

August 19, 2020

Subject: Resuming aggregate application timelines and public consultation under the Aggregate Resources Act (ARA)

I am writing today to update you on the Ministry of Natural Resources and Forestry's approach to resume processing aggregate applications that were in process prior to the COVID-19 emergency

In March of this year the province took emergency measures to help control the spread of COVID-19 and focus on the health and well-being of the public.

Under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* ARA regulated timelines related to notification and consultation for new pits and quarries were paused retroactive to March 16, 2020.

The time periods relating to the notification and consultation stages, as well as the overall time periods associated with an aggregate licence or permit applications will resume on September 12, 2020.

The attached program bulletin outlines how impacted components of the ARA application process will resume on September 12, 2020. It outlines the criteria to:

- Resume the licence and permit time-periods listed in the Aggregate Resources of Ontario: Provincial Standards, Version 1.0;
- Conduct public information sessions for new licence and permit applications;
- Ensure the public has access to the application documents;
- Undertake consultation on major site plan amendments.

If you have any questions regarding the attached bulletin please contact Jason Belleghem, Senior Program Advisor – Aggregates in the Integrated Aggregate Operations Section by email at jason.belleghem@ontario.ca.

Inquiries related to approvals under the ARA can be directed to ARAapprovals@ontario.ca.

Please note that any inquiries related to the continued operation of an existing licence and/or permit (e.g., operating conditions, compliance related matters) should be directed to the responsible MNRF District Office.

Sincerely,

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

Katie O'Connell
a/Manager
Integrated Aggregate Operations Section
Ministry of Natural Resources and Forestry

Att: Aggregate Resources Program Bulletin

APPROVAL SHEET

Final Response Due:

If applicable

Prepared By: Jason Belleghem

Position: Sr. Program Advisor - Aggregates

Section: Integrated Aggregate Operations

Telephone Number: 705-772-9154

Date Draft Prepared: July 23, 2020

Interim Response Sent:

<i>Approved By</i>	<i>Name</i>	<i>Date</i>
Katie O'Connell A/Manager Integrated Aggregates Operations Section		
Special Instructions:		

Aggregate Resources Program Bulletin:

Resuming aggregate application timelines and public consultation under the Aggregate Resources Act (Post COVID-19)

Date Issued: August 2020

Last Date Reviewed: New Document

Applicable Policies, Procedures or Directives:

[Aggregate Resources of Ontario: Provincial Standards, Version 1.0](#)

Purpose:

This document advises aggregate applicants, municipalities, Ministries, agencies, Indigenous communities, key stakeholders and the public that aggregate application and consultation processes will resume on September 12, 2020.

It also provides consistent direction about how timelines will resume and how consultation can be undertaken given any restrictions on public gatherings that were put in place to contain the spread of the COVID-19 outbreak.

The Ministry is committed to resuming the timelines for applications in the notification and consultation stage so the process can continue.

Context:

- The time periods related to applications for new pits and quarries and for major site plan amendments are currently suspended between March 16, 2020 and September 11, 2020 under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.
- This direction to resume the aggregate application processes and associated consultation with the public modifies any existing ministry policy/procedure that deals with the same subject matter, e.g., public information sessions, wording on Form 1 (Notice of Application for a Licence) and Form 2 (Notice of Public Information Session) for any application that has been affected by the suspension of timelines.

Prescribed time periods under the Aggregate Resources Act will resume on September 12th, 2020.

The following periods will resume, extended by the amount of time left in the prescribed time period prior to March 16th, 2020:

- Overall 2-year (licences) or 6-month (permits) period for new aggregate applications.
- 45-day (licences) or 20/30-day (permits) notification/consultation period.
 - It is within this phase applicants provide public notice, hold information sessions for licences and permits (if applicable) and provide the public, agencies and other stakeholders an opportunity to submit written notice of objections/concerns.
- 20-day (licences only) notice of objector response period, required to inquire whether objections have been resolved, and if not obtain objectors recommendations for resolution.

Example Scenarios:

- If the 45-day notification/consultation period for a new licence application was paused on day 20, there will be 25 days remaining when the time periods resume on September 12th. The resumed 45-day period would end on October 6th (calculated counting September 12, 2020 as day one of the remaining 25 days).
- Applications in which the overall notification/consultation period was originally scheduled to end post September 11, 2020 will have 180 days added to the original date.
 - If the overall two-year notification and consultation period for licence application was originally scheduled to end November 1, 2020, the revised date will be April 30, 2021 (calculated counting November 2, 2020 as day 1 of the 180 days).

If the end of a specific timeline listed above ends on a Saturday, Sunday or Holiday, the timeline will be extended until the next business day.

For Aggregate Licence/Permit Applications in process prior to March 16, 2020:

If a phase of the application was paused on March 16th, e.g., 45-day notification/consultation stage or 20-day notice of objector response period, all applicable:

- Correspondence and/or objections/concerns received during the pause (March 16 – September 11) are to be accepted by the applicant.
- Correspondence and/or objections/concerns received before March 16th and in the time remaining in the applicable phase when resumed post September 11th are to be accepted by the applicant.

For Aggregate Applications that were deemed complete by MNRF prior to March 16, 2020 but have not proceeded to the notification/consultation stage:

If an application was deemed complete prior to March 16th but the notification/consultation stage had not yet been initiated (e.g., newspaper notice, circulation to landowners within 120 metres, signage on proposed site) the application may proceed as early as September 12, 2020.

For example: The earliest date that the notice of a new licence application can be posted in the newspaper and shared with landowners within 120 metres is September 12, 2020. This would be the first day of the 45-day notification and consultation stage.

An application that proceeds to the notification/consultation stage on or after September 12, 2020 will proceed under the normal timelines associated with the application process.

Public Information Sessions for New Applications and Major Site Plan Amendments

Applicants for a new licence, and if applicable, permits and some major site plan amendments, are required to hold an information session to share information with the public about the application. The format of these sessions is not specified in regulation, and the practice has been to hold these sessions in person.

Information sessions can be undertaken virtually while restrictions on public gatherings continue to apply. Approaches to a virtual session may include:

- Video and/or telephone conferencing.
- Posting all documents to a public website and notifying the public and agencies of times the applicant will be available to answer questions about proposal, provided there is an opportunity for an active verbal exchange between parties.
- The format of any in-person public information sessions must adhere to all COVID-19 related restrictions or guidelines set by the province and the local Health Unit and municipality in which the session would be held.

Applicants who had to cancel public information sessions due to the COVID-19 emergency are required to notify the public and agencies of the new details pertaining to the re-scheduled information session by:

- Written notice to landowners within 120 metres of the proposed site and technical review agencies by courier/registered mail or personal delivery. Notice can be given prior to September 12, 2020, but the earliest the session could occur is September 12, 2020.
 - The notice will contain a revised copy of Form 1 and Form 2. If a video or teleconference option is set up the location and address information on Form 2 may be substituted with the description of the format and the web address and/or teleconference number.

- Re-advertising notice of the application and details of the updated information session, including details of the session (e.g., video conference) in the same newspaper the original notice was placed.
- Updating the notice of application signage at the site.

Public Access to Documents

Applications and supporting technical information that would have been made available for public viewing at a local ministry and/or municipal office may not be available due to office closures.

The ministry requests that applicants submit application documentation (including technical reports and site plans) to the ministry electronically.

Applicants are requested to make information available to the public by posting it on their website, or by providing an email address where the public can request copies.

Major Site Plan Amendments

Consultation on major site plan amendments, including the 30-day commenting period in Aggregate Resources Policies and Procedures Manual will recommence on September 12, 2020. If consultation with a municipality on a major site plan amendment was paused on March 16th then the remaining days left in the 30-day period will be added starting September 12, 2020.

If you have any questions please contact Jason Belleghem, Senior Program Advisor – Aggregates in the Integrated Aggregate Operations Section by email at jason.belleghem@ontario.ca.