



Ramsay Planning Inc.

**Proposed Aggregate Policy
Proposals
for the
Town of Caledon**

**Prepared For:
Forks of the Credit Preservation Group**

Index to Proposed Aggregate Policies

	<u>Item</u>	<u>Page</u>
A.	Air Quality	
-	Proposed Policies	3-4
-	Letter from D. H, Lyons, P.Eng, Air Quality Management Services	5-6
-	Letter from Jeffrey R. Brook, PhD, Associate Professor University of Toronto & Independent Consultant	7-16
B.	Woodland, Wetland and Ecologically Sensitive Groundwater Recharge Areas	
-	Proposed Policies	17-18
-	Letter from Mark Heaton, Ecologist	19-24

A. Air Quality Policy Proposals:

- 1.1.1 An Official Plan Amendment application to designate lands as Aggregate Resource Lands for a new extraction operation or expansion to an existing extraction operation shall require the following:
- a) Air Quality Assessments:
 - i) The submission of a two phase air quality assessment, completed by a qualified professional.
 - ii) The Phase 1 Air Quality Assessment shall include a determination of the existing PM 2.5 levels in the vicinity of the lands proposed to be redesignated. The Phase 1 Air Quality Assessment shall be conducted in accordance with the Town of Caledon approved terms of reference for Air Quality Assessments and shall be based on a minimum of three sampling locations for ambient air monitoring, one located upwind and two downwind of the proposed operation. The downwind samples are to be located in or near existing sensitive receptors, such as residential areas.
 - iii) Applications where the findings of the Phase 1 Air Quality Assessment indicate a PM 2.5 level in excess of an annual average of **5.0 µg/m³** will not be supported for approval.
 - iv) Applications where the findings of the Phase 1 Air Quality Assessment indicate a PM 2.5 level less than an annual average of **5.0 µg/m³** will require a completion of a Phase 2 Air Quality Assessment.

- v) The Phase 2 Air Quality Assessment shall be conducted in accordance with the Town of Caledon approved terms of reference for Air Quality Assessments and shall be based on a dispersion model that permits a maximum 75% mitigation rate in order to achieve the ambient air quality objective of an annual average of less than **5.0 $\mu\text{g}/\text{m}^3$** .
- vi) Applications where the findings of the Phase 2 Air Quality Assessment indicate a mitigation rate of more than 75% is required to achieve a PM 2.5 level an annual average of less than **5.0 $\mu\text{g}/\text{m}^3$** will not be supported for approval.

D. H. Lyons

D. H. Lyons
60 Heintzman St, Ste 1327
Toronto, ON M6P 5A1

Phone (416) 761-9472
Fax (416) 761-1916
Mobile (416) 993-9472

May 29, 2024

David Sylvester
President
Forks of the Credit Preservation Group
1391 Cataract Rd
Caledon ON L7K 1P2

RE: Air Quality Policy Analysis for Caledon - Interim Control By-law No. 2023-084

Dear Mr. Sylvester:

As you are aware, I have been retained for the past 18 months by the Forks of the Credit Preservation Group ("FCPG") in response to your request for an assessment of air quality issues related to the aggregate industry. The Terms of Reference of my retainer included:

1. An exhaustive review of current air quality standards at the provincial, federal, and international levels, - concerning fine particulate matter (PM 2.5, dust particles with an aerodynamic diameter of less than 2 micrometers); and
2. A review of the Town of Caledon's air quality impact study methodology and terms of reference for air quality analysis in relation to aggregate mining applications.

I am a licensed professional engineer in Ontario (license number 90332875) with more than twenty-five years of experience as an industrial air quality consultant.

Areas of my specific expertise include the development of air emission inventories, air quality impact studies, greenhouse gas emission verifications, air emission mitigation and control strategies, and air emission monitoring techniques and technologies. I have worked with a broad spectrum of industrial facilities, throughout Canada and internationally, as well as industrial associations, academic institutions, and municipal, provincial and federal government agencies.

In order to complete my research pursuant to producing a final report with recommendations to FCPG, I have completed a review of air quality standards as published by Ontario Ministry of Environment, Conservation and Parks (MECP), Canadian Council of Ministers of the Environment (CCME) the U.S. Environmental Protection Agency (EPA), and the World Health Organization (WHO) air quality standards.

In addition, I have run several air quality models on various generic aggregate operations using the U.S EPA AERMOD dispersion modelling software, following the procedures specified in the Ontario MECP documents Guideline A-10, *Procedure for Preparing an Emission Summary and Dispersion Modelling Report*, and Guideline A-11, *Air Dispersion Modelling Guideline for Ontario*.

My research has included confirmation of my key conclusions concerning air quality standards and fine particulate matter with Dr. Jeff Brook of the Dalla Lana School of Public Health, at the University of Toronto.

In consideration of the foregoing, it is my recommendation that the Town of Caledon undertake the following:

1. Adopt the 2021 WHO standards for PM_{2.5} standards which are a maximum 24-hour average concentration of 15 ug/m³ and a maximum annual average concentration of 5 ug/m³.
2. The reason for this recommendation is that the Ontario MECP has adopted the Environment Canada Canadian Ambient Air Quality Standards (CAAQS) for PM 2.5 which are a maximum 24-hour average concentration of 27 ug/m³ and a maximum annual average concentration of 8.8 ug/m³. These standards were recommended by Environment Canada in 2020 and have been superseded by more recent publications by the WHO. The 2021 WHO standards may be considered to be more protective of potential human health impacts.

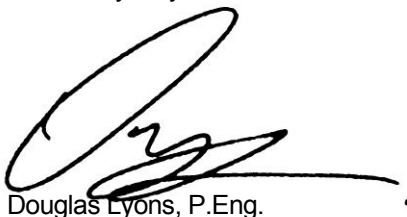
In order to accurately predict the volume of PM 2.5 that will impact sensitive receptors, it is crucial that air quality evaluators and peer reviewers adopt the following Terms of Reference and Review Standards:

1. Determination of accurate existing background PM 2.5 levels in Caledon in the vicinity of existing residential areas and critical sensitive receptors (such as schools). Accurate measurements of existing background PM 2.5 concentrations are of key importance, as the existing background concentrations must be added to any predicted PM 2.5 concentrations from any aggregate operations in order to determine compliance with the air quality standards.
2. Measurement of background PM 2.5 concentrations should be conducted in accordance with the recognized standard methods published by the U.S. EPA Code of Federal Regulations (CFR) Title 40 Part 53: Ambient Air Monitoring Reference and Equivalent Methods. This reference provides rigorous methods for ensuring data quality and reliability when using an online optical analyzer for measuring ambient PM 2.5 concentrations in lieu of the older manual sampling methods with filters.
3. When assessing a new or existing aggregate application, a minimum of three sampling locations should be selected for ambient air monitoring, one located upwind and two downwind of the proposed operation. The downwind samples should be located in or near existing critical receptors, such as residential areas and set up as specified in the U.S. EPA methods.

These recommendations are consistent with current scientific literature surrounding PM 2.5, which will be spelled out in my final report containing research and methodology citations to be sent to Forks of the Credit Preservation Group by before the end of June, 2024.

I appreciate the opportunity to be of service. If you have any questions or concerns, please do not hesitate to contact me at (416) 761-9472, cellular (416) 993-9472 or by email at dhlyons@ca.inter.net.

Yours very truly,



Douglas Lyons, P.Eng.

Jeffrey R. Brook, PhD

559 Edwards Lane
Midland, ON L4R 5G6
(705) 970-7121
Jeff.brook60@gmail.com

David Sylvester

Chair

Forks of the Credit Preservation Group

1391 Cataract Rd.

Caledon ON L7K 1P2

Dear Mr. Sylvester

RE: Air Quality Policy Discussion for Caledon Interim Control By-Law No. 2023-084

As you are aware, I have been retained for the past 6 months by the Forks of the Credit Preservation Group to advise you regarding scientific modelling of NOx emissions, air quality and air quality standards.

I am Associate Professor with University of Toronto Dalla Lana School of Public Health. My research interests include environmental health, exposure assessment, urban air quality, and health effects studies.

I was previously Senior Research Scientist, Environment and Climate Change Canada (Retiring in September 2018). In addition to my role as an associate professor since 2018, I have undertaken some independent consulting on contract. Most relevant are work advising the Maryhill Ratepayers Association concerning a Capital Paving gravel mine proposal, air quality impacts of expanded rail yard operation near Milton, ON, and advice to the Fort McKay First Nation Sustainability Department regarding oil sands impact on their community. I have also served on the Research Committee of the Health Effects Institute as

a consultant advising on many aspects of air quality research and the health impacts of air pollution from traffic.

My education includes Ph.D. 1991 Air Pollution Meteorology from The University of Michigan, an M.Sc. in 1988 re Atmospheric Science from The University of Michigan, a Diploma 1983, in Meteorology from McGill University, and B.Sc. 1982, in Physical Sciences from Michigan State University.

Brief Conclusion

Regarding your question concerning air quality standards, it is my expert opinion that the 2021 World Health Organization (“WHO”) Guidelines dictate the level of air quality the citizens of Caledon should expect to enjoy. No other established set of numeric “thresholds” has been set purely based on human health protection as indicated by available scientific information.

The Canadian Ambient Air Quality Standards (CAAQS) are stringent relative to many other country’s standards, but they are not entirely health based – instead we should refer to them as being informed by health effects knowledge. I provide further rationale for recommending the WHO Guidelines below in the context of gravel mining activities of concern to Caledon.

Rationale and Background for this Opinion

It is generally understood gravel mining is a necessary activity in Ontario to maintain and build infrastructure. As such, it is relatively ubiquitous and seeks to exploit resources relatively close to where gravel and related resources are needed. This leads to the potential for populated areas and mines to be in proximity to one another. Pollutant emissions to the air are a consequence of gravel mining and this can adversely affect air quality.

For gravel mining, the most attention is paid to the levels suspended particulate matter (PM) moving beyond the ‘fencelines’. Permits are issued by the province as a form of control on PM levels, which typically focus on particles in two size categories, all those below 10 µm in diameter (PM10) and those below 2.5 µm in diameter (PM2.5). Both standard metrics for PM pollution are of importance due to their fact that they are inhalable, thus posing risks to health.

In the context of gravel mining, less attention is paid to the emissions from the trucks and other diesel and gasoline burning equipment, which are necessary to transport the products to the point of use. Diesel engines emit nitrogen oxides (NOx), which leads to nitrogen dioxide (NO2) in the air. Diesel exhaust also contains PM2.5 and the movement of diesel

trucks produces PM10. Near-roadway air quality is significantly impacted by truck emissions and all traffic in general. Trucks are the largest source of emissions and the amount emitted depends upon the age, operating conditions, and maintenance of the vehicles. The impact of gravel mining on local NO2 levels, which will increase at the 'pit' and along the commonly used travel routes, is not part of the permitting process. All three of these pollutants have been studied by WHO and consequently have Guidelines, which are underpinned by extensive health research demonstrating that they have a range of effects on the body, referred to as "biological plausibility" or evidence of "biological mechanisms".

PM (2.5 and 10) and NO2 from the extraction and distribution of gravel mining products have the potential to impact air quality for people living in their vicinity. Operating permits for gravel pits take into consideration PM increases and what is permitted is judged based upon incremental increases in PM2.5 and PM10 and the potential for air quality standards to be exceeded. Incremental increases in NO2 are not considered and I view this an oversight in the permitting process given the strong evidence that traffic air pollution has a range of health effects. In theory, air quality standards are thus a key criterion used to regulate gravel mining to ensure residents in the surrounding community are not impacted.

From the standpoint of impacts from degraded air quality, residents are most concerned about health risk and thus ask the logical question, "is the air I am breathing safe?".

Providing a definitive answer to this question is challenging and inevitably the stakeholders involved (i.e., residents and the emitters or industry) often have different opinions of how to answer this question. Setting air quality standards is a critical step in the process, which is guided by scientific evidence that is recognized to evolve over time. In practice, the actual numeric standard values tend to take into consideration current air quality and feasibility and/or cost of meeting a set standard versus the benefits.

Clearly, the fact that standards are reviewed regularly and generally thought of as a mechanism to promote continuous improvement in air quality implies that they may be made more stringent in the future as health implications are better understood. The Air Quality Management System (AQMS) in Canada, which establishes the CAAQS and other processes involved in managing air quality, is structured around three key assumptions:

1. The initial set of CAAQS, which were set for PM2.5 and ozone (O3), were to be reduced after five years;
2. Continuous improvement in population exposure levels is an ongoing goal; and
3. Growth in emissions across the country are managed according to management levels that more stringently regulate air quality and pollutant emissions in Air Zones where air quality is at risk of deteriorating towards the CAAQS. I.E., CAAQS are not intended to be a "pollute up to" threshold.

Collectively, these assumptions acknowledge that the current standards are not necessarily the absolute safe threshold in the context of the logical question posed by the public about air quality and public health.

Indeed, in the case of annual average PM_{2.5} concentration the scientific consensus is that the safe threshold is considerably below today's CAAQS of 8.8 µg/m³. "How low should you go?" is the question posed in the title of a major Canadian study. The main attempt to answer this question has come from the WHO with its new 2021 Guideline of 5 µg/m³. In general, the process that the WHO followed to set the guideline reviewed the scientific evidence to conclude that above this level there are measurable impacts (i.e., detectable risk that also increases as air concentration increase). Thus, with any level above an annual average of 5 µg/m³ there an accepted risk to public health.

How much risk to accept becomes a judgement and a challenge for any individual to make given the statistical nature of the estimated risk. Evidence also indicates that some people are more susceptible, so they may be facing a greater risk than the population average and it is desirable for standards to reflect this. The WHO has also established Guidelines for the 24-hour average concentration of PM_{2.5} (15 µg/m³), annual and 24-hour average concentrations of PM₁₀ (15 and 45 µg/m³, respectively), and annual and 24 hour average NO₂ concentrations (10 and 25 µg/m³, respectively).

For all three of these pollutants, WHO's 2021 Guidelines are more stringent than what was established in 2005, clearly recognizing the evolution in scientific evidence over the past two decades.

Conclusions

The conclusion from the above is that given current knowledge, the goal for air quality should be to meet the WHO standards and when this is not achieved the goal should be continuous improvement and no further deterioration of air quality. How regulators seek to adhere to these goals is ultimately a societal decision, but from a scientific standpoint, Caledon should vigorously defend the requirement that air quality complies with WHO advice.

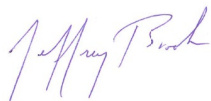
The WHO Guidelines are not being met in many places in Canada and 'the public interest', as represented by the Canadian Council of Ministers of the Environment (CCME), has currently established the CAAQS as the accepted level of risk in Canada with the AQMS in place to promote continuous improvement. Many of the CAAQS are being met, meaning that decisions about air quality should be guided by the management levels established by the CCME. In this context, Caledon should put forward an expectation that air quality does not exceed the AQMS management level that corresponds to Air Zones that are being impacted, but not yet near exceeding the CAAQS (i.e., 1 tier above an identified 'clean area'). For

annual average PM_{2.5} this corresponds to concentrations from 4.1 to 6.4 µg/m³, which is consistent with the WHO Guidelines.

A challenge in using the AQMS and CAAQS is that their formal achievement is measured in the context of populated areas above a size threshold. Nonetheless, they are the main formal basis for managing air quality in Canada, recognizing that the Province of Ontario also has some helpful air quality standards. An additional challenge for Caledon is that there is no routine monitoring to know what the present levels of PM_{2.5}, PM₁₀ and NO₂ are in the area. Without this information, continuous improvement cannot be tracked and incremental increases from changes in gravel mining are unknown. Thus, while I recommend that Caledon adopt the WHO Guidelines as being the best-known safe levels, Caledon should also recognize that the present efforts to control and improve air quality can be improved and doing so is prudent and practical. Furthermore, stakeholders involved in air emission decision-making that impacts Caledon, should offer practical solutions to address the lack of monitoring of PM_{2.5}, PM₁₀ and NO₂ and this data should serve to guide short-, medium- and long-term decision-making.

Please don't hesitate to contact me if you would like to discuss the above issues further.

Sincerely,

A handwritten signature in blue ink that reads "Jeffrey R. Brook". The signature is written in a cursive, flowing style.

Jeffrey R. Brook, PhD.
Associate Professor
University of Toronto &
Independent Consultant

Professional Summary & Appointments

Scientific Director, Canadian Urban Environmental Health Research Consortium (CANUE)

Research Committee, Health Effects Institute, Boston

Southern Ontario Centre for Atmospheric Aerosol Research (SOCAAR), University of Toronto

Chair of multi-centre CHILD Environment Working Group

Co-Leader, Gene x Environment Platform, AllerGen Canadian Networks of Centres of Excellence, McMaster U., Hamilton, Ontario. <http://www.allergen-nce.ca>

Study executive committee, Canadian Healthy Infant Longitudinal Development (CHILD) birth cohort study. AllerGen: Genes and Environment. Canadian Networks of Centres of Excellence, McMaster U., Hamilton, Ontario.

Honours & Awards

Distinguished Scientist of the Chinese Academy of Sciences, Dec. 2016.

Honourable Mention Award from the Atmospheric Science Librarians International Association for publication of “Air Quality Management: Canadian Perspectives on a Global Issue”, Jan. 2015.

Citation of Excellence in the Teamwork, Partnering and Collaboration category, Environment Canada, May 2012

Citation of Excellence, Environment Canada, May 8, 2003.

Current Research Projects

Equity in Built Environment Surveillance Tools (EBEST), P.I. J.R. Brook, Funding from: the Public Health Agency of Canada.

A Framework for Community Involvement in Documenting and Improving Cardiovascular Health in Fort McKay, AB, including an Assessment of Evidence Air Pollution’s Potential Role. P.I. J.R. Brook, Funding from Alberta Health.

The Canadian Urban Environmental Health Research Consortium (CANUE), P.I. J. R. Brook, Funding from: Canadian Institutes for Health Research (CIHR)

The Canadian Alliance for Health Hearts and Minds, P.I. of Fort McKay First Nation

Indigenous Cohort: J.R. Brook, Funding from: CIHR

Better Exposure Avoidance Measures (BEAM). P.I. J. R. Brook, Funding from: AllerGen

Canadian Healthy Infant Longitudinal Development Study (CHILD), P.I. PJ Subbarao,

Funding from: AllerGen, Genome Canada, CIHR, others

Selected Publications (Career total: ~350)

1. Zhao, Zixiang, Yichen Lu, Yu Zhan, Yuan Cheng, Fumo Yang, Jeffrey R. Brook, and Kebin He. 2023. "Long-Term Spatiotemporal Variations in Surface NO₂ for Beijing Reconstructed from Surface Data and Satellite Retrievals." *Science of The Total Environment* 904 (December): 166693. <https://doi.org/10.1016/j.scitotenv.2023.166693>
2. Boogaard, H., E. Samoli, A.P. Patton, R.W. Atkinson, J.R. Brook, H.H. Chang, B. Hoffmann, et al. 2023. "Long-Term Exposure to Traffic-Related Air Pollution and Non-Accidental Mortality: A Systematic Review and Meta-Analysis." *Environment International* 176 (June): 107916. <https://doi.org/10.1016/j.envint.2023.107916>
3. Zhang, Leiming, Zhuanshi He, Zhiyong Wu, Anne Marie Macdonald, Jeffrey R. Brook, and Shailesh Kharol. 2023. "A Database of Modeled Gridded Dry Deposition Velocities for 45 Gaseous Species and Three Particle Size Ranges across North America." *Journal of Environmental Sciences* 127 (May): 264–72. <https://doi.org/10.1016/j.jes.2022.05.030>
4. Weichenthal S., Lauren Pinault, Tanya Christidis, Richard T. Burnett, Jeffrey R. Brook, Yen Chu, Dan L. Crouse, Anders C. Erickson, Perry Hystad, Chi Li, Randall V. Martin, Jun Meng, Amanda J. Pappin, Michael Tjepkema, Aaron van Donkelaar, Crystal L. Weagle, Michael Brauer (2022) How low can you go? Air pollution affects mortality at very low levels, *Sci. Adv.* 8, eabo3381
5. Cooper, M. J., Randall V. Martin, Melanie S. Hammer, Pieternel F. Levelt, Pepijn Veefkind, Lok N. Lamsal, Nickolay A. Krotkov, Jeffrey R. Brook, and Chris A. McLinden. 2022. "Global Fine-Scale Changes in Ambient NO₂ during COVID-19 Lockdowns." *Nature* 601 (7893): 380–87. <https://doi.org/10.1038/s41586-021-04229-0>.
6. Cooper M., Martin R., McLinden C., Brook J.R. (2020). Inferring ground-level nitrogen dioxide concentrations at fine spatial resolution applied to the TROPOMI satellite instrument. *Env. Res. Lett.*, <https://iopscience.iop.org/article/10.1088/1748-9326/aba3a5>
7. Wren, S.N., Cris M Mihele, Gang Lu, Zhimei Jiang, Deyong Wen, Katherine Hayden, Richard L Mittermeier, Ralf M Staebler, Stewart G Cober, Jeffrey R Brook. (2020). Improving Insights on Air Pollutant Mixtures and Their Origins by Enhancing Local Monitoring in an Area of Intensive Resource Development. *Environmental Science & Technology*. 54: 23 (14936-14945)
8. Tun M.H., Tun H.M., Konya T., Guttman D.S., Becker A.B., Mandhane P.J., Turvey S.E., Subbarao P., Sears M.R., Brook J.R., Lou W, Takaro T.K., Scott J.A., Kozyrskyj A.L., the CHILD Study Investigators (2018) Postnatal exposure to household cleaning products alters infant gut

- microbiota at age 3-4 months and future risk for overweight. *Canadian Medical Association Journal* (accepted)
9. Bai L., Burnett R.T., Kwong J.C., Hystad P., van Donkelaar A., Brook J.R., Tu K., Copes R., Goldberg M.S., Martin R.V., Murray B.J., Kopp A. (2018) Long-term exposure to air pollution and the incidence of multiple sclerosis: a population-based cohort study. *Environmental Research* (accepted)
 10. Lavigne E., Belair M.A., Rodriguez Duque D., Do M.T., Stieb D.M., Hystad P., van Donkelaar A., Martin R.V., Crouse D.L., Crighton E., Chen, H., Burnett R.T., Weichenthal S., Villeneuve P.J., To T., Brook J.R., Johnson M., Cakmak S., Yasseen III A.S., Walker M. (2018) Effect modification of perinatal exposure to air pollution and childhood asthma incidence. *European Respiratory Journal* Jan 2018, 1701884; DOI:1183/13993003.01884-2017.
 11. Brook J.R., Setton E.M., Seed E., Shooshtari M., Doiron D. (2018) The Canadian Urban Environmental Health Research Consortium – a protocol for building a national environmental exposure data platform for integrated analyses of urban form and health. *BMC Public Health* 18 (1), 114.
 12. Chen H., Kwong J.C., Copes R., Hystad P., van Donkelaar A., Tu K., Brook J.R., Goldberg M.S., Martin R.V., Murray B.J., Wilton A.S., Koop A., Burnett R.T., (2017) Exposure to ambient air pollution and the incidence of dementia: A population-based cohort study. *Environ Int*, 108, 271-277.
 13. Lavigne E., Bélair M.-A., Do M.T., Stieb D.M., Hystad P., van Donkelaar A., Martin R.V., Crouse D.L., Crighton E., Chen H., Brook J.R., Burnett R.T., Weichenthal S., Villeneuve P.J., To T., Cakmak S., Johnson M., Yasseen A.S., Johnson K.C., Ofner M., Xie L., Walker M. (2017) Maternal exposure to ambient air pollution and risk of early childhood cancers: A population-based study in Ontario, Canada. *Environment International* 100, 139-47.
 14. North M.L., Brook J.R., Lee E.Y., Omana V., Daniel N.M., Steacy L.M., Evans G.J., Diamond M.L., Ellis A.K. (2017) The Kingston Allergy Birth Cohort: Exploring parentally reported respiratory outcomes through the lens of the exposome. *Annals of Allergy, Asthma & Immunology*, 118, 465-473.
 15. Hatzopoulou M., Valois M.-F., Levy I., Mihele C., Lu G., Bagg S., Minet L., Brook J.R. (2017) Robustness of Land-Use Regression Models Developed from Mobile Air Pollutant Measurements. *Environmental Science & Technology*, 51, 3938–3947.
 16. Münzel T., Sørensen M., Gori T., Schmidt F.P., Rao X., Brook J.R., Chen L.C., Brook R.D., Rajagopalan S. (2017) Environmental stressors and cardio-metabolic disease: part I–epidemiologic evidence supporting a role for noise and air pollution and effects of mitigation strategies. *Eur Heart J* 38, 550-556.
 17. Liu L, Urch B., Szyszkowicz M., Speck M., Leingartner K., Shutt R., Pelletier G., Gold D.R., Scott J.A., Brook J.R., Thorne P.S., Silverman F.S. (2017) Influence of exposure to coarse, fine and ultrafine urban particulate matter and their biological constituents on neural biomarkers in a randomized controlled crossover study. *Environment International*. 101:89-95

18. Pakpour S., Scott JA, Turvey SE, Brook JR, Takaro TK, Sears MR, Klironomos J (2016) Presence of Archaea in the indoor environment and their relationships with housing characteristics. *Microb Ecol* 75:305-12.
19. Liggio J, Li S-M, Hayden K, Taha YM, Stroud C, Darlington A, Drollette BD, Gordon M, Lee P, Liu P, Leithead A, Moussa SG, Wang D, O'Brien J, Mittermeier RL, Brook JR, Lu G, Staebler R, Han Y, Tokarek TT, Osthoff HD, Makar PA, Zhang J, Plata D, Gentner DR. (2016). Oil Sands Operations Are a Major Source of Secondary Organic Aerosols. *Nature*, online May 25, 2016, doi:10/1038/nature17646
20. Chen H, Burnett RT, Copes R, Kwong JC, Villeneuve PJ, Goldberg MS, Brook RD, van Donkelaar A, Jerrett M, Martin RV, Brook JR, Kopp A, Tu JV (2016) Spatial Analysis of Ambient Fine Particulate Matter and Survival after Myocardial Infarction. Published online May 6, 2016, *Environmental Health Perspectives*. <http://dx.doe.org/10/1289/EHP185>
21. Chen H, Kwong JC, Copes R, Villeneuve PJ, Goldberg MS, Weichenthal S., van Donkelaar A, Jerrett M, Martin RV, Brook JR, Kopp A, Burnett RT (2016) Cohort Profile: The ONtario Population Health and Environment Cohort (ONPHEC). *International Journal of Epidemiology* online April 20, 2016.
22. Zhang J., Dabek-Zlotorzynska E., Liggio J., Stroud C.A., Charland J.P., Brook J.R., (2016) Use of the integrated organic gas and particle sampler to improve the characterization of carbonaceous aerosol in the near-road environment. *Atmospheric Environment* 126, 192-199.
23. Brook RD, Sun Z, Brook JR, Zhao X, Ruan Y, Yan J, Mukherjee, M, Rao X, Duan F, Sun L, Liang R, Lian H, Zhang S, Fang Q, Gu D, Sun Q, Fan Z, Rajagopalan S. (2016) Extreme Air Pollution Conditions Epidemic to the Global Megacity of Beijing China Adversely Impact Blood Pressure and Insulin Sensitivity. *The Air Pollution and Cardiometabolic Disease (AIRCMD-China) Study*. *Hypertension* 67 (1), 77-85.
24. Crouse D.L., Philip S., van Donkelaar A., Martin R.V., Jessiman B., Peters P. A., Weichenthal S., Brook J. R., Hubbell B., Burnett R. T. (2015) A New Method to Jointly Estimate the Mortality Risk of Long-Term Exposure to Fine Particulate Matter and its Components. *Scientific Reports* 6, 18916-18916.
25. Crouse D.L., Peters P.A., Hystad P., Brook J.R., van Donkelaar A., Martin R.V., Villeneuve P.J., Jerrett M., Goldberg M.S., Pope III C.A., Brauer M., Brook R.D., Robichaud A., Menard R., Burnett R.T. (2015) Ambient PM_{2.5}, O₃, and NO₂ Exposures and Associations with Mortality over 16 Years of Follow-Up in the Canadian Census Health and Environment Cohort (CanCHEC). *Environmental Health Perspectives* 123 (11), 1180-1186.
26. Thomson E.M., Breznan D., Karthikeyan S., MacKinnon-Roy C., Charland J.P., Dabek-Zlotorzynska E., Celo V., Kumarathasan P., Brook J.R., Vincent R. (2015) Cytotoxic and inflammatory potential of size-fractionated particulate matter collected repeatedly within a small urban area *Particle and Fibre Toxicology* 12:24
27. Moraes T.J., Lefebvre D.L., Chooniedass R., Becker A.B., Brook J.R., Denburg J., HayGlass K.T., Kollmann T.R., Macri J., Mandhane P.J, Scott J.A., Subbarao P, Takaro T.K., Turvey S.E., Duncan J.D., Sears M.R., Befus A.D. and the CHILD Study Investigators. (2015) The Canadian healthy infant longitudinal development birth cohort study: biological samples and biobanking. *Paediatric and perinatal epidemiology* 29 (1), 84-92.

28. Subbarao P, Anand SS, Becker AB, Befus AD, Brauer M, Brook JR, HayGlass KT, Kobor M, Kollmann TR, Kozyrskyj AL, Lou WYW, Mandhane PJ, Miller GE, Moraes TJ, Pare P, Sandford AJ, Scott JA, Takaro TK, Turvey SE, Duncan JD, Lefebvre DL, Sears MR (2014) The Canadian Healthy Infant Longitudinal Development (CHILD) Study: examining developmental origins of asthma and allergy. *Thorax* 207246 1.
29. Takaro T.K., Scott J.A., Allen R.W., Anand S.S., Becker A.B., Befus A.D., Brauer M., Duncan J., Lefebvre D.L., Lou W., Mandhane P.J., McLean K., Miller G., Sbihi H., Shu H., Subbarao P., Turvey S.E., Wheeler A.J., Zeng L., Sears M.R., Brook J.R. (2014) The Canadian Healthy Infant Longitudinal Development (CHILD) birth cohort study: assessment of environmental exposures. *J. Exposure Science and Environmental Epidemiology* 25, 580-592.
30. Sbihi H., Allen R.W., Becker A., Brook J., Mandhane P., Scott J.A., Sears M.R., Subbarao P., Takaro T.K., Turvey S.E., Brauer M. (2015) Perinatal exposure to traffic-related air pollution and development of atopy in a Canadian birth cohort study. *Environ Health Perspect*, 123 (9), 903.
31. Levy, I., Mihele, C., Lu, G., Narayan, J., Hilker, N., and Brook, J. R. (2014) Elucidating multipollutant exposure across a complex metropolitan area by systematic deployment of a mobile laboratory, *Atmos. Chem. Phys.*, 14, 7173-7193.
32. Levy I., Mihele C., Lu G., Narayan J., Brook J.R. (2014) Evaluating multipollutant exposure and urban air quality: Pollutant interrelationships, neighborhood variability, and nitrogen dioxide as a proxy pollutant. *Environ Health Perspect* 122, 65-72.
33. Chen H, Burnett RT, Kwong JC, Villeneuve PJ, Goldberg MS, Brook RD, van Donkelaar A, Jerrett M, Martin RV, Kopp A., Brook J.R., Copes R. (2014) Spatial Association Between Ambient Fine Particulate Matter and Incident Hypertension, *Circulation*, 129(5): 562-569.

B. Woodland, Wetland and Ecologically Sensitive Groundwater Recharge Areas Policy Proposals:

1.1.1 An Official Plan Amendment application to designate lands as Aggregate Resource Lands for a new extraction operation or expansion to an existing extraction operation shall require the following:

b) Woodland Assessments:

- i) The submission of a Woodland Assessment, completed by a qualified professional.
- ii) The Woodland Assessment shall be conducted in accordance with the Town of Caledon approved terms of reference for Woodland Assessments (Pits and Quarry) and shall include an inventory of size and health of the trees on site and a determination of the above ground biomass per hectare.
- iii) Woodlands that are more than 0.5 hectares in size with above ground biomass in excess of 150 tonnes/hectare shall be protected and shall not be subject to mineral aggregate resource extraction.

c) Wetland Evaluation:

- i) The submission of a Wetland Evaluation, completed by a qualified professional.
- ii) The Wetland Evaluation shall identify existing wetlands and wetland complexes including the size, function and characteristics of the wetland features on or in the vicinity of the lands proposed to be redesignated. The Wetland Evaluation shall be conducted in accordance with the Town of Caledon approved terms of

reference for Wetland Evaluations and with respect to wetland complexing, based on the Ontario Wetland Evaluation System – Southern Manual Version 3.2.

- iii) Wetlands and wetland complexes that are more than 0.1 hectares in size shall be protected and shall not be subject to mineral aggregate resource extraction.
- d) Ecologically Sensitive Groundwater Recharge Areas Assessment:
 - i) The submission of an Ecologically Sensitive Groundwater Recharge Areas Assessment, completed by a qualified professional.
 - ii) The Ecologically Sensitive Groundwater Recharge Areas Assessment shall contain mapping and evaluation of groundwater resources on the site and in the surrounding area. The Ecologically Sensitive Groundwater Recharge Areas Assessment shall be conducted in accordance with the Town of Caledon approved terms of reference for Ecologically Sensitive Groundwater Recharge Areas Assessments (Pits and Quarry).
 - iii) Within Ecologically Sensitive Groundwater Recharge Areas extraction below the water table shall be prohibited.
 - iv) Within Ecologically Sensitive Groundwater Recharge Areas the export of water from a mineral aggregate resource extraction site shall be prohibited.

May 31, 2024

David Sylvester
President
Forks of the Credit Preservation Group
1391 Cataract Rd
Caledon ON L7K 1P2

Dear Mr. Sylvester,

**Re: Natural Heritage Policy Analysis for Caledon
Interim Control By-law No. 2023-084**

The Forks of the Credit Preservation Group (“FCPG”) retained my services in 2023 to assess natural heritage protection and impact assessment in the Town of Caledon.

It is my primary recommendation that from a science-based perspective, Ecologically Sensitive Groundwater Recharge Areas (“ESGRA”) constraint mapping is needed across the Town of Caledon. Currently, this mapping is only complete for the Humber River watershed, but not for the Credit River. ESGRA is the accepted guidance and methodology for groundwater dependant riverine and wetland protection in southern Ontario.

I am a recently retired fish and wildlife biologist, having spent 34 years of providing front-line, ecological experience and advice at the Ministry of Natural Resources and Forestry (“MNR”). My experience as a Fish and Wildlife Biologist in MNR’s Aurora District and applied knowledge of impact assessments, site remediation and mitigation techniques provide me with a thorough understanding of the environmental impacts associated with aggregate extraction, numerous forms of development, road planning and construction.

I was tasked by FCPG with providing my specific expertise to contribute to the completion of a final report with recommendations to FCPG. I have applied my expertise to providing insight on current standards for natural heritage and hydrogeology and have provided recommendations for improved policies to protect waterways, at risk species and natural environment.

Background

Caledon is home to numerous sensitive environmental features such as the Oak Ridges Moraine, Niagara Escarpment, Credit and Humber River watersheds.

Caledon's rivers and streams are relatively clean in many stretches and support sensitive aquatic species like Redside Dace (endangered) and Brook Trout. Brook Trout, a native species of char in Ontario, is in dramatic decline in its range across the southern part of the province. Drastic declines in the Brook Trout populations of the Credit and Humber River watersheds have been documented by Toronto and Region Conservation Authority ("TRCA"), Credit Valley Conservation and Trout Unlimited Canada.

This species is highly dependent on groundwater for all stages of its lifecycle. Groundwater recharge supports the continuous cold water that discharges into the rivers as springs, seepages or upwellings. Brook Trout will not successfully reproduce unless there is groundwater upwelling in the bed of the river. Groundwater extraction adjacent to known Brook Trout streams has resulted in negative population impacts.

Brook Trout are a "sentinel" species. As a result, the Town of Caledon has a high conservation responsibility to take action to preserve their habitats.

In addition, Caledon Council declared a climate emergency on January 28, 2020, alerting residents of the need to address climate change urgently.

All woodlands and wetlands within the Town of Caledon have the capacity to sequester carbon dioxide, and therefore need to be protected to adequately adapt and mitigate the growing pressures of climate change.

Current Standards

The current standard of assessing groundwater resources is at a site-specific level within a proposed licensed area and 120m of adjacent lands. Impact assessments are based typically on the results of site borehole data, neighbouring water well records and complex modelling. Generally, there is a lack of thorough impact assessment for broader adjacent lands and nearby fisheries resources, such as for Brook Trout.

Currently, Rural System significant woodlands protection under the Provincial Policy Statement (“PPS”) currently applies to any woodland \geq 16 ha within Peel Region’s Official Plan (2022). Any woodland \geq 4 ha that supports significant species or communities is also protected.

The Town of Caledon Woodland Conservation Bylaw 2000-100 regulates or prohibits the destruction of trees in woodlands >0.5 ha. Although protection measures are in place, in my opinion this is not an adequate standard to have when climate change is posing greater threats to our environment.

When considering the exportation of water off a site, operators are required to secure a permit to take water from Ministry of the Environment, Conservation and Parks (“MECP”) to allow for pumping of flows. This can result in contaminated water entering a sensitive receiving stream. Contaminants can include hydrocarbons (oil, diesel fuel), dust particles and sediment. Water temperatures will be much higher in the effluent during summer months as compared to the receiver.

In 2022, the Ontario Wetland Evaluation System was revised, removing wetland complexing rules as found in previous versions of the evaluation procedures since 1984. The removal of these well-established ecological criteria for including nearby functional wetlands to a wetland complex as part of the Provincial Significant Wetland (“PSW”) identification system was not grounded in science.

Conversely, complexing wetlands is a long established and scientifically valid method for identifying and preserving wetlands and their important ecological and hydrological functions.

Groundwater Protection Policy Recommendation

The following policy recommendation is adapted from Lake Simcoe Region Conservation Authority¹ and TRCA². As a result of researching best management practice for groundwater dependant riverine habitat protection, I have concluded that below water table extractions must not be undertaken within the ESGRA supporting Brook Trout populations documented in the Credit River, the West

¹ [Significant Groundwater Recharge Areas Guidance Document \(lsrca.on.ca\)](https://www.lsrca.on.ca/significant-groundwater-recharge-areas-guidance-document)

² [TRCA-ESGRA-Technical-Memo-September-2019.pdf](#)

Credit River, Dufferin Lake, the Humber River, and all tributaries associated with these water bodies.

Hydrogeology

No export of water off an aggregate site should be permitted.

Wetland Protection Policy Recommendation

Policies must reflect the protection of all wetlands >0.1 ha.

The following language, as adapted from MNR's Ontario Wetland Evaluation System – Southern Manual Version 3.2³, should be inserted in the Caledon Official Plan (“OP”):

1. **Watersheds:** Wetlands must not be complexed across watersheds except in rare circumstances. For example, it can be difficult to determine to which watershed wetlands in major headwater areas, such as the Oak Ridges Moraine among others, belong. These wetlands can be considered for complexing because of their cumulative importance in functions such as ground water recharge, water quality improvement, flood attenuation, and erosion control. The test for determining whether a complex should be defined is the comfort level of the biologist in defending the complex on grounds of wetland function.
2. **Distance:** The maximum distance between units of a complex must not exceed 0.75 km straight line distance, i.e. “as the crow flies”. Note that this is different from the 2nd edition which permitted greater distances with an explanation.
3. **Lacustrine Wetlands:** Lacustrine wetlands often occur at the mouths of streams entering the lake. As long as these wetlands are within the 0.75 km distance criterion, they may be considered as units of a complex, i.e. they are not considered to be in different watersheds. On the other hand, shoreline wetlands connected to one another by bands of submergent vegetation will not necessarily be complexes. Again, it is up to the professional judgement of the biologist to ensure that the complex is justified on functional grounds.

³ <https://dr6j45jk9xcmk.cloudfront.net/documents/2685/stdprod-103924.pdf>

Note that wetland units less than 2 ha in size may be included as part of the complex. Such tiny wetlands may be recognized when, in the opinion of the evaluator, the small wetland pocket may provide important ecological benefit. Some examples of such benefits would be: a grassy area used by spawning pike; an area containing a community or specimen of a rare or unusual plant species; a seepage area in which a regionally or provincially significant plant or animal species is found; or a wetland which strengthens a corridor link between larger wetlands or natural areas. The evaluator must attach to the Wetland Data Record a brief documentation of the reasons for inclusion of those areas less than 2 ha. The reasons for recognizing any group of wetlands as a complex together with the outer boundary line should be based on the professional opinion of a certified wetland evaluator.

Many areas of the Town of Caledon contain closely spaced wetlands that vary in size from a fraction of a hectare to several hundred hectares. The topography of the landscape in which these wetlands occur, the short distances between some of the wetlands, and the density of wetlands per unit of areal landscape may be so complex that delineation of the wetland units into individually recognized wetlands would not be an ecologically or functionally sound process. Such groupings of wetlands are referred to as “wetland complexes.”

Wetland complexes are commonly related in a functional way, that is, as a group they tend to have similar or complementary biological, social and/or hydrological functions. Much of the wildlife in the area of the complex is variously dependent upon the presence of the entire complex of wetlands, with each wetland unit contributing to the whole.

Woodland Protection Policy Recommendation

The protection of woodlands >0.5 ha where above ground biomass is >150 t/ha.

All woodlands >0.5 ha have an important role in the sequestering of carbon dioxide, with the average “standing” carbon storage for southern Ontario forests has been estimated at 321.7 t/ha. Mature forests can store 2.6 tonnes of carbon per hectare per year and early successional forests are capable of storing 1.14 tonnes of carbon per hectare per year⁴.

⁴ Forest carbon storage: [\(PDF\) Estimating carbon storage in southern Ontario forests at regional and stand levels.](#)

Conclusion

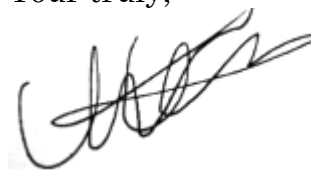
It is evident that there is a need for a better approach on the current standards in place. There is a need for continuity in the application and mapping of Ecologically Sensitive Groundwater Recharge Areas across the Town of Caledon, done by applying accepted guidance and methodology used in southern Ontario.

All wetlands and woodlands >0.1 ha have an important role in the sequestering of carbon dioxide, providing an important ecological service in controlling the effects of climate change. The average carbon storage for wetlands has been estimated at 2 to 4 t/ha per year. Carbon storage for marshes alone has been estimated at 8.55 t/ha per year. Further, small wetlands, referred to as vernal pools, are important breeding areas for amphibians including species-at-risk like Western Chorus frog and Jefferson Salamander⁶.

Woodlands and wetlands provide an important ecological service in controlling the effects of climate change on our communities and protecting Southern Ontario's wildlife, therefore it is in the best interest of our community, municipalities and province to take care of these vital resources.

If you have any questions or concerns, please do not hesitate to contact me at 416-993-1295, or my email at ymbiosys@rogers.com.

Your truly,



Mark Heaton
Ecologist

⁶ <https://lsrca.on.ca/wp-content/uploads/2023/08/Climate-Change-Mitigation-Strategy-opt.pdf>

August 8, 2023

Hello Mark,

Thank you for your very thoughtful and comprehensive SARP Study Background Review. It will provide all members of this Working Group with useful context and historical knowledge of aggregate issues affecting Caledon. This is a big first step in the long road to improved aggregate policies for our community.

Based on the SARP Study progress to date, it is clear to us that Caledon's aggregate policies will not be finalized by the October 18th ICBL deadline. Accordingly, may we suggest that council approve an amendment to the bylaw ASAP, extending the time frame for an additional year?

On behalf of the public members of the ARC Working Group, I'd like to submit a list of policy priorities we have agreed upon for you to consider. This submission begins with a range of suggested policy concepts, and we have followed that up with a number of more specific suggestions initiated by your Background Report. As you can appreciate, given the time constraints we are working under, this is not a complete list. We look forward to contributing further as this process evolves.

There is a broad range of matters that require updating and strengthening under the Town OP. Without attempting to be comprehensive, we will speak to a few areas. The policy update should include but not be limited to the following areas:

1. **Transportation:** The Town's haul route policies have not been reviewed for many years. The stress on what are currently designated as haul routes has increased with both truck and commuter traffic. Community feedback is that in some areas the existing roads are not adequate to handle all demand safely. I would like to propose that before approval of any new or expanded aggregate operations within the Town there should be a focused review of the haul routes and aggregate traffic patterns existing and anticipated based on the location of extraction operations and the developments they would serve. Following that review, the Town should establish a Haul Route Network and the necessary road improvements and traffic controls should be completed to make it operational. As a new approach to aggregate traffic I suggest that the Haul Route Network include the following:
 - a. Given the concentration of existing aggregate operations, existing traffic levels and the identification of new resource areas in the vicinity of Caledon Village it seems it is time for the long-awaited bypass. There should be a requirement that before any new or expanded operations are approved a bypass should be established around Caledon Village. Graham Bros internal access road, Willoughby Road and Beech Grove Sideroad would be one possible route. This could be a Provincial route – Hwy

#10 B. With cooperation between the Town the Province and the operators this would be doable and is justified to deliver the next 40 years of aggregate to the GTA market.

- b. The possibility of a bypass around Caledon East and other settlement areas should be considered. With extensive new development coming to the Town there should be greater attention to providing safe aggregate haul routes.
 - c. A requirement that for new licenses, the roads anticipated to be used for hauling must be shown on the Haul Route Network to the Town boundary, should be evaluated by any proponent for a new or expanded aggregate operation and must be sufficiently below capacity to accommodate the maximum predicted additional traffic from any new or expanded operation;
 - d. A requirement that any road improvements to achieve compliance with these requirements must be funded without additional cost to the Town. Aggregate to facilitate a Provincial housing and Highway initiative should not be made available at the expense of the small population of Caledon.
2. **Water Resources:** Caledon has no experience with bedrock quarrying. It is important that the Town get a handle on the nature of the existing water resources and an understanding of potential impacts from quarrying on domestic water supplies. The current aggregate policies do not clearly protect domestic water supplies from the potential impact of quarrying. I would like to see policies that ensure adequate assessment of potential impacts prior to licensing through specific study requirements and performance standards but also a requirement to ensure that if unexpected impacts do occur there is a mechanism to address them including if appropriate cessation of operations and/or the provision of alternative water supplies. These matters should be included in the peer review requirements to be undertaken by the Town at the proponent's expense. The Town should not approve zoning on any site unless satisfied that the license will provide adequate protections for domestic water supplies. Specifically:
- a. Prior to approval of any site for bedrock aggregate extraction a broad scale water resources study should be completed to establish a base line condition and provide an understanding of the water resources regime. A framework should be developed to determine the potential short and long term individual and cumulative effects of extraction on the water resources that could potentially be affected by bedrock quarrying within the Town. CVC may be able to assist with this study but qualified expert advice may be needed by the Town in the absence of the support that previously was provided by the Region. A permanent staff hydrogeologist may be needed now that Region of Peel support is being terminated.
 - b. Study requirements on individual proposals should be detailed and specific. They should include identification of all domestic water supplies that could be affected and include testing of all domestic wells within the area of potential impact for baseline data. New or expanded operations that cannot show that the quality and quantity of domestic water supplies will be maintained should not be approved.
 - c. Water monitoring protocols should identify early any unexpected impacts from quarrying on the domestic water supplies. Provision should be in place to stop

operations if unexpected impacts occur that cannot or are not addressed in an appropriate time frame.

- d. It should be a policy of the Town that arrangements must be in place to ensure that the proponent will provide an alternative water system in the event that the quality and/or quantity of water of any user of ground water is affected. If a user experiences loss, diminution or degradation of water supplies relative to the base line condition it should be presumed that the quarry is the cause unless and until the operator can provide evidence to the Town sufficient to establish another cause for the loss, diminution or degradation of supply.
 - e. Mechanisms to secure ongoing monitoring and the provision of these replacement supplies should be required.
 - f. Adaptive Management Plans, though routinely proposed, are problematic. Any operations that rely on plans that require perpetual monitoring, or maintenance of mitigation measures or other aspects that would expose the Town to unplanned obligations should not be approved.
 - g. These policies would be specific to the Aggregate Resources section of the Plan and would be in addition to other provisions in relation to water resources such as under the Ecosystem Planning and EPA sections of the Plan;
3. **Blasting and Fly Rock:** The Town should require a report from the proponent as to protocols for blasting that will be included in the license. Blasting protocols should be included in the peer review requirements of the Town on review of any proposed new or expanded aggregate operation. The Town should be satisfied that the proponent will be required to follow best practices under the aggregate license and determine appropriate separation distances from sensitive uses for new operations.
 4. **Progressive Rehabilitation:** This is a concern repeatedly raised by community members. Some people think the Town has to pay for rehabilitation. Others question why it does not happen. Failure to complete extraction before moving on in sequential phases of a site seems to be common practice. Recent case law in relation to Municipal Taxation indicates that areas of a site that are not depleted will receive a higher level of assessment than worked out areas. License requirements to complete rehabilitation immediately after extraction in an area is complete could dovetail with this financial incentive to encourage the completion of extraction and the completion of progressive rehabilitation in an expeditious manner. Better enforcement of rehabilitation commitments is something many community members have asked for.
 5. **Mapping:** The Region suggested that we update our mapping to identify the resource consistent with the current Provincial geological information. I question whether this is required or appropriate at this time. Site specific application supported by geological testing is always possible. If an update of Schedule L is to be undertaken it is important to recognize that the CCRS and OPA 161 involved a multiple year process with many comments, objections and site specific adjustments to the Region's HPMARA to arrive at the CHPMARA. That process does not need to be repeated even if it could be. The Region has proposed that the same approach be taken in the update that was taken in the CCRS. However the Region's mapping does not reflect

the full extent of the CCRC process. I suggest the following approach which is more scoped than what the Region has embarked on and would preserve intact the outcome of the CCRS process:

- a. Map a comparison of the 1996 ARIP map against the 2009 ARIP map and identify any new areas added by the Province's geological survey. Those new areas would then be screened through a constraint mapping process as was done during the CCRS to arrive at an updated CHPMARA. Any other additions should be by application for a site specific amendment.
 - b. Constraints such as those related to woodlands and stream and valley corridors draining more than 125 ha have not been consistently applied by the Region. They should be mapped and removed from resource areas as was done during the CCRS process. The ARIP maps themselves show numerous streams in the identified resource areas that should be evaluated and where appropriate shown on the constraint map as the basis for removal of affected areas. Area 9A, 9B and the new resource area shown by the Region south of Mono Mills are riddled with streams that are not reflected in the Region's preliminary mapping. Large woodland areas are also present within these resource areas. CVC and /or TRC should be able to assist with this process.
 - c. A minimum viable size of parcel should be identified based on engineering advice for bedrock quarrying operations and for pits, and any resource areas not meeting the minimum size should be removed. The threshold size for fragments used by the Region is excessively small and leaves areas around small parcels of resource sterilized for other uses.
 - d. Areas which have had detailed site specific evaluations that show the area to be unsuitable for extraction and/or where approvals have been refused should be removed from the map. Area 9A in particular has been the subject of a 10+ year detailed application process which was rejected by the OMB after a lengthy hearing in which numerous public agencies and community members participated. This area was found to be unsuitable because a failure of water resources mitigation measures would be "disastrous" for the environment and the community impacts would be unacceptable. Vast public and private resources were expended to complete this unsuccessful application process, which in the public interest should not be repeated. Ongoing sterilization of this area due to the presence of the resource is not justified. For these reasons Area 9A should be removed from the CHPMARA map.
6. **Terminology:** The current OP uses the phrase "unacceptable impacts" in numerous locations, without a definition. This terminology incorporates significant ambiguity which undermines the effectiveness of the regime. One efficient way to address this major hole would be to develop a comprehensive definition of "unacceptable impact" covering each of the areas where performance measures are required – air quality, noise, blasting, water supplies, ecological systems, haul routes etc.
7. **Enforcement:** This is an area of concern that is repeatedly raised by members of the community. Despite models that predict no off-site dust impacts with the use of dust suppression techniques, neighbouring property owners consistently complain of significant dust impacts. Self-regulation by the industry does not appear to be effective to control community impacts. A

dedicated and appropriately trained Provincial Offences Officer to police aggregate operations would be a great addition to the Town's resources.

8. **Transition:** We should not ignore the significant change taking place with the dissolution of the Region of Peel, leaving Caledon as a single tier municipality. Caledon is almost if not entirely unique in Ontario being a largely rural municipality with a relatively small population facing enormous development pressures. As it stands significant costs could fall on the local tax base that up to now have been spread across the Region of Peel. Provincially mandated resource areas cause sterilization of large areas of the Town and impose significant costs and impacts on the community. These factors have the potential to cause significant burdens to be imposed on Caledon's small tax base whereas the benefits are experienced at the Provincial or even national level in the form of accommodating immigration, development and related economic benefits, addressing Provincial housing shortages, etc. This provides a challenge but also an opportunity to address any legislative, policy, funding or other concerns that may bear on the extraction of aggregate resources within the Town. There are concerns as to the effectiveness of the existing regime to provide adequate protection of Town interests and a fair balance between Provincial and community interests. It would be in the interests of the Town to tie the issues around aggregate extraction policies into the transition process as they are inter-related. Specifically, the following concerns relate to both processes:
- a. Haul Routes should not become the responsibility of the Town. They should be funded and maintained as Provincial highways.
 - b. A by-pass for Caledon Village, should be required as an adjunct to Provincial Highway #10 and regarded as a responsibility of the Province and the aggregate industry. Willoughby Road, Graham Bros internal access road and Beech Grove Sideroad would be one possible route.
 - c. Staffing to provide expertise in areas previously covered by the Region should be provided for. Hydrogeology, regional traffic and air quality are obvious areas that the Town will want to have expertise to address.
 - d. Creative financing approaches could be considered such as Special Services By-laws under s. 326 of the *Municipal Act* and Community Improvement Areas under the *Planning Act* in which a charge for improvements such as a bypass and other aggregate haul route upgrades might be spread across existing and new operators.
 - e. Development Charges could perhaps be adapted to address road improvements to serve aggregate operations.
 - f. The Haul Route Network referred to above should be viewed in light of these considerations.
 - g. It would be a big improvement if the Town could have a dedicated and specially qualified Provincial Offences Officer (preferably funded by the Province or the industry) whose role it would be to monitor compliance of aggregate operators within the Town with all requirements of their licenses and to take action under the *Aggregate Resources Act* and/or the *Provincial Offences Act* for any significant infraction.

The SUMMARY OF ISSUES FOR DISCUSSION (58 of them) in your Background Review are intriguing and even provocative in some cases. Indeed, a number of the questions posed are creative, audacious and we believe, could dramatically improve Caledon's aggregate policies if properly incorporated. We have grouped a number of these 58 issues based on common themes and came up with five principles that have considerable potential. They are as follows:

A. #7, #8, #9 and #10. These issues all speak to the concept of minimum separation distances between aggregate mines and sensitive land uses (residences, schools, businesses, etc) . The existing Caledon OP does not mention this enormously influential and powerful policy option anywhere in the aggregate section. In our view, land-use compatibility conflicts between aggregate mines and nearby sensitive receptors is the largest single issue created by the industry and the majority of these conflicts could be eliminated or reduced with appropriate separation distances. 500 metres for quarries and 300 metres for gravel mines is the minimum setback in Ontario D-series guidelines when sensitive receptors/developments are proposed near existing pits and quarries. Astonishingly, there are no setback provisions for the reciprocal scenario where pits and quarries are proposed near existing sensitive receptors/developments. No planning rationale is provided for this glaring discrepancy.

B. # 27, 28 and 30. These three points all relate to traffic safety impacts and road noise created by aggregate mines and associated trucking. More robust aggregate policies that address these issues would improve health and safety of Caledon residents.

C. # 43, 44, 45, 46 and 47. Cumulative impact assessments are recommended in the current Caledon aggregate policies but evidently, they are never enforced. We are not aware of any cumulative impact study required by a single applicant in the history of Caledon. Clearly, we need more explicit language and better policies to include this very useful screening mechanism for aggregate applications.

D. #48, 49 and 50. Social impact assessments should be an essential component of aggregate mining applications. These assessments must be conducted using clearly defined, objective and standardized methodology. Presumably, such assessments exist in other jurisdictions already.

E. #57. If we understand this point correctly, the suggestion here is to use more explicit and powerful nomenclature in writing our new aggregate policies. This could create significantly enhanced predictability for aggregate mining applications and would be a dramatic improvement for the people of Caledon.

Beyond the “Summary of Issues for Discussion”, the Background Report raised a number of other specific questions as follows:

1. P. 17 – Performance bonds to guarantee site rehabilitation are mentioned. Should these be implemented?
2. P. 82- approximately 26% of the current HPMARA is licensed for extraction, leaving 5094 hectares unlicensed. Could the Town cap the percentage of actively licensed HPMARA to 25%? The result would be that new licenses would be dependant on the rehabilitation and surrendering of an adequate area of old licenses.
3. P. 84 – In prime agricultural areas, an agricultural impact assessment is required to support new aggregate applications within the Greenbelt Plan. Can this be incorporated into the Town’s policies?
4. P. 99 – There is a reference to the “accommodation of vulnerable road users”. Cyclists should be defined as vulnerable road users and accommodated accordingly. Currently no accommodation is included along routes such as Charleston Side Road.
5. The concept of a “sunset clause” is significant. Can the Town set a maximum timeline to complete aggregate extraction from a licensed area and limit that area to ensure that extraction and rehabilitation could be completed within a given timeframe, for example 20 years. This would have the effect of limiting the size of a gravel mine or quarry but could not be viewed as prohibition of extraction.

Caledon’s OP should be premised on the fact that aggregate extraction does not create a net benefit for the source municipality and that the industry creates considerable adverse impacts to the community. Policy decisions should be viewed through this lens.

What did the Background Report not say?

We understand that municipal land-use planners have the explicit right to include policies that protect the health, safety, and well-being of local residents. While the municipality does not regulate pits or quarries, which are regulated under the ARA, the municipality makes the threshold decision to zone or not zone a site (subject to appeal) based on its assessment of the suitability of the site. If these policies are carefully crafted to respect this distinction, an upper tier government should not override such fundamental rights. We see no mention of this concept in the document. Thus, air quality issues, water quality and quantity issues and some traffic issues are largely overlooked. This could be described as the "low hanging fruit" of aggregate policy development and must be prioritized.

We would like to explore various policy alternatives in the coming weeks and months that apply to these above health and safety issues.

Thank you for your contributions and leadership with this process thus far. We look forward to collaborating with you to the best of our abilities.



August 14, 2024

Steve Burke
Manager, Strategic Policy Planning
Town of Caledon
6311 Old Church Road
Caledon, ON L7C 1J6

Joe Nethery
Principal Project Consultant

Dear Mr. Burke and Mr. Nethery:

**RE: Town of Caledon Aggregate Resources Policy Study
Lafarge Canada Inc. and Associated Companies - Comments on Policy
Options Report (July 19, 2024)**

Lafarge Canada Inc. (Lafarge) is pleased to submit the following comments on the Town's Policy Options Report released on July 19, 2024 as part of the Supplementary Aggregate Policy Study.

Lafarge and its associated companies are registered owners of several properties including existing Aggregate Resources Act licences throughout the Town of Caledon for which this policy exercise would apply to. Please see the attached list of our active properties.

1. Lafarge Canada Inc. Pit 3 Extension

Lafarge commenced pre-consultation with the Town of Caledon for its Pit 3 Extension application in 2019. The Official Plan Amendment and Zoning By-law Amendment was submitted for DART review on May 2, 2024 and deemed complete by the Town on May 23, 2024. Lafarge seeks confirmation from the Town that this application will be processed in accordance with the Town of Caledon Official Plan in place at time of submission.

LAFARGE CANADA INC.
6509 Airport Road, Mississauga, ON L4V 1S7
Phone: (905) 738-7070 Fax: (905) 738-0224
www.lafarge.ca





Furthermore we note that Appendix E2 of the Supplementary Aggregate Resources Study identifies the south portion of the existing Pit 3 and a small portion in the south eastern corner of the proposed Pit 3 Extension lands as being a constraint and is proposed to be removed from Caledon's High Potential Mineral Aggregate Resource Areas (CHPMARA). As demonstrated through the current approved Pit 3 licence and the Pit 3 Extension application, these lands do not contain a constraint and should continue to be identified as a CHPMARA.

2. Insufficient time to review the proposed Official Plan Amendment

We understand the purpose of the Policy Options Report is to pose a number of policy questions and provide preferred policy recommendations for Council's consideration. The Town, however, has not yet released draft policies as part of an Official Plan Amendment for public review.

The Town notes that the draft Official Plan Amendment and Zoning By-law Amendment will be released as part of the September 3, 2024 public meeting and then final versions will go before Planning Committee for approval on September 17, 2024.

In our experience and that of our professional planner's, a 2-week period between the release of draft policies and a decision for an Official Plan amendment of this nature is insufficient. We have concerns regarding the fairness, transparency and ability for stakeholders to properly engage in this process as set out in the Planning Act. More time should be allocated between the release of draft policies and Council decision so that stakeholders such as ourselves have better opportunity to provide our input and comments.

3. Section 6.3 - Items for Council and Corporate Activism

As noted in the Policy Options Report, the proposed Official Plan Amendment must be consistent and/or conform to provincial policy as it relates to mineral aggregate resources. We were therefore surprised to see a planning report recommend areas for advocacy with the Provincial Government. (pg. 87). The list of items include the following as some examples:

1. Implement sunset clauses for aggregate operations e.g. termination dates.
2. Eliminate the no needs test in the PPS.
3. Enable municipalities to enforce the Aggregate Resources Act.

LAFARGE CANADA INC.

6509 Airport Road, Mississauga, ON L4V 1S7

Phone: (905) 738-7070 Fax: (905) 738-0224

www.lafarge.ca





4. Requiring operators to purchase lands next to aggregate operations as buffer lands.
5. Remove sections of the Aggregate Resources Act recently passed by the Province.

These should be removed completely from the report and, in our opinion and that of our professional planner's, are not appropriate for inclusion in a planning exercise undertaken through the Planning Act.

4. Greenbelt Plan

Lafarge's Pit 3 Extension and other CHPMARA lands are subject to the policies of the Greenbelt Plan. Policy 4.3.2.10 of the Greenbelt Plan states "*where a municipality has undertaken a comprehensive aggregate resource management study and implemented the results into its official plan prior to December 16, 2004, such policies shall be deemed to conform with this Plan.*"

It is our understanding this policy was included in the Greenbelt Plan to allow the Town of Caledon to deem its existing Official Plan aggregate policies (e.g. Town OPA 161) to be in conformity with the Greenbelt Plan. If the Town of Caledon is now proposing to update these aggregate policies, it is our understanding that the new policies would need to conform to the Greenbelt Plan and as noted in Section 5.3 of the Greenbelt Plan: "*...With the exception of the policies of section 4.6, official plans and zoning by-laws shall not, however, contain provisions that are more restrictive than the policies of sections 3.1 and 4.3.2 as they apply to agricultural uses and mineral aggregate resources respectively.*"

As a result, the Town of Caledon's updated aggregate policies are not permitted to contain provisions that are more restrictive than Greenbelt Plan Section 4.3.2 as they apply to mineral aggregate resources.

5. Recommended Policy Directions

Section 6.1 of the Policy Options Report outlines recommended policy directions to include in the draft policies as part of the amendment. There are 50 recommendations provided. We question whether a significant update is required given the following conclusion in Section 3.4 of the Report:

LAFARGE CANADA INC.

6509 Airport Road, Mississauga, ON L4V 1S7

Phone: (905) 738-7070 Fax: (905) 738-0224

www.lafarge.ca





"Concerns and issues raised through public engagement are generally covered by existing policies in the Current Official Plan. The Peel Region and Town of Caledon Joint Aggregate Policy Review described the current framework as, "a very thorough set of aggregate policies, laying out in detail the tests that need to be met in considering new applications." Many of the components of OPA 161 are found in more recent official plans in aggregate-producing municipalities in Ontario..." (p. 29).

For example, there are recommendations in the report that do not appear to conform to Provincial legislation and provincial policy related to mineral aggregate operations. Such recommendations include:

1. Items that appear to be beyond the Town's jurisdiction, potentially conflict with Section 66 of the ARA and/or may be inconsistent with applicable provincial policies:
 - a. Establishing alternative targets to Provincial standards or requiring that effects from a pit or quarry be limited to the site.
 - b. Seeking opportunities to bring "legacy sites" into compliance with contemporary operational standards.
 - c. Introduce requirements for road maintenance agreements with aggregate operations.
 - d. Incorporating policies that allow the Town to request that off-site water discharge be prohibited.
 - e. Time limits for aggregate-related uses on licensed sites, and require rezoning for accessory aggregate recycling.
 - f. Establish "monitoring regimen" for aggregate sites.

2. Proposal to increase area of influence to 1 km for all new aggregate sites. The province identifies a 500m potential zone of influence.

It is recommended that the Town scope this Official Plan Amendment to changes that are only required to achieve conformity or consistency with Provincial policy. Furthermore the policies should not introduce policies or provisions that are beyond the Town's jurisdiction.

LAFARGE CANADA INC.

6509 Airport Road, Mississauga, ON L4V 1S7

Phone: (905) 738-7070 Fax: (905) 738-0224

www.lafarge.ca





6. Approval Authority

Lafarge seeks clarification from the Town if this would be an Official Plan Amendment that would be adopted in accordance with Section 26 of the Planning Act and therefore require provincial approval.

While we appreciate the opportunity to provide comments on the policy options report, Lafarge remains concerned that under the current schedule, there will not be enough time to fully review and understand the proposed policies once they are released. It is important that stakeholders be afforded adequate timelines to provide comment so that the draft policies can be appropriately reviewed to understand their potential impacts and their conformity with provincial legislation.

We expect that the Town will take these comments into consideration and revise its current process to update the Official Plan Amendment to allow proper opportunity for public review prior to final adoption.

Yours truly,

A handwritten signature in black ink, appearing to read 'Mal Wensierski'.

Mal Wensierski,
Snr. Land Manager, West GTA
Lafarge Canada Inc.

cc. *Hon. Doug Ford, Premier*
Hon. Sylvia Jones, Deputy Premier
Hon. Paul Calandra, Minister of Municipal Affairs and Housing (MMAH)
Hon. Graydon Smith, Minister of Natural Resources
Ms. Michelle DiEmanuele, Secretary of Cabinet and Clerk of the Executive Council
Ms. Martha Greenberg, DM, MMAH
Mr. Drew Vanderduim, DM, MNR
Mayor Annette-Groves
Laurie Miller, Regional Director of Planning – Municipal Services Office, MMAH
Heather Watt, Manager - Community Planning & Development (West) Unit, MMAH
Andrew Ogilvie, Manager – Resources Development Section, MNR
Tara Buonpensiero, Chief Planner & Director, Planning and Development Services, Peel Region
Brian Zeman, MHBC

LAFARGE CANADA INC.

6509 Airport Road, Mississauga, ON L4V 1S7

Phone: (905) 738-7070 Fax: (905) 738-0224

www.lafarge.ca





August 9, 2024

Steve Burke
Manager, Strategic Policy Planning

Joe Nethery
Principal Project Consultant on behalf of Town of Caledon

Town of Caledon
6311 Old Church Road
Caledon, ON L7C 1J6

Dear Steve and Joe:

**RE: Town of Caledon Aggregate Resources Policy Study
James Dick Construction Ltd. Comments on Policy Options Report (July 19, 2024)
OUR FILE 9153Q**

On behalf of our client, James Dick Construction Ltd. (JDCL), we are submitting the following comments on the Town's Policy Options Report released on July 19, 2024 as part of the Supplementary Aggregate Policy Study.

JDCL is a registered owner of several properties including existing Aggregate Resources Act licences throughout the Town of Caledon for which this policy exercise would apply to.

We appreciate the Town's efforts in undertaking this significant policy exercise which is intended to review and update aggregate resources policies as part of the Future Caledon Official Plan. We understand the purpose of the Policy Options Report is to pose a number of policy questions and provide preferred policy recommendations for Council's consideration. The Town, however, has not yet released draft policies as part of an Official Plan Amendment for public review.

We have several concerns and questions regarding the process, next steps and items included in the Policy Options Report.

1. Providing only 2 weeks to review draft amendments before decision

The Town notes that the draft Official Plan Amendment and Zoning By-law Amendment will be released as part of the September 3, 2024 public meeting and then final versions will go before Planning Committee for approval on September 17, 2024.

In our experience, it is unusual and unorthodox to include only a 2-week period between the release of draft policies and a decision for such a significant planning exercise. We have concerns regarding the fairness, transparency and ability for stakeholders to properly engage in this process as set out in the Planning Act.

While we appreciate that several meetings and engagement have occurred directly with the Aggregate Resources Community Working Group for over a year, the fact remains that there has been no direct involvement or engagement with the aggregate industry. The only member of the working group from the aggregate industry was asked by the Town not to attend any further meetings and was not provided with any studies or information that was provided to the working group. We also note that it appears the Province including Ministry of Natural Resources was not consulted on this exercise despite the extensive role they played in the development of the current aggregate policies in the Official Plan.

2. Providing recommendations for Council activism and lobbying

As noted in the Policy Options Report, the proposed policies as part of this amendment must be consistent and/or conform to provincial policy as it relates to mineral aggregate resources. In the case of the Greenbelt Plan, this is extended further to ensuring any such policies are not more restrictive than the provincial plan. These should be the key planning tests in undertaking this exercise.

We were therefore surprised to see Section 6.3 in the Policy Options Report titled "Items for Council and Corporate Activism". We have concerns with the following statement in the report: "*The following sections propose recommended areas for advocacy with the Provincial Government is consolidated from the list of questions commented upon in this Report*" (p. 87).

The list of items include the following as some examples:

1. Implement sunset clauses for aggregate operations e.g. termination dates.
2. Eliminate the no needs test in the PPS.
3. Enable municipalities to enforce the Aggregate Resources Act.
4. Requiring operators to purchase lands next to aggregate operations as buffer lands.
5. Remove sections of the Aggregate Resources Act recently passed by the Province.

While we appreciate the report notes these items fall outside the legislative requirements and they are not endorsed by the project team, the fact they are included in this planning study poses a number of questions and serious concerns in addition to the statement quoted above advancing these items as "*recommended areas for advocacy*". These should be removed completely from the report and, in our opinion, are not appropriate for inclusion in a planning exercise undertaken through the Planning Act.

We would remind the Town of Section 66 of the Aggregate Resources Act which states the following:

This Act, the regulations and the provisions of licenses and permits and site plans apply despite any municipal by-law, official plan or development agreement and, to the extent that a municipal by-law, official plan or development agreement deals with the same subject-matter as this Act, the regulations

or the provisions of a licence or permit or a site plan, the by-law, official plan or development agreement is inoperative.

3. Preliminary recommended policy directions that may not be consistent with provincial policy

Section 6.1 of the Policy Options Report outlines recommended policy directions to include in the draft policies as part of the amendment. There are 50 recommendations provided. We question at this time whether this is appropriate given the following conclusion in Section 3.4 of the Report:

"Concerns and issues raised through public engagement are generally covered by existing policies in the Current Official Plan. The Peel Region and Town of Caledon Joint Aggregate Policy Review described the current framework as, "a very thorough set of aggregate policies, laying out in detail the tests that need to be met in considering new applications." Many of the components of OPA 161 are found in more recent official plans in aggregate-producing municipalities in Ontario..." (p. 29).

Accordingly, we would encourage the Town to maintain the background and objectives section from OPA 161 which is outlined in Section 5.11 of the existing Official Plan. These policies were key to proper implementation of the mineral aggregate resources framework in the Town of Caledon and remain valid. These policies were also designed to complement and work in conjunction with the Peel Official Plan. There are important principles, objectives and carefully stated objectives embodied in the ROP that have an effect on how the Town policies are implemented.

There are a few recommended policy directions for which we have specific concerns or high-level responses at this time:

1. Items that appear to be beyond the Town's jurisdiction, potentially conflict with Section 66 of the ARA and/or may be inconsistent with applicable provincial policies:
 - a. Establishing alternative targets to Provincial standards or requiring that effects from a pit or quarry be limited to the site.
 - b. Seeking opportunities to bring "legacy sites" into compliance with contemporary operational standards.
 - c. Introduce requirements for road maintenance agreements with aggregate operations.
 - d. Incorporating policies that allow the Town to request that off-site water discharge be prohibited.
 - e. Time limits for aggregate-related uses on licensed sites, and require rezoning for accessory aggregate recycling.
 - f. Establish "monitoring regimen" for aggregate sites.
2. Proposal to prepare Aggregate Standards Manual to help implement new policies. We don't believe this is the intent but we want to ensure the Town is aware that guidelines can't replace or derogate from provincial or municipal policies that would apply to aggregate resources.
3. Proposal to increase area of influence to 1 km for all new aggregate sites. Is this fair to apply across the board regardless of the size or scale of an aggregate operation?

We would note it is difficult to understand the full implications of the proposed policy directions without any further details such as draft policies that we would typically be able to review as part of this type of planning exercise.

4. Corrections to the proposed CHPMARA mapping

We would like to discuss with the Town our review of the proposed CHPMARA mapping included in Appendix E of the Policy Options Report as it relates to JDCL land holdings. We have noted that a couple of JDCL's existing aggregate licences are not identified or designated accordingly in the Future Caledon Official Plan e.g. Caledon Sand & Gravel, Old Church Rd Pit, etc.

Thank you for the opportunity to submit comments. We look forward to discussing these comments in advance of the release of the draft Official Plan Amendment.

Yours truly,

MHBC



Neal DeRuyter, BES, MCIP, RPP

cc. *Laurie Miller, Regional Director of Planning – Municipal Services Office, MMAH*
Heather Watt, Manager - Community Planning & Development (West) Unit, MMAH
Andrew Ogilvie, Manager – Resources Development Section, MNR
Tara Buonpensiero, Chief Planner & Director, Planning and Development Services, Peel Region
Greg Sweetnam / Leigh Mugford, JDCL

Encl.

August 9, 2024

Steve Burke
Manager, Strategic Policy Planning

Joe Nethery
Principal Project Consultant on behalf of Town of Caledon

Town of Caledon
6311 Old Church Road
Caledon, ON, L7C 1J6

Dear Steve and Joe:

**RE: Town of Caledon Aggregate Resources Policy Study
Ontario Stone, Sand & Gravel Association (OSSGA) Comments on Policy Options Report**

The Ontario Stone, Sand & Gravel Association (OSSGA) is a not-for-profit association representing over 280 sand, gravel and crushed stone producers and suppliers of indispensable construction products and services. Collectively, OSSGA's members supply the substantial majority of the more than 164 million tonnes of aggregate consumed each year in the Province. A farm, village, town or city would not be able to exist without the products our industry provides. If you look around your town, all homes, roads, bridges, recreational/business buildings use stone, sand or gravel and therefore having a reliable supply of aggregate is crucial to ensuring the survival and growth of your town, including the objectives of Ontario's Housing Supply Action Plan.

On January 28, 2020 Caledon Town Council unanimously passed a motion declaring a climate emergency. The motion recognized the science behind climate change and the many impacts that are already being felt across Canada and in Caledon. What you may not have considered is the role that aggregate can play in climate mitigation. Procuring your aggregate from as close to market as possible is a tax-free way of fighting climate change. For every km less a truck has to drive is like the equivalent of taking 1600 cars off the road on an annual basis. In order to help accommodate the population and employment growth planned for Caledon to 2051 and the infrastructure needed to support such development, the Town and Peel Region will require a readily available supply of high-quality aggregate resources. Protecting these resources and making them available close to market will help ensure that the necessary raw building materials required to build the 66,000 housing units that are forecasted in Caledon by 2051, including the required infrastructure and fighting climate change at the same time.

Without close to market aggregate resources, there will be significant challenges in reaching the housing and growth targets planned for Ontario including those in Caledon and Peel Region. The alternative of sourcing aggregate resources far from market is not financially or environmentally sustainable, and will hinder abilities to meet growth and housing targets.

We understand that the Town is reviewing and updating its aggregate resource policies as part of the Town's New Official Plan. We have reviewed the Policy Options Report released on July 19, 2024 and offer the following comments:

1. It is procedurally unfair to provide only 2 weeks to review the draft amendment prior to the Town making a decision. If the Town is serious in seeking taxpayers' input we would suggest that the timeline to release the draft amendment will hinder OSSGA's ability to effectively and meaningfully engage in this process;
2. OSSGA's members are significant taxpayers in the Town and specifically removing the only representative from the aggregate industry from the Town's working group on this policy exercise was again unfair and disrespectful to both a significant taxpayer and arguably a key stakeholder in any proposed aggregate policy. Depending on a group of residents with no expertise in the aggregate industry to develop policies on aggregates in the absence of any representation from the aggregate industry is certainly not a productive exercise; and,
3. Providing recommendations for Council activism and lobbying against one sector of the industrial tax base is well beyond the jurisdiction of the Town and/or clearly conflict with provincial policies.

To expand on these points, it is our understanding that the Town will release the draft Official Plan Amendment including proposed aggregate policies as part of the September 3, 2024 public meeting and then the final version will go before the Town's Planning Committee for approval on September 17, 2024.

OSSGA has extensive experience with similar aggregate resource studies and Official Plan Amendments across Ontario. We are not aware of any other municipality providing only a 2-week period between the release of draft policies and a Council decision. We question whether the Town's approach meets one of the main purposes of *The Planning Act* which is to provide for planning processes that are fair by making them open, accessible, timely and efficient. Further, OSSGA is concerned whether the Town has made available relevant information and material e.g. draft policies, to assist the public and stakeholders in the review of such a planning exercise.

One of OSSGA's members was removed from the Town's working group as directed by Town Council prior to the release of any studies or information. This leads us to believe that the working group was never intended to function in an equitable manner or with the goal of obtaining balanced perspectives and direct industry knowledge. We would also note that OSSGA was not contacted after the removal of our industry representative to provide direct feedback to the Town regarding this policy study

As noted in the Policy Options Report, the proposed policies as part of this amendment must be consistent and/or conform to provincial policy as it relates to mineral aggregate resources. This should be the benchmark or foundation as required by *The Planning Act*.

OSSGA was therefore surprised to see Section 6.3 in the Policy Options Report titled "Items for Council and Corporate Activism" with the following recommendations for areas of advocacy:

1. Mandate setbacks and buffers from communities and sensitive uses, or require operators to acquire adequate buffer lands.
2. Provide municipalities and public with commenting ability on site plan amendments.
3. Remove recently incorporated sections of the Aggregate Resources Act e.g. Section 12(1.1).

4. Amend ARA technical standards for report requirements.
5. Adopt World Health Organization air quality guidelines as standards for evaluation.
6. Extend ARA commenting period for municipalities.
7. Submit annual compliance reports to municipalities.
8. Implement a sunset clause for termination of aggregate extraction, and eliminate the no needs test in the PPS.
9. Appoint Provincial Offences Officers or municipalities to enforce the ARA.

While we acknowledge the report notes these items fall outside the legislative requirements and are not endorsed by the report author, the fact they are included in this planning study poses a number of questions and serious concerns. These should be removed completely from the report and are not appropriate for inclusion in a planning exercise undertaken through the Planning Act.

In general, we would remind the Town of the following statutory requirements as it relates to the management of aggregate resources:

- *This Act, the regulations and the provisions of licenses and permits and site plans apply despite any municipal by-law, official plan or development agreement and, to the extent that a municipal by-law, official plan or development agreement deals with the same subject-matter as this Act, the regulations or the provisions of a licence or permit or a site plan, the by-law, official plan or development agreement is inoperative (Section 66(1), Aggregate Resources Act).*
- *A by-law under this section does not apply to a pit or a quarry, as those terms are defined in the Aggregate Resources Act, located in a part of Ontario designated in a regulation under subsection 5 (2) of that Act (Section 124(3), Municipal Act).*
- *A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,*
 - a) *subject to a regulation made under subsection (6.1), shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and*
 - b) *shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be (Section 3(5), Planning Act).*

It is OSSGA's position that proposals which override the *Aggregate Resources Act*, alter or remove Provincial jurisdiction over the management of aggregate resources, and/or establish new standards and guidelines that conflict with Provincial requirements are both inappropriate and well beyond the regulatory scope of this policy exercise.

With respect to the 50 recommended policy directions included in Section 6.1 of the Policy Options Report, we would question whether this level of change is necessary given the following statement in the same report:

"Many of these objectives [OPA 161] remain aligned with the contemporary 2020 Provincial Policy Statement and full slate of Provincial plans" (p. 25).

"Concerns and issues raised through public engagement are generally covered by existing policies in the Current Official Plan. The Peel Region and Town of Caledon Joint Aggregate Policy Review described the

current framework as, "a very thorough set of aggregate policies, laying out in detail the tests that need to be met in considering new applications." Many of the components of OPA 161 are found in more recent official plans in aggregate-producing municipalities in Ontario..." (p. 29).

As previously stated, the applicable planning test and requirements for the Town in undertaking this Official Plan Amendment should be to assess consistency and conformity with applicable provincial policies and plans. OSSGA is puzzled to see 50 recommendations provided given the comments in the report regarding the status of the existing aggregate policies in the Town's Official Plan.

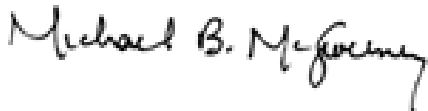
We would note it is difficult to understand the full implications of the proposed policy directions without any further details such as draft policies that we would typically be able to review as part of this type of planning exercise.

It is OSSGA's understanding that the approval authority for this Official Plan Amendment rests with the Province. Since it appears to us that relevant stakeholders will not be given adequate time or opportunities to review and comment on the yet to be released draft policies, we will be requesting that the Province uphold the requirements of *The Planning Act* by providing OSSGA and its members with sufficient and meaningful engagement opportunities through the Provincial review of the adopted Official Plan Amendment.

Thank you for the opportunity to submit comments. If you have any questions, please let us know.

Sincerely,

ONTARIO STONE, SAND & GRAVEL ASSOCIATION



Mike McSweeney
Executive Director

cc.

Hon. Doug Ford, Premier

Hon. Sylvia Jones, Deputy Premier

Hon. Paul Calandra, Minister of Municipal Affairs and Housing (MMAH)

Hon. Graydon Smith, Minister of Natural Resources

Ms. Michelle DiEmanuele, Secretary of Cabinet and Clerk of the Executive Council

Ms. Martha Greenberg, DM, MMAH

Mr. Drew Vanderduim, DM, MNR

Mayor Annette-Groves

Laurie Miller, Regional Director of Planning – Municipal Services Office, MMAH

Heather Watt, Manager - Community Planning & Development (West) Unit, MMAH

Andrew Ogilvie, Manager – Resources Development Section, MNR

Tara Buonpensiero, Chief Planner & Director, Planning and Development Services, Peel Region



August 14, 2024

Steve Burke
Manager, Strategic Policy Planning
Town of Caledon
6311 Old Church Road
Caledon, ON L7C 1J6

Joe Nethery
Principal Project Consultant

Dear Mr. Burke and Mr. Nethery:

**RE: Town of Caledon Aggregate Resources Policy Study
Lafarge Canada Inc. and Associated Companies - Comments on Policy
Options Report (July 19, 2024)**

Lafarge Canada Inc. (Lafarge) is pleased to submit the following comments on the Town's Policy Options Report released on July 19, 2024 as part of the Supplementary Aggregate Policy Study.

Lafarge and its associated companies are registered owners of several properties including existing Aggregate Resources Act licences throughout the Town of Caledon for which this policy exercise would apply to. Please see the attached list of our active properties.

1. Lafarge Canada Inc. Pit 3 Extension

Lafarge commenced pre-consultation with the Town of Caledon for its Pit 3 Extension application in 2019. The Official Plan Amendment and Zoning By-law Amendment was submitted for DART review on May 2, 2024 and deemed complete by the Town on May 23, 2024. Lafarge seeks confirmation from the Town that this application will be processed in accordance with the Town of Caledon Official Plan in place at time of submission.

LAFARGE CANADA INC.
6509 Airport Road, Mississauga, ON L4V 1S7
Phone: (905) 738-7070 Fax: (905) 738-0224
www.lafarge.ca





Furthermore we note that Appendix E2 of the Supplementary Aggregate Resources Study identifies the south portion of the existing Pit 3 and a small portion in the south eastern corner of the proposed Pit 3 Extension lands as being a constraint and is proposed to be removed from Caledon's High Potential Mineral Aggregate Resource Areas (CHPMARA). As demonstrated through the current approved Pit 3 licence and the Pit 3 Extension application, these lands do not contain a constraint and should continue to be identified as a CHPMARA.

2. Insufficient time to review the proposed Official Plan Amendment

We understand the purpose of the Policy Options Report is to pose a number of policy questions and provide preferred policy recommendations for Council's consideration. The Town, however, has not yet released draft policies as part of an Official Plan Amendment for public review.

The Town notes that the draft Official Plan Amendment and Zoning By-law Amendment will be released as part of the September 3, 2024 public meeting and then final versions will go before Planning Committee for approval on September 17, 2024.

In our experience and that of our professional planner's, a 2-week period between the release of draft policies and a decision for an Official Plan amendment of this nature is insufficient. We have concerns regarding the fairness, transparency and ability for stakeholders to properly engage in this process as set out in the Planning Act. More time should be allocated between the release of draft policies and Council decision so that stakeholders such as ourselves have better opportunity to provide our input and comments.

3. Section 6.3 - Items for Council and Corporate Activism

As noted in the Policy Options Report, the proposed Official Plan Amendment must be consistent and/or conform to provincial policy as it relates to mineral aggregate resources. We were therefore surprised to see a planning report recommend areas for advocacy with the Provincial Government. (pg. 87). The list of items include the following as some examples:

1. Implement sunset clauses for aggregate operations e.g. termination dates.
2. Eliminate the no needs test in the PPS.
3. Enable municipalities to enforce the Aggregate Resources Act.

LAFARGE CANADA INC.

6509 Airport Road, Mississauga, ON L4V 1S7

Phone: (905) 738-7070 Fax: (905) 738-0224

www.lafarge.ca





4. Requiring operators to purchase lands next to aggregate operations as buffer lands.
5. Remove sections of the Aggregate Resources Act recently passed by the Province.

These should be removed completely from the report and, in our opinion and that of our professional planner's, are not appropriate for inclusion in a planning exercise undertaken through the Planning Act.

4. Greenbelt Plan

Lafarge's Pit 3 Extension and other CHPMARA lands are subject to the policies of the Greenbelt Plan. Policy 4.3.2.10 of the Greenbelt Plan states "*where a municipality has undertaken a comprehensive aggregate resource management study and implemented the results into its official plan prior to December 16, 2004, such policies shall be deemed to conform with this Plan.*"

It is our understanding this policy was included in the Greenbelt Plan to allow the Town of Caledon to deem its existing Official Plan aggregate policies (e.g. Town OPA 161) to be in conformity with the Greenbelt Plan. If the Town of Caledon is now proposing to update these aggregate policies, it is our understanding that the new policies would need to conform to the Greenbelt Plan and as noted in Section 5.3 of the Greenbelt Plan: "*...With the exception of the policies of section 4.6, official plans and zoning by-laws shall not, however, contain provisions that are more restrictive than the policies of sections 3.1 and 4.3.2 as they apply to agricultural uses and mineral aggregate resources respectively.*"

As a result, the Town of Caledon's updated aggregate policies are not permitted to contain provisions that are more restrictive than Greenbelt Plan Section 4.3.2 as they apply to mineral aggregate resources.

5. Recommended Policy Directions

Section 6.1 of the Policy Options Report outlines recommended policy directions to include in the draft policies as part of the amendment. There are 50 recommendations provided. We question whether a significant update is required given the following conclusion in Section 3.4 of the Report:

LAFARGE CANADA INC.

6509 Airport Road, Mississauga, ON L4V 1S7

Phone: (905) 738-7070 Fax: (905) 738-0224

www.lafarge.ca





"Concerns and issues raised through public engagement are generally covered by existing policies in the Current Official Plan. The Peel Region and Town of Caledon Joint Aggregate Policy Review described the current framework as, "a very thorough set of aggregate policies, laying out in detail the tests that need to be met in considering new applications." Many of the components of OPA 161 are found in more recent official plans in aggregate-producing municipalities in Ontario..." (p. 29).

For example, there are recommendations in the report that do not appear to conform to Provincial legislation and provincial policy related to mineral aggregate operations. Such recommendations include:

1. Items that appear to be beyond the Town's jurisdiction, potentially conflict with Section 66 of the ARA and/or may be inconsistent with applicable provincial policies:
 - a. Establishing alternative targets to Provincial standards or requiring that effects from a pit or quarry be limited to the site.
 - b. Seeking opportunities to bring "legacy sites" into compliance with contemporary operational standards.
 - c. Introduce requirements for road maintenance agreements with aggregate operations.
 - d. Incorporating policies that allow the Town to request that off-site water discharge be prohibited.
 - e. Time limits for aggregate-related uses on licensed sites, and require rezoning for accessory aggregate recycling.
 - f. Establish "monitoring regimen" for aggregate sites.

2. Proposal to increase area of influence to 1 km for all new aggregate sites. The province identifies a 500m potential zone of influence.

It is recommended that the Town scope this Official Plan Amendment to changes that are only required to achieve conformity or consistency with Provincial policy. Furthermore the policies should not introduce policies or provisions that are beyond the Town's jurisdiction.

LAFARGE CANADA INC.

6509 Airport Road, Mississauga, ON L4V 1S7

Phone: (905) 738-7070 Fax: (905) 738-0224

www.lafarge.ca





6. Approval Authority

Lafarge seeks clarification from the Town if this would be an Official Plan Amendment that would be adopted in accordance with Section 26 of the Planning Act and therefore require provincial approval.

While we appreciate the opportunity to provide comments on the policy options report, Lafarge remains concerned that under the current schedule, there will not be enough time to fully review and understand the proposed policies once they are released. It is important that stakeholders be afforded adequate timelines to provide comment so that the draft policies can be appropriately reviewed to understand their potential impacts and their conformity with provincial legislation.

We expect that the Town will take these comments into consideration and revise its current process to update the Official Plan Amendment to allow proper opportunity for public review prior to final adoption.

Yours truly,

A handwritten signature in black ink that reads 'Mal Wensierski'.

Mal Wensierski,
Snr. Land Manager, West GTA
Lafarge Canada Inc.

cc. *Hon. Doug Ford, Premier*
Hon. Sylvia Jones, Deputy Premier
Hon. Paul Calandra, Minister of Municipal Affairs and Housing (MMAH)
Hon. Graydon Smith, Minister of Natural Resources
Ms. Michelle DiEmanuele, Secretary of Cabinet and Clerk of the Executive Council
Ms. Martha Greenberg, DM, MMAH
Mr. Drew Vanderduim, DM, MNR
Mayor Annette-Groves
Laurie Miller, Regional Director of Planning – Municipal Services Office, MMAH
Heather Watt, Manager - Community Planning & Development (West) Unit, MMAH
Andrew Ogilvie, Manager – Resources Development Section, MNR
Tara Buonpensiero, Chief Planner & Director, Planning and Development Services, Peel Region
Brian Zeman, MHBC

LAFARGE CANADA INC.

6509 Airport Road, Mississauga, ON L4V 1S7

Phone: (905) 738-7070 Fax: (905) 738-0224

www.lafarge.ca





September 20, 2024

Steve Burke
Manager, Strategic Policy Planning
Town of Caledon
6311 Old Church Road
Caledon, ON L7C 1J6

Joe Nethery
Principal Project Consultant

Dear Mr. Burke and Mr. Nethery:

RE: Town of Caledon Official Plan Amendment No. 1 (Mineral Aggregate Resource Policies) and Zoning By-law Amendment (Mineral Extraction Zoning Provisions)

Further to our letter of August 14, 2024 (see attached), Lafarge Canada Inc. (Lafarge) owns and operates several mineral aggregate operations in the Town of Caledon. In addition, Lafarge has an on-going Town of Caledon Official Plan Amendment and Zoning By-law Amendment application to expand our Pit 3 operation.

Please accept the following comments on the Town of Caledon Official Plan Amendment No. 1 (Mineral Aggregate Resource Policies and Zoning By-law Amendment (Mineral Extraction Zoning Provisions)). Lafarge is also a member of the Ontario Stone, Sand & Gravel Association (OSSGA) and supports the comments submitted by OSSGA.

The following is a summary of Lafarge's major concerns, which are described in more detail below:

- Fairness for the processing of our on-going application located at 17903 Shaws Creek Road (Pit 3 Extension);
- Removal of a portion of the Caledon High Potential Mineral Aggregate Resource Area (CHPMARA) identification on the Pit 3 Extension site.
- The existing approved haul route for our Pit 3 is not identified as a mineral aggregate haul route;

LAFARGE CANADA INC.

6509 Airport Road, Mississauga, ON L4V 1S7

Phone: (905) 738-7070 Fax: (905) 738-0224

www.lafarge.ca





- Timelines for the release and adoption of the Town's Official Plan Amendment and Zoning By-law amendment;
- Policies that override the provincial authority for the protection and management of mineral aggregate operations and mineral aggregate resources;
- Policies to create standards for air, noise and blasting, whereas the provincial policy requires mineral aggregate operations to adhere to provincial guidelines, standards and procedures;
- Policies that rely on a future Town of Caledon Aggregate Manual to assist in assessing conformity with the Town of Caledon Official Plan policies creates uncertainty. The Official Plan should be clear that the Official Plan policies and provincial guidelines, standards and procedures prevail over the Aggregate Manual;
- Policies that state in the event of a conflict between provincial and town policy the more restrictive policies prevail, thereby overriding the provincial interest in the protection and availability of mineral aggregate resources;
- Policies that introduce prohibition for new or expanded mineral aggregate operations in local natural heritage areas. These policies do not conform to provincial plans and are not consistent with the Provincial Policy Statement; and
- The Town has removed the provincial policy from its existing Official Plan to ensure that, as much aggregate as is realistically is made available.

Pit 3 Extension

Lafarge began pre-consultation with the Town of Caledon in June of 2019 for an extension to our existing Pit 3 operation. The Pit 3 Extension is located at 17903 Shaws Creek Road and Lafarge submitted the applications to the Town of Caledon on May 2, 2024.

Lafarge requests that a transition clause be added to the Town of Caledon Official Plan and the Pit 3 Extension site be deferred in the new Caledon Official Plan to confirm that the application is subject to the Town of Caledon Official Plan policies that were in force at the time of the application.

The Town has removed a portion of the Caledon High Potential Mineral Aggregate Resource Area (CHPMARA) on this site. As demonstrated through the Pit 3 Extension application, these lands do not contain any constraints and should continue to be identified as CHPMARA (Schedule E12).

LAFARGE CANADA INC.

6509 Airport Road, Mississauga, ON L4V 1S7

Phone: (905) 738-7070 Fax: (905) 738-0224

www.lafarge.ca





The Town of Caledon Official Plan has not recognized the existing Pit 3 aggregate haul route on Mississauga Road and this should be added (Schedules C1 and E12).

Coulterville Special Study Area

Lafarge owns property within the area identified as the Coulterville Special Study Area (Schedule E1). The intent of the Coulterville Study Area is to examine the issue of appropriate after use of land currently being used for aggregate extraction and to develop guidelines for rehabilitation and after-uses. Lafarge questions the need for this study since a large portion of this study area is located within the area where the Town already completed a Master Rehabilitation Plan, which identified the desired long-term use of properties. Furthermore, the rehabilitation requirements for existing sites are already established, and future sites have to conform or be consistent with provincial policy. If the special study area is to remain, it is important that a policy be added to clarify that any new "sensitive use" considered within the Study area is required to demonstrate that existing mineral aggregate operations will not be impacted, and access to CHPMARA will not be precluded or hindered in accordance with the Provincial Policy Statement.

Insufficient Time to Review the Proposed Official Plan and Zoning By-law Amendment

As noted in the attached letter, the timelines that the Town of Caledon has proposed for the release and adoption of Official Plan Amendment No. 1 and the Zoning By-law Amendment is unreasonable and we strongly urge the Town to consider providing additional time for consultation with Lafarge.

Official Plan Amendment No .1

- Section 20 – Introduction: The Greenbelt Plan included a policy that deemed Caledon OPA 161 (existing Mineral Aggregate Resource policies) in conformity with the Greenbelt Plan since it was a comprehensive policy update that was approved prior to December 16, 2004. The Town of Caledon is trying to incorporate selective elements of OPA 161 into the new Official Plan. Since the Town is introducing a new aggregate strategy/policy regime, in accordance with the Greenbelt Plan, this Official Plan Amendment must conform to the Greenbelt Plan and cannot include policies more restrictive than the Greenbelt (Section 5.3 of the Greenbelt Plan).

LAFARGE CANADA INC.

6509 Airport Road, Mississauga, ON L4V 1S7

Phone: (905) 738-7070 Fax: (905) 738-0224

www.lafarge.ca





- 20.1 - Objectives: a) Should be updated since the test for mineral aggregate operations is to “minimize” impacts in accordance with Provincial Standards and is not required to “maintain and enhance”.. b) Is subjective and should be deleted. d) Should be deleted since the Town does not regulate licenced mineral aggregate operations. h) Should be updated to reflect that the provincial standards are the applicable standards to assess land use compatibility for air, noise and vibration. i) Should be updated to clarify that the guidelines are a tool and the Official Plan should be clear that the Official Plan policies and provincial guidelines, standards and procedures prevail over the Aggregate Manual. Furthermore, the Official Plan Amendment deletes the existing Town of Caledon objective to make available, as much aggregate as is realistically possible and this should be included.
- 20.2.1 – Permitted uses a) and b) should be updated to be consistent with the PPS definition of mineral aggregate operations.
- 20.2.2 – Should be updated to recognize that an amendment to the Niagara Escarpment Plan (NEP) can occur to permit these uses and recycling included since aggregate recycling is a permitted use in the NEP.
- 20.2.3 – Should be updated to delete reference to category of aggregate licences. The categories were deleted when MNR updated the Provincial Standards in 2020. Aggregate related uses should be deleted since aggregate related uses should be a permitted use within the Mineral Resource Extraction Area Designation.
- 20.2.3 b) - Is unclear, does not conform to provincial plans and should be deleted.
- 20.3 – Should include policies regarding the provincial interest in making as much mineral aggregate resources as realistically possible available close to market. d) The area of influence differs depending on the nature of the proposed mineral aggregate operation and should be determined based on the technical reports.. d). h) A similar policy should be included in Chapter 20 for the review of mineral aggregate applications to scope and set reasonable controls on the peer review process.
- 20.4 a) – Should reference “permitted” (e.g. not prohibited).

LAFARGE CANADA INC.

6509 Airport Road, Mississauga, ON L4V 1S7

Phone: (905) 738-7070 Fax: (905) 738-0224

www.lafarge.ca





- 20.5 – Should delete “to the maximum extent possible” and replace with “in accordance with provincial regulation and standards.”
- 20.5.1 – Should be deleted since final approval of the site plan notes is the jurisdiction of MNR.
- 20.5.2 a) - Should be deleted since enforcement of ARA licenced sites is the jurisdiction of MNR.
- 20.5.2 c) and d) – Should be updated to clarify that the guidelines are a tool and the Official Plan should be clear that the Official Plan policies and provincial guidelines, standards and procedures prevail over the Aggregate Manual.
- 20.5.2 f) – Should be deleted since the Town does not have the authority to amend or approve changes to existing ARA site plans.
- 20.5.2 g) – Should be revised to clarify that when a conflict between the policies of the Town of Caledon Official Plan and Provincial Plan arise; the policies of the Provincial Plan prevail.
- 20.5.2 h) – Should be updated to be consistent with the definition of no negative impact in the PPS and the policy of the PPS, which recognizes rehabilitation, can be considered in the assessment of no negative impact for mineral aggregate operations.
- 20.5.3 – Should be deleted in its entirety and updated to require conformity with the policies of the Greenbelt Plan.
- 20.5.4 – Should be updated to delete reference to Section 20.5.3 and updated to require conformity with the policies of the NEP.
- 20.5.5 – Should be updated to delete reference to Section 20.5.3 and updated to require conformity with the policies of the ORMCP.

LAFARGE CANADA INC.

6509 Airport Road, Mississauga, ON L4V 1S7

Phone: (905) 738-7070 Fax: (905) 738-0224

www.lafarge.ca





- 20.5.6 – Should be updated to reference Section 4.5 of the 2024 PPS and delete reference to Section 4.2.8 of the Growth Plan since the Growth Plan was repealed.
- 20.5.7 a) – Should be updated to be consistent with the PPS. i) Should be deleted and is not relevant to the protection of water resources. ii) Reference to Section 15 of the Caledon Official Plan should be deleted since this section contains policies not relevant to mineral aggregate operations and are more restrictive than provincial plans.
- 20.5.7 b) – Should be deleted. Directing quarry water off-site to the watershed is a common and essential design element for quarries below water.

20.5.7 c) – Should be updated to reference that wells will be protected from adverse impacts and remediation of an existing well or drilling a new well is an accepted mitigation measure. It is inappropriate to include the requirement for targets and triggers for the protection of residential wells since water levels in private wells vary significantly based on individual use and private wells can only be monitored where access is provided. Furthermore, the requirement to stop active operations is inappropriate. In the event a private well is impacted, temporary water is provided to the resident and the well is remediated or replaced to restore water to the affected property.

- 20.5.7 d) – Should be updated to reference MECP standards for the discharge of water.
- 20.5.8 c) Adaptive management plans are not required for all types of mineral aggregate operations and the policy should not mandate that targets and triggers including stopping the active operation be included in the policy since there are different approaches depending on the nature of the mineral aggregate operations.

20.5.9 a) ii) – Should be updated to delete reference to small phases since that is subjective. The overall goal is to limit the amount of disturbed area. iv) the requirement to create “mature” vegetative screens and “replicate the natural topography of the area” is not appropriate and should be deleted v) Should be updated to reference “where feasible.” and recognize that this may not be

LAFARGE CANADA INC.

6509 Airport Road, Mississauga, ON L4V 1S7

Phone: (905) 738-7070 Fax: (905) 738-0224

www.lafarge.ca





feasible based on traffic consideration, sight lines / safety issues vi) Delete “the elimination” and replace with “the reduction.” vii) This should be deleted. This is beyond the Town’s jurisdiction and requires an agreement between adjoining licenses and could cause traffic concerns by combining total truck traffic at one entrance /exit.

- 20.5.9 b) – Should be updated to reflect provincial standards and regulations.
- 20.5.9 c) – Should be deleted since this is inconsistent with provincial air quality standards.
- 20.5.9 d) Should be deleted since site specific air quality monitoring is typically not required for the majority of mineral aggregate operations.
- 20.5.9 g) – Should be deleted since these activities do not automatically require a barrier to be installed. For example, stockpiles of mineral aggregates do not require a barrier to prevent leachate to the water table. Provincial standard include appropriate provisions for the site plans including the requirement for a spills contingency plan; operating in accordance with the fuel-handling act and provisions for the storage of recycled aggregate products above the water table.
- 20.5.10 – The blasting policies and study requirements should be updated to be consistent with provincial standards for a blast impact assessment.
- 20.5.11 a) – The existing approved Pit 3 aggregate haul route should be identified on the schedules to the Official Plan Amendment.
- 20.5.11 b) ix) need to be updated to clarify that this only relates to improvements to the haul route because of the proposed application and does relate to improvements that are required by the road authority based on existing and projected traffic levels on the road unrelated to the application.
- 20.5.11 d) – After the first sentence the remainder of the policy should be deleted. The Road Improvement Plan, including the requirement for detailed construction drawings should not be required until the land use is established. This will be addressed as part of an agreement with the road authority prior to the work being completed and is typically entered into after the land use is approved.

LAFARGE CANADA INC.

6509 Airport Road, Mississauga, ON L4V 1S7

Phone: (905) 738-7070 Fax: (905) 738-0224

www.lafarge.ca





- 20.5.11 e) Should be updated to state, “The Town acknowledges that, there should be a haul route to each resource area.” The reference to maintenance agreements should be deleted in accordance with the provisions of the ARA.
- 20.5.11 h) Should be updated to clarify that this would need to be a Region / Town led process and require the applicable road authority to expropriate the required land for a potential truck by-pass. In addition, there are other trucks that utilize this route and those users (e.g. Erin commercial / industrial park) / hauling companies should also be part of the overall discussions since aggregate trucks are not the only trucks using this route.
- 20.5.12 a) Should be updated to clarify that rehabilitation plans do not need to meet the intent of the Rehabilitation Master Plan where it is demonstrated that the Master Plan is not in conformity / or consistent with provincial policy rehabilitation requirements.
- 20.5.12 b) Should be updated to reflect the appropriate test is “no negative impact” for adjacent natural features and areas and not “protection and maintenance”.
- 20.5.12 e) Should delete the participation for funding from the aggregate producers operating within the Resource Area. Rehabilitation plans are governed by provincial policy requirements and aggregate producers need to design new sites in accordance with these requirements. For existing licensed sites within a Resource Area, Lafarge is already required to rehabilitate our sites in accordance with the approved ARA rehabilitation plan.
- 20.5.12 g) Should be deleted since rehabilitation is the requirement of the licensee, is the jurisdiction of MNR and the Town shall not be required to be a party of rehabilitation agreements.
- 20.5.13 a) Should be deleted. Land use compatibility for mineral aggregate operations is determined based on provincial guidelines, standards and procedures.

LAFARGE CANADA INC.

6509 Airport Road, Mississauga, ON L4V 1S7

Phone: (905) 738-7070 Fax: (905) 738-0224

www.lafarge.ca





- 20.5.14 a) Should be updated to delete reference to “not have any negative visual impacts by:” and replace with “shall minimize visual impacts by:”.
- 20.5.14 iii) Should be updated to delete reference to small phases. This is subjective and should be replaced with “phasing”.
- 20.5.15 a) Should be updated to be consistent with 4.6 of the Provincial Policy Statement. Section 6 of the Caledon Official contain policies that do not apply to mineral aggregate operations and are more restrictive than provincial plans.
- 20.5.16 Should be updated to be consistent with 4.5.4 of the Provincial Policy Statement.

20.6 iii) Should be updated to replace “as portion of the extraction are rehabilitated,” and replaced with “as portions of the ARA license is surrendered” since activities could still occur within these areas or be subject to a future application to deepen.

- 20.7.1 Should be deleted. Excess soils within mineral aggregate operations are regulated by the Province and can assist in enhancing rehabilitation of an aggregate site.
- 20.7.3 Should be deleted. Concrete and asphalt plants are permitted as an accessory use to mineral aggregate operations and need to operate in accordance with provincial permits to ensure compatibility with adjacent land uses.
- 20.7.5 Should be updated to clarify that aggregate transfer stations are a permitted use within areas designated Mineral Resource Extraction Area.

20.8.2 Should be deleted in its entirety. The Town of Caledon does not have jurisdiction for enforcement and reporting regarding existing mineral aggregate operations.

- 20.8.3 e) Should be deleted since recycling of mineral aggregate is not a prohibited use within wellhead protection areas.

LAFARGE CANADA INC.

6509 Airport Road, Mississauga, ON L4V 1S7

Phone: (905) 738-7070 Fax: (905) 738-0224

www.lafarge.ca





- 20.8.3 f) Should be deleted. The relevance of this policy is unclear and it is not relevant to the land use.
- 20.8.4 Should be deleted since the Town of Caledon does not have the jurisdiction or authority to require updates to existing ARA Site Plans to demonstrate conformity with the Town Official Plan.
- 27.2.2 Should be deleted. These study requirements, as defined are not consistent with Provincial Standards and beyond the Town's jurisdiction.

Draft Zoning By-law Amendment

The Town is proposing to limit the permission of pits and quarries in the Extractive Industrial Zone to only those uses legally existing as of 2024 (Provision 10 5)). This would imply that no new pits and quarries are permitted and uses permitted by an ARA site plan but not legally established on the site are not permitted. This provision is inappropriate, conflicts with the ARA and should be deleted.

The Zoning By-law amendment proposes to introduce eight categories of aggregate operations and MNR deleted these categories when it updated the aggregate provincial standards in 2020. Further, the ARA does not allow municipalities to regulate the depth of extraction so any reference to above or below water extraction should be removed.

Lafarge understands that site alteration including importing excess soils at mineral aggregate operations is not a "use of land". Prohibiting excess soils within mineral aggregate operations is not appropriate and is regulated by the Province. This should be removed from Provision 6.

The Town appears to be limiting aggregate-related uses to only those that are deemed "essential" to the operation. The Town of By-law should permit mineral aggregate operations including accessory uses to mineral aggregate operations as defined in the Provincial Policy Statement.

Furthermore, the Town is proposing to delete site-specific exemptions (Provisions 11 to 16) to existing mineral aggregate operations in the Town of Caledon including our Lawford Pit and Limebeer pit. These site specific exemptions were part of the approval of these operations and should not be deleted.

LAFARGE CANADA INC.

6509 Airport Road, Mississauga, ON L4V 1S7

Phone: (905) 738-7070 Fax: (905) 738-0224

www.lafarge.ca





Conclusion

Thank you for consideration of the above comments. As outlined above Lafarge believes significant revisions are required to the Official Plan Amendment and Zoning By-law amendment and we request additional time to consult with the Town of Caledon.

If you have any questions please do hesitate to contact the undersigned.

Yours truly,

Mal Wensierski,
Snr. Land Manager, West GTA
Lafarge Canada Inc.

cc. *Hon. Doug Ford, Premier*
Hon. Sylvia Jones, Deputy Premier
Hon. Paul Calandra, Minister of Municipal Affairs and Housing (MMAH)
Michael Klimuntowski, Chief of Staff MMAH
Ms. Martha Greenberg, Deputy Minister MMAH
Laurie Miller, Regional Director of Planning – Municipal Services Office, MMAH
Heather Watt, Manager - Community Planning & Development (West) Unit, MMAH
Hon. Graydon Smith, Minister of Natural Resources (MNR)
Adam Bloskie, Chief of Staff MNR
Mr. Drew Vanderduim, Deputy Minister MNR
Andrew Ogilvie, Manager – Resources Development Section, MNR
Ms. Michelle DiEmanuele, Secretary of Cabinet and Clerk of the Executive Council
Mayor Annette-Groves, Town of Caledon
Councillor Christina Early, Town of Caledon
Councillor Lynn Kiernan, Town of Caledon
Councillor Dave Sheen, Town of Caledon
Councillor Doug Maskell, Town of Caledon
Councillor Mario Russo, Town of Caledon
Councillor Nick de Boer, Town of Caledon
Councillor Tony Rosa, Town of Caledon
Councillor Cosimo Napoli, Town of Caledon
Tara Buonpensiero, Chief Planner & Director, Planning and Development Services, Peel Region
Brian Zeman, MHBC

LAFARGE CANADA INC.

6509 Airport Road, Mississauga, ON L4V 1S7

Phone: (905) 738-7070 Fax: (905) 738-0224

www.lafarge.ca





September 20, 2024

Steve Burke
Manager, Strategic Policy Planning

Joe Nethery
Principal Project Consultant

Town of Caledon
6311 Old Church Road
Caledon, ON L7C 1J6

Dear Steve and Joe:

**RE: James Dick Construction Ltd. Comments on Town of Caledon Official Plan Amendment No. 1 & Zoning By-law Amendment – Aggregate Resources Policy Study
OUR FILE 9153Q**

On behalf of our client, James Dick Construction Ltd. (JDCL), we are submitting the following comments on the Town's draft Official Plan Amendment and Zoning By-law Amendment related to the aggregate resources policy study. This is further to our submission made on August 9, 2024 regarding the Town's Aggregate Policy Options Report (see attached).

JDCL is a registered owner of several properties including existing Aggregate Resources Act licences throughout the Town of Caledon for which these amendments would apply to.

JDCL is a member of the Ontario Stone, Sand & Gravel Association (OSSGA) and supports the comments submitted by OSSGA on these amendments.

The following is a summary of JDCL's main concerns which are further elaborated in this letter:

1. Policies that attempt to override or substantially alter Provincial jurisdiction over the management of aggregate resources. The Town does not have the authority to regulate or control aggregate operations.
2. Removing Regional roads as truck routes that are otherwise identified as such in the Region's new Official Plan. The Town does not have authority over these roads.
3. Removal of the Caledon High Potential Mineral Aggregate Resource Area from existing aggregate operations and sites that still contain high quality aggregate resources.
4. Removal of Extractive Industrial designation and zoning from a JDCL-owned property.
5. Policies to create a specific Caledon conflict clause that directly contravene Provincial legislations and override the provincial interest in the management of aggregate resources.
6. Policies to create Town standards for noise, air quality, blasting, etc. whereas these matters are covered and regulated by Provincial standards and regulations.

7. Policies that prohibit aggregate extraction in local natural heritage features and areas which do not conform to provincial plans and are not consistent with the Provincial Policy Statement.

To assist with the review of our submission, we have broken down our comments by section of the draft Official Plan Amendment followed by the Zoning By-law Amendment.

OFFICIAL PLAN AMENDMENT NO. 1

Section 20.1 Objectives

The planning objectives for mineral aggregates are:...

d) To apply contemporary standards across all operations, including bringing legacy sites into better compliance at any opportunity and facilitating the continuous improvement of the environmental and operational performance of mineral aggregate extraction...

h) To achieve better than minimum standards or minimum levels of mitigation where avoidance of effects from mineral aggregate extraction is not possible: on air quality, noise, vibration, and other matters of compatibility...

i) To develop a Caledon Aggregate Standards Manual as a set of guidelines to assist both proponents and the public in detailing and explaining how conformity to this Plan can be achieved. To improve data sharing and communication between the Town, aggregate industry, aggregate operators, and the public...

Subsection d) should be removed as the Town does not have the authority to regulate aggregate operations. This is established in Section 66 of the ARA and Section 124(3) of the Municipal Act.

Subsection h) should be removed as land use compatibility is to be assessed in accordance with Provincial standards, guidelines and procedures. The Town should not be able to establish its own noise, air quality, blasting, etc. standards that are different from the rest of Ontario.

The Provincial Policy Statement states that mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified. Further, as much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible. We do not see where these key policy directives are included in the draft Official Plan Amendment.

The planning objectives in Section 20.1 should be updated to include the aggregate protection and making available policies from the PPS. This is particularly relevant and appropriate given the amount of growth planned for Caledon and Peel Region, and the need for high quality, close to market aggregate resources to support this growth.

Section 20.2.1 Mineral Resource Extraction Area Permitted Uses

Permitted uses include:

a) Mineral aggregate extraction in accordance with a licence or permit issued in accordance with the Aggregate Resources Act and subject to Section 20.2.3(a) below

b) Uses essential to the extractive operation, such as crushing, screening, washing, stockpiling, blending with recycled asphalt or concrete materials, storage, weigh scales, maintenance, repair and fuel storage for vehicles related to the extraction operation, parking and office facilities, and clay products manufacturing, all subject to licencing under the Aggregate Resources Act

The Town should permit mineral aggregate operations as defined in the PPS. The PPS does not indicate the uses and activities identified in subsection b) must be “essential” to the aggregate operation to be permitted. We are also unclear how the Town could determine what is “essential” as opposed to the more commonly adopted approach taken from the PPS regarding accessory or associated facilities.

Section 20.2.2 Mineral Resource Extraction Area Prohibited Uses

a) Notwithstanding Section 20.2.1(b), asphalt plants, ready mix concrete plants, recycling uses, and clay products manufacturing shall not be permitted within the area of the Niagara Escarpment Plan Area.

The Niagara Escarpment Plan specifically permits accessory recycling and reprocessing (see NEP 1.9.3.10). Further, the Niagara Escarpment Planning and Development Act exempts aggregate recycling activities within licences from requiring a Development Permit subject to the prescribed conditions. The Town should remove “recycling uses” from the list of prohibited uses as it conflicts with the Niagara Escarpment Plan.

Section 20.2.3 Mineral Resource Extraction Area Additional Policies

a) The establishment of new licenced mineral aggregate extraction operations, additional aggregate-related uses, changes in category of aggregate licence issued under the Aggregate Resources Act, or extensions to existing licenced areas will require an amendment to this Plan and an amendment to the Zoning By-law (or an Amendment to the Niagara Escarpment Plan and issuance of a Niagara Escarpment Plan Development Permit, if within the Niagara Escarpment Development Control Area).
b) Mineral aggregate operations shall be prohibited in unstable slopes, soils and bedrock that may pose a danger to public safety or public health or result in property damage, unless conformity is demonstrated with all other policies in this Plan.

The requirement for an Official Plan Amendment for establishing additional aggregate-related uses is onerous, unnecessary and seems to differ from the policy direction provided in the PPS. Aggregate-related uses that would be associated with or accessory to pits and quarries per the PPS definition should not require an Official Plan Amendment. Further, the reference to “changes in category of aggregate licence” should be removed as the Aggregate Resources Act no longer includes this classification.

Subsection b) should be removed as aggregate operations are not identified as a prohibited use in natural hazard areas per Section 5.2.6 of the 2024 PPS. Prohibited uses are limited to those which may affect public health and safety including institutional uses such as hospitals and schools. This does not apply to aggregate operations.

Section 20.3 Long-term Protection of Mineral Aggregate Resources

a) The Town shall protect high potential mineral aggregate resource areas, except for such deposits of mineral aggregate resources considered to be unsuitable for extraction based on the other policies in this Plan, Provincial policies, and Provincial plans...
c) For lands not identified as a Caledon High Potential Mineral Aggregate Resource Area on Schedule E12 of this Plan, an application to permit new mineral aggregate extraction shall include an analysis

of the available resource, including quality and anticipated quantity of resource and how the resource was identified.

d) For the purposes of this Plan, an area of influence of 1,000 metres shall be defined around the extraction limit of existing licenced operations or the proposed licenced area boundary for a proposed new operation. Sensitive receptors within the area of influence shall be identified in the technical studies supporting an application to inform addressing impacts, and may be part of the natural, agricultural or built environment...

h) The Town may, in the appropriate circumstances, and to the extent appropriate, require an Applicant for a new sensitive land use to pay reasonable costs of peer review which shall not include any original data collection or original research of any studies required by this Plan. In such case, the Town shall enter into an agreement with the Applicant to administer and scope the peer review and to set reasonable controls on peer review costs...

Subsection a) should be revised to state that mineral aggregate resources shall be protected for long-term use and that as much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible.

Subsection c) should be revised to state that for lands not identified within CHPMARA, it does not imply that aggregate resources are not found in these areas. This is an important distinction given the identification of CHPMARA was primarily a desktop mapping exercise and that significant aggregate resources may exist beyond CHPMARA identified lands.

Subsection d) should be removed or substantially revised. The area of influence and assessment is dictated through the Aggregate Resources of Ontario: Technical Report Standards. Further, the MECP D6 Guidelines which identify areas of influence do not apply to pits and quarries (see Section 1.2.4). We would also note that agricultural uses and operations are not identified as sensitive land uses in the PPS or MECP NPC-300 Guidelines.

Subsection h) should be revised or expanded in other parts of the proposed amendment to ensure that the peer review scoping and reasonable control policy similarly applies to aggregate applications and not just applications for sensitive uses.

Section 20.5 Applications for New Mineral Aggregate Extraction

The following policies shall apply to the review of applications for new mineral aggregate extraction (and, where possible, the review and update of existing Aggregate Resources Act licences) to ensure the cumulative effects of minimal aggregate extraction are documented and considered to ensure future extraction is undertaken in a manner that minimizes social, economic and environmental impacts to the maximum extent possible.

The Town does not have the authority to review and update existing licences. Further, in consideration of the PPS and matters of provincial interest, we are not clear how the Town can qualify or establish "minimal" aggregate extraction. Section 20.5 should be revised to remove these provisions.

Section 20.5.2 Complete Applications and Application Processing

c) Proponents of new mineral aggregate extraction shall have regard to the Caledon Aggregates Standards Manual for the Town.

d) In advance of Council's approval of the Caledon Aggregates Standards Manual, proponents shall have regard for best practices for technical review, study preparation, available data, and operational standards.

Subsections c) and d) should be removed. The Town's Aggregates Standards Manual has not been prepared. JDCL is concerned about the requirement to have regard for an unknown document with no status under the Planning Act. Manuals and guidelines cannot override Official Plan or Provincial policy. It is not clear how subsection d) would be assessed or measured in a fair or reasonable manner.

We would note that the PPS states that "Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and facilitate development in suitable areas". In our opinion, subsections c) and d) are not clear, reasonable or attainable as it relates to protecting the provincial interest in the management of aggregate resources.

f) The Town shall work to bring existing mineral aggregate extraction uses into conformity with this Plan at every opportunity, including viewing applications for new uses adjacent or near to, existing operations as an integrated complex with harmonized conditions across all applicable sites.

Subsection f) should be removed as the Town does not have the authority to regulate aggregate operations. Existing aggregate operations are permitted to operate in accordance with the terms and conditions of their licence. The ARA does not require existing licences to be updated to conform with new Official Plans.

g) Where there is conflict between policies in this Plan with respect to mineral aggregate extraction, the policy that provides the greatest protection to human health and the natural environment shall prevail...

Subsection g) should be removed or revised to be consistent with statutory authority and provincial policies. This proposed conflict clause appears to override the Aggregate Resources Act (Section 66), Greenbelt Plan (Section 5.3) and the Provincial Policy Statement (How to Read the PPS).

Section 20.5.3 – Environmental Protection within the Greenbelt Plan Area

b) Mineral aggregate operations shall be prohibited in woodlands over 0.5 hectares, unless all of the following criteria are met:

i) the Woodland has been assessed and does not satisfy any of the criteria for protection as a Natural Feature and Area or Supporting Feature and Area (this criterion does not apply to lands that were designated for mineral aggregate extraction by the Town on or before October 31, 1994)...

v) the volume of above ground biomass is less than 150 tonnes per hectare across the entirety of the delineated woodland on the subject lands.

By virtue of subsection i), the Town is proposing to expand the areas of prohibitions for new aggregate operations to include non-significant woodlands including linkages, vegetation protection zones and enhancement areas. The existing and new PPS do not prohibit aggregate extraction in significant woodlands, and the Greenbelt Plan does not prohibit extraction within non-significant woodlands. Given the specific conflict clause afforded to aggregate resources in the Greenbelt Plan, it appears

the Town is attempting to adopt a more prohibitive approach for aggregate resources which would prohibit new extraction in non-significant woodlands greater than 0.5 ha in size.

Accordingly, JDCL requests the following revision to subsection i): *the Woodland has been assessed and does not satisfy any of the criteria for ~~designation protection~~ as a Natural Feature and Area, as it relates to mineral aggregate resources, in accordance with the Region of Peel Official Plan or Supporting Feature and Area (this criterion does not apply to lands that were designated for mineral aggregate extraction by the Town on or before October 31, 1994).*

Subsection v) introduces a new test to assess the level of biomass from woodlands in determining whether extraction may be permitted. Both the Town's new Official Plan and the Region's Official Plan do not contain any related policies or provisions regarding assessing biomass. JDCL is unclear how this will be measured and how it could be assessed objectively in a clear, reasonable and attainable manner. Subsection v) should be removed.

f) Mineral aggregate operations shall be prohibited in groundwater recharge and discharge areas, unless those areas identified through studies as being functionally connected to a Natural Feature or Area or Supporting Feature and Area are protected and/or managed to ensure no negative impacts on the functionally-related feature(s).

Subsection f) prohibits aggregate extraction in groundwater recharge and discharge areas unless those areas are protected and/or managed to ensure no negative impacts. For mineral aggregate operations, Section 4.3.2.5 of the Greenbelt Plan states that the applicant must demonstrate that the quantity and quality of groundwater and surface water will be maintained as per the Provincial Standards in the Aggregate Resources Act. Subsection f) should be revised to conform with the Greenbelt Plan.

h) New or expanding mineral aggregate operations shall be prohibited in Key Natural Heritage Features and Key Hydrologic Features on lands subject to the Greenbelt Plan, and their associated Vegetation Protection Zones, unless conformity is demonstrated with all policies in this plan and the Greenbelt Key Natural Heritage Feature or Key Hydrologic Feature is not located in an area identified in Section 20.4(a).

Subsection h) proposes to prohibit aggregate operations in key natural heritage and hydrologic features in the Greenbelt Plan unless conformity is achieved with the new Official Plan policies and the feature does not occupy an area identified in Section 20.4 (a). This list includes several non-significant features including linkages, 0.5 ha woodlands, enhancement areas, etc. Such a prohibitive approach does not conform with the Greenbelt Plan. As noted, the Greenbelt Plan does not allow municipalities to be more restrictive as it relates to mineral aggregate resources. This policy should be revised to state that aggregate extraction is permitted in key natural heritage features and hydrologic features including their vegetation protection zones subject to Section 3.2.5 and 4.3.2 of the Greenbelt Plan.

Section 20.5.4 Environmental Protection within the Niagara Escarpment Plan Area

b) In the case of conflict between Section 20.5.3 of this Plan and the Niagara Escarpment Plan, the more restrictive policies shall apply.

Section 14 of the Niagara Escarpment Planning and Development Act states that the provisions of the Niagara Escarpment Plan prevail in the case of a conflict with an official plan. This is a different test than what the Town is proposing. Subsection b) should be deleted or revised to be consistent with the existing conflict clause in Section 14 of the NEPDA. Also, please note that one of the objectives of the Escarpment Rural Area designation in the Niagara Escarpment Plan is to provide for the consideration of new aggregate extraction.

Section 20.5.6 Environmental Protection Elsewhere in the Town

Where no other Provincial plans apply, the policies of Section 2.5 of the Provincial Policy Statement and Section 4.2.8 of the Growth Plan shall apply to proposals for mineral aggregate extraction.

As formally announced by the Province on August 20, 2024, the 2020 PPS and Growth Plan are being replaced by the Provincial Planning Statement which will come into effect on October 20, 2024. Section 20.5.6 should be updated to reference the new PPS.

Section 20.5.7 Water Resources

b) For dewatering, it is encouraged for water to remain on site within the licensed area. Any removal of water from the site must provide a net ecological benefit with no quality impacts.

c) Mineral aggregate extraction shall have no adverse effects on private wells, which shall be considered in a monitoring plan that provides targets and triggers where action is taken to eliminate adverse effects which may include all measures up to and including stopping the active operation...

Subsection b) should be removed as dewatering at aggregate operations is regulated by the Permit to Take Water process through Ministry of Environment, Conservation and Parks. Off-site discharge is a common and accepted practice.

Subsection c) should be removed as it is not for an Official Plan to determine what mitigation measures may be appropriate for protecting private wells. This is more appropriately determined through the results of site-specific study.

Section 20.5.8 Monitoring and Adaptive Management

c) The use of an adaptive management plan may be considered as part of a comprehensive operational monitoring plan, provided it contains targets and triggers where action is taken eliminate unapproved adverse effects which may include all measures up to and including stopping the active operation.

Subsection c) should be removed. Like the previous comment, Official Plans should not determine the applicability of adaptive management or require water targets and triggers including stopping active operations. This is inappropriate and beyond the scope of an Official Plan.

Section 20.5.9 Operational Design, Air Quality, and Land Use Compatibility

a) The proposed operational plan shall be designed to avoid—or, where avoidance is not possible, minimize or mitigate—impacts on surrounding land uses and visual resources through. This shall include, among other things and as appropriate to site and area context:...

Subsection a) lists examples of operational design to be used to minimize and mitigate impacts on surrounding land uses including small phases, sharing operational entrances and locating temporary

processing plants. The operational design of pits and quarries must comply with the requirements of the ARA. The examples provided may not be feasible or appropriate in every situation. Subsection a) should be qualified to state: "where feasible and not in conflict with the provisions of the Aggregate Resources Act".

b) Adverse effects from noise, vibration, odour (where applicable), dust, and air pollutants shall be avoided, or, where avoidance is not possible, minimized and mitigated to objective standards that provide the greatest protection to human health and the natural environment.

The test for minimizing and mitigating impacts is established in the PPS which states "in accordance with provincial guidelines, standards and procedures". The Town does not have the authority to use its own standards or arbitrarily determine what may be appropriate. Subsection b) should be revised to replace "to objective standards that provide the greatest protection to human health and the natural environment" with "in accordance with provincial guidelines, standards and procedures".

c) For greater certainty, the World Health Organization standards for PM2.5 and PM10 shall apply for Section 20.5.9(b).

Subsection c) should be removed. MECP establishes Ontario's ambient air quality criteria in accordance with O. Reg. 419/05. The Town does not have the authority to override these standards.

d) The Town shall require air quality monitoring as part of approving new mineral aggregate extraction.

Subsection d) should be removed as the requirement for mitigation including monitoring should be determined through the preparation of site-specific studies, not an Official Plan policy.

e) Where compatible rehabilitation plans for adjacent licenced operations are approved, or where there is an opportunity to create harmonized operational standards across separate sites in a complex, the Town may support the extraction of the setbacks from the shared licence boundary in order to achieve integrated rehabilitation and improved operation of the sites.

The provision for creating harmonized operational standards across separate licensed sites should be removed. The Town does not have the authority to regulate operational standards or require existing licences to be amended.

f) Stockpiles of mineral aggregates incidental to mineral aggregate extraction shall be limited in size, temporary, and designed and managed to avoid dust and particle emissions.

g) Stockpiles of mineral aggregates, fuel storage and transfer, processing equipment, areas for storing or processing recycled mineral aggregates, and vehicle parking shall be designed to require a barrier to ensure no leachate or spills can reach the water table.

Subsections f) and g) should be removed as Official Plan policies are not permitted to override the ARA or its regulations. Stockpiles, recycled aggregates, etc. are addressed and regulated through the ARA.

Section 20.5.10 Blasting and Flyrock

- a) The design of a mineral aggregate extraction operation shall prioritize the avoidance or impacts from blasting, flyrock (which shall be contained within the licensed area in accordance with Provincial law) and vibration. Where avoidance of adverse effects is not possible, adverse effects shall be minimized and mitigated to levels better than Provincial and Federal standards.*
- b) A blast impact assessment, including a blast design report, flyrock management plan, and vibration management plan shall be prepared by an experienced and qualified Blaster or Blasting Engineer.*
- c) The person designing a blast and the person carrying out a blast shall be an experienced and qualified Blaster or Blasting Engineer.*
- d) A blast impact assessment shall demonstrate how flyrock shall be contained within the subject site.*
- e) Vibration monitoring shall be provided at the property lines of mineral aggregate extraction using blasting.*
- f) There may be locations in the Town where blasting is inappropriate under any circumstance. The presence of sensitive uses shall be considered in determining if blasting is the best measure for extracting mineral aggregate resources, or if reduced blast intensity is appropriate.*

Section 20.5.10 should be substantially revised or removed given the Provincial oversight and regulations regarding blasting in Ontario. The requirements for a Blast Impact Study are specifically outlined in the Aggregate Resources of Ontario: Technical Report Standards. Further and more importantly, MECP regulates blasting at quarries through NPC-119. It is not appropriate for an Official Plan to establish its own standards which may potentially override or conflict with Provincial requirements.

Section 20.5.11 Transportation

- a) Existing haul routes are identified on the Schedules of this Plan, and the hauling of mineral aggregates shall use identified haul routes.*

JDCL requests that the Town identify all truck routes identified in the strategic goods network in the recently approved Region of Peel Official Plan. Based on a review of the Town's proposed Schedule C1, JDCL is concerned that the Town is proposing to remove truck route designations on Regional Roads that are otherwise identified as such in the Region's Official Plan.

This comment is particularly magnified given the concerns the Town has expressed regarding truck traffic through Caledon Village and exploring other potential alternative routes (see Section 20.5.11 h)). The Town as a lower-tier municipality should not be removing truck route designations from Regional roads that already identified as truck routes in the upper-tier Official Plan. Such an approach would not alleviate traffic concerns in Caledon Village.

- e) Provided the impacts are acceptable and taking into account the significance of the aggregate resource, the Town acknowledges that, in principle, there should be a haul route to each resource area. Road improvement and maintenance agreements can be used to implement this policy.*

Section 12(1.1) of the Aggregate Resources Act states: "Despite clause (1) (h), the Minister or the Tribunal shall not have regard to ongoing maintenance and repairs to address road degradation that may result from proposed truck traffic to and from the site". JDCL questions the inclusion of the road improvement and maintenance agreement provision given this clause in the ARA.

Section 20.5.13 Social Impact Assessment

a) New and existing mineral aggregate extraction shall not have any unacceptable social impacts caused by factors such as noise, dust, traffic levels and vibration that exceeds Provincial, Federal or Town standards and policies, whichever is the strictest.

Subsection a) should be revised to remove the clause that the Town standards would essentially prevail over Provincial and Federal standards as it relates to noise, dust, traffic and vibration impacts. The Town cannot establish its own standards for these matters that are otherwise directly addressed by Provincial standards and regulations.

Section 20.5.16 Agricultural Lands

b) As is required to demonstrate consistency with the Provincial Policy Statement, complete rehabilitation to an agricultural condition is not required if:

i) There is a substantial quantity of mineral aggregate resources below the water table warranting extraction, or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible.

ii) Other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 through 7 lands, resources on lands identified as designated growth areas, and resources on prime agricultural lands where rehabilitation is feasible. Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority: specialty crop areas, Canada Land Inventory Class 1, 2 and 3 lands.

iii) Agricultural rehabilitation in remaining areas is maximized.

Subsection b) would not be consistent with the 2024 PPS and should be revised and replaced with the applicable policy tests in Section 4.5.4.2 of the 2024 PPS. The requirement to consider alternative sites has been removed in the new PPS.

c) An agricultural impact assessment shall demonstrate avoidance, or, where avoidance is not possible, minimization and mitigation of adverse effects on agricultural uses.

To be consistent with the 2024 PPS and specifically Section 4.3.5.2, subsection c) should be revised to state: *An agricultural impact assessment shall demonstrate avoidance, or, where avoidance is not possible, minimization and mitigation of adverse effects on agricultural uses based on provincial guidance.*

Section 20.7.1 Commercial Filling and Excess Soil

a) Commercial filling shall only permitted through an amendment to this plan.

b) Notwithstanding subsection (a) above, commercial filling associated with mineral aggregate extraction is permitted where it was permitted as part of an approved Aggregate Resources Act licence issued on or before _____, 2024.

c) Notwithstanding subsection (a) above, commercial filling is permitted accessory to agricultural uses, land development purposes for lands with an appropriate Planning Act or Niagara Escarpment Planning and Development Act approval, or undertakings with approval under the Town's Site Alteration By-law, subject to any conditions associated with those approvals.

d) Until such time as a study is completed that may update these policies, conformity with all policies of this Plan shall be demonstrated. Where conflicting policies exist, the strictest policy shall apply.

Section 20.7.1 should be removed in its entirety given the rules and regulations for excess soils at pits and quarries are established through the Aggregate Resources Act and Environmental Protection Act. Pits and quarries have been determined by MECP to be acceptable receiving sites for excess soil. This has been implemented in the Aggregate Resources Act. Allowing pits and quarries to accept excess soil can assist with completing rehabilitation work, berm mitigation, etc. and the beneficial reuse of excess soil avoids these materials being unnecessarily landfilled. Limiting the use of excess soil to only licences existing as of 2024 and requiring Official Plan Amendments for new proposals is inappropriate and does not properly consider the provincial framework currently in place.

Section 20.7.3 Permanent Concrete and Asphalt Plants

a) Where permanent concrete batching and asphalt plants are permitted in this Plan, material stockpiling, fuel storage and transfer, processing equipment, areas for storing or processing recycled mineral aggregates, and vehicle parking shall be designed:

i) To require a barrier to ensure no leachate or spills can reach the water table.

ii) To conform to the policies of Section 20.5.9 of this Plan.

iii) If on lands designated Mineral Resource Extraction Area, that conformity to the policies of Section 20 of this Plan is demonstrated.

Section 20.7.3 should be removed as concrete and asphalt plants are permitted as accessory uses to mineral aggregate operations and they must operate in accordance with provincial permits to ensure compatibility with adjacent land uses.

Section 20.7.5 Aggregate Transfer Stations

a) Aggregate transfer stations shall only permitted through an amendment to this plan.

b) Until such time as a study is completed that may update these policies, conformity with all policies of this Plan shall be demonstrated, including Section 23.5.4. Where conflicting policies exist, the strictest policy shall apply.

JDCL requests clarification from the Town on what is meant by the term 'aggregate transfer stations'. The definition of mineral aggregate operations in the PPS includes: "associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products". Further, the Aggregate Resources Act permits importation of aggregate products to licensed sites for blending or resale. An Official Plan should not override this permission and restrict an operator's ability to wisely use and manage aggregate resources.

Section 20.8.3 Resource Rescue and Recycling

e) Notwithstanding Section 20.2.1(b), recycling of mineral aggregates shall not be permitted in a wellhead protection area.

f) Where new and recycled mineral aggregates are mixed, the new mineral aggregates shall be measured prior to mixing.

Subsection 20.8.3 e) should be deleted as aggregate recycling is not identified as a prescribed drinking water threat nor prohibited based on applicable Source Protection Plans.

Subsection 20.8.3 f) should be deleted. An Official Plan cannot regulate activities at aggregate operations including requiring the measurement of new aggregate. Documenting and tracking recycling aggregate is prescribed under the Aggregate Resources Act.

Section 20.8.4 Improved Environmental Performance on Existing Sites

- a) There are limited opportunities for existing Aggregate Resources Act licences to be reviewed and updated. The Town shall seek to update existing licences to conform to the policies of this Plan wherever possible.*
- b) The Town shall not support the amendment of existing Aggregate Resources Act licences unless conformity with the policies of this Plan is demonstrated.*
- c) Applications for new mineral aggregate extraction adjacent to existing sites shall require updating existing licences to incorporate any recommendations or requirements for the new mineral aggregate extraction onto existing sites to reflect the integrated operation.*

Section 20.8.4 should be removed as the Town does not have the authority to regulate or control aggregate operations. Existing pits and quarries can operate in accordance with the terms and conditions of their licence and site plan. The Aggregate Resources Act does not require existing licences to be updated to conform with new Official Plans.

Section 27.2.2 Mineral Aggregate Applications

In addition to the studies identified above, the following technical reports and studies may be required for applications for new mineral aggregate extraction:

- i) Blast impact assessment, including a blast design report and protocol, flyrock management plan and vibration management plan*
- ii) Haul route safety analysis, and confirmation the Applicant is prepared to enter into agreements with the appropriate public bodies to ensure the timely completion of any necessary road improvements*
- iii) Haul route condition analysis, and confirmation the Applicant is prepared to enter into agreements with the appropriate public bodies to ensure the timely completion of any necessary road improvements*
- iv) Overburden (site preparation) study...*

Blast Design Report requirements are outlined in the Aggregate Resources of Ontario: Technical Report Standards. Provincial guidelines for blast overpressure and ground vibration must be satisfied. The Town does not have the authority or expertise to advise on blasting protocol or flyrock/vibration management.

Section 12(1.1) of the ARA states that the Minister or the Tribunal shall not have regard to ongoing maintenance and repairs to address road degradation that may result from proposed truck traffic to and from the site. JDCL questions whether the requirements in ii) and iii) for specific road agreements conflict with this provision of the ARA.

The ARA establishes how overburden and site preparation are to be managed. This should not be addressed through a separate Official Plan requirement which is otherwise directly addressed on the ARA Site Plans.

Section 32.1.23 Site-specific Policies

"On the property identified by Roll Number 212403001002610, located south of Charleston Side Road and connection through Winston Churchill Boulevard and Shaws Creek Road, while there is no active mineral aggregate operation on site, both an above water table or below water table operation is permitted. An Environmental Impact Study and monitoring plans shall be completed that demonstrates conformity with the relevant policies of Section 20.3 of this Plan. (OPA 161 / former Section 5.11.2.2.1, and OPA 1, By-law 2024-____, future James Dick Construction Limited lands.)"

This proposed policy carries forward an existing permission provided to a site-specific property which was and continues to be designated as Extractive Industrial as confirmed through OPA 161.

Given that land use policies and designations are not tied to ownership of land, JDCL requests that the words "future James Dick Construction Limited lands" be removed from the policy. The policy appropriately references the property roll number. There is no need to indicate ownership.

Schedule B4 Land Use Designations

13. Schedule 'B4' is amended by redesignating lands from Extractive Industrial Area to Rural Lands as shown on Schedule 2A to this amendment.

This property is located within a Selected Sand and Gravel Resource Area based on ARIP mapping and does not contain any constraints that were identified through the mapping review process undertaken by the Town and Region.

JDCL requests that the Mineral Resource Extraction Area designation remain in place on these lands (Lot 26, Con 4 EHS). While there is no existing ARA licence, the lands contain high quality sand and gravel resources and this site-specific designation has been maintained in the Official Plan for some time. This also applies to the Zoning By-law. The effect of this change would be to remove an aggregate designation from a portion of this property where there are confirmed remaining reserves that can still viably be extracted.

In addition, JDCL has identified that a couple of their existing aggregate operations are not properly designated Mineral Resource Extraction Area on Schedule B4. JDCL requests that the Town designate the Alton Pit (ARA Licence #6537) and Old Church Sideroad Pit (ARA Licence #6517) as Mineral Resource Extraction Area.

Schedule C1 Town-wide Transportation Network

18. Schedule 'C1' is amended by designating identified roads as Mineral Aggregate Haul Routes as shown on Schedule 3 to this amendment.

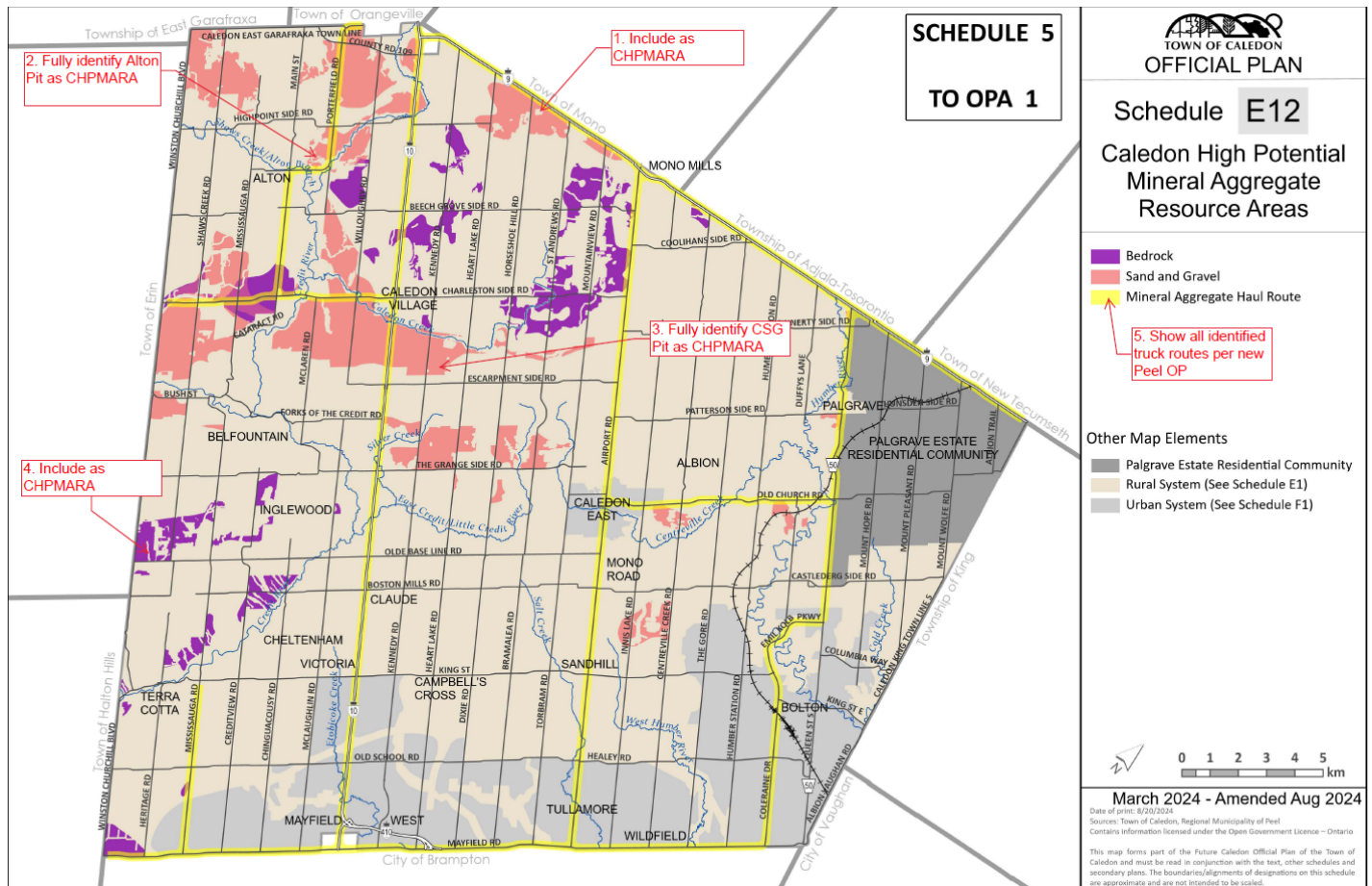
The recently approved Region of Peel Official Plan establishes a strategic goods network that identifies truck routes in Caledon. JDCL is concerned that the Town is proposing to remove truck route designations on Regional Roads that are otherwise identified as such in the Region's Official Plan. In our opinion, it is not good planning to remove such a designation for roads that are not controlled by the Town. As previously noted, this approach would not help alleviate traffic concerns within Caledon Village.

JDCL requests that Schedule C1 incorporate the truck route network identified in Figure 16 of the Region's Official Plan.

Schedule E12 Caledon High Potential Mineral Aggregate Resource Areas

Please see below map for JDCL's comments on Schedule E12. To help provide context for the requested changes, we would note the following:

1. CHPMARA mapping should be maintained. Whether or not there is an existing licence, these lands contain high quality sand and gravel resources as confirmed by the ARIP. The PPS states that aggregate protection policies still apply even if a licence ceases to exist (Section 4.5.2.4 of 2024 PPS). Further, there were no constraints to extraction identified on this site as part of the mapping included in the Town's Policy Options Report.
2. These lands contain an existing Aggregate Resources Act Licence (Alton Pit) and should be identified as CHPMARA consistent with the approach used for other existing licences.
3. The 'holes' in the CHPMARA should be filled as these lands contain an existing licence (Caledon Sand and Gravel Licence #19073).
4. There is no environmental feature present in the area where CHPMARA is proposed not to be identified. This should be shown as CHPMARA.
5. The Mineral Aggregate Haul Route should be updated to conform with the Region's Official Plan which specifically identifies a truck route network on Regional roads.



ZONING BY-LAW AMENDMENT

The Town is proposing to limit the permission of pits and quarries in the Extractive Industrial (MX) Zone to only those uses legally existing as of 2024 (see Provision 10(5)). This would imply that no new pits or quarries are permitted in the MX Zone. This is inappropriate and should be deleted.

The draft Zoning By-law Amendment proposes to introduce eight categories of aggregate operations which were removed by the Province in 2020 as part of updates made to the Aggregate Resources Act. Further, the ARA does not allow municipalities to regulate depth of extraction so any references to above or below water extraction should be removed.

JDCL understands that site alteration including importing excess soil at pits and quarries is not a “use of land”. Prohibiting excess soils at pits and quarries is not appropriate and conflicts with Provincial rules and regulations for the use of excess soil at pits and quarries. This should be removed from Provision 6 of the draft by-law.

The Town appears to be limiting aggregate-related uses to only those that are deemed “essential” to the pit or quarry. The draft Zoning By-law Amendment should be updated to permit mineral aggregate operations including accessory uses as defined in the PPS.

JDCL owns the lands proposed to be rezoned from Extractive Industrial (MX) to Rural (A2) on Schedule A of the draft amendment. JDCL opposes this change and requests that the Town maintain the MX zoning. While there is no existing licence, the lands contain significant high-quality sand and gravel resources that should be protected for long-term use. We would note that the Town has maintained this zoning through previous zoning reviews and would request they do the same through the current exercise.

Thank you for the opportunity to submit comments. JDCL requests to be notified of the Town’s decision on these planning applications.

Yours truly,

MHBC



Neal DeRuyter, BES, MCIP, RPP

cc. *Laurie Miller, Regional Director of Planning – Municipal Services Office, MMAH*
Heather Watt, Manager - Community Planning & Development (West) Unit, MMAH
Andrew Ogilvie, Manager – Resources Development Section, MNR
Tara Buonpensiero, Chief Planner & Director, Planning and Development Services, Peel Region
Greg Sweetnam / Leigh Mugford, JDCL

Encl.



August 9, 2024

Steve Burke
Manager, Strategic Policy Planning

Joe Nethery
Principal Project Consultant on behalf of Town of Caledon

Town of Caledon
6311 Old Church Road
Caledon, ON L7C 1J6

Dear Steve and Joe:

**RE: Town of Caledon Aggregate Resources Policy Study
James Dick Construction Ltd. Comments on Policy Options Report (July 19, 2024)
OUR FILE 9153Q**

On behalf of our client, James Dick Construction Ltd. (JDCL), we are submitting the following comments on the Town's Policy Options Report released on July 19, 2024 as part of the Supplementary Aggregate Policy Study.

JDCL is a registered owner of several properties including existing Aggregate Resources Act licences throughout the Town of Caledon for which this policy exercise would apply to.

We appreciate the Town's efforts in undertaking this significant policy exercise which is intended to review and update aggregate resources policies as part of the Future Caledon Official Plan. We understand the purpose of the Policy Options Report is to pose a number of policy questions and provide preferred policy recommendations for Council's consideration. The Town, however, has not yet released draft policies as part of an Official Plan Amendment for public review.

We have several concerns and questions regarding the process, next steps and items included in the Policy Options Report.

1. Providing only 2 weeks to review draft amendments before decision

The Town notes that the draft Official Plan Amendment and Zoning By-law Amendment will be released as part of the September 3, 2024 public meeting and then final versions will go before Planning Committee for approval on September 17, 2024.

In our experience, it is unusual and unorthodox to include only a 2-week period between the release of draft policies and a decision for such a significant planning exercise. We have concerns regarding the fairness, transparency and ability for stakeholders to properly engage in this process as set out in the Planning Act.

While we appreciate that several meetings and engagement have occurred directly with the Aggregate Resources Community Working Group for over a year, the fact remains that there has been no direct involvement or engagement with the aggregate industry. The only member of the working group from the aggregate industry was asked by the Town not to attend any further meetings and was not provided with any studies or information that was provided to the working group. We also note that it appears the Province including Ministry of Natural Resources was not consulted on this exercise despite the extensive role they played in the development of the current aggregate policies in the Official Plan.

2. Providing recommendations for Council activism and lobbying

As noted in the Policy Options Report, the proposed policies as part of this amendment must be consistent and/or conform to provincial policy as it relates to mineral aggregate resources. In the case of the Greenbelt Plan, this is extended further to ensuring any such policies are not more restrictive than the provincial plan. These should be the key planning tests in undertaking this exercise.

We were therefore surprised to see Section 6.3 in the Policy Options Report titled "Items for Council and Corporate Activism". We have concerns with the following statement in the report: "*The following sections propose recommended areas for advocacy with the Provincial Government is consolidated from the list of questions commented upon in this Report*" (p. 87).

The list of items include the following as some examples:

1. Implement sunset clauses for aggregate operations e.g. termination dates.
2. Eliminate the no needs test in the PPS.
3. Enable municipalities to enforce the Aggregate Resources Act.
4. Requiring operators to purchase lands next to aggregate operations as buffer lands.
5. Remove sections of the Aggregate Resources Act recently passed by the Province.

While we appreciate the report notes these items fall outside the legislative requirements and they are not endorsed by the project team, the fact they are included in this planning study poses a number of questions and serious concerns in addition to the statement quoted above advancing these items as "*recommended areas for advocacy*". These should be removed completely from the report and, in our opinion, are not appropriate for inclusion in a planning exercise undertaken through the Planning Act.

We would remind the Town of Section 66 of the Aggregate Resources Act which states the following:

This Act, the regulations and the provisions of licenses and permits and site plans apply despite any municipal by-law, official plan or development agreement and, to the extent that a municipal by-law, official plan or development agreement deals with the same subject-matter as this Act, the regulations

or the provisions of a licence or permit or a site plan, the by-law, official plan or development agreement is inoperative.

3. Preliminary recommended policy directions that may not be consistent with provincial policy

Section 6.1 of the Policy Options Report outlines recommended policy directions to include in the draft policies as part of the amendment. There are 50 recommendations provided. We question at this time whether this is appropriate given the following conclusion in Section 3.4 of the Report:

"Concerns and issues raised through public engagement are generally covered by existing policies in the Current Official Plan. The Peel Region and Town of Caledon Joint Aggregate Policy Review described the current framework as, "a very thorough set of aggregate policies, laying out in detail the tests that need to be met in considering new applications." Many of the components of OPA 161 are found in more recent official plans in aggregate-producing municipalities in Ontario..." (p. 29).

Accordingly, we would encourage the Town to maintain the background and objectives section from OPA 161 which is outlined in Section 5.11 of the existing Official Plan. These policies were key to proper implementation of the mineral aggregate resources framework in the Town of Caledon and remain valid. These policies were also designed to complement and work in conjunction with the Peel Official Plan. There are important principles, objectives and carefully stated objectives embodied in the ROP that have an effect on how the Town policies are implemented.

There are a few recommended policy directions for which we have specific concerns or high-level responses at this time:

1. Items that appear to be beyond the Town's jurisdiction, potentially conflict with Section 66 of the ARA and/or may be inconsistent with applicable provincial policies:
 - a. Establishing alternative targets to Provincial standards or requiring that effects from a pit or quarry be limited to the site.
 - b. Seeking opportunities to bring "legacy sites" into compliance with contemporary operational standards.
 - c. Introduce requirements for road maintenance agreements with aggregate operations.
 - d. Incorporating policies that allow the Town to request that off-site water discharge be prohibited.
 - e. Time limits for aggregate-related uses on licensed sites, and require rezoning for accessory aggregate recycling.
 - f. Establish "monitoring regimen" for aggregate sites.
2. Proposal to prepare Aggregate Standards Manual to help implement new policies. We don't believe this is the intent but we want to ensure the Town is aware that guidelines can't replace or derogate from provincial or municipal policies that would apply to aggregate resources.
3. Proposal to increase area of influence to 1 km for all new aggregate sites. Is this fair to apply across the board regardless of the size or scale of an aggregate operation?

We would note it is difficult to understand the full implications of the proposed policy directions without any further details such as draft policies that we would typically be able to review as part of this type of planning exercise.

4. Corrections to the proposed CHPMARA mapping

We would like to discuss with the Town our review of the proposed CHPMARA mapping included in Appendix E of the Policy Options Report as it relates to JDCL land holdings. We have noted that a couple of JDCL's existing aggregate licences are not identified or designated accordingly in the Future Caledon Official Plan e.g. Caledon Sand & Gravel, Old Church Rd Pit, etc.

Thank you for the opportunity to submit comments. We look forward to discussing these comments in advance of the release of the draft Official Plan Amendment.

Yours truly,

MHBC



Neal DeRuyter, BES, MCIP, RPP

cc. *Laurie Miller, Regional Director of Planning – Municipal Services Office, MMAH*
Heather Watt, Manager - Community Planning & Development (West) Unit, MMAH
Andrew Ogilvie, Manager – Resources Development Section, MNR
Tara Buonpensiero, Chief Planner & Director, Planning and Development Services, Peel Region
Greg Sweetnam / Leigh Mugford, JDCL

Encl.



Mayor and Council
Town of Caledon
6311 Old Church Road
Caledon, ON L7C 1J6

September 20 2024

**RE: Town of Caledon Aggregate Resources Policy Study
Comments on Draft Official Plan Amendment No. 1 & Zoning By-law Amendment**

Dear Mayor and Council,

On behalf of the Heavy Construction Association of Toronto, HCAT, we are writing to express our serious concerns regarding the proposed amendments to Caledon's Official Plan and Zoning By-laws to introduce policies related to mineral aggregate resources.

HCAT represents the more than two hundred Ontario firms engaged in Heavy Construction – bridges, tunnels, deep foundations for large buildings and retaining walls. These companies, large and small, rely on local sources of aggregate to build Ontario's infrastructure.

The proposed changes, if implemented, threaten to disrupt not only the aggregate industry in Caledon but also the broader construction and infrastructure development across Ontario. These proposals overreach municipal authority and could set a dangerous precedent, negatively impacting both the local economy and the province's infrastructure plans.

Aggregates—stone, sand, and gravel—are essential to nearly every construction project in Ontario. They are the foundation of roads, bridges, homes, and the infrastructure that supports our communities. The Provincial Government's plan to build 1.5 million homes, major critical transportation projects like Highway 413, and public transit infrastructure like the Ontario Subway Line rely on the uninterrupted supply of these materials. Limiting access to local aggregate resources could lead to delays, increased costs, and jeopardize the government's ambitious infrastructure goals.

The Town of Caledon's proposal to add regulatory burdens on aggregate extraction, as outlined in the Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA), exceeds what is reasonable for a municipality. By introducing standards that overlap with provincial regulations, Caledon risks creating a fragmented regulatory environment, driving up costs, and delaying not only aggregate production but also construction projects across the region.

Aggregates are a provincially significant resource, regulated under the *Aggregate Resources Act* (ARA). The provincial government has the expertise and legal framework necessary to sustainably manage these materials. Municipal attempts to regulate air, noise, water quality, and blasting impacts will create redundant rules and add unnecessary red tape. Our industry already

complies with rigorous provincial standards. Caledon's amendments undermine these rules, adding complexity and inefficiencies that hinder our operations.

The construction industry depends on a stable and reliable supply of aggregates. Restrictions at the municipal level, as proposed by Caledon, will disrupt supply chains, leading to project delays and higher costs for both businesses and residents. It is estimated that the proposed amendments could raise infrastructure costs by as much as 40%, a burden Ontario cannot afford when building affordable housing and modernizing transportation networks is a priority.

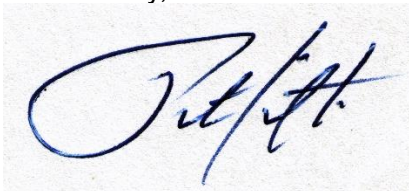
Furthermore, there are environmental consequences to consider. Limiting or hindering access to local aggregate production will increase the need to transport materials from further away, adding to truck traffic, fuel consumption, and emissions. This will worsen congestion and undermine Caledon's climate goals. Supporting close-to-market aggregate production helps reduce CO2 emissions and contributes to a more sustainable future.

We strongly urge the Town of Caledon to reconsider these proposed amendments and to address the concerns as put forward by the Ontario Stone, Sand & Gravel Association (OSSGA) which can be found [here](#).

The current approach risks derailing provincial infrastructure plans, increasing costs for taxpayers, and creating uncertainty for businesses. A more collaborative approach, with input from OSSGA and other stakeholders, would balance local concerns with the broader needs of the province.

We remain committed to supporting the responsible development of Ontario's aggregate resources. By working together—municipalities, the province, and the construction industry—we can ensure Ontario's infrastructure continues to be developed sustainably, serving the needs of all its residents.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Peter J. Smith P. Eng.', is written over a light grey rectangular background.

Peter J Smith P. Eng.
Executive Director

Copy to:

Steve Burke, Manager, Strategic Policy Planning, Town of Caledon

Annette Groves, Mayor, Town of Caledon

Kyle Nietvelt, Senior Policy Advisor and Public Appointments Manager, Minister's Office,
Minister of Natural Resources

Luca Campagna, Deputy Chief of Staff, Minister's Office, Minister of Transportation

Josef Filipowicz, Director of Policy, Minister's Office, Minister of Municipal Affairs and Housing

Sebastian Bonham-Carter, Senior Policy Advisor, Minister's Office, Minister of Environment,
Conservation and Parks



Ready Mixed Concrete Association of Ontario
102B-1 Prologis Blvd., Mississauga, ON L5W 0G2
T 905-564-2726 F 905-564-5680
www.concreteontario.org

September 20, 2024

Mayor and Council
Town of Caledon
6311 Old Church Road
Caledon, ON L7C 1J6

RE: Town of Caledon Aggregate Resources Policy Study – Comments on Draft Official Plan Amendment No. 1 & Zoning By-law Amendment

Dear Mayor and Council,

On behalf of the Ready Mixed Concrete Association of Ontario, we would like to express our deep concerns about the proposed amendments to Caledon's Official Plan and Zoning By-laws concerning mineral aggregate resources. If these changes are adopted, they could significantly disrupt not only the aggregate industry in Caledon but also construction and infrastructure development throughout Ontario. These proposals exceed municipal authority and could create a troubling precedent, adversely affecting the local economy and the province's infrastructure initiatives.

Aggregates—stone, sand, and gravel—are crucial for nearly every construction project in Ontario. Ready mixed concrete, the most widely used construction material globally, plays a vital role in building roads, bridges, homes, and the infrastructure that supports our communities. Composed of 60-75% sand and stone, our industry produces over 13 million cubic meters of concrete to meet the needs of municipalities across the province. The Provincial Government's goal to construct 1.5 million homes, major highways like Highway 413, and public transit projects such as the Ontario Subway Line depends on a steady supply of these materials. Restricting access to local aggregate resources could result in delays, higher costs, and jeopardize the government's ambitious infrastructure plans.

The Town of Caledon's proposal to add regulatory burdens on aggregate extraction, as outlined in the Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA), exceeds what is reasonable for a municipality. By introducing standards that overlap with provincial regulations, Caledon risks creating a fragmented regulatory environment, driving up costs, and delaying not only aggregate production but also construction projects across the region.

Aggregates are a provincially significant resource, regulated under the Aggregate Resources Act (ARA). The provincial government has the expertise and legal framework necessary to sustainably manage these materials. Municipal attempts to regulate air, noise, water quality, and blasting impacts will create redundant rules and add unnecessary red tape.

The construction industry depends on a stable and reliable supply of aggregates. Restrictions at the municipal level, as proposed by Caledon, will disrupt supply chains, leading to project delays and higher costs for both businesses and residents. It is estimated that the proposed amendments could raise infrastructure costs by as much as 40%, a burden Ontario cannot afford when building affordable housing and modernizing transportation networks is a priority.

Additionally, we must consider the environmental impacts of these proposed changes. Restricting access to local aggregate production will necessitate transporting materials from greater distances, leading to increased truck traffic, fuel consumption, and emissions. In 2022, the ready mixed concrete industry produced its first Ontario-specific Industry Average Environmental Product Declarations (EPDs) for concrete and advocates for the use of Type III EPDs to measure efforts in reducing the Global Warming Potential (GWP) of our products. The proposed changes would worsen congestion and hinder our industry's carbon reduction efforts. Supporting local aggregate production not only minimizes CO₂ emissions but also fosters a more sustainable future.

We strongly urge the Town of Caledon to reconsider these proposed amendments and to address the concerns as put forward by the Ontario Stone, Sand & Gravel Association (OSSGA).



Ready Mixed Concrete Association of Ontario

102B-1 Prologis Blvd., Mississauga, ON L5W 0G2

T 905-564-2726 F 905-564-5680

www.concreteontario.org

The current approach risks derailing provincial infrastructure plans, increasing costs for taxpayers, and creating uncertainty for businesses. A more collaborative approach, with input from OSSGA, RMCAO and other stakeholders, would balance local concerns with the broader needs of the province and all Ontario residents.

We remain committed to supporting the responsible development of Ontario's aggregate resources. By working together—municipalities, the province, and the construction industry—we can ensure Ontario's infrastructure continues to be developed sustainably, serving the needs of all its residents.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bart Kanters', with a long horizontal flourish extending to the right.

Bart Kanters, MBA, P.Eng.

President

Concrete Ontario



Ontario Road Builders Association
365 Brunel Road, Mississauga,
ON L4Z 1Z5T 564-
www.orba.org

September 23, 2024

Mayor and Council
Town of Caledon
6311 Old Church Road
Caledon, ON L7C 1J6

RE: Town of Caledon Aggregate Resources Policy Study – Comments on Draft Official Plan Amendment No. 1 & Zoning By-law Amendment

Dear Mayor and Council,

On behalf of the Ontario Road Builders Association (ORBA), we are writing to express our significant concerns regarding the proposed amendments to Caledon’s Official Plan and Zoning By-laws related to mineral aggregate resources. If these changes are implemented, they could severely impact not only the aggregate industry in Caledon but also disrupt construction and infrastructure projects across Ontario. These proposed amendments exceed municipal authority and set a concerning precedent that could negatively affect the local economy and the province's broader infrastructure goals.

Aggregates—such as stone, sand, and gravel—are foundational to nearly every construction project in Ontario, making up approximately 95% of the total mass of hot-mix asphalt and 80% of concrete. Their properties are critical to the quality of our roads, bridges, homes, and other essential infrastructure that support our communities.

The success of the Provincial Government's ambitious goals, including building 1.5 million homes, major highway projects like Highway 413, and public transit developments such as the Ontario Subway Line, relies on a stable and accessible supply of aggregate materials. Restricting access to local aggregates could lead to project delays, increased costs, and potentially jeopardize these essential infrastructure plans.

The Town of Caledon’s proposal to impose additional regulatory burdens on aggregate extraction through the Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) exceeds what is reasonable at the municipal level. By introducing standards that duplicate provincial regulations, Caledon risks creating a fragmented regulatory environment that will drive up costs and delay aggregate production, with far-reaching consequences for construction projects throughout the region.

Aggregates are a provincially significant resource managed under the Aggregate Resources Act



(ARA), which provides the provincial government with the expertise and regulatory framework necessary to oversee these materials sustainably. Municipal attempts to regulate air quality, noise, water quality, and blasting impacts introduce redundant and unnecessary layers of regulation, adding complexity and red tape that will burden the industry.

The construction sector relies on a predictable and dependable supply of aggregates. The proposed municipal restrictions could disrupt supply chains, leading to delays and increased costs for businesses and residents alike. Estimates suggest that the amendments could raise infrastructure costs by up to 40%, an unsustainable increase at a time when Ontario is focused on building affordable housing and modernizing its transportation networks.

Furthermore, restricting local aggregate production will result in environmental consequences, including increased truck traffic, fuel consumption, and emissions from transporting materials over longer distances.

We strongly urge the Town of Caledon to reconsider these proposed amendments and consider the concerns raised by the Ontario Stone, Sand & Gravel Association (OSSGA). We would greatly appreciate the opportunity to meet with you to discuss these concerns further and explore ways to collaborate on a regulatory approach that balances local interests with the province's broader infrastructure and economic objectives.

Thank you for your attention to this matter. We look forward to your response and the opportunity to engage in a constructive dialogue.

Sincerely,

A handwritten signature in black ink, appearing to read "SC", is written over a light blue horizontal line.

Steven Crombie
Senior Director, Public Affairs
Ontario Road Builders Association

September 16, 2024

Sent via email caledon@netheryplanning.ca

Joe Nethery
Principal Project Consultant on behalf of the Town of Caledon
Nethery Consulting

Attention: Joe Nethery, Principal Project Consultant, Nethery Consulting

**Re: Caledon Supplementary Aggregate Policy Study (the “Aggregate Study”)
Comments of Aecon Infrastructure Management Inc. (“Aecon” or the “Client”)
Town of Caledon (the “Town”) and the Region of Peel (the “Region”)**

We are writing to you on behalf of Aecon Infrastructure Management Inc. (herein referred to as “Aecon” or the “Client”). The Client owns Aggregate Pit #6506, more commonly known as the “Caledon Pit”. The Caledon Pit is approximately 572 hectares (1,413 acres) in total area and is actively operating as an aggregate extraction site. The Caledon Pit is located on the western periphery of Caledon Village in Concessions 1, 2 and 3, south of Charleston Sideroad, north of West Caledon Pit #6622, west of Hurontario Street, and east of Fork of the Credit Provincial Park (Refer to **Schedule A**).

The extraction operation is anticipated to halt for certain parts of the Caledon Pit in the near future, allowing Aecon to begin its rehabilitation process. Aecon is exploring opportunities for the reuse of the Caledon Pit lands with a focus on its integration into the Caledon Village. A similar theme has been explored by the Town through the 2021 Belfountain and Caledon Rehabilitation Master Plan (the “RMP”) with discussion continuing in the Supplementary Aggregate Resources Policy Study.

We worked with the Town of Caledon staff throughout the Future Caledon Official Plan Review process and have submitted correspondences on August 25, 2023, (**Appendix A**) and September 29, 2023 (**Appendix B**), March 7, 2024 (**Appendix C**) relating to matters of interest to Aecon. The purpose of this letter is to provide **our comments regarding the Town of Caledon Supplementary Aggregate Resource Policy Study** and to ensure that future potential land development opportunities regarding the Caledon Pit are captured in Official Plan Policy.

Summarized below are our concerns and comments for consideration ahead of the Statutory Public Meeting on September 17, 2024.

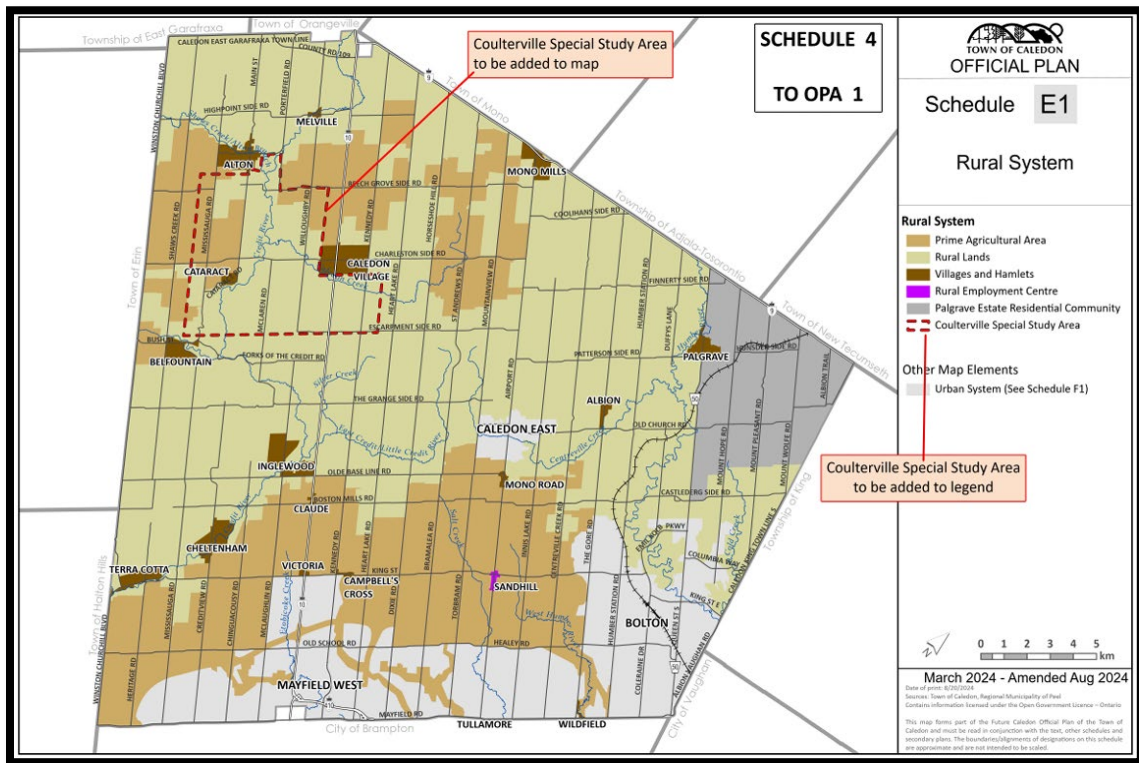
Key Draft Amendments and our Responses

Proposal: *Proposed new Section 32.1.23 in the Official Plan “The Coulterville Special Study Area”*

Part B, Amendment 12, identifies the Coulterville Special Study Area as shown below. The identification of the Coulterville Special Study Area acknowledges the need to examine the issue of appropriate after use of lands currently being used for aggregate extraction and to develop either additional detailed guideline



for rehabilitation and after-uses and potentially additional more detailed policies within the policy framework provided by the Town of Caledon and in conformity with the Niagara Escarpment Plan. The study will be done in consultation with stakeholders, ministries and agencies, the Niagara Escarpment Commission and the Region of Peel, and will investigate the appropriateness of after uses such as residential development, non-intensive and intensive recreational development, agriculture, tourism development including limited accommodation, and high technology research institutes, other compatible rural economic development uses within the policy framework provided by the Town's Official Plan and in conformity with the Niagara Escarpment Plan and the Greenbelt Plan.



Response: Caledon Pit falls within the *Coulterville Special Study Area*. The purpose of the Special Policy Area should be to establish a framework for further investigation on how to best integrate the lands into existing communities, aiming to unlock the potential outlined in the Rehabilitation Master Plan (RMP). The RMP envisions the future development of former aggregate sites, including the Caledon Pit Lands, as being integrated into the community. Although we appreciate the recognition, we recommend:

- A focused Special Study layer applied to the lands immediately adjacent to the Caledon Village.
- This focused Special Study layer should align with the Vision Plan of the Rehabilitation Master Plan, which identifies the potential for development for parts of Caledon Pit immediately adjacent to the Caledon Village.



- The focused Special Study layer approach would allow for a more supportive framework for integrating the rehabilitated lands into the existing Caledon Village community, while working toward the vision contained in the Town’s approved Rehabilitation Master Plan (RMP). An illustration of the proposed boundaries for the SPA is provided in **Schedule B**. Draft policy language for the SPA is set out below for Staff’s consideration.

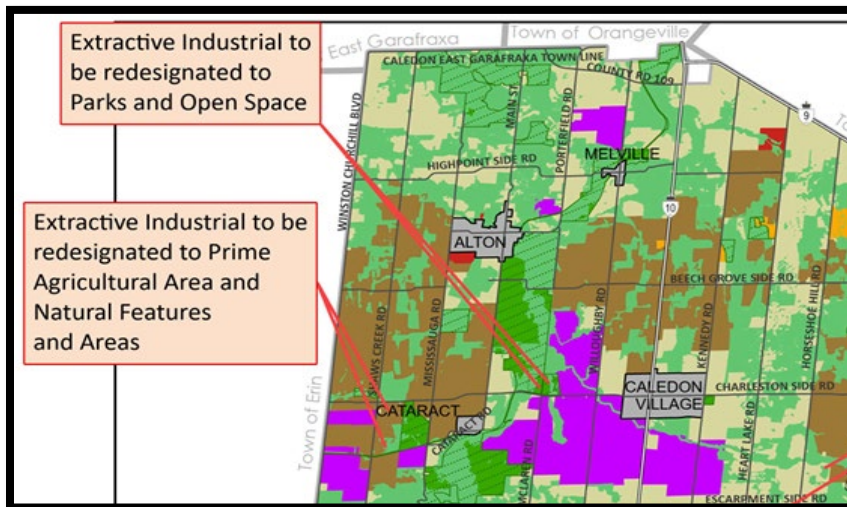
Special Policy Area

The lands identified with the “Special Policy Area” overlay on Schedule B4 are included within the Town’s Rehabilitation Master Plan, Belfountain and Caledon Sand and Gravel Resource Areas, approved by Council on March 29, 2022 (“RMP”). The Vision Plan of the RMP identifies the potential for future development on lands within the Special Policy Area at a conceptual level, subject to future planning processes and applicable planning policies.

The Special Policy Area lands will be subject to future study to determine appropriate land uses as part of the rehabilitation of the lands. Such future study may build upon the approved RMP and will address such matters as: population and employment needs, future transportation infrastructure, servicing capacity, and opportunities for recreation uses.

Amendments to the Region of Peel Official Plan and this Plan, as well as other planning processes or approvals, may be required to implement the results of these studies dependent on the specific land uses and nature of the development proposed.

Proposal: *The draft Amendment proposes to amend Schedule ‘B4’ by redesignating lands from Extractive Industrial Area to Parks and Open Space as shown on Schedule 2E.*





Response: Aecon owns the lands adjacent to the redesignated site, as shown on **Schedule A**. The existing designation should be maintained to allow expansion of the existing mineral operation until such time that the Special Study redesignates the land to its appropriate after-use.

Proposal: *New Chapter 20, Mineral Aggregate Policies, Policy 20.5.12 d), states that the Town will cooperate with landowners, the Region, the Ministry of Natural Resources and Forestry, the Ontario Aggregate Resources Corporation and aggregate operators in efforts to rehabilitate abandoned pits and quarries and return the site to a suitable land use in conformity with the policies of this Plan.*

Response: In some areas of the Caledon Pit, extraction will soon be completed, enabling Aecon to start the rehabilitation process. Aecon is exploring opportunities for the reuse of the Caledon Pit with a focus on how best to ensure the lands become an integral part of Caledon Village.

We would like to again acknowledge the work the Town of Caledon staff have done to develop the Draft Caledon Official Plan, and the Supplementary Aggregate Resource Policy Study. We appreciate your consideration of our comments. Should you have any questions, please do not hesitate to contact the undersigned.

Yours Very Truly,

Andrew Lam

Andrew Lam, BURPI
Delta Urban Inc.

cc. Peter Karczmarczyk, Aecon Construction Group Inc.
Adam Borgatti, Aecon Construction Group Inc.
Alistair MacCallum, Aecon Construction Group Inc.
Alex Lusty, Davies Howe LLP
Meaghan McDermid, Davies Howe LLP
Mustafa Ghassan, Delta Urban Inc.

Enclosed. Schedule A – Caledon Aggregate Pit #6506 Lands
Schedule B - Proposed Special Policy Area Boundary
Appendix A – Comment Letter Submission dated August 25, 2023
Appendix B – Comment Letter Submission dated September 29, 2023
Appendix C - Comment Letter Submission dated March 7, 2024

Schedule A

Caledon Aggregate Pit #6506 Lands

Caledon Aggregate Pit #6506 Lands



Schedule B

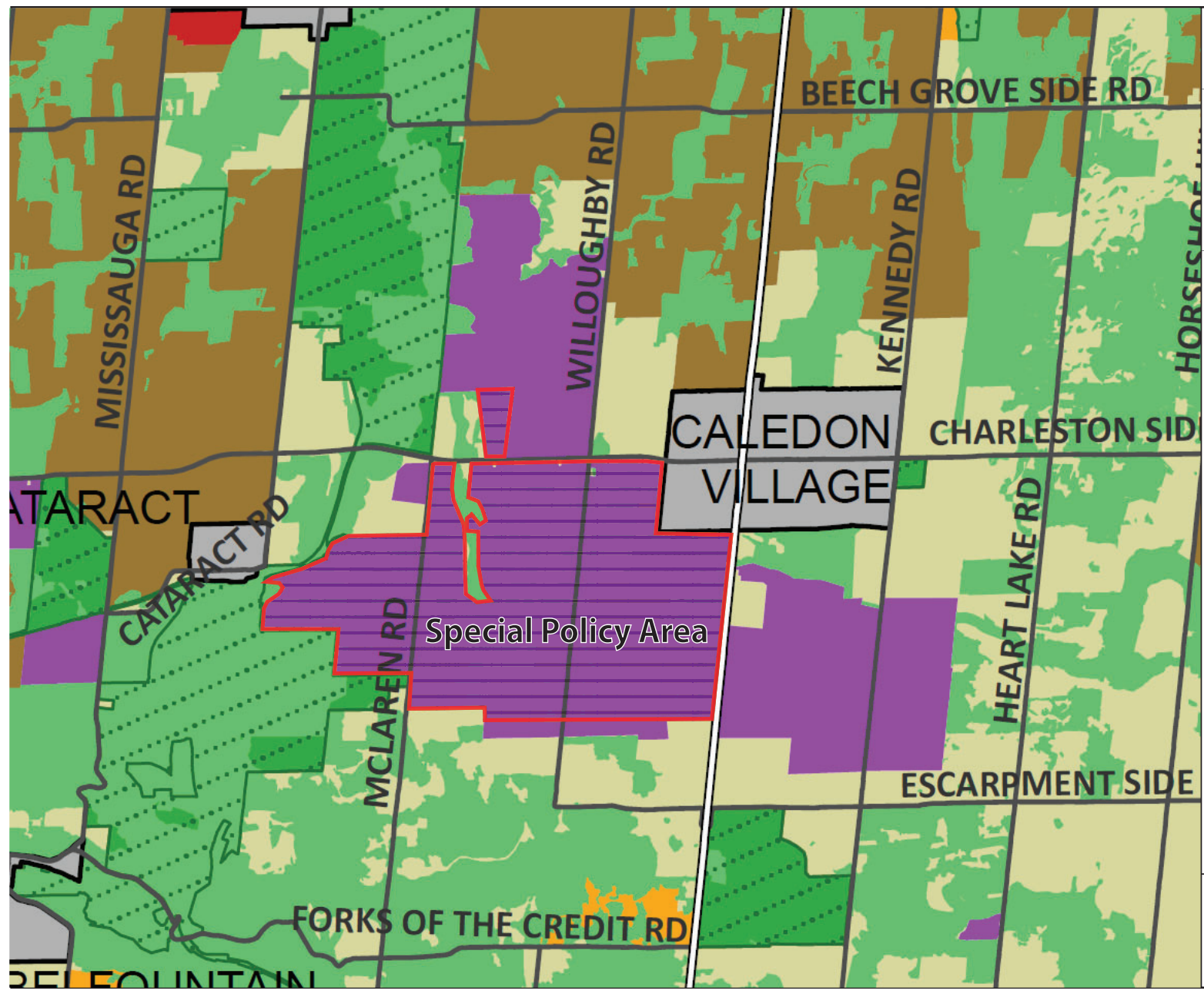
Proposed Special Policy Area Boundary



TOWN OF CALEDON
OFFICIAL PLAN

Schedule B4

Land Use Designations



Land Use

- Extractive Industrial Area
- Rural Economic Development Area
- Estate Residential Area
- New Community Area
- New Employment Area
- Prime Agricultural Area
- Rural Lands
- Parks and Open Space
- Natural Features and Areas
- Campbell's Cross Transition Area

Other Map Elements

- Reddington Retirement Community
- Planned Highway 413 and NWGTA
- Transmission Corridor Protection Area
- Refer to Part A, Section 1.2
- See Schedules E2 to E11 for Land Use Designations



Date of print: 2/12/2024
Sources: Town of Caledon, Regional Municipality of Peel
February 2024
Contains information licensed under the Open Government Licence – Ontario

This map forms part of the Future Caledon Official Plan of the Town of Caledon and must be read in conjunction with the text, other schedules and secondary plans. The boundaries/alignments of designations on this schedule are approximate and are not intended to be scaled.

Appendix A

Comment Letter Submission dated August 25, 2023

August 25, 2023

Sent via email Steven.Burke@caledon.ca

The Corporation of the Town of Caledon
c/o City Clerk's Department
6311 Old Church Road
Caledon, ON
L7C 1J6

Attention: Steve Burke, Manager, Strategic Policy Planning

**Re: Review and Comments on the "Draft Future Caledon Official Plan –
June 2023"
Town of Caledon (the "Town") and the Region of Peel (the "Region")**

We are writing to you on behalf of our client, Aecon Infrastructure Management Inc. (the "Client") with respect to lands in the Town of Caledon (the "Town"), more commonly referred to as Aggregate Pit #6506 (the "Caledon Pit"). The Caledon Pit is currently owned by Aecon Infrastructure Management Inc. and is actively running as an aggregate and extraction site. The Caledon Pit is located on the peripheries of the Caledon Village Settlement Boundary within Concession 1, 2 and 3 in the Town of Caledon. The Caledon Pit is generally located south of Charleston Sideroad, north of West Caledon Pit #6622, west of Hurontario Street, and east of Fork of the Credit Provincial Park (Refer to **Schedule A**). The Caledon Pit has a total area of 572 hectares (1,413 acres) and is bound by the Caledon Village community.

The aggregate operation at Caledon Pit is active and ongoing. However, certain parts of the operation will be concluded in the near future, allowing the Client to begin its rehabilitation process. Aecon is exploring opportunities for the reuse of the Caledon Pit to contribute to the development of much needed housing and facilitate the desired growth in the Caledon Village area.

The objective of this letter is to provide our comments regarding the June 2023 Draft Future Caledon Official Plan, which was released on June 21st, 2023. The intention is to ensure that Caledon Official Plan Policies recognize the opportunities available surrounding the Caledon Pit redevelopment, and to allow for a more supporting framework that aids in fostering the Clients vision, for a more intensified form of development. We understand that there is on-going review of the Official Plan and that a third draft will be released in late August 2023, followed by public open houses and a public meeting hosted by Council in September 2023. Council adoption is targeted for late fall or early 2024.



Key Draft Policies and our Responses

Settlement Area Boundary Expansions

- The Caledon Pit lands are currently located outside of the Caledon Village Settlement Area Boundary and are currently designated an “Extractive Industrial”. A portion of the Caledon Pit namely the properties fronting onto Hurontario St. are bounded by existing residential and proposed residential development which are designated as Rural Neighborhood sites within the Caledon Village Community. Policy 4.6.1 of the Draft OP states that Settlement Area Boundary Expansions may only occur through a municipal comprehensive review conducted by the Region. The Ministry of Municipal Affairs and Housing is consulting on proposed policies for an integrated province-wide land use planning policy document. In this regard, proposed policy changes in the new Provincial Policy Statement (the “2023 PPS”) would remove the requirement for settlement areas to be expanded or established in the form of a Municipal Comprehensive Review (“MCR”). Instead, the proposed new policies will allow for such expansions to be proposed and considered through Official Plan Amendments initiated at any time based on more suitable, stream-lined criteria.

Response: In our opinion, the Draft OP should reflect the new 2023 PPS policies and the criteria of the new 2023 PPS as it relates to Settlement Area Boundary Expansions.

Other Natural and Human-made Hazards

- Policy 16.6.1 states that the Town will prohibit, where appropriate, development on, abutting, or adjacent to lands affected by human-made hazards such as oil, gas, and salt hazards, or former mineral aggregate operations, in accordance with the objectives and policies in this Plan and provincial policy.

Response: The Town of Caledon’s RMP contemplates future development of former aggregate sites. We would encourage the Town to consider flexible policy language as it relates to the rehabilitated aggregate sites and former mineral aggregate operations as extensive studies, or site investigations must be undertaken to advance the development on former aggregate sites and the subsequent conversion to support residential/employment development.

Caledon High Potential Mineral Aggregate Resource Area Mapping/Criteria

- Policy 20 indicates that Mineral Aggregate Policies will be added through a future phase of the Official Plan Review.

Response: In our opinion, the Mineral Aggregate Policies should be continued to be developed in conjunction and aligned with the policies expressed in the Rehabilitation Master Plan (the “RMP”) in the next Draft OP. The RMP contemplates future development for community uses on a portion of the aggregate sites surrounding Caledon Village, and the Caledon OP should reference and acknowledge this opportunity. The RMP represents a comprehensive approach to the reuse of



aggregate sites surrounding Caledon Village, including a portion of Caledon Pit lands. The RMP envisions a future where former extraction sites are integrated within the community through a range of land uses, including residential uses.

Future Strategic Employment Area

- Policy 23.4.4 states that the Regional Urban Boundary may only be expanded to include Future Strategic Employment Areas only through a Region of Peel Official Plan Amendment and municipal comprehensive review initiated by the Region.

Response: The concept of municipal comprehensive reviews of official plans have not been carried forward into the 2023 PPS. The 2023 PPS will provide municipalities with greater control over employment area conversions to support the forms of development and job creation that suit the local context. Further, with the introduction of Bill 112: the Hazel McCallion Act, there will not be a requirement for the Region to be involved in the planning of the Town of Caledon.

We would like to again acknowledge the work the Town of Caledon staff have done to develop the Draft Caledon Official Plan and for your consideration of our comments. Thank you for your time and consideration of our comments and proposed changes. Should you have any questions, please do not hesitate to contact the undersigned.

Yours Very Truly,

Andrew Lam

Andrew Lam, BURPI

Delta Urban Inc.

cc. Peter Karczmarczyk, Aecon Construction Group Inc.
Alex Lusty, Davies Howe LLP
Meaghan McDermid, Davies Howe LLP
Mustafa Ghassan, Delta Urban Inc.
Roman Winnicki, Delta Urban Inc.

Enclosed. Schedule A – Caledon Aggregate Pit #6506 Lands

Schedule A: Caledon Aggregate Pit #6506 Lands



Appendix B

Comment Letter Submission dated September 29, 2023

September 29, 2023

Sent via email Steven.Burke@caledon.ca

The Corporation of the Town of Caledon
c/o City Clerk's Department
6311 Old Church Road
Caledon, ON
L7C 1J6

Attention: Steve Burke, Manager, Strategic Policy Planning

**Re: Draft Future Caledon: Our Official Plan – August 2023 (the “Draft Official Plan”)
Comments of Aecon Infrastructure Management Inc. (“Aecon”)
Town of Caledon (the “Town”) and the Region of Peel (the “Region”)**

We are writing to you on behalf of our client, Aecon, which owns Aggregate Pit #6506, more commonly known as the “Caledon Pit”. The Caledon Pit is approximately 572 hectares (1,413 acres) in total area and is actively operating as an aggregate extraction site. The Caledon Pit is located on the western periphery of Caledon Village in Concessions 1, 2 and 3, south of Charleston Sideroad, north of West Caledon Pit #6622, west of Hurontario Street, and east of Fork of the Credit Provincial Park (Refer to **Schedule A**).

Extraction will be concluded for certain parts of the Caledon Pit in the near future, allowing Aecon to begin its rehabilitation process. Aecon is exploring opportunities for the reuse of the Caledon Pit with a focus on how best to ensure the lands become an integral part of Caledon Village. A similar theme has been explored by the Town through the 2021 Belfountain and Caledon Rehabilitation Master Plan (the “RMP”) with discussion continuing in the Supplementary Aggregate Resources Policy Study.

The purpose of this letter is to provide our comments regarding the August 2023 version of the Draft Official Plan. The intention is to ensure that the future potential land development opportunities and constraints regarding the Caledon Pit are captured in Official Plan Policy. One way of achieving that would be through the creation of a “Special Policy Area”, a concept we would be pleased to develop in concert with Staff. Such a concept would allow for a more supportive framework for integrating the rehabilitated lands into the community while working toward the vision contained in the RMP.

We previously submitted our comments on the June 2023 version of the Draft Official Plan on August 25th, 2023. We understand that there is an on-going review of the Official Plan and there will be further updates based on comments received and potential Provincial policy changes. We are aware that it is the Town's goal to have a final Draft Official Plan presented to Council for consideration in December 2023.



Key Draft Policies and our Responses

Growth Phasing and Coordination

- Part B, Policy 4.1.3 indicates that there will be limited growth outside of the Urban Area, for example in the Villages and Hamlets and lands adjacent to them. Part B, Policy 4.1.4 along with Part E, Policy 18.2.1 and 18.2.10 similarly limit growth in the Rural System.

Response: Important visionary work is contained in the Town's RMP which found that growth in some areas surrounding Caledon Village would be appropriate as part of the rehabilitation of aggregate operations in the area. Though the policies noted above are appropriate for many areas, some flexibility is warranted when it comes to the rehabilitation of aggregate operations that could be made part of an existing Village or Hamlet. Flexibility could be achieved by identifying those unique instances where lands have the potential to complement existing rural communities with a "Special Policy Area" identifier as proposed for the Caledon Pit on **Schedule B**. The purpose of the "Special Policy Area" would be to create a structure for further study on how best to incorporate the lands into existing communities as a step toward unlocking the potential identified in the RMP. The "Special Policy Area" approach would also help harmonize the Draft Official Plan, for example, by complementing Part E, Policy 17.10.2(e)(ii) and 18.2.12.

Settlement Area Boundary Expansions

- Part B, Policy 4.5.1 and Part G, Policy 24.1.3 of the Draft Official Plan require Settlement Area Boundary Expansions to occur only through a municipal comprehensive review ("MCR") conducted by the Region. Proposed policy changes in the new Provincial Planning Statement (the "2023 PPS") would remove the requirement for settlement areas to be expanded or established only through an MCR. Instead, the 2023 PPS will allow for such expansions to be proposed and considered through Official Plan Amendments initiated at any time based on more suitable, stream-lined criteria.

Response: In our opinion, the Town's Official Plan should guide future decision making over the longer-term. Accordingly, the policies should reflect the enactment of *The Hazel McCallion Act* which will dissolve Peel Region on January 1, 2025. The policies should also reflect the approach to Settlement Area Boundary expansions expected in the 2023 PPS, which could be supported by the inclusion of a "Special Policy Area" identifier as mentioned above.

Drinking Water and Wastewater Servicing in Rural Areas

- Part C, Policy 12.3.8 states that the Town will require the proponent of a proposed development in the Rural System, in the absence of municipal sewage services and/or municipal water services, to provide a comprehensive assessment of alternative methods of providing sewage and water services, where appropriate.



Response: We are supportive of this proposed policy as it indicates that the Town would be open to working with proponents in delivering water and wastewater services at a scale suitable for rural areas. For example, private communal water and wastewater systems are viable options for rural areas and one that Aecon is considering.

We note again reference to the Region in this policy language and suggest that it be replaced with the notion of suitability, feasibility, and sustainability over the long-term.

Other Natural and Human-made Hazards

- Part D, Policy 16.6.1 states that the Town will prohibit, where appropriate, development on, abutting, or adjacent to lands affected by human-made hazards such as oil, gas, and salt hazards, or former mineral aggregate operations, in accordance with the objectives and policies in this Plan and provincial policy.

Response: The RMP contemplates future development of former aggregate sites. We encourage the Town to consider flexible policy language as it relates to the rehabilitated aggregate sites and former mineral aggregate operations as extensive studies, or site investigations will be undertaken to advance the development on former aggregate sites and the subsequent conversion to support residential/employment development.

Caledon High Potential Mineral Aggregate Resource Area Mapping/Criteria

- Part E, Policy 20 indicates that Mineral Aggregate Policies will be added through a future phase of the Official Plan Review.

Response: We look forward to working with the Town to establish Mineral Aggregate Policies. In our opinion, the Mineral Aggregate Policies should build on the concepts in the RMP, which contemplated the development of community uses on a portion of the aggregate sites surrounding Caledon Village. The RMP represents a comprehensive vision for the reuse of aggregate sites surrounding Caledon Village, including a portion of the Caledon Pit lands. The RMP envisions a future where former extraction sites are integrated with the community through a range of land uses, including residential uses.

We would like to again acknowledge the work the Town of Caledon staff have done to develop the Draft Caledon Official Plan and for your consideration of our comments. Should you have any questions, please do not hesitate to contact the undersigned.

Yours Very Truly,

Andrew Lam

Andrew Lam, BURPI

Delta Urban Inc.



cc. Peter Karczmarczyk, Aecon Construction Group Inc.
Adam Borgatti, Aecon Construction Group Inc.
Alistair MacCallum, Aecon Construction Group Inc.
Alex Lusty, Davies Howe LLP
Meaghan McDermid, Davies Howe LLP
Mustafa Ghassan, Delta Urban Inc.
Roman Winnicki, Delta Urban Inc.

Enclosed. Schedule A – Caledon Aggregate Pit #6506 Lands
 Schedule B – Proposed Special Policy Area Boundary

Schedule A: Caledon Aggregate Pit #6506 Lands





LEGEND



PROPOSED SPECIAL POLICY AREA BOUNDARY



8800 Dufferin St, Suite 104
Vaughan, ON, L4K 0C5
Tel: (905)660-7667 | Fax: (905) 660-7076

Date: September 29, 2023

Appendix C

Comment Letter Submission dated March 7, 2024

March 7, 2024

Sent via email Steven.Burke@caledon.ca

The Corporation of the Town of Caledon
c/o City Clerk's Department
6311 Old Church Road
Caledon, ON
L7C 1J6

Attention: Steve Burke, Manager, Strategic Policy Planning

**Re: Draft Future Caledon: Our Official Plan – February 2024 (the “Draft Official Plan”)
Comments of Aecon Infrastructure Management Inc. (“Aecon”)
Town of Caledon (the “Town”) and the Region of Peel (the “Region”)**

We are writing to you on behalf of our client, Aecon Infrastructure Management Inc., which owns Aggregate Pit #6506, more commonly known as the “Caledon Pit”. The Caledon Pit is approximately 572 hectares (1,413 acres) in total area and is actively operating as an aggregate extraction site. The Caledon Pit is located on the western periphery of Caledon Village in Concessions 1, 2 and 3, south of Charleston Sideroad, north of West Caledon Pit #6622, west of Hurontario Street, and east of Fork of the Credit Provincial Park (Refer to **Schedule A**).

We previously submitted our comments on the June 2023 and the August 2023 version of the Draft Official Plan. We understand that the February 2024 draft of the Future Caledon Official Plan reflects the August 2023 draft with some important revisions to respond to public and agency comments, and additional planning analysis. The purpose of this letter is to provide our comments regarding the February 2024 version of the Draft Official Plan. It appears our earlier comments have not been integrated into the revisions made to the current Draft Official Plan. It is critical that future land development opportunities and constraints regarding the Caledon Pit are appropriately captured in the Official Plan Policy. One way of achieving that would be through the creation of a “Special Policy Area” (SPA), a concept we would be pleased to develop in concert with Staff. The SPA approach would allow for a more supportive framework for integrating the rehabilitated lands into the existing Caledon Village community, while working toward the vision contained in the Town’s approved Rehabilitation Master Plan (RMP). An illustration of the proposed boundaries for the SPA is provided in **Schedule B**. Draft policy language for the SPA is set out below for staff’s consideration.



Special Policy Area

The lands identified with the “Special Policy Area” overlay on Schedule B4 are included within the Town’s Rehabilitation Master Plan, Belfountain and Caledon Sand and Gravel Resource Areas, approved by Council on March 29, 2022 (“RMP”). The Vision Plan of the RMP identifies the potential for future development on lands within the Special Policy Area at a conceptual level, subject to future planning processes and applicable planning policies.

The Special Policy Area lands will be subject to future study to determine appropriate land uses as part of the rehabilitation of the lands. Such future study may build upon the approved RMP and will address such matters as: population and employment needs, future transportation infrastructure, servicing capacity, and opportunities for recreation uses.

Amendments to the Region of Peel Official Plan and this Plan, as well as other planning processes or approvals, may be required to implement the results of these studies dependent on the specific land uses and nature of the development proposed.

We understand that the final draft of the Future Caledon Official Plan is scheduled to be recommended for Council adoption on March 26, 2024. We look forward to further input and dialogue as part of the Caledon Official Plan Review process.

Key Draft Policies and our Responses

The Future Caledon Official Plan

- Part A, Policy 1.4.5 states that the boundaries of settlement areas, including the Urban Area, as shown on the schedules of the Draft Official Plan are fixed and inflexible. Expansions to the Urban Area and rural settlement areas will only occur in accordance with the policies of this Plan.

Response: Important visionary work is contained in the Town’s RMP which found that growth in some areas surrounding Caledon Village would be appropriate as part of the rehabilitation of aggregate operations in the area. Though the policies noted above may be appropriate for many areas, some flexibility is warranted when it comes to the rehabilitation of aggregate operations that could be made part of an existing Village or Hamlet. Flexibility could be achieved by identifying those unique instances where lands have the potential to complement existing rural communities with a “Special Policy Area” identifier as proposed for the Caledon Pit on **Schedule B**. The purpose of the “Special Policy Area” policy would be to create a structure for further study on how best to incorporate the lands into existing communities as a step toward unlocking the vision identified in the RMP. The “Special Policy Area” identifier would provide an opportunity to thoroughly investigate and assess the optimal use of the lands.



Settlement Area Boundary Expansions

Part B, Policy 4.5.1 and Part G, Policy 24.1.3 of the Draft Official Plan require Settlement Area Boundary Expansions to occur only through a municipal comprehensive review (“MCR”).

Response: The Growth Plan allows for settlement area expansions outside of an MCR in certain circumstances and subject to conditions. In our opinion, there should be flexible policy language in the Town OP that permits settlement expansions to be proposed through Official Plan Amendments ahead of an MCR process, where there is appropriate justification and in accordance with the criteria and conditions of the Growth Plan.

Drinking Water and Wastewater Servicing in Rural Areas

- Part C, Policy 12.3.10 (b) states that the Town will require the proponent of a proposed development in the Rural System, in the absence of municipal sewage services and/or municipal water services, to provide a comprehensive assessment of alternative methods of providing sewage and water services, where appropriate.

Response: We are supportive of this proposed policy as it indicates that the Town would be open to working with proponents in delivering water and wastewater services at a scale suitable for rural areas. For instance, private communal water and wastewater systems are feasible options for rural areas, as contemplated in the Region of Peel's Official Plan. Additionally, we are supportive of collaborating with Peel Region to seek a solution for municipal services as well.

We note the reference to the Region in this policy language and suggest that it be replaced with the notion of suitability, feasibility, and sustainability over the long-term.

Other Natural and Human-made Hazards

- Part D, Policy 16.6.1 states that the Town will prohibit, where appropriate, development on, abutting, or adjacent to lands affected by human-made hazards such as oil, gas, and salt hazards, or former mineral aggregate operations, in accordance with the objectives and policies in this Plan and provincial policy.

Response: The RMP contemplates future development of former aggregate sites. We encourage the Town to consider flexible policy language as it relates to the rehabilitated aggregate sites and former mineral aggregate operations as extensive studies, or site investigations will be undertaken to advance the development on former aggregate sites and the subsequent conversion to support residential/employment development.

Mineral Aggregate Resources Policies

- We acknowledge that Mineral Aggregate Resource Policies are to be incorporated into the new Official Plan in Phase 2 of the Official Plan Review.



Response: We look forward to working with the Town to establish Mineral Aggregate Policies. In our opinion, the Mineral Aggregate Policies should appropriately address new and existing mineral aggregate resource extraction operations as well as future rehabilitation and in this respect, should implement and build on the concepts in the RMP, which contemplated the development of community uses on a portion of the aggregate sites surrounding Caledon Village. The RMP represents a comprehensive vision for the reuse of aggregate sites surrounding Caledon Village, including a portion of the Caledon Pit lands. The RMP envisions a future where former extraction sites are integrated with the community through a range of land uses, including residential uses.

We would like to again acknowledge the work the Town of Caledon staff have done to develop the Draft Caledon Official Plan and for your consideration of our comments. Should you have any questions, please do not hesitate to contact the undersigned.

Yours Very Truly,

Andrew Lam

Andrew Lam, BURPI
Delta Urban Inc.

cc. Peter Karczmarczyk, Aecon Construction Group Inc.
Adam Borgatti, Aecon Construction Group Inc.
Alistair MacCallum, Aecon Construction Group Inc.
Alex Lusty, Davies Howe LLP
Meaghan McDermid, Davies Howe LLP
Mustafa Ghassan, Delta Urban Inc.

Enclosed. Schedule A – Caledon Aggregate Pit #6506 Lands
Schedule B – Proposed Special Policy Area Boundary

Schedule A: Caledon Aggregate Pit #6506 Lands

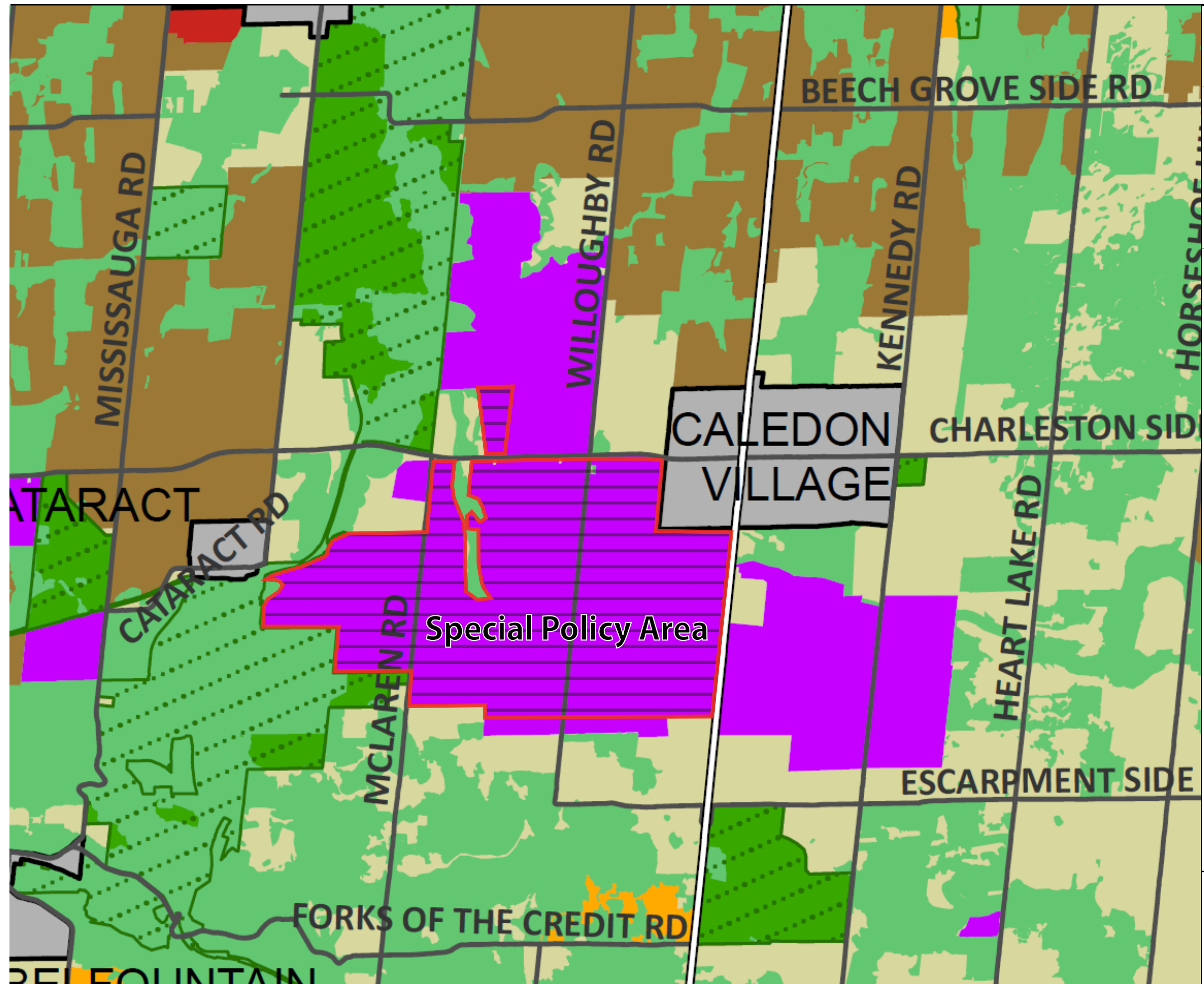




TOWN OF CALEDON
OFFICIAL PLAN

Schedule **B4**

Land Use
Designations



Land Use

- Extractive Industrial Area
- Rural Economic Development Area
- Estate Residential Area
- New Community Area
- New Employment Area
- Prime Agricultural Area
- Rural Lands
- Parks and Open Space
- Natural Features and Areas
- Campbell's Cross Transition Area

Other Map Elements

- Reddington Retirement Community
- Planned Highway 413 and NWGTA
- Transmission Corridor Protection Area
- Refer to Part A, Section 1.2
- See Schedules E2 to E11 for Land Use Designations



Date of print: 2/12/2024
Sources: Town of Caledon, Regional Municipality of Peel
February 2024
Contains information licensed under the Open Government Licence – Ontario

This map forms part of the Future Caledon Official Plan of the Town of Caledon and must be read in conjunction with the text, other schedules and secondary plans. The boundaries/alignments of designations on this schedule are approximate and are not intended to be scaled.



September 20, 2024

Mayor and Council
Town of Caledon
6311 Old Church Road
Caledon, ON L7C 1J6

**RE: Town of Caledon Aggregate Resources Policy Study
Comments on Draft Official Plan Amendment No. 1 & Zoning By-law Amendment**

Dear Mayor and Council,

On behalf of the Residential and Civil Construction Alliance of Ontario (RCCAO), we are writing to express our serious concerns regarding the proposed amendments to Caledon's Official Plan and Zoning By-laws to introduce policies related to mineral aggregate resources.

RCCAO is an alliance of key labour and management stakeholders from the residential and civil construction sector. RCCAO's members build the critical infrastructure that all Ontarians rely on. Our membership includes the Greater Toronto Sewer and Watermain Contractors Association; Heavy Construction Association of Toronto; International Union of Operating Engineers, Local 793; Joint Residential Construction Association; LiUNA Local 183; Ontario Formwork Association; and Toronto and Area Road Builders Association.

The proposed changes, if implemented, threaten to disrupt not only the aggregate industry in Caledon but also the broader construction and infrastructure development across Ontario. These proposals overreach municipal authority and could set a dangerous precedent, negatively impacting both the local economy and the province's infrastructure plans.

Aggregates—stone, sand, and gravel—are essential to nearly every construction project in Ontario. They are the foundation of roads, bridges, homes, and the infrastructure that supports our communities. The Provincial Government's plan to build 1.5 million homes, major critical transportation projects like Highway 413, and public transit infrastructure like the Ontario Subway Line rely on the uninterrupted supply of these materials. Limiting access to local aggregate resources could lead to delays, increased costs, and jeopardize the government's ambitious infrastructure goals.

The Town of Caledon's proposal to add regulatory burdens on aggregate extraction, as outlined in the Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA), exceeds what is reasonable for a municipality. By introducing standards that overlap with provincial regulations, Caledon risks creating a fragmented regulatory environment, driving up costs, and delaying not only aggregate production but also construction projects across the region.

Aggregates are a provincially significant resource, regulated under the *Aggregate Resources Act* (ARA). The provincial government has the expertise and legal framework necessary to sustainably manage these materials. Municipal attempts to regulate air, noise, water quality, and blasting impacts will create redundant rules and add unnecessary red tape. Our industry already



complies with rigorous provincial standards. Caledon's amendments undermine these rules, adding complexity and inefficiencies that hinder our operations.

The construction industry depends on a stable and reliable supply of aggregates. Restrictions at the municipal level, as proposed by Caledon, will disrupt supply chains, leading to project delays and higher costs for both businesses and residents. It is estimated that the proposed amendments could raise infrastructure costs by as much as 40%, a burden Ontario cannot afford when building affordable housing and modernizing transportation networks is a priority.

Furthermore, there are environmental consequences to consider. Limiting or hindering access to local aggregate production will increase the need to transport materials from further away, adding to truck traffic, fuel consumption, and emissions. This will worsen congestion and undermine Caledon's climate goals. Supporting close-to-market aggregate production helps reduce CO2 emissions and contributes to a more sustainable future.

We strongly urge the Town of Caledon to reconsider these proposed amendments and to address the concerns as put forward by the Ontario Stone, Sand & Gravel Association (OSSGA) which can be found [here](#).

The current approach risks derailing provincial infrastructure plans, increasing costs for taxpayers, and creating uncertainty for businesses. A more collaborative approach, with input from OSSGA and other stakeholders, would balance local concerns with the broader needs of the province.

We remain committed to supporting the responsible development of Ontario's aggregate resources. By working together—municipalities, the province, and the construction industry—we can ensure Ontario's infrastructure continues to be developed sustainably, serving the needs of all its residents.

Sincerely,

Nadia Todorova
Executive Director

Copy to:

Steve Burke, Manager, Strategic Policy Planning, Town of Caledon

Annette Groves, Mayor, Town of Caledon

Kyle Nietvelt, Senior Policy Advisor and Public Appointments Manager, Minister's Office,
Minister of Natural Resources

Luca Campagna, Deputy Chief of Staff, Minister's Office, Minister of Transportation

Josef Filipowicz, Director of Policy, Minister's Office, Minister of Municipal Affairs and Housing

Sebastian Bonham-Carter, Senior Policy Advisor, Minister's Office, Minister of Environment,
Conservation and Parks