Process Equipment - Adding, removing or changing portable processing equipment at aggregate sites (e.g., for crushing or screening aggregate material)
- Portable Concrete or Asphalt Plants - Adding, removing or changing portable concrete or asphalt plants where required for public authority projects
- Above-Ground Fuel Storage - Adding, removing or changing above-ground fuel storage at aggregate sites

The City's comments on each of the categories are provided as follows:

Importation of Recyclable Materials

The Ministry should ensure that the importation of recyclable materials does not affect surface and/or groundwater quality. Materials imported should be designated as inert and not include materials that may be considered a waste. The Ministry should ensure that the aggregate sites have the appropriate license(s) and permit(s) to allow the importation of the recyclable materials.

Entrances and Exits

The City has no comments on this category.

Portable Process Equipment and Portable Concrete or Asphalt Plants

The Ministry should ensure that the addition, removal or re-location of portable processing equipment at aggregate sites does not affect water quality. The Ministry should ensure that the aggregate sites have the appropriate licenses and permits to allow the safe operation of the processing equipment. The Risk Management Official (RMO) having jurisdiction over the aggregate site should be consulted when a change occurs and the operators of the aggregate site should ensure compliance with any source protection policies that apply to the site.

Above-Ground Fuel Storage

The Ministry should ensure that the addition, removal or re-location of an above ground fuel storage tank at the site does not affect water quality.

The Ministry should ensure that the aggregate sites have the fuel tanks installed and maintained in accordance with the Liquid Fuel Handling Code to allow the safe operation of the fuel tank.

The RMO can advise as to constraints on locations where the fuel storage tank may be considered a Significant Drinking Water Threat under the [Clean Water Act, 2006](#).

The Ministry and the operators of the aggregate site should ensure compliance with any current source protection policies that apply to the fuel tanks.

Conclusion

The Risk Management Official (RMO), having jurisdiction over the aggregate site(s) if directed by a Source Protection Plan policy, should be consulted in any applicable vulnerable areas (i.e., well head protection areas (WHPAs), intake protection zones (IPZs) regarding the source protection policies that may apply to the site(s). The Ministry and the operators of the aggregate site should ensure ongoing compliance with any source protection policies that apply to the site.

The Ministry should consider review the existing source protection policies that may be in place in Ontario to determine if updates or amendment to the policies may be necessary because of this proposed change to the ARA. Local RMOs should be informed if the Ministry identifies any existing or potential conflicts with current source protection policies.

Thank you for allowing the City of Guelph to comment on this proposal. We would welcome the opportunity to discuss these comments, if necessary.

Sincerely,

Jayne Holmes, P. Eng., PMP, Deputy Chief Administrative Officer

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