



September 25, 2025

**Submission to ERO: Comments on ERO 025-0216: Updating and modernization of operational policies supporting the delivery of the provincial Aggregate Resources Act program**

Gravel Watch Ontario (GWO) is a province-wide coalition of citizen groups and individuals that acts in the interests of residents and communities to protect the health, safety, quality of life of Ontarians, and the natural environment in matters that relate to aggregate resources. Formed in 2003 we have over 20 years of experience assisting both communities and government agencies in matters related to aggregate.

GWO appreciates the opportunity to comment on ERO 025-0216 as our mission has always been to assist the government in improving the policies that affect the ARA framework and provincial planning for better clarity and implementation for stakeholders. We agree that the policies must be updated and revised and commend the Ministry for attempting to provide better information, direction/guidance, and clarity to the aggregate industry and the public. The enhancement of policies to protect groundwater, agricultural land and enhanced surveillance are very important to our province. The report on cultural heritage is well done.

We are concerned that many of the proposed changes support the blending of the ARA framework and the Municipalities planning policies. Our organization strongly believes that these regulatory streams should continue to remain separate, and the Planning Act should take priority over the ARA. Furthermore, the statement by the Ministry that the environmental and social consequences of the policy proposals are anticipated to be neutral is a gross assumption without scientific validation.

GWO does not agree with the rescinding of the 28 policies without more detailed information, from the Ministry, concerning the likely adverse social impacts of aggregate operations resulting from such a decision. Gravel Watch Ontario recommends that the review time be extended for this ERO to at least allow stakeholders to review the relevant policies in detail.

We have outlined our detailed comments on each report and/or update below.

**1. Updated Matters to be Considered in the Issuance of a Licence**

The proposed operational policies supporting the delivery of the provincial ARA allow MNR and licensed operators to make land use decisions independent of the Planning Act, not supported by the legislation. For example, MNR proposes that municipal comments

and recommendations must be “carefully considered” by MNR and may be included as site plan conditions, especially regarding official plans, zoning by-laws, and truck traffic. The wording should be changed to “must be consistent with the Official Plans and zoning bylaws as they relate to economic, health and safety matters.”

GWO suggests additional policy changes as described below:

- a) Add the Planning Act S. 2 Provincial Interests and S. 3 P.P.S. to the list of provincial plans. Municipalities work with the relevant policies of these plans and Planning Act provisions in making land use decisions refusing or approving the use and essential conditions for aggregate extraction on a property.
- b) Require and provide direction on best practices for assessing and mitigating the cumulative effects of mineral aggregate operations when combined with historical, existing and proposed future operations (adapted from Brant County response).
- c) Require more detailed studies on the determination of areas of influence beyond the MNR prescribed distances (500m for quarries and 150m for pits.)
- d) Include the definition of adverse effects as stated in the PPS S. 3.5 and defined in the *Environmental Protection Act*, that is:
  - impairment of the quality of the natural environment for any use that can be made of it,
  - injury or damage to property or plant or animal life,
  - harm or material discomfort to any person,
  - an adverse effect on the health of any person,
  - impairment of the safety of any person,
  - rendering any property or plant or animal life unfit for human use,
  - loss of enjoyment of normal use of property, and
  - interference with normal conduct of business.
  - **Add: Adverse effects related to “fly rock”**
- e) Develop a robust protocol to govern the importation of excess construction fill into ARA licensed sites.
- f) Require an Agricultural Impact Assessment in all prime agricultural areas regardless of whether the operation is proposed within or outside a provincial plan area.
- g) Review the applicant’s work history with respect to repeated violations concerning other aggregate licences or permits and whether the violations were corrected or are still outstanding.
- h) Create a publicly accessible listing of non-compliance and remedies as this would encourage public confidence in the MNR aggregate program.
- i) Retain and strengthen enforcement and compliance policies as suggested in the 2023 Auditor General’s report to minimize risks to communities and nearby

residents while at the same time encouraging greater accountability within the industry (adapted from Reform Gravel Mining Response.)

## **2. Water Report**

We suggest the following modifications to the report:

- a) A problem statement should be included in the draft terms of reference establishing what environmental, social, and economic issues are to be resolved by the aggregate producer.
- b) A water report should be required for both above and below ground water extraction.
- c) Consideration should be given to the Water Resources Act.
- d) Excess construction fill used to fill onsite ponds should be addressed.
- e) Dewatering should be discussed. Bedrock quarries must achieve a dry working floor for operations. A policy “warning” should be required in the proposed policy to deal with identification of bedrock deposits and the dewatering issue.
- f) The term mitigation should be defined. Mitigation actions should also include relevant measures for protecting water resources, as per the Provincial Planning Statement and any applicable provincial plans.”
- g) The concept of a “Qualified Person” should be described in further detail. The individual employed by an aggregate producer to manage and solve all negative environmental and social adverse effects must be highly experienced in all these matters. Furthermore, operations which legally require a Qualified Person must be inspected regularly by government, to weed out bad operators, and prevent adverse environmental impacts. Contamination of potable ground water, for example, is lengthy and costly to remediate.
- h) The actual determination of the Zone of Influence for ground and surface water adverse effects should be described in detail.
- i) Site plan amendments should be required for extraction into the water table within 1.5 metres for a pit and 2 metres for a quarry (adapted from Reform Gravel Mining response.)

## **3. Maximum Predicted Water Table Report**

We suggest the following changes to the report:

- a) Create a problem statement or establish why the Max. Level is of importance. Re-evaluation of a Max. Level must be made during a large, below water-table

concession-wide extraction as water will seek its own level to affect a lower up-current level and higher down-current level.

- b) Water monitoring should occur for at least 3 years. Maximum predicted water table elevation cannot be determined based on water level measurements taken from onsite ground water monitoring wells or test pits, over a period of one year.
- c) It is necessary to determine the exact position of the ground water table if it is substantially below the anticipated final depth of the proposed excavation. The test at 2.5 m below the proposed maximum depth of extraction is unsatisfactory. Annual fluctuations of the water table have been observed at 4.6 m (Caledon outwash.)

#### **4. Cultural Heritage Report**

The draft paper on Cultural Heritage is well done, citing the relevant legislation and guidelines. However, Gravel Watch Ontario suggests that both government and aggregate operators have duties to consult with potentially impacted Indigenous groups to ensure that Section 35 of the Charter of Rights and any other relevant treaties with individual Indigenous groups are met. Archeological studies are routinely done now but they may not meet all the legal requirements.

#### **5. Twenty-eight Policies Being Proposed for Rescinding**

Gravel Watch Ontario has briefly reviewed the proposal to rescinded 28 policies and recommends that the MNR at least not remove the following policies from the Policy and Procedures Manual. These policies and procedures, when published in 2006, were intended to provide information, direction/guidance, and clarity regarding MNR's operations. Although necessary revisions and updates may be required (see Policy A.R. 1.00.00, Revisions to the Manual, 2006.)

We provide the following comments about five policies and two appendices:

##### **A.R. 1.00.00 – Introduction/Acknowledgements**

The Policy and Procedures Manual (2006) was prepared “to assist Ministry of Natural Resources staff who are directly involved with the implementation and enforcement of the Aggregate Resources Act.” The intention was that the Act, regulations and Provincial Standards “be administered with consistency in the areas of the province where it applies.”

This introductory section also advises that revisions would be made from time to time to update the Manual “to better serve our client groups.” Gravel Watch Ontario contends that this Introductory Section provides the important purpose and commitment to update and revise the Manual regarding MNR's operations.

#### A.R. 1.00.01 – Table of Contents

If rescinded, the ERO proposal does not provide an alternative for how MNR staff or interested parties will search the Manual for information.

#### A.R. 1.00.02 – Purpose of the Aggregate Resources Act

It is our recommendation that this section be updated and remain in the Manual. It provides clear and concise information.

#### A.R. 2.01.03 – Expansion of a Licensed Area

Gravel Watch Ontario recognizes that Section 13.2(2) of the Aggregate Resources Act states that a licensee may apply for an amendment to expand into an adjacent road allowance. This change requires that Section 2.01.03 be rewritten, not rescinded, to acknowledge this as an exception.

It is our experience that some members of the aggregate industry refer to adjacent lands and areas in the vicinity of existing operations as “expansions.” Policy 2.01.03 provides the public with a clear statement that there is no provision in the legislation to add or expand an existing licensed site, and needs to remain. In this proponent-driven environment, it is imperative that the public be aware and confident that the application before them is for a new licence, not an expansion of an existing operation.

Contrary to the expectation of the ERO proposal, rescinding and removing this policy does not provide greater certainty and clarity to industry and the public about current program requirements and processes. Gravel Watch Ontario therefore recommends that this important policy be updated (not rescinded) to reflect the exemption/exception for road allowances while maintaining the existing Guiding Principle and Policy.

#### A.R. 2.07.00 – MNR Representation and Conduct at OMB Hearings

It is important that the public understand the role of MNR staff should a referral be made to the Tribunal.

Finally, the other potentially rescinded policies could have repercussions and consequences related to the environment and the Ministry’s fiduciary obligations for the public good. We recommend that the Ministry describe in detail why these other policies were chosen to be rescinded and allow the public to review this information by extending the ERO review period.

In conclusion, we appreciate the Ministry’s actions on updating and modernizing policies supporting the delivery of the provincial ARA program. We thank you for allowing us to provide our comments to the Ministry.