

Aggregate Resources of Ontario: Policy

Matters to be Considered in the Issuance of a Licence

1.0 Purpose

Section 12 of the [Aggregate Resources Act](#) (the Act) lists several matters which the Minister of Natural Resources must consider when deciding whether to issue or refuse an aggregate licence. These matters include a range of operational, planning, environmental, economic, and social considerations relative to which the application must be evaluated, and which must be appropriately addressed before issuing a licence. This policy provides direction for how Ministry of Natural Resources (MNR) staff will evaluate licence applications, with respect to these matters, to make a recommendation to the minister on whether to issue or refuse a licence.

Based on application review relative to these matters, MNR may:

- issue the licence,
- issue the licence with such conditions as the Minister considers necessary,
- refuse the licence, or
- refer the application to the Ontario Land Tribunal.

A recommendation to approve or refuse a licence is based on one or more Section 12 considerations and the purposes of the Act.

2.0 Considerations in Issuing a Licence

Each of the matters to be considered, (a) through (k), under subsection 12(1) of the Act, is discussed in detail, below.

2.1 (a) Effects on the Environment

The Act defines "environment" as the air, land, and water, or any combination or part thereof, of the Province of Ontario.

The [*Aggregate Resources of Ontario Technical Reports and Information Standards*](#) (the Technical Standards) require aggregate licence applicants to submit technical reports related to the natural environment in the vicinity of the proposed pit/quarry. The Natural Environment, Maximum Predicted Water Table, and Water Reports, as applicable, are intended to:

- describe environmental features, including water features, associated with the proposed pit/quarry,
- identify potential impacts from the proposed aggregate operations on terrestrial and aquatic environments, and
- list measures that will be taken to avoid or mitigate any negative impacts. Existing conditions of the natural environment, and potential impacts from the proposed operation, both within and outside the proposed licensed area, must be reported.

Any avoidance and mitigation recommendations in these Reports must be included as site plan conditions.

The MNR will review the information and proposed avoidance and/or mitigation actions provided in these Reports to assess the nature and extent of expected environmental impacts from the proposed aggregate operation. The MNR will also consider comments on the Reports, including those received from other provincial and municipal agencies.

Licence applications for sites located within provincial plan areas must also consider the the [*Greenbelt Plan*](#), [*Oak Ridges Moraine Conservation Plan*](#), [*Niagara Escarpment Plan*](#), and [*Lake Simcoe Protection Plan*](#), as they list additional environment-related considerations and policies related to pits and quarries, which must be addressed in the Reports.

2.2 (b) Effects on Nearby Communities

The Technical Standards also require that pit licence applications within 150 m, and quarry licence applications within 500 m, of a sensitive receptor (as defined in [*Ontario Regulation 244/97*](#)) include a Noise Assessment Report, which addresses potential

noise impacts and their mitigation. The Standards also require that applications proposing to extract 20,000 tonnes or more annually, and which are located within 500 m of a sensitive receptor, include a Blast Design Report, which demonstrates that expected sound and vibration from the proposed blasting are within provincial limits.

Impacts related to noise, dust may be mitigated through actions, such as applying water or approved dust suppressants, required by *Ontario Regulation 244/97*. Additionally, avoidance and mitigation recommendations in the Reports must be included as site plan conditions.

The Ministry of the Environment, Conservation and Parks (MECP) administers the [Clean Water Act](#), [Environmental Protection Act](#), and [Ontario Water Resources Act](#), which address off-site effects such as dust, noise, vibration, and impacts to water including discharge and drainage. Applicants may require approvals under these acts (e.g., [Environmental Compliance Approval](#) or ECA), for operating a pit or quarry.

2.3 (c) Comments from Municipality

The [Aggregate Resources of Ontario: Circulation Standards](#) require licence applicants to circulate their applications for comment directly to local and upper tier municipalities where the proposed pit/quarry is located. Municipal comments may address a variety of municipal matters relevant to the aggregate proposal, including land-use compatibility. They may also pertain to official plans and zoning by-laws (see [\(g\) Planning and Land Use](#)) and truck traffic (see [\(h\) Haulage Routes and Truck Traffic](#)) as they relate to a proposed aggregate operation.

Recommendations from the municipality will be carefully considered by MNR and may be included as site plan conditions.

2.4 (d) Rehabilitation Plans

Progressive and final rehabilitation plans are site-specific, varying according to the unique characteristics of the pit/quarry, original and/or surrounding land use, and any municipal land use planning controls. The Technical Standards and regulation identify minimum requirements for rehabilitation and require applicants to include rehabilitation-

related information, particularly within the context of adjacent lands, in the Summary Statement.

Licence applications for sites located within provincial plan areas must also address the additional considerations and policies related to progressive and final pit and quarry rehabilitation in the [Greenbelt Plan](#), [Oak Ridges Moraine Conservation Plan](#), [Niagara Escarpment Plan](#), and [Lake Simcoe Protection Plan](#) – as applicable.

Before issuing a licence, MNR must be satisfied that the pit/quarry site can be:

- restored to its former use,
- changed to another use or condition that is compatible with adjacent land uses, or
- rehabilitated as required by applicable provincial plans.

2.5 (e) Effects on Ground and Surface Water

To assess possible effects from the proposed aggregate operations on ground water sources, all licence applications must include a Maximum Predicted Water Table Report documenting the highest level of the ground water table relative to the lowest anticipated depth of extraction.

A Water Report (previously the Hydrogeological Report) is required if the application proposes to extract below the maximum predicted water table, and must:

- identify any potential impacts to ground and surface water resources, and
- describe how any potential negative impacts on ground water and surface water resources will be avoided or mitigated during operations.

Recommendations from the Water Report (e.g., setbacks from sensitive features/wells, ongoing monitoring, and contingency plans) must be reflected as site plan conditions.

Regardless of whether a Water Report is required, any proposed surface water drainage, drainage facilities, water diversion, and points of discharge to surface water must be included on the site plan, per the [Aggregate Resources of Ontario: Site Plan Standards](#).

If the proposed site is within a source protection area (under the *Clean Water Act*), then the:

- Summary Statement (under the Technical Standards) must identify potential threats from the proposed operations to drinking water, as described in source protection plans, and describe how relevant source water protection policies will be followed, to mitigate any effects on drinking water, and
- site plan must identify whether the proposed pit/quarry is within a source protection area and whether source water protection policies apply to the site, as well as include any applicable source protection policies as conditions.

MNR will issue a licence only if satisfied that the proposed aggregate operation will have no negative effects on ground water and surface water resources.

2.6 (f) Effects on Agriculture

Per the Technical Standards, if the proposed site is located in a ‘prime agricultural area’ (as defined under the [Provincial Planning Statement](#)) and in a provincial plan area, then applicants must provide an Agricultural Impact Assessment (AIA), in accordance with [provincial guidelines](#). The AIA must be included with the licence application.

The AIA is intended to document (i) any potential impacts to agriculture, (ii) steps that may be taken to avoid such impacts, (iii) measures that will be implemented to minimise or mitigate unavoidable impacts, and (iv) how the site will be rehabilitated back to agriculture, where applicable¹.

Note: An applicant who does not propose to restore their pit/quarry back to its original prime agricultural land classification must obtain clearance from the Ministry of Agriculture, Food and Agribusiness to do so.

While the Technical Standards do not state that an AIA must be completed outside a provincial plan area, an AIA completed outside a provincial plan area for a Planning Act approval will be considered by MNR.

To support the issuance of a licence, the AIA must conclude that the proposed operations will have no negative impacts on prime agricultural areas or that any potential negative impacts will be minimised and mitigated. Further, recommendations

¹ [Agricultural impact assessments | ontario.ca](#)

for mitigating and restoring prime agricultural lands should be included as site plan conditions.

2.7 (g) Planning and Land Use

The *Provincial Planning Statement* establishes several provincial interests related to land use planning (e.g., protection of natural and cultural heritage features and resources, water resources, mineral and mineral aggregate resources) which must be considered and addressed during any development application. The [*Planning Act*](#) empowers municipalities to control land use through zoning by-laws. The [*Aggregate Resources Act*](#) does not allow a licence to be issued for a site which zoning by-laws prohibit from being used as a pit or quarry. Therefore, a licence will be issued only if all land use- and zoning-related issues are addressed, and the required zoning is in place.

If MNR is in doubt about any zoning-related prohibition of pits/quarries for the site, especially related to legal non-conforming use/status, it may notify the applicant of the same. The applicant may take the matter to the Superior Court of Justice for a declaratory judgement that there is no zoning prohibition on the development of a pit/quarry at the proposed site. However, it is the applicant's responsibility to obtain the required zoning for the site, and the zoning designation of the site, and of areas within 120 m of the site, must be clearly identified on the site plan.

During their review of the licence application, the municipality (local, county, or regional) or the Ministry of Municipal Affairs and Housing (MMAH), as appropriate, may identify local planning and land use concerns, including zoning-related issues. To evaluate whether the proposed pit/quarry site is compliant with applicable zoning by-laws, MNR must receive comments from the municipality or MMAH regarding whether the site needs to be zoned or be re-zoned to allow aggregate extraction.

Provincial plans (i.e., Greenbelt Plan, Oak Ridges Moraine Conservation Plan, Niagara Escarpment Plan, and Lake Simcoe Protection Plan) include additional land use planning considerations that relate to the establishment, operation, and rehabilitation of pits and quarries, which must be addressed, and be included on the site plan or licence, where appropriate.

2.8 (h) Haulage Routes and Truck Traffic

Haulage routes and truck traffic influence the transportation of aggregates to market and need to be considered when deciding whether to issue a licence. The Technical Standards require that Class A licence applications (i.e., proposing to extract over 20,000 metric tonnes annually) describe the main haulage routes and anticipated truck traffic to and from the proposed site, as well as list applicable entrance permits, as part of the Summary Statement. Entrances to the site must be clearly identified on the site plan.

MNR will consider comments, including those from municipality and Ministry of Transportation, regarding a variety of considerations including existing traffic patterns, road conditions, additional truck traffic, initial road improvements to support additional traffic from the operation, dust, noise, safety, alternative routes, and other potential traffic implications associated with the proposed operation. **Note:** Per subsection 12(1.1) of the Aggregate Resources Act, MNR will not consider ongoing maintenance and repairs required to address haulage-related wear and tear on roads, when making a decision.

If the commenting authority approves a proposed entrance, in principle, but will issue the entrance permit only after the aggregate licence has been issued, then the site plan must specify that no material will leave the pit/quarry without a valid entrance permit.

2.9 (i) Quality and Quantity of Aggregate

The Technical Standards require Class ‘A’ licence applications to include information regarding the quality and quantity of aggregate at the proposed site in the Summary Statement. This information may include site-testing data available to the applicant but must be adequate to determine whether there is sufficient quality and quantity of material to justify licensing the site, with the understanding that demand for aggregate will vary based on site location.

MNR’s review of this information may be supplemented with review of Aggregate Resource Inventory Paper Reports, Geological Reports, field data from other government agencies (e.g., Ministry of Transportation), and other available resources.

2.10 (j) History of Compliance

When reviewing a licence application, MNR will check whether the applicant has a history of repeated violations with respect to other aggregate licences or permits that the applicant holds, and whether the violations were corrected or are still outstanding.

For the purposes of this consideration, MNR will not take into account any contravention disclosed by the applicant in an annual compliance report for an existing aggregate authorization, if the applicant immediately ceased the contravention and remedied it within 90 days of the contravention or within the time agreed to by MNR.

2.11 (k) Other Appropriate Considerations

In addition to the above-described matters (a) through (j), MNR will consider any other matters of relevance to the proposed aggregate operation.