



**Ontario Planners: Vision · Leadership · Great Communities**

June 6, 2012

Ms Tamara Pomanski  
Clerk  
Standing Committee on General Government  
Legislative Bldg West Wing, Rm 500  
Queen's Park  
Toronto, ON M7A 1A2

Dear Ms Pomanski:

As requested following OPPI's May 14, 2012 presentation to the Standing Committee on General Government on its Review of the Aggregate Resources Act, the following is a discussion of the timing implications of the recommendations provided and a tentative list of actions that could be taken in the short and longer terms. This document may be regarded as a supplement to our original submission which is also attached.

Established in 1986, the Ontario Professional Planners Institute (OPPI) is the recognized voice of the Province's planning profession. Its almost 4,000 members work in government, private practice, universities, and non-profit agencies in the fields of urban and rural development, urban design, environmental planning, transportation, health and social services, heritage conservation, housing, and economic development. For further information, go to: [www.ontarioplanners.on.ca](http://www.ontarioplanners.on.ca)

We would greatly appreciate this letter and attachments being circulated to the Standing Committee on General Government and also to Michael Colle, MPP who was also present at our May 14<sup>th</sup> deputation.

OPPI representatives would be pleased to meet with the Committee, Provincial Staff or others as necessary to discuss the recommendations herein during any further review of changes to the Act and Regulations. Please feel free to have your staff contact Loretta Ryan, MCIP, RPP, Director, Public Affairs at (416) 668-8469 or by e-mail at [policy@ontarioplanners.on.ca](mailto:policy@ontarioplanners.on.ca) for follow up or to schedule a meeting.

Sincerely,

Loretta Ryan, MCIP, RPP  
*(on behalf of Drew Semple, MCIP, RPP, Chair, Policy Development Committee)*  
Ontario Professional Planners Institute

Copy:

Paul Stagl, MCIP, RPP, President-Elect, OPPI  
Steven Rowe, MCIP, RPP, Chair, Environment Working Group, OPPI



## **Ontario Professional Planners Institute Suggestions for Short and Long Term Outcomes from the Review of the Aggregate Resources Act**

**June 6, 2012**

As requested following OPPI's May 14, 2012 presentation to the Standing Committee on General Government on its Review of the Aggregate Resources Act, the following is a discussion of the timing implications of the recommendations provided and a tentative list of actions that could be taken in the short and longer terms. This document may be regarded as a supplement to our original submission. It was prepared in consultation with the same working group, comprising OPPI planners working in the aggregates field with industry, with consulting firms, for municipalities, and for community groups.

OPPI representatives would be pleased to meet with the Committee, Provincial Staff or others as necessary to discuss the recommendations herein during any further review of changes to the Act and Regulations

Finally, it is understood that there is no implicit order of importance within these lists of recommendations.

### **FACTORS AFFECTING THE TIMING OF POTENTIAL ACTIONS**

#### **Review of the Provincial Standards and Regulation as well as the Act**

Since it is the Provincial Standards that implement the intent of the Act and Regulation, as indicated in our original presentation we are assuming that all of these are open for review.

#### **Review of the Provincial Policy Statement**

Whereas the ARA and the Provincial Standards relate mostly to the details of ARA site planning, the Provincial Policy Statement provides guidance on the broader planning issues such as need, "close to market", protection of the aggregate resource, and the prioritization of protection afforded to water resources, natural heritage, agriculture, cultural heritage and sensitive land uses. A good deal of the input to the Committee relates to PPS rather than ARA matters. As well, implementation by other ministries such as the MOE dealing with quarry dewatering needs to be kept in mind. Depending on its wishes and its interpretation of its mandate, the Committee could:

- Limit its recommendations to the ARA, Regulation and Provincial Standards, or;
- In addition to providing ARA recommendations, forward the ARA Review submissions to the Ministry of Municipal Affairs and Housing for its attention as part of its review of the PPS, with or without specific recommendations from the Committee.

### **“Quick Win” Actions**

These are our suggestions for improvements that could be implemented early on MNR’s own initiative, through a public review, independent of the PPS Review. They can be implemented through changes to the ARA, the Regulation and the Provincial Standards, as appropriate;

- Information requirements, timelines, consultation and approval steps should be harmonized to the extent possible with those in the Planning Act and Regulations, and the Niagara Escarpment Planning and Development Act where applicable, so that review processes follow a common track that is understandable to stakeholders including the general public. Mandatory public consultation under both processes should be combined at the municipal level. Timing for Environmental Registry postings and review periods also should be matched to the extent possible. The process should be open, transparent and accessible;
- Municipalities, public agencies and stakeholders should be fully and directly consulted in relation to applications to MNR for major site plan amendments. As noted in our initial submission the ARA application and technical supporting materials for an initial Licence often form a large part of a municipality’s consideration of a Planning Act application. When there is a further application with potential for changes to the circumstances that formed the rationale for the initial Planning Act approval, however, the municipality(ies), as well as commenting agencies and the public, have only a limited commenting role under the ARA and/or the Environmental Registry processes.
- Make provision for licences and site plans to adopt relevant provisions in separate agreements (e.g. between the operator and public agencies and municipalities) and planning approvals;
- Make provision for firm requirements in the licence/site plans for rehabilitation activities that are planned and executed incrementally throughout the life of the licence. Rehabilitation requirements should be reviewed on a periodic basis to permit the most current rehabilitation practices to be applied;
- Clarify the scope of licences, e.g. their specific application and enforceability regarding haul routes and other matters outside the licence boundary, and compensation (e.g. replanting undertaken as part of demonstrating the acceptability of the licence), and how this relates to Planning Act vs. ARA requirements;
- A requirement for licences and permits to be subject to review on a periodic basis so that operators are required to be as consistent as reasonably

possible with current legislation and policy and to update operating conditions and best practices. Opportunities to encourage completion of extraction and rehabilitation over a reasonable period of time should also be explored;

- Develop a formula for adequate and equitable sharing of road levies among upper and lower tier and adjacent municipalities;
- Review Class “A” licence requirements to determine whether a new Class with different requirements is required for “Megaquarries”;
- Review the overall role of MNR in the aggregate review process and examine sources of funding for inspection and enforcement (e.g. from aggregate levies), and for MNR and other agencies to review applications (e.g. application fees) so that the involvement of all agencies is adequately funded;

Consider best practices related to the following for inclusion in the Provincial Standards:

- Providing more explicit criteria for the setting of licence boundaries – e.g. whether they should incorporate entrances, processing facilities, all monitoring and mitigation equipment;
- Managing complaints regarding haul routes, on-site operations and neighbour concerns;
- Mitigation practices including truck wheel washing, road sweeping, phased blasting detonation to reduce noise and vibration impacts, buffering techniques, enclosure of conveyors, rubber rather than metal grading screens and low-impact back up beepers;
- Provision should be made for flexibility regarding changes in haul routes during the life of a licence to respond to changes in road infrastructure (while it is primarily municipalities that develop road infrastructure, haul routes are specified in ARA applications).

Best practices would be required even if they require stricter requirements than other applicable standards such as for noise, air quality and blasting. It may be appropriate for best practices to vary depending on whether the application is for a Class “A” or a Class “B” licence.

### **The Longer Term**

Potential initiatives are classed as “longer term” where they would require further study, industry and public input and/or require coordination with other approval agencies.

We are recommending an integrated approach whereby Ministries work together. Municipalities should also have a role in determining land use and need within their jurisdiction.

- MNR to work with the MMAH to further refine the relationship between the Planning Act and ARA review processes (following any changes that might be made to the PPS), if required;

- MNR to work with the Ministry of the Environment to develop overall policy regarding new engineering-based surface and groundwater solutions (e.g. groundwater recirculation, aquifer recharge, grouting) including when they may be appropriate, acceptable techniques, the required information to support proposals (including adaptive management, monitoring and dealing with contingencies) and the required level of review – preferably to include independent peer review and incorporating the precautionary principle;
- MNR to work with MMAH to develop overall policy interpreting the PPS and Natural Heritage Reference Manual as they apply to mitigation of effects of aggregate extraction on natural heritage (closely linked with ground and surface water for wetlands) including consideration of cumulative effects and rehabilitation at a landscape scale (e.g. coordination of natural heritage aspects of rehabilitation plans where aggregate operations are clustered in a particular area);
- MNR to work with the Ministry of Agriculture, Food and Rural Affairs to develop overall policy for effective agricultural rehabilitation based on research regarding what is practical, the phasing of rehabilitation with extraction operations and appropriate techniques;
- MNR to work with MMAH to develop guidelines for municipalities on complete application requirements under the Planning Act/PPS to deal with aggregate applications;
- MNR to work with the Niagara Escarpment Commission to consider how to evaluate and consider environmental impacts from aggregate operations outside the Niagara Escarpment Plan Area that may impact the Escarpment environment;
- Work with MMAH to develop overall policy under the PPS (or some other mechanism) for long-term (post-licence) mitigation aspects to be considered for licence approvals including documentation upon licence surrender, monitoring and management responsibilities, contingencies and financing, and whether there should be a role for government or other supervision of long-term management;
- Develop overall policy to limit the circumstances in which perpetual pumping may be considered (e.g. to mitigate unacceptable effects of an existing quarry, minor adjustments to water levels to maintain stream baseflow, wetlands or domestic well supplies after quarry filling with water, while giving priority to solutions that return the site to a state of equilibrium with the surrounding environment);
- Develop a publicly accessible Internet-based registry of pit and quarry licences, permits and related documentation;
- Research and initiate measures to enhance aggregate recycling, including use of aggregate levies to finance research and programs;
- MNR to work with MOE and the Municipal Engineers Association to develop an approach to ensure that Class EA processes for construction or improvement

of quarry haul routes take place in a timely manner, and to establish an arbitration process regarding improvement cost agreements;

- Work with other approval agencies to develop a coordinated approach to initiating any required assessments to be undertaken by them (e.g. Endangered Species Act, PPS wetland evaluations, PPS significant woodland evaluations, PPS significant habitat of threatened and endangered species evaluations, source water protection, traffic studies and agriculture assessment) early in the process;
- Review the overall role of MNR in the aggregate review process and establish sources of adequate funding for inspection and enforcement (e.g. from aggregate levies), and for MNR and other agencies to review applications (e.g. application fees);

We hope that the Standing Committee finds these suggestions to be helpful in making its recommendations to the Legislature.

For more information, please contact:

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