

September 25, 2025

Electronic Submission only

ATTENTION:

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Updating and modernization of operational policies supporting the delivery of the provincial Aggregate Resources Act program — Environmental Registry of Ontario (ERO) Posting 025-0216

[Environmental Registry of Ontario Posting 025-0216](#)

On August 8, 2025, the Province released draft operational policy updates under the Aggregate Resources Act (ARA), including a new Maximum Predicted Water Table Report, updated Water Report guidance, a Cultural Heritage Report guide, Matters to be Considered in the Issuance of a New Licence (s.12 ARA) policy, and a Proposed Rescinded Policies list. The Province is accepting comments until September 25, 2025.

The ERO posting sets out that the purpose of the new and updated policy and guidance material is to provide consistent, modernized guidance that improves transparency and decision-making across ARA applications

Feedback

Role of the City of Burlington (the “City”)

Decisions under the Planning Act and PPS (2024) rely on a systems-based approach to natural resources, water, cultural heritage, agriculture, and land use compatibility. ARA operational policies intersect municipal approvals (OPAs, zoning, site plan) and, in some areas, the Niagara Escarpment Plan (NEP) development control. The City supports modernization that clarifies responsibilities and improves cumulative assessment, adaptive management, and coordination with municipal/NEP processes.

The following comments are provided for consideration.

Water Reporting modernization (Levels 1 & 2)

The updated guidance for the water reporting suggests triggering Level 1 & 2 water reporting requirements for all applications where aggregate extraction is proposed below the maximum predicted water table. Additionally, there is now explicit linkage to source water protection and WHPA-Q identification as well as requirements for qualified professional sign off. Overall, the updated guidance should result in water reporting with stronger technical defensibility, however direction regarding assessment of cumulative effects and adaptive management are not clearly demonstrated within the guidance. Further guidance on triggers should be considered along with the following suggestions:

- Define objective triggers for Level 2 (e.g., WHPA-Q overlap, proximity to wetlands/springs, predicted drawdown thresholds).
- Require multi-year baseline (2–3 years where feasible) and continuous datalogging at key wells; mandate event-based sampling.
- Make adaptive management mandatory: licence conditions with thresholds and corrective actions tied to monitoring results.
- Require cumulative impact analysis that accounts for other pits/quarries in the watershed as well as past quarry activities under a historic licence seeking expansion.

Maximum Predicted Water Table Report (new)

This new report seeks to establish the maximum predicted water table elevation that triggers water reporting. Within this guidance document there are a number of technical requirements and thresholds including: minimum one-year monitoring (or reliable existing data), alternative methodologies for specific geological settings, and requirements for qualified profession sign-off. Overall, the new guidance document provides clarity on the implementation of the reporting trigger, however a proposed one-year data baseline risks overlooking multi-year variability in the water resource system being studied. Additionally, the use of reliable existing data risks introducing subjectivity without further defining what “reliable” mean. Finally, the guidance provides alternative methods for proposals within the Canadian Shield, similar guidance for areas with Karst topography should likewise be explored given its hydrogeologic complexity. Further guidance could consider:

- Requiring 2–3 years of monitoring where feasible or regional climate data to contextualize one-year datasets.
- Specify quality criteria for “reliable existing data” and require peer review for high-risk sites.
- Where Shield alternatives are used, require conservative assumptions, nested wells, and sensitivity testing.

Cultural Heritage Report (updated)

The updated Cultural heritage report guide seeks to apply a standardized approach to archaeological and cultural heritage reporting that is seen in other planning processes under the Ontario Heritage Act (OHA) and the Provincial Planning Statement (PPS 2024). The new

guidance incorporates mandatory archaeological screening (Stage 1–4 as triggered), identification of built heritage & cultural heritage landscapes, and defined professional qualifications. Draft policy also introduces use of Avoidance/Protection (AP) areas within site plans where criteria are met. Overall, the guidance is viewed as a positive step regarding standardization of technical guidance and professional credentials, however the scope could be expanded to fully address indirect & cumulative impacts (vibration, dust, visual), cultural landscape-scale analysis, Indigenous engagement timing/expectations, and risks of signaling extraction intent for AP areas before adequate study. The following could be included to better define the scope of the guidance:

- Expand scope to require landscape-scale assessment and technical thresholds (blasting/dust/visual).
- Embed early, meaningful Indigenous engagement and clarify AP area timing relative to study/consultation.
- Provide guidance on integrating ARA site-plan requirements with municipal planning and NEP frameworks.

Matters to be Considered in the Issuance of a New Licence (s.12 ARA)

The draft policy lists 11 consideration areas (environment, nearby communities, municipal comments, rehabilitation, ground/surface water, agriculture, planning/land use, haul routes/traffic, aggregate quality/quantity, compliance history, other). Overall, the proposal seeks to improve transparency in the decision-making process under the ARA. The document lacks direction on balancing competing interests and does not require cumulative or regional-scale analysis. The inclusion of municipal decision-making processes and municipal peer-review of technical reports are not clearly operationalized. Finally, direction on the primacy of policy regarding the Niagara Escarpment Plan (NEP) and other provincial planning documents is not reviewed. Without explicit process for engaging municipalities in technical scoping and ensuring consistent policy application in multi-jurisdiction areas (NEP), inefficiencies and inconsistencies will persist. Further guidance may consider:

- Decision matrices/criteria for weighing s.12 considerations.
- Requirements for cumulative & regional effects assessment (water, natural heritage, traffic, cultural landscapes).
- Clarification or process map related to the integration of municipal peer review and NEP approvals/OPAs. Consider the addition of a dispute-resolution protocol for technical thresholds.
- For below-water-table extraction in prime agricultural areas, consider TOARC contributions equivalent to avoided rehabilitation costs to fund local agricultural restoration/enhancement.
- Establish a municipal engagement protocol for technical decisions (scopes, methods, thresholds).
- Encourage synthesis of technical studies into a single, integrated impact assessment.

Next Steps

The suggested new policies and policy updates represent a meaningful modernization of a complex and technical approvals process. The City supports the perceived outcome of providing consistent and modernized guidance, as well as improving transparency in the decision-making process. Improving consistency across provincial and municipal processes should also be considered within modernization efforts to address the interplay between multi-jurisdictional decision-making frameworks.

Please accept this letter as well as the attached review table as the City of Burlington's submission on ERO posting 025-0216. Given the short period for consultation, the attached comments have not been approved by City Council. This letter will be shared through an upcoming Council Information Package. Should Council determine any additional comments or refinements to these comments are required, the Province will be advised at the earliest opportunity.

Sincerely,



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City of Burlington

Appendix A: ARA Modernization Review table

Updating and modernization of operational policies supporting the delivery of the provincial Aggregate Resources Act program

ERO number: [025-0216](#)

Notice Type: Policy

Summary of Change	Potential Implications/ Staff Comments	Position (Alternatives for consideration)
Water Report & Maximum Predicted Water Table Report.		
<ul style="list-style-type: none"> - The draft guidance document provides best practice recommendations for the preparation of Maximum Predicted Water Table Reports and Water Reports under the Aggregate Resources Act framework. It focuses on three critical components: <ul style="list-style-type: none"> o monitoring well placement, o sampling frequency, and o water budget development. 	<ul style="list-style-type: none"> - The comprehensive assessment is to include potential impacts to wells, springs, aquifers, surface water bodies and wetlands but does not contemplate the contribution/impact on ecological or ecosystem services that depend on these features. 	<ul style="list-style-type: none"> - While ecological/ecosystem and water-resource interaction may be considered within technical guidance for Natural Environment Technical Reviews (NETRs), the interrelationship between water resource and ecological systems needs to be addressed in both technical documents.
<ul style="list-style-type: none"> - The document offers monitoring well placement best management practices to capture horizontal and vertically variability in groundwater conditions and assess potential interactions with surface water and sensitive receptors as follows: 		

<ul style="list-style-type: none"> ○ Install wells both upgradient (background) and downgradient (impact assessment). ○ Use nested wells to monitor different aquifer depths, especially in layered or fractured geology. ○ Locate wells near sensitive receptors (wetlands, streams, private/municipal wells). ○ Typical spacing: 100–250 m across the extraction site and periphery. ○ Screen intervals should match key aquifer zones (overburden vs. bedrock). 		
<ul style="list-style-type: none"> - The draft document suggests sampling frequency best management practices to characterize season and event-based variability in groundwater and surface water as follows: <ul style="list-style-type: none"> ○ Baseline monitoring for at least one year; ideally two to three years. ○ Monthly manual water level measurements across all wells. ○ Use high frequency dataloggers (hourly to daily) in at least some wells. 	<ul style="list-style-type: none"> - No explicit requirement for continuous datalogging reduces ability to capture real variability. - With the annual fluctuations in groundwater levels, one year baseline assessments could provide inaccurate estimates. Further investigation into monitoring well data in the vicinity and any available historic data would add important information to the data set. 	<ul style="list-style-type: none"> - Baseline monitoring for 2–3 years, supported by dataloggers with a requirement for continuous datalogging. - Requirements for well-record investigation (proximity, timeframe, etc.).

<ul style="list-style-type: none"> ○ Conduct event-based sampling during freshet, droughts, and major rain events. ○ Water quality parameters should include temperature, pH, conductivity, major ions, and site-specific contaminants of concern. 		
<ul style="list-style-type: none"> - The document proposes water budget best practices to quantify site-specific hydrologic inputs, outputs, and storage, and assess potential impacts of below-water-table extraction as follows: <ul style="list-style-type: none"> ○ Identification of inputs (precipitation, recharge, groundwater inflow, etc.). ○ Identification of outputs: (evapotranspiration, baseflow, groundwater outflow, extraction-related change, etc.). ○ Address storage changes due to water table fluctuations and excavation drawdown. ○ Use conceptual water budgets (GIS, soils, land cover) early in study. ○ Apply analytical tools (Darcy's Law, infiltration 	<ul style="list-style-type: none"> - Water budgets are often treated as static; scenario-based testing should be explicitly required. 	<ul style="list-style-type: none"> - Water budgets must be scenario-based, with sensitivity analyses for cumulative impacts and climate variability.

<p>equations) and numerical models (e.g., MODFLOW) where impacts are complex or high-risk.</p> <ul style="list-style-type: none"> ○ Include sensitivity testing for drought, wet years, and climate change scenarios. 		
<ul style="list-style-type: none"> - The document(s) include notes regarding respecting PPS and other provincial policy (i.e. the NEP), as well as notes regarding alternative monitoring/modeling methodologies having to be discussed with MNR in advance. 	<ul style="list-style-type: none"> - Decisions on technical approaches made by MNR staff within the ARA application process are often not communicated to municipal approval authorities who may undertake their own in-depth assessment/scoping of reports. - In multi-jurisdictional planning areas with overlapping provincial approval authorities (I.E. the NEP area) there have been instances where provincial policy is inconsistently applied throughout an application process. This can cause inefficiency in the municipal land use processes given the uniqueness and specificity of policies within provincial planning documents. Given the primacy of provincial planning documents (I.E. the NEP) it is paramount that the agencies leading reviews under those plans/legislation be appropriately resourced to carry out those responsibilities. 	<ul style="list-style-type: none"> - Include a process for municipal engagement in technical decisions being made through the ARA process to better harmonize requirements. - Direction related to the application of provincial policy (I.E. the NEP) regarding aggregate matters needs to be made early and applied consistently through the application and appeal processes.

Cultural Heritage Report		
<ul style="list-style-type: none"> - More explicit details are being provided to applicants regarding the preparation of Cultural Heritage Reports for applications for new or expansion aggregate extractions uses. Key components include: <ul style="list-style-type: none"> o Archaeological Screening: mandatory use of provincial checklists, triggering Stage 1–4 assessments where necessary. o Built Heritage & Cultural Heritage Landscapes: identification of heritage resources and assessment of direct/indirect impacts (vibration, dust, visual). o Qualified Professionals identified as: licensed archaeologists for archaeological work; recognized heritage professionals for built/landscape studies 	<ul style="list-style-type: none"> - Seeks to bring aggregate licensing into alignment with recent changes to the Provincial Planning Statement (PPS) and Ontario Heritage Act (OHA) processes. - Proposes to utilize existing tools to provide a standardized approach (use of existing Archaeological resource screening checklist. - Requires professional qualifications, ensuring technical credibility. 	<ul style="list-style-type: none"> - Providing additional directions to applicants is generally considered a positive outcome. - Scope of guidance could be expanded to include: <ul style="list-style-type: none"> o indirect and cumulative impacts. o provincial technical guidance for vibration, dust, and visual impact analysis as it relates to impacts to cultural heritage resources including Cultural Heritage Landscapes. o Guidance on threshold policies elsewhere in provincial and municipal policy.
<ul style="list-style-type: none"> - The policy document provides additional direction regarding avoidance and protection measures (AP) for identified archaeological sites within a proposed aggregate operation. 	<ul style="list-style-type: none"> - Preliminary criteria for the inclusion of AP areas are included in the policy paper. It is noted that if an AP area were to be approved it would be subject to a number of protective conditions on the 	<ul style="list-style-type: none"> - Expand focus to include cultural landscape-scale analysis, beyond site-by-site archaeology. - Establish technical thresholds for blasting, dust, and visual impacts on heritage features.

<ul style="list-style-type: none"> ○ Permits archaeological sites identified within a proposed licenced area to be identified as AP areas on an approved site plan where MNR is satisfied a number of criteria are met. ○ Allows for AP sites to be included within an approved licenced area where additional study of these sites is required. 	<p>approved site plan and located within a later stage of phasing.</p> <ul style="list-style-type: none"> - Including areas that have not been thoroughly assessed within a licenced area signals that this area will be extracted regardless of findings from future studies. - Archaeological sites often form part of a broader cultural heritage landscape (CHL). Without adequate study of an archaeological site within a licenced area it would be difficult to assess its importance within, and/or its contribution to, the broader CHL. - Whether or not there will be an impact to identified archaeological resources often forms a threshold issue in local official plan policies that are required to implement Sections 4.6.1 and 4.6.2 of the PPS (2024). <ul style="list-style-type: none"> ○ the Niagara Escarpment Plan (NEP) implements a separate policy framework related to aggregate resources and cultural heritage protection and is said to supersede other related provincial policy in the event of a conflict. This policy framework implements its own threshold issues. This 	<ul style="list-style-type: none"> - Provide further guidance on the interaction between ARA site plan requirements and municipal/provincial planning requirements regarding cultural heritage protection.
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	seems at odds with the stated objective of providing the regulated community with greater certainty in the completion of mandatory reports.	
<ul style="list-style-type: none"> - The policy provides guidance to applicants that engagement with indigenous communities is at the direction of MNR staff after consideration of comments received on an application and the findings of the required technical studies. 	<ul style="list-style-type: none"> - As noted above, the guidance appears to allow a proponent to postpone a study, seemingly indefinitely, where an AP site is identified. It is unclear when an indigenous community would be engaged for an AP site that is to be studied later, and potentially much later. - The guidance provided is relative to the ARA site planning process only, it does not seem to align with provincial policy and guidance regarding the duty to consult, and where possible, accommodate. Municipalities take this obligation seriously and attempt to engage indigenous communities prior to an application within the site identification and assessment stage. 	<ul style="list-style-type: none"> - Require early, meaningful Indigenous engagement in scoping and assessments. - Require adaptive management protocols, with monitoring and mitigation tied to licence conditions. - Address cumulative effects by situating site findings within regional cultural heritage patterns.
Matters to be Considered in a New Licence.		
<ul style="list-style-type: none"> - Based on Section 12 of the Aggregate Resources Act (ARA) the purpose of the draft guidance is to: 	<ul style="list-style-type: none"> - Overall, there appears to be a lack of direction on how to balance competing considerations (e.g., economic benefit vs. 	<ul style="list-style-type: none"> - Introduce criteria or decision matrices to guide how Section 12 considerations are weighed,

<ul style="list-style-type: none"> ○ Set out how the Ministry of Natural Resources (MNR) will evaluate licence applications, leading to issuance, issuance with conditions, refusal, or referral to the Ontario Land Tribunal. ○ Provide consistent direction to staff and applicants. 	<p>environmental protection). This has been at issue in ARA applications for some time and results in inconsistent policy application across regions or decisions.</p> <ul style="list-style-type: none"> - The framework emphasizes project-level impacts but does not require cumulative or regional impact analysis. <ul style="list-style-type: none"> ○ Haulage routes, aquifer systems, and cultural landscapes are affected by multiple operations simultaneously. ○ For older/historic licences seeking expansion, no direction is provided on how cumulative impacts should be assessed. Most cumulative impact assessment policy requires assessment of past disturbances which is often resisted by applicants whose sites are under historic licences. 	<p>as competing matters of provincial interest.</p> <ul style="list-style-type: none"> - Explicitly require analysis of cumulative and regional effects, especially on water, natural heritage, traffic, and landscapes including cultural landscapes, in alignment with the systems-based approaches outlined in the PPS for the wise use and management of resources. Note that a systems-based approach to cumulative impact assessment should also be reflected in broader provincial guidance documents, e.g. PPS, 2024 guidance. - In the case of below water table extraction- the absence of policies which require operators to maximize the rehabilitation of prime agricultural areas on remaining lands (outside of the Niagara Escarpment Plan Area, which does require this), combined with the absence of cumulative impact assessment, places additional strain on the Agricultural System. It is recommended that the province consider additional contributions to TOARC,
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		<p>equivalent to the avoided rehabilitation costs, to be allocated to a dedicated fund for agricultural restoration and enhancement undertaken by agricultural operators within the affected community.</p> <ul style="list-style-type: none"> - Require measurable thresholds and licence conditions tied to monitoring results, with corrective action mechanisms that are consistently enforced. - Provide meaningful direction on progressive rehabilitation for historic sites seeking expansion of their licence so that approval authorities can better assess operational requirements of a site against requirements for progressive rehabilitation.
<ul style="list-style-type: none"> - Provides 11 areas to be considered as follows: <ul style="list-style-type: none"> - Effects on the Environment - Effects on Nearby Communities - Comments from Municipality - Rehabilitation Plans - Effects on Ground and Surface Water - Effects on Agriculture - Agricultural Impact - Planning and Land Use - Haulage Routes and Truck Traffic 	<ul style="list-style-type: none"> - Planning and land use considerations seem focused on the ARA process and not how it is integrated and essential to all other planning approvals. - Further, the considerations only reference issues related to the zoning of the site but mentions nothing about applications where Official Plan Amendments are required. 	<ul style="list-style-type: none"> - The document would benefit from the inclusion of guidance on OPA requirements and permit requirements of other provincial agencies that may supersede that of the ARA process. - Add explicit references to indigenous community consultation outcomes and cultural values. - Require measurable thresholds and licence conditions tied to

<ul style="list-style-type: none"> - Quality and Quantity of Aggregate - History of Compliance - Other Appropriate Considerations 	<ul style="list-style-type: none"> - ARA approvals in the Niagara Escarpment Commission (NEC) area of development control are subservient to approvals that need to first be granted by that agency. Additionally, the land use planning framework of the NEP results in OPAs almost always being required at the local level. This has been an issue as NEP policies are quite unique and apply higher technical tests in policy. - While heritage is included, Indigenous rights, interests, and knowledge are not explicitly referenced. This risks overlooking constitutionally protected obligations for consultation. - The document emphasizes pre-approval mitigation but lacks clear requirements for monitoring, thresholds, and corrective actions during operation. Some of this may be identified in other technical companion documents, but the document makes little reference to adaptive management plans (AMPs) which have been a much more 	<p>monitoring results, with corrective action mechanisms that are consistently enforced.</p> <ul style="list-style-type: none"> - Ensure any corresponding provincial guidelines (e.g. Guidance Document for Agricultural Impact Assessment, in draft form since the last Coordinated Provincial Plans Review) are current and in full-effect.
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	common requirement for ARA applications.	
<ul style="list-style-type: none"> - Item (c) – Comments from Municipalities provides that the ARA standards for circulation of applications includes requirements for applicants to circulate their applications to local municipalities. It is offered that municipal comments may address a number of issues including land use compatibility concluding that: recommendations from the municipality will be carefully considered and may be included as site plan conditions. 	<ul style="list-style-type: none"> - The wording of this section may be interpreted by municipal practitioners that comments are simply considered and are to be included as site plan conditions. The document provides no direction on how the ARA site plan process integrates into the greater approval process. Related to technical matters, some municipalities have robust aggregate policies and application review protocols that include extensive peer-review. How the technical analysis of municipal peer-reviewers, which can be extensive, locally based, and exhaustive, is incorporated into the review process should be described. 	<ul style="list-style-type: none"> - Process for collaboration and incorporation of findings from municipal peer-reviewers should be described. - A dispute resolution protocol/process when threshold or technical matters arise should be considered. - Encourage synthesis of technical reports into a single, comprehensive impact assessment.
<ul style="list-style-type: none"> - The document states MNR will consider comments, including those from municipality and Ministry of Transportation, regarding a variety of considerations including existing traffic patterns, road conditions, 	<ul style="list-style-type: none"> - With the issuance of new or amended licences, there is a potential that municipal roads could need to be upgraded for heavy aggregate truck traffic. There are many examples across the province 	<ul style="list-style-type: none"> - Maintenance responsibilities should also include the aggregate operators.

<p>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.</p>	<p>where rural roads have been upgraded to allow trucks to reach the quarry entrances.</p>	
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