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Coordinator
Ministry of Natural Resources and Forestry
Policy Division
Natural Resources Conservation Policy Branch
Resource Development Section
300 Water Street
Peterborough, Ontario K9J 8M5

December 5, 2016

Re: Conservation Ontario's Comments on Schedule 1 of Bill 39 - Aggregate Resources and Mining Modernization Act, 2016 (EBR# 012-8443)

Thank you for the opportunity to provide comments on "Schedule 1 of Bill 39 – Aggregate Resources and Mining Modernization Act, 2016". These comments are being provided by Conservation Ontario, the network of Ontario's 36 Conservation Authorities (CAs). Conservation Ontario is also appreciative of the Technical Briefing session which staff from the Ministry of Natural Resources and Forestry (MNRF) hosted for CA staff on November 7, 2016. These comments were endorsed by Conservation Ontario Council on December 5, 2016 and are not intended to limit consideration of comments shared individually by CAs. These comments will focus on the *Aggregate Resources Act* (ARA).

Conservation Ontario is supportive of the proposed amendments which would allow new conditions or a variance of conditions of a licence for the purpose of implementing a source protection plan under the *Clean Water Act* (for example, 13 (12) of Bill 39). The proposed amendment in section 11 (1) which would amend section 12(1)(e) of the ARA by adding "including on municipal drinking water sources" to the list of what the Minister or the Board shall have regard to is also appreciated. This proposed change will strengthen the tests the Minister or the Board should consider before issuing or refusing a licence and makes the appropriate link to source water protection planning. These amendments will also become increasingly important with the Province's and aggregate industry's push for producing aggregates close to market. This market pressure (as outlined in section 2.5.2.1 of the Provincial Policy Statement) may lead to the creation or expansion of pits or quarries in close proximity to source water protection areas. Therefore, this added link to the *Clean Water Act* and Source Protection Plans is an important and prudent proposed amendment to the ARA. The ARA should result in avoiding the creation of significant drinking water threats under the *Clean Water Act* that pose a risk to sources of drinking water.

Many of the proposals found within the bill are enabling in nature, allowing MNRF to provide more details through future regulations or policies. Conservation Ontario is interested in being included in future stakeholder meetings where the details of these policies or regulations will be determined. Conservation Ontario would be pleased to identify CA representatives to participate on the various working groups, as appropriate.

Finally, Conservation Ontario is also supportive of the proposed amendments to the enforcement provisions found within the ARA. Of particular interest is the proposal to increase the maximum penalties to negate any benefit to the offender and also, the proposal to eliminate the minimum fine to support the ability to enforce the Act by way of Part I tickets under the *Provincial Offences Act*. In Conservation Ontario's submissions on the review of the *Conservation Authorities Act*, a case was put forward to both increase the maximum fines for offences under the *CA Act* and to enable CAs to enforce Section 28 of the Act by way of Part I tickets for administrative efficiency for relatively minor infractions. It is encouraging to note that the MNRF is proposing similar amendments to other environmental legislation that they administer.

Thank you once again for the opportunity to provide comments on "Schedule 1 of Bill 39 – Aggregate Resources and Mining Modernization Act, 2016" and for the Technical Briefing webinar that was held for CA staff. As outlined in this letter, Conservation Ontario looks forward to being included in future stakeholder meetings where policy and regulatory proposals will be discussed. Should you have any questions about this letter, or to discuss future stakeholder meetings, please contact me at extension 226.

Sincerely,



Leslie Rich, MCIP, RPP
Policy and Planning Officer

c.c.: CAOs, All Conservation Authorities