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July 13, 2023

**Re: Environmental Registry of Ontario (ERO) posting 019-6767 Streamlining of Approvals under the Aggregate Resources Act - Proposed Changes to Regulations, Policies and Procedures Governing Aggregate Extraction in Ontario**

TOARC (The Ontario Aggregate Resources Corporation) indicates that approximately 2500 permits and licenses are currently issued in Ontario. If the 2500 licenses and permits were evenly divided amongst the 444 Ontario municipalities, each municipality would have approximately 5 aggregate licences. The Township continues to be a key stakeholder in the aggregate industry in Ontario as it is host to approximately 37 aggregate license which accounts for approximately 12% of its land mass being dedicated to aggregate extraction.

The Township of Puslinch Council dedicates significant time and resources advocating for responsible and consistent industry standards that represent good land use planning, respect the environment and protect source water, and provide the appropriate consideration to the host municipality and all other applicable regulatory agencies having jurisdiction.

The Township of Puslinch agrees there may be merit in allowing some minor amendments to be handled through a self-filing process, there is a concern that these amendments may result in unintended consequences and will proceed without consideration of potential impacts. For example, changing an entrance/exit may alter haul routes and create community or traffic impacts beyond the road authority's jurisdiction (i.e. the road authority and host municipality may not be the same).

The conditions for eligibility of self-filing amendments under these new categories are detailed and need to be fully reviewed to ensure that potential issues that could arise from site plan amendments under the self-filing system are adequately addressed.



Until this detailed review is conducted, the Township of Puslinch is deeply concerned with providing the pit operators the ability to self declare additional changes to their respective operations.

The proposed changes to the Ministry's Policies and Procedures are significant and should also be fully understood and assessed. Again, unintended consequences need to be avoided. There are concerns that these new policies, procedures, and regulatory changes may not provide appropriate transparency and public engagement - which was one of the key themes heard through consultation process for the ARA review under the Ministry's Blueprint for Change initiative.

Appropriate and meaningful municipal and community input should not be sacrificed to establish a streamlining of administrative approvals.

Nevertheless in the brief time available and the concerns noted above herein are our comments;

#### Importation of Recyclable Material

- municipal zoning for the site specifically allows the recycling of aggregate materials (asphalt, concrete, brick, glass, or ceramics) or the zoning by-law allows for accessory uses such as recycling to occur on the site;
- general processing activities (e.g., crushing, screening of aggregate) are already approved (on the site plan) to occur at the site;
- where a processing area is identified on the approved site plan, the location of stockpiled material for recycling is limited to this area;
- asphalt will not be stored within 30 m of a water body or within 2 metres of the established ground water table and is not co-mingled with scrap material; and
- requirements are added to the site plan to specify that:
  1. once excavation of aggregate on the site has been completed there will be no further importation of recycled materials and rehabilitation will be completed,
  2. the quantity of recycled aggregate removed from the site each year shall count toward the total amount of aggregate that the licensee or permittee is entitled to remove from the site under the licence or permit with similar levies charged and;



3. no more than 20,000 tonnes, or 10% of the annual production limit (whichever is less), of recycled material may be stored on the site at any time.

#### Entrances/Exits

Allow the addition or re-location of an entrance or exit to or from the site, provided:

- the road authority has approved the work and all prescribed operational standards related to entrances and exits are followed;
- the work will conform to all conditions of the approval from the road authority;
- the work will not harm or negatively impact existing features (e.g., natural/cultural heritage features, existing berms, etc.); and
- a copy of the approval from the road authority is provided with the submission form.

#### Portable Processing Equipment

Allow the addition, removal or re-location of portable processing equipment necessary for crushing, screening and processing aggregates, provided the following criteria are met:

- a mobile or site-specific Environmental Compliance Approval (ECA) has been obtained from the Ministry of the Environment, Conservation and Parks (note: if re-locating the equipment on the site, the ECA must allow for equipment to be moved);
- a copy of the mobile or site-specific ECA is provided with the submission form;
- use of the equipment is permitted as an accessory use in the municipal zoning for the property;
  1. there are no sensitive receptors situated:
  2. within 500 metres of the boundary of the site for a quarry, or
  3. within 150 metres of the boundary of the site for a pit;
  4. the equipment will not be located within 30 metres of the boundary of the site or within 90 metres of any part of the boundary of the site that abuts land in use for residential purposes;
  5. noise and dust mitigations currently required by the approved site plan, licence, or permit, continue to be implemented; and
  6. where a processing area is identified on the approved site plan, the operation of portable processing equipment is limited to this area.

#### Portable Concrete or Asphalt Plants



Allow the addition, removal or re-location of portable concrete or portable asphalt plants for public authority projects (e.g., road work), provided they will only remain on site for the duration of the project, and:

- “portable asphalt plant” and “portable concrete plant” have the same meanings as defined under the Provincial Policy Statement (PPS);
- a mobile or site-specific ECA has been obtained from the Ministry of the Environment, Conservation and Parks (note: if re-locating the plant on the site, the ECA must allow for plant to be moved);
- a copy of the mobile or site-specific ECA is provided with the submission form;
- the plant will not be located within 30 metres of the boundary of the site or within 90 metres of any part of the boundary of the site that abuts land in use for residential purposes;
- noise and dust mitigations currently required by the approved site plan, licence, or permit, continue to be implemented; and
- where a processing area is identified on the approved site plan, the operation of portable concrete/asphalt plants is limited to this area.

#### Above-ground Fuel Storage

Add, remove, or relocate an above ground fuel storage tank on the site, provided:

- fuel storage tanks are installed and maintained in accordance with the Liquid Fuel Handling Code as adopted under the Technical Standards and Safety Act, 2000;
- proposed fuel storage capacity does not exceed 5,000 litres;
- the location of fuel storage tanks is identified on the site plan;
- fuel storage tanks are not within a vulnerable area for the protection of drinking water sources where the handling and storage of fuel would be a significant drinking water threat, as defined in the Technical Rules under the Clean Water Act, 2006;
- fuel storage tanks are not within 30 metres of a waterbody and not within 2 metres of the established ground water table; and
- all other required approvals have been obtained (e.g., municipal, Niagara Escarpment Plan).

The Township endorses the statement “Any licencees or permittees proposing changes that do not meet all the eligibility criteria and conditions for self-filing must seek authorization from the ministry through a formal amendment process” prior to implementing the change.



With regard to the “3.3 Examples: changes that are not significant” and “Examples of Ministry/Agency/Municipality Notification Agency/Ministry” in the posting we submit the comments:

| <b>Table 1 Rehabilitation changes Amendment</b>  |  |  |
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| <b>Table: Rehabilitation changes Amendment</b>   | <b>Circumstances</b>   | <b>Comments for Council’s consideration</b>  |
| Surrender of rehabilitated areas   | Areas to be surrendered satisfy requirements of the rehabilitation plan.   | Agree  |
| Surrender of un-extracted and undisturbed areas  | Areas to be surrendered have not been extracted or disturbed.  | Agree  |
| Changes to final slopes or grading   | Changes will use material that originated onsite (e.g., overburden/ unmarketable material)   | Disagree because ultimate use may be agriculture and therefore grading material must be suitable. Should circulate to municipality since final rehabilitation plan would have been considered as part of the original municipal zoning and licensing process |
| Changes to a final rehabilitation plan to align with a final land use that is approved or will be approved by a planning authority (e.g., municipality, Niagara Escarpment Commission) | The applicant can demonstrate that the new final land use has or will be approved by the relevant land use planning authority. An example of this type of amendment is where the municipality has approved a plan of subdivision for an area that includes the pit/quarry. | Agree  |



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| <p>Changes to vegetation cover or tree species</p>                  | <p>Provided that:</p> <ul style="list-style-type: none"> <li>• Vegetation/tree species is compatible with proposed final land use</li> <li>• Vegetation/tree species were not originally chosen to address concerns raised during a prior application process</li> </ul> | <p>Disagree. Municipality may have agreed/selected species for a particular reason. Consultation with municipality is required.</p> <p>Should circulate to municipality to ensure that Vegetation/tree species is compatible with the proposed final land use and that the Vegetation/tree species were not originally chosen to address concerns raised during a prior application process including the municipal zoning process.</p> |
| <p>Administrative changes to information on licences or permits</p> | <p>Administrative changes described in policy A.R. 2.02.02.</p>  | <p>No comment.</p>  |
| <p>Removing common setbacks between existing operations</p>         | <p>Operators (and landowners, if different) have consented in writing.</p>   | <p>Disagree. Municipality must be aware of this.</p> <p>Municipality should be circulated since the removal of common setbacks between existing operations is in effect an increase in the area of extraction and may be proposed to occur in an area of the site that is not zoned for extraction.</p>   |
| <p>Excavation within setbacks/buffers</p>                           | <p>Excavation will not be within the distances to certain features/hazards specified in 10.3(2) of O.Reg. 681/94 (<i>Environmental Bill of Rights</i>)</p>   | <p>Municipality should be circulated since the excavation within setbacks/buffers is in effect an increase in the area of extraction and may be proposed to occur in an area of the site that is not zoned for extraction. Hydrogeological/environmental studies should be completed prior to above and below water table extractive sites setbacks.</p>  |
| <p>Excavation within 30 m of a road or highway</p>                  | <p>Provided the applicant can demonstrate that the</p>   | <p>Agree related to notifying relevant road authority. The host municipality may not be the relevant road authority so the Host</p>   |



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|  | relevant road authority supports the change.  | Municipality should be circulated since an amendment to allow excavation within 30 m of a road or highway is in effect an increase in the area of extraction and may be proposed to occur in an area of the site that is not zoned for extraction. |
| Increase to maximum annual tonnage of up to 5% of the original tonnage | Provided the maximum annual tonnage has not increased in the last 5 years. Note that for Class B licences the maximum tonnage cannot exceed 20,000 tonnes annually under any circumstance.  | Township/County must be advised. If haul route includes any lower tier roads than that lower tier municipality should be circulated.   |
| Temporary increase to maximum annual tonnage                           | The increase is not more than 10% of maximum annual tonnage for the site, or 100,000 tonnes, whichever is less.<br>Duration - Where the increased tonnage will supply a contract for a municipal or provincial road project, the increase will be effective for the duration of the contract. Otherwise, the increase will be effective for a period of one year.<br>Applicants making repeated requests for temporary increases may be directed by the ministry to apply for a permanent tonnage increase. | Township/County must be advised. If haul route includes any lower tier roads than that lower tier municipality should be circulated.   |



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|  | Note - for Class B licences, the maximum tonnage cannot exceed 20,000 tonnes annually under any circumstance.  |  |
| Importation of aggregate for blending or resale          | Amount of imported material is not more than 20,000 tonnes or 20% of maximum annual tonnage for the site, whichever is less.   | <p>Township/County must be advised. Fees similar for extracted aggregate to be paid to Township/County, as there will be increased road usage.</p> <p>Should be clarified to state that the amount of imported material is not more than 20,000 tonnes or 20% of maximum annual tonnage extracted for the site annually, whichever is less. This supports aggregate operations being an interim land use.</p> <p>If haul route includes any lower tier roads than that lower tier municipality should be circulated.</p> |
| Importation of excess soil for required slope or grading | Provided it can be demonstrated that there is insufficient material available onsite. Where final slopes/grades requirements specified on the site plan are not specific (e.g., “minimum of”), sloping of 3:1 for pits and 2:1 for quarries will be assumed. | <p>Township/County must be advised. Fees similar for extracted aggregate to be paid to Township as there will be increased road usage.</p> <p>Local Municipality should be circulated since any operator that does not have sufficient material remaining on site is likely not in compliance with the approved site plans or commitments made to the local municipality as part of the zoning process. Site plans typically require that sufficient material is retained on site for proper</p>                         |



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|                               |  | rehabilitation. Therefore the requirement to bring in Excess Soils is either to address a non-compliance issue or to change the final rehabilitation plan. Neither of these should be considered as Minor amendments.  |
| Lowering or removing berms    | If the berm(s) are no longer needed for their intended purpose (e.g., noise attenuation or other impacts)            | Disagree. Township/County must review and agree as unforeseen impacts may occur.<br><br>The only time when berms should be removed or reduced is when all extraction, processing, loading and shipping operations have ceased and the operator is in the process of surrendering the license and has notified the Ministry of its intention. |
| Raising or creating new berms | If required to attenuate noise or other impacts and does not require importation of material for their construction. | Disagree. Township/County must review and agree as unforeseen impacts may occur and MPAC shall be notified of the creation of any new berms.   |
| Removal of excess topsoil     | Provided the applicant can demonstrate the topsoil is not required for site rehabilitation.                          | Disagree. Township/County must review and agree as unforeseen impacts may occur.   |
| Changes to gates/fencing      | Changes conform with minimum fencing/gate requirements in O.Reg. 244/97 (Aggregate Resources Act)                    | Disagree for fencing along roadway. Township/County must review and agree as unforeseen impacts may occur.<br><br>Host municipality and relevant road authority should be circulated since fencing standard along road sides may have been added as part of initial approval to address a municipal concern.                                 |



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| <p>Shrinking or reducing limits of extraction, including raising final extraction elevation</p> | <p>Provided the total extraction area decreases, no new extraction areas are added to the extraction limits and the rehabilitation plan is not substantially changed.</p>   | <p>Disagree until the term 'substantially' is defined.</p>   |
| <p>Reducing hours of operation</p>  | <p>Provided the new operating hours do not start earlier or end later in the day than the current operating hours.</p>  | <p>Agree</p>   |
| <p>Increasing hours of operation, within limits established by municipal noise bylaw</p>        | <p>The applicant demonstrates that the changes comply with the local municipal noise bylaws.</p>  | <p>Disagree, hours of operation are determined through the licensing process and included in the site license. The Township disagrees that extending hours of operation to include weekends and evenings/early mornings to be a minor amendment.</p> |
| <p>Installing portable asphalt or concrete plants or portable processing equipment</p>          | <p>Provided that:</p> <ul style="list-style-type: none"> <li>• Equipment is for the beneficiation of onsite material</li> <li>• Environmental Compliance Approvals, if required, have been obtained</li> <li>• Permitted by municipal zoning for site (e.g., as an accessory use)</li> <li>• Use of portable equipment will cease if substantial amount of material has not been extracted in the last 5 years</li> </ul> | <p>The Township has a concern when sites that have limited extractive capacity remaining, retain their license in order to operate an asphalt/concrete plant or portable processing plant with no planned conclusion for operations.</p>             |



| <b>Table 2 Examples of Ministry/Agency/Municipality Notification Agency/Ministry</b> |   |   |
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| <b>Table: Examples of Ministry/Agency/Municipality Notification Agency/Ministry</b>  | <b>When notification may be required</b>  | <b>Comments for Council's consideration</b>                           |
| Local and upper tier municipality where the site is located                          | Significant amendments that relate to municipal interests or jurisdiction, including but not limited to: <ul style="list-style-type: none"> <li>• planning and land use</li> <li>• traffic and haul routes</li> <li>• natural heritage</li> <li>• source water protection</li> <li>• community impacts</li> </ul>                     | Township/County must be notified                                      |
| Ministry of the Environment, Conservation and Parks                                  | Significant amendments with potential impacts related to: <ul style="list-style-type: none"> <li>• noise, dust, or vibration</li> <li>• surface or groundwater resources</li> <li>• endangered or threatened species</li> </ul> Significant amendments at an aggregate site within 120m of a provincial park or conservation reserve. | Township/County must be notified                                      |
| Ministry of Transportation   | Significant amendments that may have potential to impact provincial roads or highways.  | Township/County must be advised as Emergency Services may be affected |
| Ministry of Tourism, Culture & Sport   | Significant amendments that may have potential to impacts archaeological  | Township/County must be notified                                      |



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|   | heritage, cultural heritage landscapes, or built heritage.  |   |
| Ministry of Agriculture, Food & Rural Affairs   | Significant amendments to a rehabilitation plan that currently requires the site to be rehabilitated to an agricultural land use, if:<br>i. the proposed amendments would change the final agricultural land use to a non-agricultural land use; or<br>ii. the proposed amendments would result in the site not being restored to the same average soil quality or agricultural capability. | Township/County must be notified                          |
| Ministry of Mines   | Significant amendments to aggregate permits that may have potential to impact rights holders under the <i>Mining Act</i> .  | No comment  |
| Conservation Authority with jurisdiction over the area<br>Niagara Escarpment Commission | All amendments for sites within the Niagara Escarpment Planning Area, unless the Niagara Escarpment Commission has already approved the amendments.   | No comment  |
| Fisheries and Oceans Canada   | Significant amendments with that may have potential to impact fish habitat.   | Township must be notified                                 |
| Utility owners  | Significant amendments that may have potential to   | Township must be advised as Fire Services may be affected |



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|  | impact a utility corridor on or within 120m of the site.  |            |
| Other Crown land users or occupiers (aggregate permits only) | Significant amendments that may have potential to impact other uses/users or occupations/occupiers of Crown land. | No comment |

Please accept a copy of this correspondence for your information and consideration.

Sincerely,  
 Courtenay Hoytfox  
 Municipal Clerk