Katie Rosa, Aggregate Resources Officer
Natural Resources Conservation Policy Branch
Ministry of Natural Resources and Forestry
300 Water Street
Peterborough, Ontario, K9J 8M5

December 14, 2015

Dear Ms. Rosa:

Re: A Blueprint for Change: A Proposal to modernize and strengthen the *Aggregate Resources Act* policy framework (EBR# 012-5444)

Thank you for the opportunity to comment on "A Blueprint for Change: A Proposal to modernize and strengthen the *Aggregate Resources Act* policy framework". Conservation Ontario (CO) represents Ontario's 36 Conservation Authorities (CAs), which are local watershed management agencies, whose mandate includes a variety of responsibilities and functions including providing technical and advisory input into the land use planning and development processes.

CAs provide valuable information and advice on flood, erosion and stormwater management, water quality, and the conservation of natural features and functions within their respective watersheds. Having been delegated responsibilities from the Ministry of Natural Resources and Forestry (MNRF), CAs represent provincial interests regarding natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement, 2014* (PPS). Furthermore, CAs provide a crucial role in the planning and development approval process by assisting municipalities in fulfilling their responsibilities associated with natural heritage, water resources and natural hazard management.

The following comments are submitted for your consideration based upon a review by CAs. These comments are not intended to limit consideration of comments shared individually by CAs. The comments below have been organized based on the 3 questions provided in the Blueprint.

1) What do you feel is the most important proposal put forward in the paper? Do you agree with it? If so why? If not, why not?

CO is pleased to note the Blueprint proposes progressive changes to the *Aggregate Recourses Act* (ARA)

legislation and regulations, process improvements, and clarification of technical standards and submissions. Overall, the proposals for increased environmental accountability put forward throughout the Blueprint are very important to ensure responsible extraction of aggregate resources and to limit and mitigate the impact on the surrounding environment and communities. As local resource management agencies with experience in how these operations are implemented, CAs specifically support the following proposals:

- Enhanced requirements for studies and information (related to the natural environment, water, cultural heritage, noise traffic and dust);
- Updated site plan information requirements for new licenses and permits as well as for existing aggregate sites;
- New requirements for requests to lower extraction depth below the water table in existing sites (requires a new application);
- New requirements for record-keeping on the importation of fill for rehabilitation;
- Enhanced enforcement and administrative provisions;
- New requirements for performance reporting; and
- Automatic conditions related to Source Water Protection (SWP) for new aggregate sites and ability to establish conditions on existing aggregate sites related to SWP plans.

From a CO perspective, provincial direction on excess soil policies is one of the most important issues to be addressed through this review. Excess soil is a growing concern for both CAs and municipalities who have been waiting for the results of the province's review of the "need" to establish an excess soil policy. CO was anticipating more content in the Blueprint to address this issue. It is our hope that any policies that come out of the excess soil review are integrated into the ARA updates, and it's our expectation that both documents will be cohesive and mutually supportive in addressing this long standing issue.

2) Do you think that the proposed changes are comprehensive enough? If no, what do you think is missing?

The legislation, policies and regulations with respect to aggregate extraction in the province of Ontario are in need of updating. The Blueprint outlines the province's commitment to change toward making a complex and confusing approvals process more transparent and better understood. However, this high-level document lacks the details and information which would facilitate a real understanding of how these changes will be implemented and administered. The framework as presented does not enable CO to assess how the proposed changes may actually impact aggregate extraction operations within CAs' jurisdictions, and therefore we cannot affirmatively state it is comprehensive enough. In general, it is recommended that the province provide additional details and clarification that will support a better understanding of how the changes are to be administered and implemented, and offer more information on technical study requirements.

CO response to the latter half of the question, "what is missing", has been organized according to the following categories:

1. <u>Enhanced Application Requirements</u>

Section 1.1.1 of the Blueprint discusses *enhanced application requirements* (e.g, hydrogeology, water, traffic assessments, etc.). Since these are already requirements of the ARA and/or associated *Planning Act* submissions for new licenses, CO requests the province provide greater clarity for how these requirements have been enhanced.

2. Cumulative Impacts

The cumulative impacts of multiple operations that are in close proximity to each other are an important concern, especially in highly stressed and urbanizing watersheds. There can be significant impacts to water resources from these multiple operations that might not be significant if considered independently. However it is unclear in the Blueprint what is meant by cumulative impacts. It is suggested that cumulative impacts should include impacts over time and spatial area and should include effects to natural features, functions, and processes, including impacts on wildlife, aquatic health, water quality, water flows, erosion and sedimentation, etc., as well as impacts that affect human health and well-being (e.g., noise, dust, etc.).

It should be noted that a provincial framework for cumulative effects study/assessment has not been established at this time. Therefore, it is suggested that MNRF define a provincial/ regional cumulative effects assessment methodology and data management protocol with input from a variety of stakeholders including but not limited to provincial ministries, municipalities, CAs and other water users in the regional context (example: agriculture, industries with water takings, etc.).

Section 1.1.1 (a) states "Where identified in provincial guidance, studies supporting an aggregate application may also be required to consider cumulative effects". The reference to "provincial guidance" requires clarification. CO is not aware of provincial guidance documents that exist currently, or are proposed, that require cumulative effects assessments.

3. Qualified Expert

There are several references to "qualified expert" throughout the document. A clear definition of the professional credentials required to qualify a person as a "qualified expert" in specific circumstances should be included in the policy framework.

4. Regional Setting

Section 1.1.1 (a) refers to addressing hydrology and hydrogeology in a "regional setting". It is suggested that an appropriate "regional" setting would be a sub-watershed or watershed scale.

5. Noise Assessments

Section 1.1.1 (a) of the Blueprint states that new studies will be required for noise, traffic and dust with noise assessment required for sites in proximity to sensitive land uses. Only human land uses, such as residential areas are considered a sensitive land use and the impact of noise on wildlife is not considered. Many wildlife species rely on auditory calls to find mates and provide protection from predators. Some species are startled from loud noises, abandoning nests and/or food, while other species, particularly those that inhabit interior and deep interior forests, are secretive and very sensitive to noise and disturbance. It is recommended that noise assessment studies also be done for sensitive wildlife, such as the impact of noise on breeding birds or on wildlife species at risk.

6. Natural Environment Studies

Under Section 1.1.1 (a), natural environment studies need to assess "identified natural heritage systems". It is recommended there should be clarity as to what is meant by natural heritage systems. Natural heritage systems are commonly considered those that are found in Official Plans or Provincial Plans. CO recommends that natural heritage systems identified at a watershed scale should also be considered. In addition, it is suggested that any loss of natural heritage features through the ARA approval/licensing processes should be offset through an ecological offsetting strategy (e.g., woodland loss is 2:1 plus ecological services value).

In addition, many wetlands in southern Ontario have not yet been evaluated as noted in the recent MNRF Wetland Conservation Discussion Paper. As unevaluated wetlands may be Provincially Significant, the natural environment studies should include a requirement to evaluate all unevaluated wetlands by using MNRF's wetland evaluation system.

7. Water Impact Assessment – Hydrology and Hydrogeology

CO is supportive of the Blueprint's provision that states that for new licenses and permits, a water impact assessment would be required to assess hydrology and hydrogeology and the regional setting of the site in the context of water users. It is recommended that the assessment of water impacts includes an evaluation and assessment of the impacts on "environmental flows" (i.e. ecological water needs such as wetlands, species that rely on wetlands, and aquatic resources) and water quality to maintain aquatic ecological integrity and health. It is noted that Section 2.1 (u) states that 'new and enhanced powers are proposed to allow the ministry to require additional studies for existing operations'. However clarification is requested as to whether a water impact assessment may also be required for existing operations.

The report is silent on opportunities to align technical requirements for the hydrogeological assessment required under the ARA process with the requirements of other processes to ensure a more streamlined and timely review. For example, *Planning Act* applications require technical reports and often applications are submitted concurrently with ARA applications. This approach should also consider alignment with other technical reports such as Environmental Impact Assessments and Surface Water assessments. Additionally, as CAs continue to be peer reviewers of new pit applications and major site plan amendments (at the request of aggregate consultants and our member municipalities), to further streamline reviews it would be beneficial if applicants were required to utilize the hydrogeological study requirements outlined in '*Hydrogeological Assessment Submissions: Conservation Authority Guidelines for Development Applications*', endorsed by CO Council on June 24, 2013. This would help ensure preparation of studies/reports with a consistent content.

8. Summary Statement

Section 1.1.1 (c) of the Blueprint discusses enhanced summary statement requirements for new applications with greater detail required on the quality and quantity of aggregate resources, rehabilitation requirements and consideration of existing land use planning in considering rehabilitation. It is our understanding that these requirements are already mandatory under the existing licensing process, and more detail is required on the proposed enhancements to clarify the changes. Further it is suggested that this section include an additional requirement in the summary statements: "*(e) impact and mitigation measures for natural heritage features and functions and water resources on and near the site"*.

9. Site Plan

Section 1.1.1 (d) of the Blueprint states that site plans would be required to show the maximum disturbed area at any one time to minimize disturbance and encourage progressive rehabilitation. CO believes this is an essential requirement to ensure rehabilitation before the next phase but it will only be effective if it is enforced.

Furthermore, under section 2.4 (ac), the Blueprint states that regulations are proposed that would allow license and aggregate permit holders to self-file amended site plans provided they meet the criteria listed on page 23. CO suggests the list should be amended to include: (1) that stockpiles should also be located away from natural hazard and natural heritage features as per the prescribed buffers in the site plan and (2) that changes to the proposed tree species and vegetation cover should not only be native to Ontario but rather they should be native to the site's respective region or municipality and be non-invasive.

10. Personal Use and Agricultural Extraction Permissions

New “personal use" extraction permissions and temporary extraction operations license for farms are being proposed under section 1.2 (k and s). Further clarity needs to be provided to indicate to these small operators that other land use planning and regulatory approvals are/may still be required. For example, extraction may require authorization pursuant to section 28 of the *Conservation Authorities Act* or the *Municipal Act* (e.g., site alteration permit). In addition, it should also be clarified that extraction should not occur in hazard lands or natural heritage features and that the restrictions in the Provincial Policy Statement or Provincial Plans continue to apply.

As stated in section 1.2 (k) on temporary extraction operations on farms, it is unclear where the extraction is two-fold (to produce aggregate and to improve agricultural conditions), whether a permit from a CA is required. Under Section 28 (11) of the *Conservation Authorities Act*, a permit is not required for “an activity approved under the ARA”. Clarification would be required to determine if a license for a small, temporary extraction on a farm would be “an activity approved” under the ARA.

11. Notification and Consultation Requirements

While the Blueprint indicates that “new content” will encourage pre-consultation with Aboriginal communities, agencies and local residents, the ministry is encouraged to strongly advise proponents to also formally pre-consult with local municipalities, CAs and the MNRF to ensure that all technical studies required by the agencies are included in the proposal prior to submission of an ARA application.

CO supports section 1.1.2 (g) which states that the list of agencies to be notified of applications will be updated to include CAs and Source Protection Authorities (see comment No. 18 also). CAs are important agencies to be involved in the notification process. As watershed resource management agencies, CAs have scientific information on local environmental conditions and can assess the potential for environmental effects. Nonetheless, it is inferred that notification is to be done by the proponent and the Blueprint does not require MNRF to circulate reports and studies to the same agencies for comment. It is suggested that this omission be addressed in a specific section dealing with studies and reports to be circulated to appropriate reviewers for comments.

The lengthening of notification and consultation timelines are being proposed under section 1.1.2 (g). The tiered commenting timeline based on annual extraction quantities is somewhat arbitrary and does not resolve inefficiencies created with the two different commenting timeline schedules set out in the *Planning Act* and ARA. It is suggested that consideration should be given to extending review timelines further to coincide with the timelines in the *Planning Act*.

Appendix 1 includes a summary list of notification and consultation criteria. As noted above, pre-consultation with commenting agencies should be included in the MNRF process and should be added to this summary list. In addition, it is suggested that the list should be amended to include a “hydrological report” requirement with a reference to hydrogeological assessments, as opposed to just referencing a hydrogeological assessment.

12. Extraction Below the Water Table

In general, it is believed that extraction of aggregate below the water table should be strongly discouraged and should only be permitted where necessary. The new application requirements to request extraction below the water table is very important to ensure there are no related impacts or cumulative effects to the water resources in the sub-watershed. From a hydrologic perspective, the water balance should demonstrate that

there will be no deficit (match post–to–pre). In addition, extraction below the water table should be supported by a feature-based water balance to ensure no negative impact on natural heritage features. Further, any extraction below the water table should only be approved with an established adaptive management program that would cease ongoing extraction if a negative environmental impact occurs. Lastly, a request to extract below the water table should require *Planning Act* approvals (re-zoning) and follow local Source Protection Plan (SPP) policies (see No. 18 also).

13. Peer Review

Noted under Section 1.2 (p), the provision for MNRF to conduct peer review of technical submissions is supported. Other commenting agencies, such as municipalities and CAs, may have qualified professionals reviewing technical reports and it may be appropriate to clarify that MNRF will work with these stakeholders wherever possible to ensure the reports address all technical issues. Further, this proposal should clarify that this peer review process will not limit the ability for municipalities to undertake peer review through the land use planning process.

14. Data Management

While the Blueprint proposes to update and enhance application requirements, develop new tools for existing sites and improve record keeping and reporting, it fails to address the need for better data collection/assessment and data management regarding the monitoring of environmental impacts. The current system is piecemeal and the data collected as a monitoring requirement is not organized in a comprehensive data base. Having access to environmental monitoring data within sub-basin is important for assessing cumulative effects of aggregate extraction (as mentioned in section 1.1.1. (a)). The most qualified of experts cannot properly assess existing or potential cumulative effects of aggregate operations without baseline and longitudinal data. Better data management and access to pertinent data is also important in the context of adaptive management and for assessing best management practices. It is suggested that the province should take a lead role in initiating an appropriate digital data base, ensuring that appropriate data is incorporated into the database and that the data base is freely accessible to aggregate operators and agencies.

15. Fees

Discussions at the multi-stakeholder sessions regarding an increase in fees to cover the cost of better oversight by MNRF and for rehabilitating abandoned aggregate operations are not reflected in the Blueprint. An opportunity exists now to initiate a fee and royalty increase that could be phased in. Higher fees and royalties could be used to support administration and enforcement of the legislation, improve databases and data management to facilitate the study of regional and cumulative impacts, continued restoration of abandoned aggregate sites and maintenance of municipal transportation infrastructure.

The fee structure as proposed, does not contemplate an immediate increase in fees, although it does indicate that the fees will be adjusted according to the Consumer Price Index. The current fees have been in place since 2007 and should be immediately adjusted according to the Ontario Consumer Price Index for the intervening 8 years. It is strongly recommended that a phasing-in of fee and royalty increases be implemented through this review, and that those increases accurately reflect the environmental impact of aggregate extraction and the outdated Ontario Consumer Price Index adjustments.

16. Rehabilitation

Oftentimes CA issues of concern are more connected with the management and rehabilitation of existing or abandoned pits, rather than newly licensed or proposed aggregate operations. CAs have experienced difficult issues with operators in the daily management and rehabilitation staging of their sites. It is suggested that any

requirements for existing operations provide further requirements related to planning successfully phased restoration projects. The enhanced planning should also be accompanied by an enhanced compliance/enforcement component since the majority of the issues with site rehabilitation is not in the planning but the slow (and in some cases non-existent) state of the rehabilitation currently being undertaken by the industry. Therefore it is suggested that the wording in Section 1.1.1 (d) of the Blueprint, which suggests that the MNRF will "encourage progressive rehabilitation" when speaking to proposed requirements for updated/improved site plans is simply not strong enough. It is recommended that progressive rehabilitation be a strongly enforced requirement.

CO is supportive of the establishment of new requirements for record-keeping on the importation of fill for rehabilitation as outlined in section 2.3 of the Blueprint. As a point of clarification it is suggested that these proposed requirements ensure that the fill being used for rehabilitation is clean either by confirmation that it originates from an uncontaminated source or because it has been subjected to required testing to confirm that it is clean. Additionally, as noted in Section 2.3 (y) of the Blueprint, the MOECC, in consultation with MNRF and other stakeholders, is reviewing excess soil policy options in Ontario. As noted above it is our expectation that MNRF will consider the results of this work when finalizing future record keeping requirements related to the importation of fill for rehabilitation of sites regulated under the ARA.

CO recommends the province consider opportunities to address the significant commercial fill issue in the GTA and the potential to utilize exhausted aggregate sites as depositories for fill. For instance, an exhausted aggregate site could be used as a depository for fill and the site 'restored' when grades are returned to match adjacent lands, top soil added, the fill sculpted, graded and planted with vegetation. CO strongly believes that where all environmental and social issues can be addressed, the placement of fill in exhausted aggregate sites has merit. It would be helpful to clarify that pending the results of MOECC's excess soil review, MNRF would support additional fill importation than may currently be required to restore a site i.e. that excess soil may be placed in licensed aggregate sites (subject to appropriate reporting requirements) and that this would be considered in future regulation amendments.

Section 1.2 (q) of the Blueprint states that "Where a decision has been made to refuse to issue the license because the site does not qualify for grandfathering, operations would still be required to cease immediately." This process should be clarified and expanded by adding requirements to rehabilitate and restore the site even though a permit has not been approved.

CO supports the recommended new reporting requirements for site rehabilitation and for removal of recycled or blended materials under Section 2.3 (x), however the reporting requirements should indicate the extent to which rehabilitation is complete and a time limit set for its completion. Rehabilitation should not continue to be extended for the purposes of other activities, such as recycling, which in essence continues the industrial operations at a site even though extraction is essentially complete. Consideration should be given to local SPP policies such that the protection of sources of municipal drinking water is ensured (see No. 18 also).

17. <u>Pre-Identified Sites</u>

The determination of aggregate resource operations should be undertaken "strategically" within the province (i.e., close to market) as a fundamental principle to avoid "more travel for gravel" and in consideration of the operation's associated economic, social, and environmental impacts. In addition, it is suggested that a preference for issuing licenses for sites that have been pre-identified by a municipal exercise should be considered to ensure aggregate sites are placed strategically which would help eliminate frustrations around location of new operations and assist with the planning for required services and amenities within a

municipality. Lastly, it is suggested this process require a supply-demand analysis for any proposed changes in order to avoid an "over approval" of licenses and potential extraction.

It is suggested the MOECC's Permit to Take Water (PTTW) and its lack of co-ordination with land use planning process particularly with regard to applications for new aggregate operations should be reviewed during this process. It has been MOECC's practice to wait until the land use approvals are in place before it reviews a PTTW. This leads to a confusing and uncoordinated approach which needs to be remedied.

18. Source Water Protection (SWP) Considerations

In general, within the Blueprint there did not appear to be specific, in-depth attention given to the *Clean Water Act* SWP program requirements and recommendations. As you are aware, the ARA instruments are prescribed under the *Clean Water Act* for use in mandatory SPP policies, to mitigate threats to sources of municipal drinking water in Ontario. The amended legislation must give consideration to the approved local Source Protection Plans in the province and the implications for existing and new aggregate applications.

CO offers the following specific SWP comments:

- The Blueprint did not communicate that (i) extraction that breaches an aquitard protecting an existing municipal drinking water supply is not permitted where there is potential for negative impacts to the municipal supply, and (ii) existing licences should be amended to provide that protection to sources of municipal drinking water as well. Moving forward, provisions should be included to address these through an amendment to the Act or regulations, which would complement the *Clean Water Act*.
- **Section 1.1.1 (a) and 2.1 (v):** The Blueprint must also include the Well Head Protection Areas-Quantity 1 and Quantity 2 (WHPA-Q1 and Q2) and Intake Protection Zones (IPZs), in addition to the two year time of travel.
- **Section 1.1.1 (e):** This new approach for dealing with extraction from the bed of a lake or river needs to include an analysis for proposed applications within the vicinity of surface water Intake Protection Zones and WHPAs for groundwater sources which are under the direct influence of surface water (GUDI wells) under the SWP program, to ensure activities do not become or enhance a significant drinking water threat.
- **Section 1.1. 2 (g):** states "The list of agencies to be notified of applications would be updated so that the Ministry of Transportation, Conservation Authorities (where applicable) and SWP authorities (where applicable) must all be notified for applications proposed to occur on either Crown or private land". The inclusion of source protection authorities (SPAs) ensures that local SPP requirement applicability is determined. There are currently two SPAs that are separate from, i.e. not based on local CAs. There are a few CAs for which their source protection area geographic extents are different from the respective CA areas of jurisdiction.
- **Section 1.2 (p):** This section provides provisions to allow for peer review requirements for technical studies in the future, and it is suggested it be expanded to include a specific reference to SPAs and Source Protection Committees.
- **Section 2.1 (v):**
    - Although CO is supportive of the provision outlined in Section 2.1 (v) that requires additional studies, information and updated site plans for existing sites, particularly if changes in environmental significance had occurred since the original license was granted, and to allow for the site plans to be adjusted accordingly, the wording of this section is not clear and/or could be misunderstood by people not familiar with the *Clean Water Act* or Source Protection Planning. It infers the Blueprint is proposing the amendments, when the *Clean Water Act*

process actually requires some of the changes/examples to be implemented, meaning it's not optional for MNRF to change the 'prescribed instrument' i.e. license/permit for threats such as fuel storage, septic systems if those activities have been defined as a significant drinking water threat under the SWP process.

  - With regard to the new ability to establish conditions on existing aggregate sites related to SWP plans "...where SWP plans have identified an aggregate approval as the implementation tool. New fuel storage and handling conditions would also be established in regulation, which would apply to existing sites in vulnerable municipal drinking water protection areas." - this section should be amended to clarify that municipal drinking water supplies include surface water intakes.

- **Section 2.3:** from a SWP perspective, this section should be amended to require proponents to report annually on a form satisfactory to the local Source Protection Authority about any extraction/fill importation projects located in areas of Significant Drinking Water threats or SPP vulnerable areas. Consideration should be given to local SPP policies on the import and disposal of fill, such that the protection of sources of municipal drinking water is ensured.

19. <u>Miscellaneous Comments</u>

- It is recommended that in addition to the ARA, there should be one (1) <u>comprehensive</u> provincial policy statement on mineral aggregates that would apply in all jurisdictions to avoid the multi-layered policy approach (e.g. Provincial Policy Statement, Greenbelt Plan, Oak Ridges Moraine Conservation Plan, Niagara Escarpment Plan, Lake Simcoe Protection Plan).
- Section 1.2 (q), speaks to creating flexibility for grandfathering existing sites in newly designated areas. In general, this section is unclear and requires further explanation. For example, is there a geographic location where there are 'legal sites' that don't have licenses?
- Section 4.2 (as) states "specifying that the Minister may, rather than must, be party to an OMB hearing for an application, to address situations where the ministry has no outstanding concerns with an application,". As the approval authority for ARA applications there may be situations where the Minister/Ministry may not be required to attend, however it would be beneficial to be clear on these situations and provide criteria for not participating in an OMB hearing rather providing the current ambiguous wording.
- We would encourage MNRF to consider all of the pertinent comments and recommendations contained in "Conservation Ontario's Comments on the Cornerstone Standards Council (CSC) Draft Responsible Aggregate Standards" (letter dated March 20, 2014, attached below).

3) Do you support the Ontario Government in moving forward with the changes as outlined in the paper? If not, which proposals do you not support and why?

CO supports the Blueprint's attempt to address the long-standing issues with the ARA and is pleased that the document includes proposals for increased environmental accountability. That being said, given the lack of detail provided in the document, coupled with the absence of MNRF's response to the comments noted above under Question 2, CO is unable to complete an evaluation of the effectiveness of the proposals and approaches contained in the Blueprint. Further consultation with CO and CAs is recommended.

At this time CO does not support the following proposals:

- **Section 1.1.1 (a):** CO does not support delegating the responsibility of determining if a cumulative

effects study is required to the applicant's hired "Qualified Expert". It is recommended cumulative effects studies on a watershed or sub-watershed basis be a requirement of all ARA applications.

- **Section 1.1.1 (a):** recommends that extraction be allowed within the 2-year-time of travel zone (WHPA-A and B) to a municipal well with supporting technical studies identifying mitigation measures. This approach is not supported. It is recommended to amend the legislation as follows: (i) new extraction within the 2 year time of travel should be prohibited unless absolutely necessary, in which case as noted in (ii), technical reports and conditions in licences must be required; (ii) existing licences within 2 year time of travel should be amended to restrict extraction in these areas or be required to submit the technical reports noted in section (v) to demonstrate no negative effect and that all potential risks to the municipal water supply, during and after the operation has ceased, will be mitigated to the satisfaction of MNRF; (iii) the scope of the "special provisions" required under the enhanced water impact study for aggregate applications made within the vicinity of Municipal Drinking Water Supplies should not be limited to the "2 year time of travel" as this only encompasses threats to the quality of Municipal Water. The scope should also include WHPA-Q1 and Q2 which identify significant threats to the Demand and Recharge Availability to Municipal Wells, and also IPZs for surface water sources. To illustrate as an example, if expansion of a pit or quarry located within 120 metres of a shoreline of a waterbody to which effluent from dewatering is discharged, the ARA would not be able to require enhanced water impact studies as the Blueprint is presently written. The protection of surface water sources must also be ensured in the Blueprint. Therefore CO recommends the wording be amended to ensure all municipal drinking water supplies are covered by the changes which should include WHPA-Q1, WHPA-Q2 and IPZs as well.
- **Section 1.1.1 (e):** The extraction of aggregates from the beds of lakes and rivers is a new consideration which could lead to serious impacts to aquatic ecosystems and it should be reconsidered. CO questions whether there should be even rare circumstances where commercial aggregate extraction is contemplated within the bed of a lake or stream. It is advised that other applicable federal and provincial legislation (Federal Fisheries Act or Species at Risk Act) would often render such proposals unsuitable.
- **Section 1.3 (r):** Any move towards a "permit by rule" approach for low-risk activities needs to be approached with caution. It is CAs' experience that even a few small impacts resulting from aggregate operations can cumulatively cause significant impacts in an area. Without sufficient tracking of these activities and consideration of their cumulative impacts, as well as having well-educated operators and well-resourced enforcement mechanisms, this approach could be risky in terms of potential impacts to the environment. All sites have unique circumstances and conditions, and CO has concerns that issues deemed minor or low risk to some applicants/consultants/reviewers may be much more significant to others who would evidently be left with no formal or legal mechanism to express concern or call for further investigation/mitigation.
- **Section 1.3 (s):** The Blueprint recommends that new rules and maximums for the extraction of aggregates from private lands for personal use be developed to facilitate a "permit by rule" approach. As noted above, there is a risk that these private operations may still have an impact on environmental features and functions and it is questioned whether one could proceed without an application even if the listed conditions were met. These operations should still require an application or some sort of registry that MNRF can use for monitoring and oversight purposes. If the province moves forward with this approach for private lands for personal use, at a minimum it is requested that "Confirmation the excavation is a minimum of 30m from any wetland or watercourse on the site" be added to the list of conditions.
- **Section 2.3 (aa):** Within the Blueprint, self-compliance reports are proposed to be scoped and

amended from annual to bi-annual or tri-annual. It is suggested that self-reporting should not be changed to a 2 or 3 year interval from the current 1 year requirement and the requirement for MNRF inspectors to visit every active site annually should be reinstated. At a minimum, it is strongly recommended that licenses that have a 'condition of approval' for reports with a specific time frame (e.g., annual water or environmental monitoring reports) will not be included or affected by this provision.

- **Section 2.4 (ab):** This section proposes to clarify requirements for requests for a site plan amendment or a change to a license or permit condition, and states "…Establishing a list of 'significant' amendments (i.e., those that have potential for significant impact, such as increasing the tonnage limit), that would be subject to a standard set of requirements for circulation and unless the applicant provides written rationale for why the requirements are not appropriate for and submits an alternate proposal for the ministry's consideration. The ministry would accept, reject or request change to the proposal with rationale." It is suggested the 'opt out' option ("unless the applicant provides written rationale") should be removed. This wording compromises the effectiveness of the proposed amendment and appears to remove stakeholders from reviewing the amendment. This section refers to situations that should be considered as 'major' amendments and therefore clear criteria should be established.

Thank you once again for the opportunity to comment on "A Blueprint for Change: A Proposal to modernize and strengthen the Aggregate Resources Act policy framework". CAs recognize the need for updates to the ARA and the Province is commended for initiating a review of this very complex Act and approval process. It is acknowledged that the Blueprint attempts to address long standing issues, however the high level document is lacking the level of detail required for CO to fully evaluate how the proposed amendments will affect extraction within CA watersheds. Further consultation with CAs and other key stakeholder is recommended. Should you have any questions regarding the above comments please contact Taylor Knapp (Policy and Planning Officer) at 905-895-0716 ext. 226.

Sincerely,

Bonnie Fox
Manager, Policy and Planning

c.c.:

Barbara Veale, CO representative at the multi-stakeholder sessions on the *Aggregate Resources Act*
Chris Lompart, Manager, Land Use Policy, MOECC, (chris.lompart@ontario.ca)
Heather Malcolmson, Director (Acting), Source Protection Programs Branch, MOECC, (heather.malcolmson@ontario.ca)
Leo Luong, Manager, Water Policy, MOECC, (leo.luong@ontario.ca)