



November 1, 2019

Andrew MacDonald
Natural Resources Conservation Policy Branch
Ministry of Natural Resources and Forestry
300 Water Street
Peterborough, ON K9J 8M5

(copy sent via email: aggregates@ontario.ca)

RE: Town of Caledon Comments on Proposed Amendments to the Aggregate Resources Act (ARA) (ERO #019-0556)

Please accept this letter as the Town of Caledon's response on Proposed Amendments to the Aggregate Resources Act (ARA) in response to Environmental Registry of Ontario (ERO) posting #019-0556. The Town is appreciative of the opportunity to provide the Council endorsed comments regarding the ERO.

Comments

The Aggregate Summit held in Caledon had limited representation and many interested individuals could not attend the summit to provide input on the proposed changes to the ARA. The limited representation may have reduced the comments provided to the Province.

The proposed changes to the ARA and its regulation being considered by the Province (italicized in text boxes) are followed by Caledon's comments:

1. Protection of Water Resources

Strengthen protection of water resources by creating a more robust application process for existing operators that want to expand to extract aggregate within the water table, allowing for increased public engagement on applications that may impact water resources. This would allow municipalities and others to officially object to an application and provide the opportunity to have their concerns heard by the Local Planning Appeal Tribunal.

The Town of Caledon supports changes to the ARA that will ensure the protection of water resources. Majority of aggregate operations are in the rural community that

relies on wells for their drinking water. Protecting ground water from contamination is essential to the integrity of well water. Notwithstanding, the Town is concerned about the restriction of the effort to protect water resource only to existing aggregate operations that want to expand *to extract aggregate within the water table*. It is recommended that changes to the ARA to protect water resources should apply to both new and existing applications.

2. Managing depth of extraction of pits and quarries.

Clarify that depth of extraction of pits and quarries is managed under the Aggregate Resources Act and that duplicative municipal zoning by-laws relating to the depth of aggregate extraction would not apply

The Town supports proposed policy change to manage the depth of extraction of pits and quarries under the ARA. However, the Town recommends that information about the depth of extraction of pits and quarries should be available to the municipality during its review of the application.

3. Municipal Zoning on Crown Land

Clarify the application of municipal zoning on Crown land does not apply to aggregate extraction

No comments.

4. Aggregate Haul Routes

Clarify how haul routes are considered under the Aggregate Resources Act so that the Local Planning Appeal Tribunal and the Minister, when making a decision about issuing or refusing a licence, cannot impose conditions requiring agreements between municipalities and aggregate producers regarding aggregate haulage. This change is proposed to apply to all applications in progress where a decision by the Local Planning Appeal Tribunal or the Minister has not yet been made. Municipalities and aggregate producers may continue to enter into agreements on a voluntary basis.

The designation of aggregate haul route continues to be contentious both during the review of applications and operation stages. In Caledon, the Official Plan policies are clear: haul routes are explicitly designated on Regional roads. Truck traffic are restricted on local roads except on rare occasions where aggregate materials are to be delivered for local uses. However, the Town is concern that the proposed policy only applies to applications in progress where a decision by the Local Planning Appeal Tribunal or the Minister has not yet been made. The need to clarify haul routes should apply to all applications regardless of the stage in the approval process.

5. Access to Aggregates in Municipal Road allowance

Improve access to aggregates in adjacent municipal road allowances through a simpler application process (i.e. amendment vs a new application) for an existing license holder, if supported by the municipality

Caledon supports proposed policy to improve access to aggregate extraction adjacent to municipal road allowance. The proposed policy requires the support of the municipality. Municipal support should consider input from the community as well as based on studies to identify potential impacts on the community and how these impacts may be mitigated.

6. Self-filing of routine Site Plan Amendments

Provide more flexibility for regulations to permit self-filing of routine site plan amendments, as long as regulatory conditions are met.

Caledon is concerned about proposed policy to permit self-filing of routine site plan application. Self-filing is not considered to be transparent. Moreover, it is difficult to agree of what constitute a routine amendment. Since the aggregate licencing process rely on municipal approvals in obtaining an official plan and zoning by-law amendments, both of which are public processes, all site plan amendments should be circulated to the municipality for input.

7. Allowing Low risk operations without permit

Allowing some low-risk activities to occur without a licence if conditions specified in regulation are followed. For example, extraction of small amounts of aggregate if material is for personal use and does not leave the property.

The Town does not support the proposal to allow some low-risk activities to occur without a permit or license. This proposal is also subjective as it is unclear what type of operations may be considered low risk to be exempted. Since majority of all extraction operations occur in the rural areas the requirements for permit would ensure that the ministries, agencies and municipalities review and propose measures to safeguard the community against possible effects of extraction activities, including contamination of ground water. It is recommended that all aggregate operations should obtain permits to extract aggregate whether the operations are low risks or not.

8. Aggregate Fees

The proposed changes to the ARA and its regulations do not currently include changes to aggregate fees. However, the province is interested in obtaining input on the matter.

Caledon continues to advocate the need to review the current fee structure. The Town supports an increase in the fees paid by aggregate producers to compensate the municipality for cost incurred in the maintenance of roads, bridges and infrastructure because of heavy trucks.

Aggregate fees and levies have been consistent topics of discussion by TAPMO (Top Aggregate Producing Municipalities of Ontario) since the beginning of the recent review of the Aggregate Resources Act. Caledon, a member of TAMPO, is participating in these ongoing discussions within the association about potential changes to fees and levies. The Town would like to be invited to participate in all future provincial discussions on aggregate fees and levies. As the Town has many active aggregate resource extractions sites it is imperative that we be involved in the discussions as this is a priority for the Town and its Council.

If you have any questions or require clarification, please contact the undersigned.

Sincerely,

Peggy Tollett, CPA, CGA
General Manager, Community Services
TOWN OF CALEDON

c: Region of Peel, Policy Division