September 25, 2025

Ministry of Natural Resources: Development and Hazard Policy Branch
300 Water Street
Peterborough, ON
K9J 8M5
aggregates@ontario.ca

Attn: Ms. Sheena Tower

RE: ERO #025-0216, Updating and modernization of operational policies supporting the delivery of the provincial Aggregate Resources Act program

Dear Ms. Tower,
I have reviewed the changes proposed by the Ministry of Natural Resources (MNR) pertaining to ERO #025-0216. Overall, this seems to reflect an attempt to improve the policies of the ARA, but the primary beneficiary of the policy updates appears to remain the aggregate industry rather than the people and environment of Ontario. Many of these updates default responsibility to a lower tier government and applicant reducing the MNR's accountability. These changes and updates further limit public knowledge of and involvement in changes to pits and quarries, such as below the water table mining.

I do find It positive to see proposed policy changes that require the MNR to issue licences only if the MNR is satisfied that future aggregate operations will have no negative impacts on groundwater, and surface water resources as well as agricultural areas. Additionally positive is the incorporation of the Agricultural Impact Assessment in prime agricultural areas requiring that any negative impacts be avoided or minimized. Below I provided the comments on proposed MNR policy updates that require a more detailed response.

Matters to be considered in the Issuance of a Licence
The MNR states that this proposed new policy "*will help applicants understand what the ministry considers when reviewing a licence application and will provide guidance to staff in their review of applications and when making recommendations to the Minister for licence applications under the Aggregate Resources Act.*" I recommend the following addition to the list of matters the Minister and Tribunal member shall have regard to:

- the effect of blasting on public safety, for blasting quarries.
- any possible effects to local air quality emissions.
- recommendations from the residents of the municipality will be carefully considered by MNR and shall be included as site plan conditions

I am concerned about the total loss or reduction of prime agricultural areas that are forced to give way to protected aggregate resource. These policy changes and up-dates do not change the priority of protection that puts agriculture production above aggregate resources that are fully recyclable and recoverable. When an application for a proposed quarry below the water table identifies the site to be a prime agricultural area there will be a negative impact that will not be mitigated or minimised. The applicant nor the MNR can not conclude the operations will have no negative impact to the identified prime agricultural area. Rehabilitation of the site back to its original state does not occur instead the site is rehabilitated to a lake with no agricultural benefit. All agricultural use of that area is loss. If this is the case, then there is no support for the issuance of a licence. Why are licences issued or even considered by the MNR when there are losses of agricultural land impacting the desperately needed agricultural productivity of the area?

In applying Section 12 of the ARA, the MNR proposes, in the new policy, that municipal comments and recommendations(c), must be *"carefully considered"* by the MNR and should be included as site plan conditions, especially regarding official plans, zoning by-laws, and truck traffic. I am concerned that the MNR will accept municipal comments and recommendations that have a conflict of interest and are not in the best interest of the residents. I recommend the language in this section recognize the local planning authority and suggest the wording be changed from 'will be carefully considered' to 'must be consistent with the Official Plans and' zoning bylaws as they relate to economic, health and safety matters and the Provincial Policy Statement.

Cultural Heritage Reporting

I recommend this section of the policy document receive input from Indigenous Peoples. Depending on comments received or interest expressed in response to the application, MNR should require that the operator engage interested/impacted Indigenous communities during

archaeological studies undertaken in AP areas. At the very least I suggest *'may require'* be changed to shall require.

Expansion of a licenced area

The proposed update to expanding a licenced area may allow for a more simplified process for aggregate companies, instead of having to file a new licence. I am concerned that this change fails to meet the need for due diligence. There is a risk that expanding a pit or quarry without adequate assessment and potential for conflicts of interest will present risks to environmental health, public health and safety or fail to address existing regulatory compliance issues.

A.R.2.03.02 Licence Site Plan Amendment to Extract Within Water Table

Eliminating the requirement that *extraction into the water table within 1.5 metres for a pit and 2 metres for a quarry undergo a site plan amendment with technical studies, MNR reviews, and public notification* is problematic. Removing the proposed policy unduly benefits aggregate companies while transferring the risk to local wells and possible contamination of aquifers to the public and government. I am further concerned that this policy change reduces transparency and protection of the public. As a condition, should a pit or quarry be proposed within an area that could negatively impact a drinking well, then the site plan must identify the area as a source protection area as described in source protection plans. Source water protection policies shall apply to the site, as well as include any applicable source protection policies that will describe how the relevant source water protection policies will be followed, to mitigate any effects on **all** drinking water.

Enforcement and Compliance AR 7.00.01 Provincial Offences Act (POA)

It is positive to see the Ministry considering policy changes that require th*e MNR to check whether the applicant has a history of repeated violations concerning other aggregate licences or permits that the applicant holds, and whether the violations were corrected or are still outstanding.*

What I am concerned with is the MNR will not take into account any contravention if it was disclosed by the applicant in an annual compliance report for an existing aggregate authorization regardless of what action was taken. The MNR inspectors may not have been aware of the contravention

and 90 days for rectification is far too long of a time period. Irreparable negative impacts to the environment and the health and safety of the people could occur in far less than 90 days.

In the same policy update the MNR is rescinding the internal enforcement policy that gives inspectors structured guidance an accountability for escalating nonconformance to charges. I am concerned that prosecutions will become non-existent, since inspectors will not have a policy framework that supports them in escalating nonconformance violations to charges.

In its 2023 report, Ontario's Auditor General noted the importance of adopting additional enforcement tools needed to address non-compliance as less than 1% of violations were referred for charges under the enforcement branch.[1] According to the report, *a lack of enforcement not only undermines the Act's purpose "to control and regulate aggregate operations," it also increases the risk of negative impacts on nearby communities and the environment*. I strongly recommend retaining and strengthening enforcement and compliance policies under the ARA to minimize risks to the environment, communities and nearby residents while at the same time encouraging less self-regulation and greater accountability within the industry.

This raises the question does the MNR really hold itself accountable?

Thank you for your consideration of my comments.

Harry Wells

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