

Proposed amendments to the Aggregate Resources Act

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Act

Act

Aggregate Resources Act, R.S.O. 1990

Posted by

Ministry of Natural Resources and Forestry

Notice stage

Proposal

Proposal posted

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Comment period

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Proposal details

Aggregate Resources Act

The Ministry of Natural Resources and Forestry (MNRF) is responsible for managing Ontario’s aggregate resources, regulated under the *Aggregate Resources Act* (ARA). Aggregate resources are non-renewable resources like sand, gravel and rock that are needed for infrastructure that supports the quality of life that Ontarians enjoy today. They are used to construct the buildings we live and work in, the roads, the airports and subways we use to get from place to place, and for many other necessary services like sewers and power generating stations. Most of the aggregate produced in Ontario comes from private land in the southern region of the province where most Ontarians live.

Ontario requires a continued supply of aggregate resources. Approximately 160 million tonnes of aggregate are needed in Ontario each year. Yet, it is equally important to manage and minimize the impact extraction operations may have on the environment and on the communities that surround them. These operations are located across our diverse province, and the regulatory framework that manages them must be fair and predictable and flexible enough to be effective.

In March of 2019, the Ministry hosted an Aggregates Summit. The Summit was an opportunity for industry, municipal and Indigenous leaders to share their ideas for cutting red tape, creating jobs and promoting environmental stewardship and economic growth within the aggregate industry. We also gathered further input through an online survey, ending May 31.

Key themes heard:

- reducing duplication, inefficiency, and inconsistency in application and approval processes
- improving access to aggregate resources
- protecting agricultural lands and water resources
- enhancing rehabilitation
- continue public engagement and outreach on any proposed changes to the ARA framework.

As a result of this input, the Ministry is proposing changes to the aggregate resources framework to reduce burdens for business while also ensuring the environment is protected and Ontarians continue to have an opportunity to participate in processes that may impact them.

Summary of proposed changes

We are proposing to make amendments to the *Aggregate Resources Act*, while continuing to ensure operators are meeting high standards for aggregate extraction, that would:

- 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.
- 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
- clarify the application of municipal zoning on Crown land does not apply to aggregate extraction
- 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.

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

We are also considering some regulatory changes, including:

- enhanced reporting on rehabilitation by requiring more context and detail on where, when and how rehabilitation is or has been undertaken.
- allowing operators to self-file changes to existing site plans for some routine activities, subject to conditions set out in regulation. For example, re-location of some structures or fencing, as long as setbacks are respected
- 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
- clarifying requirements for site plan amendment applications
- streamlining compliance reporting requirements, while maintaining the annual requirement
- reviewing application requirements for new sites, including notification and consultation requirements

While no changes to aggregates fees are being proposed at this time, the Ministry is also interested in hearing your feedback on this matter.

We are committed to consult further on more specific details related to the regulatory proposals, including any proposed changes to aggregate fees at a later date.

Public consultation opportunities

Ontario Government’s Summit on Aggregate Reform (March 2019):

- provided an opportunity for industry, municipal and Indigenous leaders to share their ideas for cutting red tape, creating jobs and promoting economic growth within the aggregate industry
- input was also received via email and through an online survey, which closed May 31, 2019. A total of 378 aggregate reform comments were received from the following groups:
 - Members of the public
 - Industry, industry associations, consultants
 - Municipalities, municipal associations
 - Non-governmental organizations (NGOs)
 - Academia, and
 - Indigenous communities