



## County of Brant Council Report

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**To:** The Mayor and Members of County of Brant Council  
**From:** Michelle Schaeffe, Senior Environmental Planner  
**Date:** September 9, 2025  
**Report #:** RPT-0332-25  
**Subject:** Aggregate Resources Act Program Proposed Policy Updates  
**Purpose:** For Information and Direction

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### Recommendation

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That report RPT-0332-25 regarding an overview of policy updates to the Aggregate Resources Act program be received for information;

That staff be directed to submit report RPT-0332-25 as comments in response to Environmental Registry of Ontario Number 025-0216 posting;

And that staff be directed to incorporate any additional feedback provided by Council as comments in response to Environmental Registry of Ontario Number 025-0216 posting.

### Executive Summary

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On August 8, 2025, the Province of Ontario through [ERO number 025-0216](#) proposed updates to modernize operational policies that support delivery of the provincial Aggregate Resources Act (ARA) program. The commenting period ends on September 25, 2025.

The Province has published numerous policies and procedures on aggregate resources that are intended to assist aggregate operations, members of the public, municipalities, consultants and government staff in implementing the ARA. For example, some of the policies and procedures contain detailed information on what reports, and information are required as part of submitting a complete licence application, under the ARA. Many of the policies and procedures have not been updated since 2006.

The changes primarily relate to updating study requirements on the Maximum Predicted Water Table, Water Report (impacts on surface and ground water), and Cultural Heritage Report. There is a new policy proposed on Matters to be Considered by the Minister or Ontario Lands Tribunal when deciding whether to issue or refuse a licence. Additionally, the Province is proposing to rescind 28 outdated or inaccurate policies such as notice requirements that now form part of the ARA and are therefore no longer required as part of a policy procedure.

This report provides a synopsis of the proposed changes, potential impacts to the County, and high-level recommendations on key issues. Given the growing number of aggregate operations in the County, staff are seeking direction from Council to submit formal comments to the Ministry of Natural Resources.

## Strategic Plan Priority

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Strategic Priority 2 - Focused Growth and Infrastructure

### Impacts and Mitigation

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#### Social Impacts

The anticipated social consequences of the proposal are anticipated to be neutral. Policy updates are intended to provide information, direction/ guidance, and clarity, and remove outdated, redundant, or inaccurate policies. The updated direction may provide some benefit by providing clearer direction on archaeological and cultural heritage study requirements, evaluating effects on nearby communities, and impacts of traffic.

#### Environmental Impacts

The environmental impacts are anticipated to be neutral. The proposed policies reflect previously approved changes to the ARA framework such as amendments to the Act and regulation in addition to the development of the Aggregate Resources of Ontario Standards. The documents may provide some benefit by providing updated study requirements on the Maximum Predicted Water Table in addition to greater detail on Source Water Protection.

#### Economic Impacts

There are no additional economic impacts to the County as a result of the proposed changes as they are intended to modernize and simplify policies and procedures.

### Report

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#### Background

The ARA and the associated Regulation 244/97 provide the legislative framework on the management, control and regulation, rehabilitation and minimization of adverse impacts related to aggregate operations.

The Province has published a variety of information to assist in implementing the Act, which includes, but is not limited to:

- ~~[Standards and Procedures](#) which set out the application process for proposed pits and quarries under the Act.~~
- [Aggregate Resources of Ontario Site Plan Standards](#) (August 2020), which outline what must be included in a site plan such as existing features, operational plans, rehabilitation, and cross sections.
- [Aggregate Resources of Ontario Technical Reports and Information Standards](#) (August 2023), which provide information on technical reports required as part of an application which may include a Maximum Predicted Water Table Report, Natural Environment Report, Cultural Heritage Report, Agricultural Impact Assessment Report, Water Report, Blast Design Report, and Noise Assessment Report.
- [Aggregate Resource Policies and Procedures](#) which provide guidance on how to implement the ARA. Most of these appear to have been issued in 2006. Many of the policies and procedures on technical report requirements contain similar but more detailed information to that on Technical Reports and Information Standards prepared in 2023.

The ARA and supporting information available to implement the Act contain many overlapping subject matters. Since 2009, several changes to the ARA policy framework including amendments to the Act and regulation in addition to updated standards, have rendered aspects of policies outdated, incorrect, or no longer applicable. Many of the policy updates also reflect updates to the Provincial Planning Statement and legislation related to Source Water Protection.

The Ministry of Natural Resources is proposing changes which are outlined below.

***Updated Policies and Information Requirements:***

- A new policy was created on [Maximum Predicted Water Table Report](#). While this is a new policy, basic information requirements are currently contained in Section 2.1 of the Technical Reports and Information Standards document. The new policy provides more detailed requirements on topics such as data collection, report requirements, and best practices. The intent is to provide standard direction to determine the water table. One-year of ground water monitoring of wells or test pits is required unless alternative data is available to account for seasonal variations in elevations. In particularly dry or wet years, applicants may be required to consider multi-year data and/or additional monitoring.
- A new [Water Report](#) is proposed to replace three policy standards on Hydrogeological Report Standards created in 2006. This report is only required where an operation is proposed to operate below the water table. The Water Report provides direction to assess the impacts of a proposed aggregate operation on ground and surface water and the uses they support (e.g., drinking water supplies and aquatic ecosystems).
- A new [Cultural Heritage Report](#) is proposed to replace previous requirements created in 2006. It contains updated definitions; references to the Provincial Planning Statement and Ontario Heritage Act; and provincial standards and guidelines for archaeologists, evaluating archaeological potential, archaeological assessments, evaluating built heritage resources and cultural heritage landscapes, cultural heritage evaluation reports, and avoiding and protecting resources.

***New Policy on Matters the Minister or Ontario Land Tribunal Must Consider***

- A new policy on [Matters to be Considered in the Issuance of a Licence](#) was created to provide direction on how the Ministry of Natural Resources evaluates a licence application. The Report makes reference to the 2023 Technical Reports and Information Requirements, what needs to be evaluated, and ensuring recommendations from the reports on avoidance and mitigation are included in site plans. Specific topics covered include:
  - o Effects on the Environment including terrestrial and aquatic environments as determined by the Natural Environment, Maximum Predicted Water Table, and Water Reports.
  - o Effects on Nearby Communities, whereby a Noise Assessment Report is required within 150 metres of a sensitive land use. A Blast Design Report is required where proposed extraction is greater than 20,000 tonnes per year.
  - o Comments from Municipality must be carefully considered. Municipal comments may address a variety of relevant matters including land use compatibility, official plan and zoning requirements, and the effects on the Municipal Road network due to truck traffic.

- Rehabilitation Plans: Before issuing a licence, the Ministry must be satisfied that a pit can be restored to its former use or changed to another use or condition that is compatible with adjacent land uses.
- Effects on Ground and Surface Water: The Maximum Predicted Water Table is the primary means of assessing impacts. A Water Report is only required if proposed to extract below the water table. If the operation is proposed in a Source Water Protection Area, the applicant must demonstrate how relevant source water protection policies will be followed including any necessary mitigation.
- Effects on Agriculture: Where a proposed operation is both within a prime agricultural area and a provincial plan area (e.g., Greenbelt), an Agricultural Impact Assessment is required. The County of Brant is not within a provincial planning area. While the Technical Standards do not state that an assessment must be completed outside a provincial plan area, if an assessment is completed as part of a Planning Act application, the study will be considered by the Ministry.
- Planning and Land Use: This Section outlines provincial interests in the Provincial Planning Statement such as natural and cultural heritage and water resources. It notes that zoning must be in place for an aggregate operation prior to issuing a licence. During the review of a licence application, a municipality may identify local planning and land use concerns, including zoning related issues.
- Haulage Routes and Truck Traffic: Main haulage routes and anticipated truck traffic must be considered for Class A pits extracting greater than 20,000 tonnes per year. The Ministry will consider comments from a municipality regarding a variety of considerations including existing traffic patterns, road conditions, additional truck traffic, road improvements to support additional traffic from the operation, dust, noise, safety, alternative routes, and other potential traffic implications.
- Quality and Quantity of Aggregate: Information is required where greater than 20,000 tonnes are proposed to be extracted per year.
- History of Compliance: The Ministry will check whether there is a history of violations and whether they were corrected or are still outstanding.
- Other Appropriate Considerations: The Ministry will consider any other matters of relevance.

### ***Policies being Rescinded***

- There are 28 policies being [rescinded](#) which have become outdated, redundant, or inaccurate. Examples include delegation of authority, MNR Representation at OMB hearings, annual statistical reporting, records retention, enforcement, and schedule of fees.

### **Analysis**

The proposed changes to the ARA requirements provide additional guidance and modernize many policies from 2006. Direction has been updated to align with legislative and policy changes such as the Provincial Planning Statement and with clearer direction on study requirements.

Based on staff review of the materials provided, the proposed changes will not result in reducing study requirements. The proposed changes may provide an opportunity to further improve study requirements.

Notably, there are two separate processes for aggregate operations in which studies may be requested:

- Through an ARA Licence to which the Province is proposing the subject updates/changes; and
- Through a Planning Act application (e.g., zoning amendment).

As part of the Planning process the County currently requests studies beyond the requirements of the Province within their Technical Reports and Information Standards. For example, the County requires:

- A Water Report for both above and below water extraction. A Water Report is often used to inform an Environmental Impact Study or Natural Environment Report. It is useful in assessing the impacts on the quality and quantity of water and determining mitigation measures related to intermittent and permanent streams, fish habitat, and wetlands.
- An Agricultural Impact Assessment to determine impacts on agriculture and mitigation including rehabilitation. Comprehensive rehabilitation is particularly important where there is or could be a concentration of aggregate operations to ensure that slopes are gradual to allow the movement of agricultural equipment.
- The Official Plan speaks to cumulative effects studies of operations when combined with historical, current and proposed future operations. This could be related to noise and traffic, the quality and quantity of water, and below water extraction as related to hydrogeological concerns and the ability to return a site back to agriculture.

The Planning Act and ARA processes are typically processed in parallel with an applicant addressing both municipal and provincial requirements. Through the review of studies in support of a Planning Act application, staff also review the ARA site plans to ensure study recommendations are incorporated into plans.

As noted above, the Province historically and as currently proposed, states that only one year of ground water monitoring of wells or test pits is required. To account for year-to-year variations (e.g., drought, high rain) a minimum of two years of monitoring should be required.

Staff are also concerned about the cumulative effects of new operations when combined with historical, past, and proposed future operations. While the assessment of cumulative impacts is important, there appears to be no Provincial direction on study requirements related to this topic. In 2010 GRCA prepared a document entitled 'Cumulative Effects Assessment (Water Quality and Quantity) Best Practices Paper Below-Water Sand and Gravel Extraction Operations in Priority Subwatersheds in the Grand River Watershed.' Rather than each municipality studying best practices it would be helpful for the Provincial to create provincial standards.

To provide for greater consistency and improved clarity to applicants, the ARA policies should be reflective of what many municipalities are already requiring around these items of ground water monitoring, cumulative impacts agricultural impact and water reports.

### Summary and Recommendations

In summary, many policies and procedures on aggregate resources as part of the ARA Licence date back to 2006 and as a result have become outdated as a result of changes to

legislation and policy. Many policies have also become redundant as a result of changes to the ARA which has incorporated many policies into the Act.

Staff concur with updating and rescinding outdated policies. The new document on Matters to be Considered in the Issuance of a New Licence provides a good summary of important land use planning matters to be evaluated as part of a new aggregate operation.

While staff concur with the updates, this proposal also provides an opportunity to further improve existing policies and procedures to more closely align with municipal requirements to help ensure important social and environmental matters are assessed and mitigated.

Staff recommend that this Report be sent to the Province and include the following specific recommendations and any other feedback provided by Council:

- That a Water Report be required for both above and below water extraction.
- That ground water monitoring be increased to a minimum of two years to determine the Maximum Predicted Water Table.
- That an Agricultural Impact Assessment be required in all prime agricultural areas regardless of whether the operation is proposed within or outside a provincial plan area.
- That the Province require and provide direction on best practices for assessing and mitigating for the cumulative effects of mineral aggregate operations when combined with historical, existing and proposed future operations.

Since the County includes many of the above-noted requirements in our Official Plan and applicable Planning Act applications, staff recommend that the Province mimic our process in their ARA policies, as it represents good planning practice.

## **Attachments**

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None

## **Reviewed By**

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Alysha Dyjach, General Manager of Development Services  
Don Cunningham, Director of Development Engineering  
Jeremy Vink, Director of Planning

## **Copied To**

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Andrea Bazzard, Director of Environmental Services  
Brandon Kortleve, Manager of Policy Planning

## **By-law and/or Agreement**

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By-law Required	No
Agreement(s) or other documents to be signed by Mayor and /or Clerk	No