

Gravel Watch  
Ontario



Information  
Guide  
for  
Citizens

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## TABLE OF CONTENTS

<b>Introduction .....</b>	<b>4</b>
Access the Sections of the Guide That Suit Your Needs.....	4
Critical timeline and process .....	5
<b>Application Process: Licenced Pit &amp; Quarry Proposals .....</b>	<b>6</b>
The Basics – Three Applications .....	6
The Basics ~ Official Plan Amendment Application .....	6
The Basics ~ Zoning By-Law Amendment Application .....	7
The Basics ~ Aggregate Licence Application .....	8
Legal Jurisdiction ~ Official Plan Amendment Application .....	9
Legal Jurisdiction ~ Zoning By-Law Amendment Application.....	9
Legal Jurisdiction ~ Aggregate Licence Application.....	10
Review Responsibilities ~ Official Plan Amendment Application.....	11
Review Responsibilities ~ Zoning By-law Amendment Application .....	12
Review Responsibilities ~ Aggregate Licence Application .....	13
Public Access to Reports and Information ~ Official Plan Amendment Application.....	14
Public Access to Reports and Information ~ Zoning By-law Amendment Application .....	16
Public Access to Reports and Information ~ Aggregate Licence Application .....	18
Required Public Notice, Consultation & Timelines ~ Official Plan Amendment Application .....	20
Required Public Notice, Consultation & Timelines ~ Zoning By-Law Amendment Application.....	21
Required Public Notice, Consultation & Timelines ~ Aggregate Licence Application.....	22
Environmental Bill of Rights (EBR) and the Environmental Registry .....	23
Public Participation ~ Official Plan Amendment Application.....	25
Public Participation ~ Zoning By-Law Amendment Application .....	26
Public Participation ~ Aggregate Licence Application .....	27
Specific Issues .....	28
Health and Safety .....	29
Hydrology / hydrogeology (groundwater and surface water) .....	30
Soils, Sand and Gravel.....	32
Landscape.....	32
Noise.....	32
Air Emissions and Air Quality .....	33
Transportation .....	33
Agricultural Lands .....	34
Social and Cultural Impacts .....	34
Financial Costs to Taxpayers.....	35
Natural Heritage .....	36
Site Plans and Licence Conditions.....	37
Cumulative Impacts and Appropriate Studies.....	37
Rehabilitation .....	38
Enforcement by Ministry of Natural Resources (MNR) and Ministry of the Environment (MOE) ..	39
Exportation of Ontario Aggregate .....	39
Public Notification and Consultation .....	40
Required Environmental Permits and Approvals.....	41
Ministry of the Environment.....	41
Environmental Protection Act.....	41
Ontario Water Resources Act .....	41
Environmental Bill of Rights.....	42

Environmental Commissioner of Ontario.....	43
Federal Environmental Approvals .....	43
Acts and Regulations That Take Precedence Over the Aggregate Resources Act.....	44
Aggregate Resources Act.....	44
Municipal Official Plans and Zoning By-laws .....	45
The Jurisdictional Authority of Other Acts and Regulations.....	46
The Provincial Policy Statement (PPS).....	48
<b>References .....</b>	<b>49</b>
Legislative Statutes (Acts), Regulations and Policies .....	49
Plans .....	51
Publications & Manuals.....	52
Contact Information .....	53

### INTRODUCTION

The **Gravel Watch Ontario Information Guide for Citizens** has been prepared to provide essential information to assist the public in responding to proposed land use changes and pit and quarry applications in an appropriate, effective and timely manner.

Citizens of Ontario have the **legal right to participate fully** in the planning process whenever changes in land use are proposed in their communities and when applications for pit and quarry licences and permits have been filed.

Questions and concerns raised by the public **must be respected** and addressed satisfactorily and in accordance with the law. Legislative statutes and regulations set standards for public notification and consultation, the availability of information, the decision-making process and appeal provisions. Government officials, municipal and ministry staff and public agencies and bodies have jurisdictional authority and approval responsibilities in planning and land use matters and/or the licencing process.

*Citizens of Ontario are encouraged to **exercise their rights under the law** to ensure that any change in land use in a community does not adversely affect or interfere with public health and safety, comfort levels, the enjoyment and normal use of property nor impair the quality of the natural environment.*

### Access the Sections of the Guide That Suit Your Needs

Please review the **Contents Table** of the *Gravel Watch Ontario Guide for Citizens* to find the information most pertinent to your circumstances and immediate needs. The Guide is designed so that you can access the sections that are most important to you.

The *Gravel Watch Ontario Information Guide for Citizens* is for general information purposes only. The comments and suggestions provided are made in the public interest without prejudice or malice and do not, in any way, constitute legal advice or expert opinion.



## INFORMATION GUIDE FOR CITIZENS

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### ~CRITICAL TIMELINE AND PROCESS~

A proposal for a pit or quarry usually requires three applications and three separate prescribed processes:

1. Official Plan Amendment Application under the Planning Act
2. Zoning By-law Amendment Application under the Planning Act
3. Pit or Quarry Licence Application or Permit Application under the Aggregate Resources Act

In respect to land use amendment applications and a pit or quarry licence or permit application, be aware of the following guidelines:

- There will be a critical timeline and process that you must observe in order to properly file comments, concerns and objections. **Familiarize yourself** with this process early on and meet all timelines or your input may not be considered.
- **All correspondence** must include your name, address, telephone number and/or e-mail address, neatly printed. You must also sign and date all letters.

# APPLICATION PROCESS: LICENCED PIT & QUARRY PROPOSALS

## THE BASICS – THREE APPLICATIONS

There are usually three applications that the proponent/applicant must file to gain approval to establish a gravel pit or a quarry:

1. Official Plan Amendment Application
2. Zoning By-Law Amendment Application
3. Aggregate Licence Application

This section provides a brief description of the process involved for each of the three applications.

### The Basics ~ Official Plan Amendment Application

The **official plan** sets out the local municipality, county, or regional government's general planning policies for future land use and development and usually includes a variety of designations for lands within the municipality.

If the proponent proposes to establish a pit or quarry on land that conflicts with the official plan, **an official plan amendment application must be filed** with the local municipality, the county or the regional government.

#### *Actions you can take...*

- Determine if the local municipality has its own official plan and what other official plans may apply (e.g. county, regional).
- Review official plans at the local municipal, county or regional offices. Some municipalities have their official plans posted online.
- Identify sections of the official plan(s) that apply to the proposed official plan amendment application. An official plan may specify what technical reports will be required for an amendment application (e.g. Environmental Impact Study).
- Request copies of the applicable sections (at no cost).
- Access additional information about official plans at [www.mah.gov.on.ca](http://www.mah.gov.on.ca). Click "Publications" and then click "Citizen Guides to Land Use Planning".

### The Basics ~ Zoning By-Law Amendment Application

A zoning by-law implements the objectives and policies of a local municipality's official plan. It **states exactly how land may be used** and contains specific requirements that are legally enforceable. Such things as lot sizes, setbacks, buffers, vehicular access, environmentally sensitive areas, wellhead and source water protection, and **suitability of the land for the proposed use** may be included in a zoning by-law.

If a proponent proposes to establish a pit or quarry **not allowed by the current zoning by-law** for the property, a **zoning by-law amendment application must be filed** with the local municipality.

#### *Actions you can take...*

- Review current zoning by-laws at the local municipal, county and/or regional offices. Some municipalities have their zoning by-laws posted online.
- Identify sections of the zoning by-laws that apply to the proposed zoning by-law amendment application. Zoning by-laws may specify what technical reports will be required for an amendment application (e.g. Environmental Impact Study).
- Request copies of the applicable sections (at no cost).
- Access additional information about official plans at [www.mah.gov.on.ca](http://www.mah.gov.on.ca). Click "Publications" and then click "Citizen Guides to Land Use Planning".

### The Basics ~ Aggregate Licence Application

**An aggregate licence is required to operate a pit or quarry on private land in designated areas.**

The licence is issued under the **Aggregate Resources Act (ARA)**. A licence applicant must file a licence application with the **Ministry of Natural Resources (MNR)** for either a:

- Class A Licence (to remove more than 20,000 tonnes of aggregate annually);  
or
- Class B Licence (to remove 20,000 tonnes of aggregate or less annually).

There are **8 types of licence applications** listed in the Provincial Standards issued under the Aggregate Resources Act and the applicant must identify the licence category on the licence application.

- Category 1 - Class A Pit Below Water
- Category 2 - Class A Quarry Below Water
- Category 3 - Class A Pit Above Water
- Category 4 - Class A Quarry Above Water
- Category 5 - Class B Pit Below Water
- Category 6 - Class B Quarry Below Water
- Category 7 - Class B Pit Above Water
- Category 8 - Class B Quarry Above Water

A site plan and a licence summary report and technical reports must be filed with the licence application. The Provincial Standards and licence categories can be accessed on-line at [www.mnr.gov.on.ca/mnr/aggregates/standards.html](http://www.mnr.gov.on.ca/mnr/aggregates/standards.html).

**Note:**

- An Aggregate Permit is required to extract aggregate on Crown Land and for all extraction from land under natural bodies of water.
- A Wayside Pit Permit is required to extract aggregate on private land in designated areas for public authority projects.
- Aggregate permit and wayside pit permit applications are not licence applications.



### **Legal Jurisdiction ~ Official Plan Amendment Application**

Jurisdictional authority and approval responsibilities for an official plan amendment application lie with one or more of the following government bodies or agencies:

- Local municipal council, county council and/or regional government
- Minister of Municipal Affairs and Housing (MMAH)
- Federal Minister of Fisheries and Oceans (DFO) under the Fisheries Act
- Conservation Authority
- Federal Minister of Transport under the Navigable Waters Protection Act
- Minister of the Environment
- Minister of Culture
- Minister of Agriculture and Food

### **Legal Jurisdiction ~ Zoning By-Law Amendment Application**

Jurisdictional authority and approval responsibilities for a zoning by-law amendment application lie with one or more of the following government bodies or agencies:

- Local municipal council, county council and/or regional government
- Minister of Municipal Affairs and Housing (MMAH)
- Federal Minister of Fisheries and Oceans (DFO) under the Fisheries Act
- Conservation Authority
- Federal Minister of Transport under the Navigable Waters Protection Act
- Minister of the Environment
- Minister of Culture
- Minister of Agriculture and Food

### **Legal Jurisdiction ~ Aggregate Licence Application**

Jurisdictional authority and approval responsibilities for an aggregate licence application lie with one or more of the following government bodies or agencies:

- Local municipal council, county council and/or regional government
- Minister of Municipal Affairs and Housing (MMAH)
- Federal Minister of Fisheries and Oceans (DFO) under the Fisheries Act
- Conservation Authority
- Federal Minister of Transport under the Navigable Waters Protection Act
- Minister of the Environment
- Minister of Culture
- Minister of Agriculture and Food

### Review Responsibilities ~ Official Plan Amendment Application

Planning reports and technical reports submitted in support of an **official plan amendment application** may be reviewed by the following government bodies and agencies. Written review comments are prepared and should be made available for public review upon request.

- municipal, county and/or regional staff and consultants
- conservation authority staff
- other public bodies and agencies (e.g. Niagara Escarpment Commission)
- Ministry of Municipal Affairs and Housing (MMAH) staff
- Ministry of the Environment (MOE) staff
- Federal Department of Fisheries and Oceans staff under the Fisheries Act
- Federal Ministry of Transport staff under the Navigable Waters Protection Act
- Ministry of Culture staff
- Ministry of Food and Agriculture staff

#### **Note:**

Ministry of the Environment staff will review and comment on planning and technical reports submitted in support of an official plan amendment application at the request of local municipal, county or regional staff and the MMAH.

#### **Actions you can take...**

- Request copies of all written review comments, memos and e-mail messages.
- Inquire as to the professional qualifications, education and expertise (e.g. engineering degree) of all reviewers. Municipal staff and others identified above may not be qualified to conduct a comprehensive peer review of site plans, planning reports and technical reports submitted in support of official plan amendment applications (e.g. noise, air quality, hydrology, hydrogeology, natural environment, transportation, agriculture, soils, natural and human-made hazards, rehabilitation).

### Review Responsibilities ~ Zoning By-law Amendment Application

Planning reports and technical reports submitted in support of a **zoning by-law amendment application** may be reviewed by the following government bodies and agencies. Written review comments are prepared and should be made available for public review.

- municipal, county and/or regional staff and consultants
- conservation authority staff
- other public bodies and agencies (e.g. Niagara Escarpment Commission)
- Ministry of Municipal Affairs and Housing (MMAH) staff
- Ministry of the Environment (MOE) staff
- Federal Department of Fisheries and Oceans staff under the Fisheries Act
- Federal Ministry of Transport staff under the Navigable Waters Protection Act
- Ministry of Culture staff
- Ministry of Food and Agriculture staff

#### **Note:**

Ministry of the Environment staff will review and comment on planning and technical reports submitted in support of a zoning by-law amendment application at the request of local municipal, county or regional staff and the MMAH.

#### **Actions you can take...**

- Request copies of all written review comments, memos and e-mail messages.
- Inquire as to the professional qualifications, education and expertise (e.g. engineering degree) of all reviewers. Municipal staff and others identified above may not be qualified to conduct a comprehensive peer review of site plans, planning reports and technical reports submitted in support of official plan amendment applications (e.g. noise, air quality, hydrology, hydrogeology, natural environment, transportation, agriculture, soils, natural and human-made hazards, rehabilitation).

### Review Responsibilities ~ Aggregate Licence Application

The following documents are to be submitted by the applicant to the District Office of the Ministry of Natural Resources:

- Aggregate licence application
- Summary report
- Technical reports
- Site plan

MNR staff have 20 days to determine if the licence application is complete. Once the application is determined by the MNR to be complete, the applicant may proceed with the notification and consultation standards.

#### **Note:**

It was common in the past for the Ministry of Natural Resources to request that the Ministry of the Environment review and comment on technical reports and site plans submitted in support of a aggregate licence application.. Currently, it is not clear if the MNR requests the MOE to review and comment on technical reports and site plans.

#### **Actions you can take...**

- Request copies of all documents submitted by the applicant.
- Request copies of all written review comments, memos and e-mail messages.
- Inquire as to the professional qualifications, education and expertise (e.g. engineering degree) of all reviewers. Municipal staff and others identified above may not be qualified to conduct a comprehensive peer review of site plans, planning reports and technical reports submitted in support of official plan amendment applications (e.g. noise, air quality, hydrology, hydrogeology, natural environment, transportation, agriculture, soils, natural and human-made hazards, rehabilitation).



### Public Access to Reports and Information ~ Official Plan Amendment Application

In order to read and understand information submitted in support of an **official plan amendment application**, the public, by law, has to be given access to planning reports and all other relevant information

*Under Section 17(15), Section 21. (1) and Section 22. (5) of the Planning Act, "adequate information" is to be made available to the public about the proposed official plan amendment.*

#### **Actions you can take...**

- Contact your local municipal office(s) or the applicant and request copies of the official plan amendment application, all planning and technical reports prepared in support of the official plan application, peer review comments and all communications including letters, memos and e-mail messages.
- A request by a citizen to review information submitted in support of an official plan amendment application must be respected. You may be told to visit a government office to view information and reports. You may have employment responsibilities and cannot access information during regular business hours or you may want to review information at a time that is suitable to you. Your time is valuable!
- Do not pay for any copies of information. You are not obliged to absorb copying costs for information that you are legally entitled to have.
- If you visit a government office, ask to review the entire information file(s). Make a written record of documents, memos and e-mail messages of interest to you. Include the date, parties and a brief summary of content.
- If you are denied access to an information file(s) or portions of an information file(s), you have the right to request access to government-held information under the following acts:
  - Freedom of Information and Protection of Privacy Act
  - Municipal Freedom of Information and Protection of Privacy Act.

Online access: [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca).

You must complete a request form, or write a letter to the **Information and Privacy Commissioner of Ontario** stating that you are requesting information under one of the two Acts. Request forms are available from municipal, government agency and ministry offices or on-line at [www.ipc.on.ca](http://www.ipc.on.ca).



### **Public Access to Reports and Information ~ Official Plan Amendment Application** (continued)

Forward the completed form or letter to the **Freedom of Information Privacy Co-ordinator** at the government office most likely to have the information you want. A \$5.00 fee must accompany your request, payable to the "Minister of Finance" or the appropriate local government organization. Other costs may be assigned in order to reply to your request for information (e.g. staff time required to locate and prepare records requested, photocopying, and shipping). Be aware that these costs may be substantial.

Once the municipal, government agency or ministry office receives your request and the application fee, you are entitled to a response within 30 days.

If a government office denies you access to information, it must provide reasons in writing for doing so, and inform you of your right to appeal the decision to the **Office of the Information and Privacy Commissioner**. The appeal fee is \$25.00. The appeal must be filed within 30 days of receiving a decision from the government organization.

### **Public Access to Reports and Information ~ Zoning By-law Amendment Application**

In order to read and understand information submitted in support of a zoning by-law amendment application, the public, by law, has to be given access to planning reports and all other relevant information

*Under Section 34. (10), Section 34. (12) and Section 34. (17) of the Planning Act "sufficient information" is to be made available to the public about the proposed zoning by-law amendment.*

#### ***Actions you can take...***

- Contact your local municipal office(s) or the applicant and request copies of the zoning by-law amendment application, all planning and technical reports prepared in support of the official plan application, peer review comments and all communications, including letters, memos and e-mail messages.
- A request by a citizen to review information submitted in support of a zoning by-law amendment application must be respected. You may be told to visit a government office to view information and reports. You may have employment responsibilities and cannot access information during regular business hours or you may want to review information at a time that is suitable to you. Your time is valuable!
- Do not pay for any copies of information. You are not obliged to absorb copying costs for information that you are legally entitled to have.
- If you visit a government office, ask to review the entire information file(s). Make a written record of documents, memos and e-mail messages of interest to you. Include the date, parties and a brief summary of content.
- If you are denied access to an information file(s) or portions of an information file(s), you have the right to request access to government-held information under the following acts:
  - Freedom of Information and Protection of Privacy Act
  - Municipal Freedom of Information and Protection of Privacy Act.

Online access: [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca).



### **Public Access to Reports and Information ~ Zoning By-law Amendment Application** (continued)

You must complete a request form, or write a letter to the **Information and Privacy Commissioner of Ontario** stating that you are requesting information under one of the two Acts. Request forms are available from municipal, government agency and ministry offices or on-line at [www.ipc.on.ca](http://www.ipc.on.ca).

Forward the completed form or letter to the **Freedom of Information Privacy Co-ordinator** at the government office most likely to have the information you want. A \$5.00 fee must accompany your request, payable to the "Minister of Finance" or the appropriate local government organization. Other costs may be assigned in order to reply to your request for information (e.g. staff time required to locate and prepare records requested, photocopying, and shipping). Be aware that these costs may be substantial.

Once the municipal, government agency or ministry office receives your request and the application fee, you are entitled to a response within 30 days.

If a government office denies you access to information, it must provide reasons in writing for doing so, and inform you of your right to appeal the decision to the **Office of the Information and Privacy Commissioner**. The appeal fee is \$25.00. The appeal must be filed within 30 days of receiving a decision from the government organization.

### Public Access to Reports and Information ~ Aggregate Licence Application

In order to read and understand information submitted in support of an aggregate licence application, the public, by law, has to be given access to planning reports and all other relevant information

*Under Section 11 of the Aggregate Resources Act and Section 4 of the ARA Provincial Standards (Prescribed Notification and Consultation), "all details of the proposal" must be outlined to the public.*

#### **Actions you can take...**

- Contact the district MNR Office and request copies of the licence application, the site plan, the Summary Statement Report, and Technical Reports prepared in support of the licence application, peer review comments and all communications, including letters, memos and e-mail messages.
- A request by a citizen to review information submitted in support of a licence application must be respected. You may be told to visit a government office to view information and reports. You may have employment responsibilities and cannot access information during regular business hours or you may want to review information at a time that is suitable to you. Your time is valuable!
- Do not pay for any copies of information. You are not obliged to absorb copying costs for information that you are legally entitled to have.
- If you visit a government office, ask to review the entire information file(s). Make a written record of documents, memos and e-mail messages of interest to you. Include the date, parties and a brief summary of content.
- If you are denied access to an information file(s) or portions of an information file(s), you have the right to request access to government-held information under the following acts:
  - Freedom of Information and Protection of Privacy Act
  - Municipal Freedom of Information and Protection of Privacy Act.

Online access: [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca).

### **Public Access to Reports and Information ~ Aggregate Licence Application** (continued)

You must complete a request form, or write a letter to the **Information and Privacy Commissioner of Ontario** stating that you are requesting information under one of the two Acts. Request forms are available from municipal, government agency and ministry offices or on-line at [www.ipc.on.ca](http://www.ipc.on.ca).

Forward the completed form or letter to the **Freedom of Information Privacy Co-ordinator** at the government office most likely to have the information you want. A \$5.00 fee must accompany your request, payable to the "Minister of Finance" or the appropriate local government organization. Other costs may be assigned in order to reply to your request for information (e.g. staff time required to locate and prepare records requested, photocopying, and shipping). Be aware that these costs may be substantial.

Once the municipal, government agency or ministry office receives your request and the application fee, you are entitled to a response within 30 days.

If a government office denies you access to information, it must provide reasons in writing for doing so, and inform you of your right to appeal the decision to the **Office of the Information and Privacy Commissioner**. The appeal fee is \$25.00. The appeal must be filed within 30 days of receiving a decision from the government organization.



### **Required Public Notice, Consultation & Timelines ~ Official Plan Amendment Application**

*Under Section 17 and Section 22 of the Planning Act, the municipal council shall hold at least one public meeting and make available to the public a copy of the proposed official plan amendment **at least 20 days before the public meeting is held.***

#### **Note:**

- Under Section 22.(7) of the Planning Act, if the local municipal council, county council or regional government body refuses to adopt the requested amendment or fails to adopt the requested official plan amendment within 180 days, the proponent may appeal to the Ontario Municipal Board (OMB) for a hearing.
- If the local municipality, county, or regional government refuses to adopt an official plan amendment, the requirement to hold a public meeting is waived (Planning Act, Section 22. (3)). The Planning Act appears silent in respect to waiving a public meeting if the local municipality, county, or regional government fails to adopt an official plan amendment within 180 days and the proponent has appealed to the Ontario Municipal Board (OMB) for a hearing.

#### **Actions you can take...**

- Request information from the local municipal, county and/or regional office to determine how the public is to be notified of the public meeting (e.g. mail, newspaper, posted sign).

### **Required Public Notice, Consultation & Timelines ~ Zoning By-Law Amendment Application**

*Under Section 34 of the Planning Act, the municipal council before passing a zoning by-law amendment shall hold at least one public meeting and ensure that sufficient information is made available to the public. The public meeting must be held **not sooner than 20 days after the requirements for giving the notice have been complied with.***

#### **Note:**

- Under Section 34. (11) of the Planning Act, if the council refuses to approve the zoning by-law amendment or refuses to make a decision within 120 days after the application has been received, the proponent may appeal to the Ontario Municipal Board (OMB) for a hearing.
- Under Section 34. (17) of the Planning Act, where a change is made to a proposed by-law after the public meeting, the council shall determine if any further notice is to be given in respect to the proposed by-law. The public has the right to request that a second public meeting be held.
- The Planning Act appears silent in respect to waiving a public meeting if the council refuses to approve the zoning by-law amendment or refuses to make a decision within 120 days after the zoning by-law application has been received.

#### **Actions you can take...**

- Request information from the local municipal office to determine how the public is to be notified of the public meeting (e.g. mail, newspaper, posted sign).



### **Required Public Notice, Consultation & Timelines ~ Aggregate Licence Application**

*Under Section 11 of the [Aggregate Resources Act](#) and Section 4 of the [ARA Provincial Standards](#), specific notification and consultation standards for each Licence Category (1 to 8) are set out.*

#### ***Here's what the applicant must do:***

- The licence applicant must provide written notice delivered personally or by registered mail to landowners within 120 metres of the proposed pit boundary.
- The applicant must give notice in one issue of one local newspaper.
- A 45-day notification period begins with publication in the newspaper.
- An information sign must be posted on the boundary of the site before the notification appears in the newspaper.
- The applicant must hold a public information session (e.g. open house, community meeting) within the 45 day notification period and notice of the meeting must be given 20 days prior to the meeting.

#### ***Actions you can take...***

- Visit the Ministry of Natural Resources web site at [www.mnr.gov.on.ca](http://www.mnr.gov.on.ca). Click "Aggregate Resources" then click "Rules and Regulations". Familiarize yourself with the regulations. Notification and consultation standards for licence applications are somewhat onerous and the period for public comment is very tight.
- Request from the Ministry of Natural Resources district office a copy of the Provincial Standards for the licence category (e.g. 1, 2, 3...) listed on the licence application. On-line access for the Provincial Standards under the Aggregate Resources Act is [www.mnr.gov.on.ca/mnr/aggregates/standards.html](http://www.mnr.gov.on.ca/mnr/aggregates/standards.html).

### Environmental Bill of Rights (EBR) and the Environmental Registry

In February 1994, the Environmental Bill of Rights (EBR) came into effect in Ontario. The EBR recognizes that the provincial government has the primary responsibility for protecting, conserving and restoring the natural environment. Natural environment means the air, land and water, or any combination thereof, of the Province of Ontario.

The EBR also recognizes that the **people Ontario have the right to participate in government decision-making** and to **hold the government accountable** for those decisions.

The EBR allows the public to comment when a ministry proposes a new Act, regulation or policy, or approves an instrument that may significantly affect the environment. The **Environmental Registry** is a searchable electronic bulletin board accessible to the public via the Internet. To access the Environmental Registry, go to [www.ebr.gov.on.ca](http://www.ebr.gov.on.ca).

The Environmental Registry contains "**public notices**" about environmental matters being proposed by all government ministries subject to the Environmental Bill of Rights. Each notice provides details about the proposals, how and where comments can be sent and the deadline for having comments considered. When final decisions are made, a notice is posted describing what comments were made, the impact the comments had on the decision and how to appeal and challenge a decision.

**Official plan amendment applications** and **zoning by-law amendment applications** for pit and quarry developments are usually not posted on the EBR Registry for public notice and comment purposes.

#### *Actions you can take...*

- Inquire if your municipality, county or regional government body posts notices on the EBR Registry for official plan amendment applications or zoning by-law amendment applications.

### **Environmental Bill of Rights (EBR) and the Environmental Registry** (continued)

**Aggregate licence applications** are subject to the Environmental Bill of Rights and are posted on the Environmental Registry for public comment.

- An aggregate licence application is posted as an “Instrument” and is given an EBR Registry Number for reference purposes.
- The notice includes the date the “Proposal” was loaded and the comment period of 45 days requires written submissions within a specific time frame.
- When a decision is made in respect to the aggregate licence application, a “Decision” posting will appear on the EBR Registry.
- The public generally has 15 calendar days after the MNR has given notice of an approval of an aggregate licence application to submit an application for leave to appeal the approval.
- The government appeal body for aggregate licences is the Ontario Municipal Board.

**Note:**

If the pit or quarry is within the **Niagara Escarpment Plan** Area, amendments to the Niagara Escarpment Plan (NEP) to permit new pits and quarries within the Plan Area are posted on the EBR Registry.





### Public Participation ~ Official Plan Amendment Application

#### *Actions you can take...*

- Attend the public meeting held under Section 17. (15) and Section 22. (1) of the Planning Act for an official plan amendment application.
  - Register your name and other details on the attendance form available at the public meeting(s).
  - Ask questions and provide oral comments if you feel comfortable speaking.
  - Public comment sheets may be available at the meeting; however, if you comment using these sheets, it is essential that you re-submit your questions and comments about the official plan amendment application by mail following the public meeting. You will then have a copy of your written submission for reference purposes.
- Make written submissions expressing your opinions regarding the application. Under Section 17. (20) and Section 17. (21) of the Planning Act, any person or public body may make written submissions to the council up to the time specified by the council and before the official plan amendment is adopted.

#### **Note:**

Under Section 17. (19) and Section 17. (34) of the Planning Act the council must ensure that information is made available at the public meeting regarding the power of the Ontario Municipal Board (OMB) to dismiss an appeal if an appellant has not provided the council with oral submissions at a public meeting or written submissions before an official plan amendment is adopted.

### Public Participation ~ Zoning By-Law Amendment Application

#### *Actions you can take...*

- Attend the public meeting held under Section 34. (12) of the Planning Act for a zoning by-law amendment application.
  - Register your name and other details on the attendance form available at the public meeting(s).
  - Ask questions and provide oral comments if you feel comfortable speaking.
  - Public comment sheets may be available at the meeting; however, if you comment using these sheets, it is essential that you re-submit your questions and comments about the zoning by-law amendment application by mail following the public meeting. You will then have a copy of your written submission for reference purposes later.
- Make written submissions expressing your opinions regarding the application. Under Section 34. (13) of the Planning Act, any person who attends the meeting shall be afforded an opportunity to make representations in respect of the zoning amendment application.

#### *Note:*

Under Section 34. (14.1) and Section 34. (25) of the Planning Act the council shall ensure that information is made available at the public meeting regarding the power of the Ontario Municipal Board (OMB) to dismiss an appeal if an appellant has not provided the council with oral submissions at a public meeting or written submissions before a zoning by-law amendment is passed.



### Public Participation ~ Aggregate Licence Application

#### *Actions you can take...*

- Attend the public information session for the aggregate licence application held under the Aggregate Resources Act and Section 4 of the ARA Provincial Standards.
  - Register your name and other details on the attendance form.
  - These sessions can be a “come-and-go” event so the public has to view site plans on display and ask questions of the applicant’s consultants on an individual basis.
  - The “come-and-go” information session offers a less than satisfactory format as there is no audience setting where questions and comments about the licence application can be heard by all those in attendance.
- Public comment sheets may be available at the meeting; however, if you comment using these sheets, it is essential that you re-submit your questions and comments about the licence application to the district office of the MNR and the licence applicant by mail following the public meeting and within 10 days after the licence application information session has been held. You will then have a copy of your written submission for reference purposes later when the applicant has to try to resolve your objections.
- Be aware that Section 4 of the Provincial Standards issued under the Aggregate Resources Act requires the applicant to attempt to resolve all objections. The applicant must obtain written confirmation (withdrawal) from all objectors indicating their objections have been addressed.

If objections have not been resolved, the applicant shall send recommendations for resolving objections. The objector must then submit to the Ministry of Natural Resources (MNR) and the applicant **within 20 days** recommendations that may resolve the objections. The recommendations shall be delivered personally or by registered mail within the 20 days, **or it will be deemed that there is no longer an objection.** The legality of forcing an objector to submit recommendations to the MNR and the applicant has not been determined by the courts. In any case, an objector should notify the MNR and the applicant within the 20 day period if objections have not been addressed.

#### **Note:**

Comments received through the EBR Registry should not be construed as an objection under the Aggregate Resources Act (ARA) and Section 4 of the Provincial Standards.

### Specific Issues

Following is a list of concerns and issues. The information provided on each issue may assist you in preparing and expressing your objections about a proposed pit or quarry.

- Health and Safety
- Hydrology / hydrogeology (groundwater and surface water)
- Soils, Sand and Gravel
- Landscape
- Noise
- Air Emissions and Air Quality
- Transportation
- Agricultural Lands
- Social and Cultural Impacts
- Financial Costs to Taxpayers
- Natural Heritage
- Site Plans and Licence Conditions
- Cumulative Impacts and Appropriate Studies
- Rehabilitation
- Enforcement by Ministry of Natural Resources (MNR) and Ministry of the Environment (MOE)
- Exportation of Ontario Aggregate
- Public Notification and Consultation



### Specific Issue ~ Health and Safety

- **Bacterial pollution:** possible bacterial pollution from previous biosolids/sludge applications to the site
- **Wells and septic systems:** impacts on residential septic systems and rural wells
- **Security:** security fencing and on-going monitoring of property (e.g. local youth using the lake as a swimming hole)
- **Respiratory health:**
  - adverse effects of airborne dust, including quartz and silica particulates, on respiratory health (e.g. asthma, emphysema, silicosis)
  - pollutant emissions from diesel trucks and machinery (e.g. nitrogen oxides, volatile organic compounds – VOCs, carbon monoxide, fine particulate matter)
- **Contamination of drinking water:**
  - contaminants such as road salt, gasoline, oil, lubricants and solvents entering the shallow groundwater and deeper aquifers causing contamination of drinking water
  - contamination of water in pit ponds and lakes from increased bird populations (e.g. seagulls, Canada gees, other waterfowl)
- **Disease:** mosquito populations in man-made wetlands, ponds and lakes, as well as water laying on pit/quarry floors and the potential for West Nile Virus disease
- **Road safety:**
  - gravel trucks pose a potential danger to children riding, boarding and departing school buses.
  - snow blowing over berms causing drifts to build up and icy conditions to form on adjacent roads
  - increased icing of roads in the fall and winter from evaporation, condensation and moisture in the air rising from pit/quarry ponds and lakes



### **Specific Issue ~ Hydrology / hydrogeology (groundwater and surface water)**

#### **Water Quantity and Flow Systems:**

- **Watershed studies:** watershed and subwatershed studies funded by the Ministry of the Environment may not have been completed for the area
- **Recharge and discharge areas:** proposed pit site is located in a major groundwater recharge and/or surface water discharge area
- **Drainage:** drainage, drainage facilities, stormwater management may be of concern
- **Loss of water:** water budget calculations may mean loss of water is higher than recharge rates
- **Hydrology functions:** impacts on infiltration, permeability, conductivity, hydraulic functions
- **Rate of evaporation:** increased rate of evaporation and continual loss of water to the atmosphere from a pit/quarry lake
- **Transpiration rate:** changes in transpiration rates/volumes (moisture release and absorption by vegetation)
- **Water table levels:** pumping and de-watering operations that can negatively affect water table levels
- **Lack of regulations during low water times:** no regulations to cease operations during extreme seasonal low water levels due to climatic weather conditions
- **Groundwater divide:** presence of a groundwater divide (water flowing to at least two separate water systems)
- **Buried bedrock valley:** presence of a buried bedrock valley, buried bedrock valleys, or their convergence in the area
- **Lack of monitoring:** lack of adherence to original monitoring program, reporting protocol, contingency plans and mitigation or lack of regular monitoring programs
- **Land subsidence conditions:** irreversible collapse of subsurface bedrock formations caused by large-scale pumping and movement of water through the ground

### Specific Issue ~ Hydrology / hydrogeology (groundwater and surface water) (continued)

#### ■ Permit to Take Water:

- a Permit to Take Water application from MOE may be required (e.g. in July, 2003, one licensee filed a Permit To Take Water application to pump 14,400,000 litres per day, 24 hours a day, 365 days a year)
- Irregular or no compliance audits and enforcement by the Ministry of the Environment for Permits to Take Water is a concern

#### ■ Cumulative effects: cumulative effects caused by water being pumped by other pit/quarry extractive operations in the area

#### ■ Moraines: changes to features and functions of moraines (e.g. permeability, absorption of precipitation, storage capacity)

#### ■ Surface water bodies: adverse impacts to wetlands, streams, rivers, ponds and lakes from pumping, de-watering, re-channeling of watercourses, interference with flows and other activities

### Water Quality:

#### ■ Contaminant movement: groundwater and contaminant movement through granular soils and gravel is potentially rapid

#### ■ Surface water contaminants: contamination of creeks, streams, rivers, wetlands, ponds and flood plains as contaminants can rapidly disperse in surface water

#### ■ Well-head and source water protection areas: no extraction should occur in well-head and source water protection areas

#### ■ Drinking water quality: quality of potable (drinking) water may be affected

#### ■ Fill: possible importation and storage of fill and other materials such as recycled concrete and asphalt on the pit site

#### ■ Watershed studies: watershed and subwatershed studies funded by the Ministry of the Environment may not have been completed for the area

#### ■ Mineral and metal deposits: disturbance of naturally-occurring deposits of minerals and metals on site (e.g. aluminum, lead) that has the potential to contaminate groundwater and surface water.



### Specific Issue ~ Soils, Sand and Gravel

- **Erosion:** erosion of lands, slopes, shorelines and the sediment loading of wetlands, streams, rivers, ponds and lakes
- **Quality:** loss of vitality and sterility of soils stored in berms
- **Filtration:** loss of natural filtering material (e.g. topsoil, overburden, sand, gravel)
- **Agricultural Soils:** removal of high quality soils and loss of agricultural capability of soils

### Specific Issue ~ Landscape

- **Natural features:** flattening of landscape and aesthetic natural features and contours
- **Berms:** unsightly berms and high stockpiles of material
- **Damage:** damaged land (a permanent scar on the landscape) and stripping of landscape
- **Vegetation:** unsightly fields of weeds and invasive species vegetation
- **Maintenance:** future maintenance of a pit lake or a quarry (e.g. erosion of shorelines, bank stability, rock faces)

### Specific Issue ~ Noise

- **Trucks:** constant truck movement, deceleration and acceleration noise and use of engine brakes
- **Extraction:** construction, extraction and processing equipment (e.g. stone crusher, washing plant, loaders, conveyors)
- **Alarms:** back up alarms on machinery exempt from noise by-laws





### Specific Issue ~ Air Emissions and Air Quality

- **Plant fumes:** noxious fumes from potential permanent or portable asphalt plants and cement batching plants
- **Dust:**
  - aggregate dust from construction and extraction operations
  - clouds of dust blowing off the top of stockpiles and berms, settling inside and outside houses
  - adverse effects of airborne dust, including quartz and silica particulates, on respiratory health (e.g. asthma, emphysema, silicosis)
- **Vehicular and Equipment Emissions:** pollutant emissions from diesel trucks and equipment (e.g. nitrogen oxides, volatile organic compounds – VOCs, carbon monoxide, fine particulate matter)

### Specific Issue ~ Transportation

- **Regulators:** MTO and OPP have pulled poorly maintained and unsafe gravel trucks off roads in our communities
- **Road safety:** high speed of gravel trucks and poor driving habits of some drivers
- **Increased traffic:** increased traffic and congestion on local roads and highways
- **Designated routes:** deviation from designated haul routes
- **Road damage:** increased wear and damage to roads from heavy trucks
- **Additional lights:** need for large lighted stop signs, flashing overhead lights/stoplights and lighted intersections
- **Inappropriate intersections:** many intersections are not upgraded and/or designated for turning gravel trucks
- **Necessary road changes:**
  - future relocation and redesign of roads and highways in the area
  - loss in stability of land, possibility of sink holes on nearby roads and lands
- **Icing of roads:** increased icing of roads in the fall and winter from evaporation, condensation and moisture in the air rising from pit/quarry ponds and lakes



### Specific Issue ~ Agricultural Lands

#### ■ Destruction of agricultural lands:

- destruction of agricultural lands currently ranked as prime farmland by the Ministry of Municipal Affairs and Housing, municipal government bodies and the Ministry of Agriculture and Food
- permanent removal of farmland and loss of Ontario's food producing agricultural lands
- low agricultural productivity and decreased financial viability for rehabilitated pit farms
- not consistent with Section 2.3 Agriculture of the Provincial Policy Statement issued under the authority of Section 3 of the Planning Act. (On-line Access: [www.mah.gov.on.ca](http://www.mah.gov.on.ca), click "Publications" and then click "Provincial Policy Statement")

### Specific Issue ~ Social and Cultural Impacts

- **Affect on private property:** loss of enjoyment and normal use of private property (guaranteed under the Environmental Protection Act)
- **Affect on community life:** changes in neighbourhood relationships and community life (differing views)
- **Affect on cultural heritage:** loss of built heritage resources and heritage landscapes



### Specific Issue ~ Financial Costs to Taxpayers

- **Road repairs and maintenance:** increased cost of road repairs and maintenance
- **Reduced property values:** decrease in surrounding property values
- **Reduced tax base:**
  - lowered municipal tax base (e.g. property owners in the area can request a reduction in assessment values)
  - licenced aggregate lands in communities are frequently assessed and taxed at low rates
  - loss of municipal assessment when aggregate operations cease (man-made lakes not taxable)
- **Municipal costs:** additional cost to municipalities for professional consulting fees to ensure compliance by pit/quarry operators
- **Insurance and liability:** increased liability, indemnification issues and insurance costs may eventually be born by taxpayers
- **Emergencies:** cost of environmental emergencies and disasters should they occur
- **Time:** disproportionate amount of time expended by councillors and municipal staff dealing with aggregate issues
- **Insufficient annual tonnage fees:** reimbursement to the local municipal government(s) is a negligible financial benefit to the local community (less than 10 cents per tonne)

### Specific Issue ~ Natural Heritage

- **Government policy:** not consistent with Section 2: *Wise Use and Management of Resources* of the Provincial Policy Statement issued under the authority of Section 3 of the Planning Act (On-line Access: [www.mah.gov.on.ca](http://www.mah.gov.on.ca), click "Publications" and then click "Provincial Policy Statement")
- **Impacts on wetlands:**
  - adverse impacts on identified Provincially or Regionally Significant Wetlands and Wetland Complexes
  - unevaluated wetlands (the MNR has not carried out evaluations of many wetlands and wetland complexes in Ontario under the Ontario Wetland Evaluation System, 3rd Edition, 2002)
- **Impacts on natural environments:**
  - adverse impacts on valleyland features
  - adverse impacts on moraine features and functions
  - impacts on Environmentally Sensitive Areas (ESA's) and Areas of Natural and Scientific Interest (ANSI's)
  - aesthetic loss of meandering natural streams, creeks, rivers, etc.
- **Impacts on vegetation:** loss of natural vegetation including trees, woodlands and plant vegetation
- **Impacts on fish:** loss of fish populations and fish habitat
- **Incomplete studies:** watershed and subwatershed studies funded by the Ministry of the Environment may not have been completed for the area



### Specific Issue ~ Site Plans and Licence Conditions

- **Poor track record:** history of pit operators failing to honour site plan requirements and licence conditions
- **Amendments to Licence:**
  - possibility that a licence, if approved, may later be amended to a new Licence Category (e.g. Category #3 Pit Above Water to a Category #2 Pit Below Water; Category #2 Pit Below Water to a Category #2 A Quarry Below Water)
  - site plan amendments are often made without updating original technical reports (e.g. hydrogeological, natural heritage)
- **Changes to site plans:** exceedences (e.g. water-taking) are dismissed by changing monitoring programs on site plans (e.g. change threshold levels to suit the lower water table)

### Specific Issue ~ Cumulative Impacts and Appropriate Studies

- **Incomplete studies:**
  - watershed and subwatershed studies funded by the Ministry of the Environment (MOE) may not have been completed for the area
  - no baselines established (e.g. seasonal water table levels)
  - no consideration or study of the cumulative impacts of the increasing number of licenced pits in a community has been undertaken
- **Review overdue:** a Provincial review of the Aggregates Resources Act, Regulations and Provincial Standards is now overdue



### Specific Issue ~ Rehabilitation

#### ■ Lack of Rehabilitation:

- poor track record by pit operators in rehabilitating aggregate sites
- many abandoned pit and quarries

#### ■ Delay in licence surrender: licences not being surrendered in a timely manner

#### ■ Re-zoning: re-zoning of mined-out pit and quarry lands not required

#### ■ Continued aggregate use:

- mined-out pits and quarries being used for permanent cement batching plants, asphalt plants, processing plants including washing of material and storage of recycled material (e.g. asphalt, cement) and new aggregate material trucked from other pits and quarries
- mined-out pit and quarry lands having new uses are not being re-zoned as “industrial” and appropriately assessed for municipal tax revenue

### **Specific Issue ~ Enforcement by Ministry of Natural Resources (MNR) and Ministry of the Environment (MOE)**

#### ■ **Self-regulation:**

- annual self-compliance reporting by pit operators is currently not working and needs to be reviewed
- no longer are there any mandated pit/quarry annual inspections and reports completed by MNR staff

#### ■ **Lack of MNR resources:**

- understaffing of MNR (enforcement officers, planners, biologists)
- limited professional review of technical reports and site plans by professional staff who have the necessary qualifications and expertise

#### ■ **Poor response:** no response, limited response or delayed response by MNR staff when complaints about pit/quarry operations are reported by citizens

#### ■ **Lack of accountability:**

- there have been few charges, convictions and fines for offences committed under the Aggregate Resources Act and its Regulations
- the Ministry of the Environment appears not to inspect pit/quarry operations to ensure that there is compliance with the Environmental Protection Act, the Ontario Water Resources Act, etc.
- a Permit-to-Take Water is subject to audit by the MOE but it is unknown how many audits of these permits are carried out annually

### **Specific Issue ~ Exportation of Ontario Aggregate**

#### ■ **Ontario's valuable resources are exported:**

- companies are extracting and exporting aggregate to the U.S. at the same time the provincial government says it needs more aggregate to satisfy the provincial need
- an increasing export market for Northern Ontario's aggregate resources is expected



### Specific Issue ~ Public Notification and Consultation

- **Limited notification:** written notice of licence application only delivered to property owners within 120 metres of proposed site
- **Tight timelines for public comment:**
  - considering the magnitude of this matter, the 45 day comment and notification period is too short and dissemination of information to the community is inadequate
  - comment period after the Public Information Session is too short
- **Public objections process flawed:**
  - the process for resolution of objections favours the applicant and is onerous, time-consuming and stressful for members of the public who want to express objections to the application
  - MNR not involved in addressing oral and/or written objections of citizens
  - MNR still can issue a licence without addressing oral and/or written objections of citizens
- **No regulations on conducting public information sessions:**
  - no requirements or terms of reference under the Aggregate Resources Act and its Regulations on how a public information session for a licence application is to be conducted, such as:
    - attendance of consultants who prepared reports in support of the licence application,
    - length of session
    - stated qualifications, education and expertise of consultants
    - presence of MNR staff to ensure that the information session is conducted appropriately
    - availability of mailing addresses and timelines
    - telephone contacts for the licence application
    - copies of EBR Notice
    - information as to process involved in the resolution of objections, appeal option



### REQUIRED ENVIRONMENTAL PERMITS AND APPROVALS

#### Ministry of the Environment

Environmental approvals may be required from the **Ministry of the Environment:**

#### Environmental Protection Act

- A certificate of approval is required for a discharge into the air.

#### **Ministry of the Environment**

**[www.ene.gov.on.ca](http://www.ene.gov.on.ca)**

Environmental Assessment  
and Approvals Branch  
2 St. Clair Avenue, West, Floor  
12A

Toronto, Ontario M4V 1L5  
Telephone: (416) 314-8001,  
Toll-Free: 1-800-461-6290

#### Ontario Water Resources Act

- A certificate of approval is required for a sewage works and a permit to take water is required for activities such as installing wells, establishing wash ponds and silt ponds and for de-watering operations.

#### **Ministry of the Environment**

**[www.ene.gov.on.ca](http://www.ene.gov.on.ca)**

Permits to Take Water  
Hamilton Regional Office, 12th  
Floor,

119 King Street, West,  
Hamilton, Ontario L8P 4Y7  
Telephone: (905) 521-7640,  
Toll-Free: 1-800-668-4557

### Environmental Bill of Rights

Environmental approval applications are subject to the Environmental Bill of Rights and are posted on the Ministry of the Environment's **Environmental Registry** for public comment.

#### **EBR Registry**

An environmental approval application is posted as an "**Instrument**" and is given an **Environmental Registry Number** for reference purposes. The notice includes the date the "Proposal" was loaded. The **public comment period is usually 30 days** for environmental approvals and requires written submissions within a specific time frame. Should a decision be made in respect to the environmental approval application, a "**Decision**" posting will appear on the Environmental Registry.

#### ***Actions you can take...***

- Monitor the Environmental Registry weekly to watch for environmental approval posting.
- Access the Environmental Registry online at [www.ebr.gov.on.ca](http://www.ebr.gov.on.ca) and click "Environmental Registry".

If approvals are given, the following certificates and permits may be produced:

- Certificate of Approval for a Discharge Into the Air
- Permit-To-Take Water or
- Certificate of Approval for a sewage works

#### ***Actions you can take...***

- Ask for copies of all certificates and permits
- These certificates and approvals are useful for monitoring pit operations and reporting non-compliance.

### Environmental Commissioner of Ontario

The public generally has 15 calendar days to submit a written notice for **leave to appeal a MOE decision** for approval to:

- 1. Environmental Commissioner of Ontario** (Telephone: 416-325-3370)
- 2. Director of the Environmental Assessment and Approvals Branch** (Telephone: 416-314-8001).

The appellate body is the Environmental Review Tribunal (Telephone: 416-314-4506).

### Federal Environmental Approvals

Other environmental approvals may be required by:

- 1. Federal Department of Fisheries and Oceans** under the Fisheries Act
- 2. Transport Canada** under the **Navigable Waters Protection Program**

### ACTS AND REGULATIONS THAT TAKE PRECEDENCE OVER THE AGGREGATE RESOURCES ACT

In the past, Section 66.(1) of the Aggregate Resources Act (ARA) has been used to override a municipality's authority to use official plan provisions and municipal zoning by-laws to protect citizens, communities, resources and the environment from the adverse effects of pit and quarry operations and the transportation of aggregate.

#### Aggregate Resources Act

Section 66.(1):

*"This Act, the regulations and the provisions of licences and site plans apply despite any municipal by-law, official plan or development agreement and, to the extent that a municipal by law, official plan or development agreement deals with the same subject-matter as this Act, the regulations or the provisions of a licence or site plan, the by-law, official plan or development agreement is inoperative."*

It is easy to misinterpret and misunderstand the actual text and intention of Section 66.(1) of the Aggregate Resources Act.

Section 66.(1) of the ARA refers only to provisions in an official plan or a zoning by-law which **deal with the same subject-matter** as the Aggregate Resources Act and its regulations. The Aggregate Resources Act, its regulations, licence provisions and site plans **are not all encompassing** and cannot override municipal by-laws, etc. that have been put in place to protect citizens, communities, resources and the environment.



### Municipal Official Plans and Zoning By-laws

Provisions in municipal official plans and zoning by-laws are usually rooted and have their legislative authority in provincial laws and regulations such as the **Planning Act**, the **Provincial Policy Statement (PPS)** issued under Section 3 of the Planning Act, the **Municipal Act** and other Acts and regulations.

For example, under Section 34.(1) of the Planning Act, **zoning by-laws** may be passed by the councils of local municipalities for:

1. prohibiting **any use of land** that is a sensitive ground water recharge area or head-water area or on land that contains a sensitive aquifer. Section 34.(1) 3.1
2. prohibiting **any use of land** that contains a sensitive groundwater feature or a sensitive surface water feature, or that is within an area identified as a vulnerable area in a drinking water source protection plan that has taken effect under the Clean Water Act, 2006 Section 34.(1) 3.1
3. prohibiting **any use of land** that is a significant wildlife habitat, wetland, woodland, ravine, valley or area of natural and scientific interest, that is a significant corridor or shoreline of a lake, river or stream, or that is a significant natural corridor, feature or area Section 34.(1) 3.2

Section 34.(2) of the Planning Act deems the making, establishment or operation of a pit or quarry to be **a use of land**.

#### *Actions you can take...*

- If the councils of local municipalities, current or past, have not passed zoning by-laws to protect natural features and sensitive or vulnerable areas in their communities, you can lobby for these by-laws to be passed immediately to ensure that these features and areas will be protected from the adverse impacts of aggregate operations and the transportation of aggregate.
- In preparing and writing objections for official plan amendment and zoning by-law amendment applications and licence applications, you can inquire at their local municipal office(s) as to current official plan provisions and municipal by-laws that are in place.
- Reasons for objections should include references to provisions in existing official plans and zoning by-laws that are in place to protect citizens, communities, resources and the environment.

It is inconceivable that a municipality should be thwarted from using its official plan and municipal by-laws to protect the health and safety of citizens, communities, resources, natural features and sensitive or vulnerable areas.

### The Jurisdictional Authority of Other Acts and Regulations

The **Aggregate Resources Act**, its regulations, licence provisions or site plans do not override provisions in the following Acts and other acts because the ARA and its regulations **do not deal with the same subject-matter** as these Acts do.

- Environmental Protection Act
- Safe Drinking Water Act
- Ontario Water Resources Act
- Clean Water Act
- Public Transportation and Highway Improvement Act

### Conflicts with Other Legislation

#### **Environmental Protection Act**

[www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)

Section 179.(1)

*Where a conflict appears between any provision of this Act or regulation in a matter related to the natural environment or a matter specifically dealt with in this Act or the regulations, the provision of this Act or the regulations shall prevail.*

#### **Safe Drinking Water Act**

[www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)

Section 166.(1)

*The provisions of this Act and the regulations prevail over the provisions of any other Act and any regulation made under any other Act, irrespective of when the other Act is enacted or the regulation is made under the other Act.*

#### **Ontario Water Resources Act**

[www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)

Section 29.(1) Supervision of Waters

*For the purposes of this Act, the Minister has the supervision of all surface waters and ground waters in Ontario. (Minister of the Environment)*

#### **Clean Water Act, 2006**

[www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)

Section 105.(1)

*If there is a conflict between a provision in this Act and a provision of another Act or a regulation or instrument made, issued or otherwise created under another Act with respect to a matter that affects or has the potential to affect the quality or quantity of any water that is or may be used as a source of drinking water, the provision that provides the greatest protection to the quality and quantity of the water prevails.*

Section 105.(2)

*Despite subsection (1), if there is a conflict between a provision of this Act and a provision of the Nutrient Management Act, 2002 or a regulation or instrument made, issued or otherwise created under the Act, the provision of this Act prevails.*

### **The Jurisdictional Authority of Other Acts and Regulations** (continued)

The Aggregate Resources Act and its regulations cannot and do not take precedence or prevail over provisions in Acts that ensure public health and safety, the normal use of property, comfort levels and the quality of the natural environment.

Citizens in Ontario and municipal officials and staff are encouraged to use the provisions in all applicable Acts to **exercise their legal rights** under the law to ensure that they will not be adversely affected by the establishment and operation of pits and quarries in their communities.

Citizens and municipal officials and staff are advised to review the provisions of all applicable acts and plans (e.g. Highway Traffic Act, Public Transportation and Highway Improvement Act, Municipal Act, Planning Act, Species At Risk Act (federal), Niagara Escarpment Plan) that offer various ways and means to protect the public, communities, resources and the environment.

In preparing and writing objections for official plan amendment and zoning by-law amendment applications and licence applications, citizens and municipal officials and staff should include references to provisions in other Acts that apply to health and safety matters, the normal use of property, comfort levels and the quality of the natural environment.

#### ***Actions you can take...***

- Become familiar with the Provincial Policy Statement and other legislation so that you can reference legislation when discussing aggregate applications and/or formalizing your objections.
- The Provincial Policy Statement is issued under the authority of Section 3 of the Planning Act (On-line Access: [www.mah.gov.on.ca](http://www.mah.gov.on.ca), click "Publications" and then click "Provincial Policy Statement").

### The Provincial Policy Statement (PPS)

The Provincial Policy Statement (PPS) issued under Section 3 of the **Planning Act** provides policy direction on matters of provincial interest related to **land use planning and development**. The Provincial Policy Statement sets the policy foundation for regulating the development and use of land, including aggregate pits and quarries. The PPS also supports the provincial goal to enhance the quality of life for the citizens of Ontario.

When an official plan amendment application, a zoning by-law amendment application or a pit or quarry licence application is filed, the policies in the PPS must be considered. Decisions on these applications "*shall be consistent with*" policies in the Provincial Policy Statement.

The Provincial Policy Statement sets down policies for the wise use and management of resources. The PPS does not prioritize the importance of resources such as water, natural heritage, agriculture, cultural heritage, archaeological, or mineral aggregate resources.

Planning policies for mineral aggregate resources in the Provincial Policy Statement cannot supersede or override laws, regulations and municipal by-laws, etc. that have been put in place to protect citizens, communities, resources and the environment.

The Provincial Policy Statement is issued under the authority of Section 3 of the Planning Act (On-line Access: [www.mah.gov.on.ca](http://www.mah.gov.on.ca), click "Publications" and then click "Provincial Policy Statement").



### REFERENCES

<b>LEGISLATIVE STATUTES (ACTS), REGULATIONS AND POLICIES</b>	
<b>Aggregate Resources Act (ARA)</b>	<a href="http://www.e-laws.gov.on.ca">www.e-laws.gov.on.ca</a>
<b>Aggregate Resources Provincial Standards</b>	<a href="http://www.mnr.gov.on.ca">www.mnr.gov.on.ca</a> Click "Aggregate Resources-Rules and Regulations." Click "Site Map" for additional information.
<b>Clean Water Act (Proposed)</b>	<a href="http://www.ene.gov.on.ca">www.ene.gov.on.ca</a> Type in "Clean Water Act" in "Search" When the Act is approved, access the Act at <a href="http://www.e-laws.gov.on.ca">www.e-laws.gov.on.ca</a>
<b>Conservation Authorities Act</b> Ontario Regulation 97/04 Content of Conservation Authority Regulations Under Subsection 28(1) of the Act Development, Interference With Wetlands and Alterations to Shorelines and Watercourses	<a href="http://www.e-laws.gov.on.ca">www.e-laws.gov.on.ca</a> Click " <u>Conservation Authorities Act</u> " and then click the cross that precedes the name of the Act. Click on the regulation for the Conservation Authority in your area.
<b>Environmental Assessment Act</b>	<a href="http://www.e-laws.gov.on.ca">www.e-laws.gov.on.ca</a>
<b>Environmental Protection Act</b>	<a href="http://www.e-laws.gov.on.ca">www.e-laws.gov.on.ca</a>
<b>Environmental Review Tribunal Act</b>	<a href="http://www.e-laws.gov.on.ca">www.e-laws.gov.on.ca</a>
<b>Fisheries Act (Federal)</b> Department of Fisheries and Oceans Canada Fisheries Management 867 Lakeshore Road, Box 5050, Toronto, ON L7R 4A6 Telephone: 905-336-4871	<a href="http://laws.justice.gc.ca/en/F-14">http://laws.justice.gc.ca/en/F-14</a>
<b>Endangered Species Act</b>	<a href="http://www.e-laws.gov.on.ca">www.e-laws.gov.on.ca</a>
<b>Environmental Bill of Rights</b> Environmental Bill of Rights (EBR) Environmental Registry	<a href="http://www.e-laws.gov.on.ca">www.e-laws.gov.on.ca</a> Environmental Registry: <a href="http://www.ebr.gov.on.ca">www.ebr.gov.on.ca</a>
<b>Greenbelt Act</b>	<a href="http://www.e-laws.gov.on.ca">www.e-laws.gov.on.ca</a>
<b>Health Protection and Promotion Act</b>	<a href="http://www.e-laws.gov.on.ca">www.e-laws.gov.on.ca</a>

<b>Migratory Birds Convention Act</b>	<a href="http://www.e-laws.gov.on.ca">www.e-laws.gov.on.ca</a>
<b>Mining Act</b>	<a href="http://www.e-laws.gov.on.ca">www.e-laws.gov.on.ca</a>
<b>Navigable Waters Protection Act (Federal)</b> Navigable Waters Protection Program Ontario Region Transport Canada, Marine Office 100 S Front Street, 1 <sup>st</sup> Floor Sarnia, Ontario N2T 2M4 Telephone: (519) 383-1865	<a href="http://www.laws.justice.gc.ca">www.laws.justice.gc.ca</a>
<b>Niagara Escarpment Planning and Development Act</b>	<a href="http://www.e-laws.gov.on.ca">www.e-laws.gov.on.ca</a>
<b>Oak Ridges Moraine Conservation Act</b>	<a href="http://www.e-laws.gov.on.ca">www.e-laws.gov.on.ca</a>
<b>Occupational Health and Safety Act</b>	<a href="http://www.e-laws.gov.on.ca">www.e-laws.gov.on.ca</a>
<b>Ontario Water Resources Act</b>	<a href="http://www.e-laws.gov.on.ca">www.e-laws.gov.on.ca</a>
<b>Ontario Regulation 387/04 Water Taking and Transfer</b>	<a href="http://www.e-laws.gov.on.ca">www.e-laws.gov.on.ca</a> Click "Ontario Water Resources Act" and then click the cross that precedes the name of the Act. Click Regulation 387/04
<b>Planning Act</b>	<a href="http://www.e-laws.gov.on.ca">www.e-laws.gov.on.ca</a>
<b>Provincial Policy Statement (PPS)</b> Issued under Section 3 of the Planning Act	<a href="http://www.mah.gov.on.ca">www.mah.gov.on.ca</a> Click " <i>Publications</i> " and then click " <i>Provincial Policy Statement</i> ". Also click " <i>Citizen Guides to Land Use Planning</i> " for additional information.
<b>Public Transportation and Highway Improvement Act</b>	<a href="http://www.e-laws.gov.on.ca">www.e-laws.gov.on.ca</a>
<b>Safe Drinking Water Act</b>	<a href="http://www.e-laws.gov.on.ca">www.e-laws.gov.on.ca</a>
<b>Species at Risk Act (Federal)</b>	<a href="http://www.speciesatrisk.gc.ca/default_e.cfm">http://www.speciesatrisk.gc.ca/default_e.cfm</a>
<b>Technical Standards and Safety Act</b>	<a href="http://www.e-laws.gov.on.ca">www.e-laws.gov.on.ca</a>
<b>Workplace Safety and Insurance Act</b>	<a href="http://www.e-laws.gov.on.ca">www.e-laws.gov.on.ca</a>

### PLANS

#### Official Plan(s) and Zoning By-laws

Many municipalities have websites and post official plans and zoning by-laws on them. You can view the official plan and zoning by-laws at the local municipal office, the county office and/or the regional government office.

Additional information is available at [www.mah.gov.on.ca](http://www.mah.gov.on.ca)

Click "Publications" and then click "Citizen Guides to Land Use Planning" for additional information such as "Official Plans, Zoning By-laws, etc.."

#### Watershed and Subwatershed Plans

The MOE has funded many municipalities to conduct watershed and subwatershed studies within their jurisdictions. These studies have resulted in the publication of watershed and subwatershed plans for many areas of Ontario (e.g. Hanlon Creek Subwatershed Study, Mill Creek Subwatershed Study, Laurel Creek Subwatershed Study).

While the main emphasis is on watershed-based source protection water quality and quantity, many of these studies include excellent information about natural environment features and functions, the impacts of industrial and commercial land use in the area. All of the studies make recommendations for the implementation of the Watershed Plan or Subwatershed Plan. These plans are sources of excellent information about local areas and can be used to support concerns.

Many municipalities post their watershed and subwatershed studies online. Conservation Authorities may post the studies online, as well. You can view watershed and subwatershed studies at the local municipal, county or regional government offices and usually at your local library

[www.ene.gov.on.ca](http://www.ene.gov.on.ca)

Click "Publications" and then click "Ministry Programs and Initiatives Catalogue."

Go to "Watershed Management" documents. The eight publications are listed.

1. 3585e01 White Paper on Watershed-Based Source Protection Planning, February, 2004
2. 3585e02 Summary Report Consultation Sessions on the White Paper
3. 3546e Inventory of Watershed Management Projects in Ontario. An excellent summary for each watershed study completed in Ontario between 1990 & 1995.
4. 311e Integrating Water Management Objectives into Municipal Planning Documents
5. 3672e Formulating Objectives for Management on an Ecosystem Scale
6. 3110e Watershed Management on a Watershed Basis: Implementing an Ecosystem Approach Report
7. 4197e01 Groundwater Studies in Ontario: Mapping a Hidden Treasure
8. 3563e Watershed Non Final Evaluation Report

### PUBLICATIONS & MANUALS

#### **Ministry of the Environment Publications**

There are excellent publications including technical guidelines and procedures which have been issued by the **Ministry of the Environment** for information purposes.

[www.ene.gov.on.ca](http://www.ene.gov.on.ca)

Click "Publications"

#### **Natural Heritage Reference Manual for the Provincial Policy Statement**

#### **Significant Wildlife Habitat: Technical Guide**

#### **Protecting What Sustains Us: Ontario's Biodiversity Strategy 2005**

#### **MNR Policies and Procedures Manual for the Administration of the Aggregate Resources Act**

This Manual was revised in 2005-2006 and should soon be available for public information purposes on the MNR website.

[www.mnr.gov.on.ca](http://www.mnr.gov.on.ca)

Click "MNR Publications Page."

These MNR publications and others are sources of excellent information describing required protection for wetlands, forests, fish and wildlife habitats, valleylands, Areas of Natural and Scientific Interest (ANSI's), and endangered and threatened species.

### CONTACT INFORMATION

#### Environmental Commissioner of Ontario

1075 Bay Street, Suite 605  
Toronto, Ontario M5S 2B1  
Telephone: (416) 325-3377, Toll-Free 1-800-701-6450

ECONOTE: Aggregate Operations and the Environmental Bill of Rights

[www.eco.on.ca](http://www.eco.on.ca)

For ECONOTE, click *Publications and Forms* on sidebar.

#### Ministry of the Environment

Public Information Centre  
1<sup>st</sup> Floor, 135 St. Clair Avenue, West  
Toronto, Ontario M4V 1P5  
Telephone: (416) 325-4000, Toll-Free: 1-800-565-4923

Environmental Assessment and Approvals Branch  
2 St. Clair Avenue, West, Floor 12A  
Toronto, Ontario M4V 1L5  
Telephone: (416) 314-8001, Toll-Free: 1-800-461-6290

Permits To Take Water  
Hamilton Regional Office, 12<sup>th</sup> Floor  
119 King Street, West  
Hamilton, Ontario L8P 4Y7  
Telephone: (905) 521-7640, Toll-Free: 1-800-668-4557

Freedom of Information and Protection of Privacy  
40 St. Clair Avenue, West 12<sup>th</sup> Floor  
Toronto, Ontario M4V 1M2  
Telephone: (416) 314-4075

Environmental Bill of Rights Office  
40 St. Clair Avenue, West  
Toronto, Ontario M4V 1M2

[www.ene.gov.on.ca](http://www.ene.gov.on.ca)

<p><b>Ministry of Culture</b></p>	<p><a href="http://www.culture.gov.on.ca">www.culture.gov.on.ca</a></p>
<p><b>Ministry of Municipal Affairs and Housing (MMAH)</b>          General Inquiries          777 Bay Street, 17<sup>th</sup> Floor          Toronto, Ontario M5G 2E5          Telephone: (416) 585-7041, Toll-Free: 1-866-220-3390            You can also contact your local MMAH District Office to speak with the Planner assigned to your area. General Inquiries should provide you with a contact number.</p>	<p><a href="http://www.mah.gov.on.ca">www.mah.gov.on.ca</a></p>
<p><b>Ontario Ministry of Agriculture, Food and Rural Affairs</b>          Public Archives Building          77 Greenville Street, 11<sup>th</sup> Floor          Toronto, Ontario M5S 1B3          Deputy Minister's Office: (416)326-3102,          Fax (416) 326-3106</p>	<p>Email address:  <a href="mailto:minister@omafra.gov.on.ca">minister@omafra.gov.on.ca</a></p>
<p><b>Ontario Municipal Board</b>          655 Bay Street, Suite 1500          Toronto, Ontario M5G 1E5,          Telephone: (416) 326-6800, Toll-Free: 1-866-887-8820</p>	<p><a href="http://www.omb.gov.on.ca">www.omb.gov.on.ca</a></p>
<p><b>Ontario Stone, Sand &amp; Gravel Association</b> (Formerly The Aggregate Producers of Ontario)          365 Brunel Road, Unit 2          Mississauga, Ontario L4Z 1Z5          Telephone: (905) 507-0711</p>	
<p><b>The Ontario Aggregate Resources Corporation (TOARC)</b>          1001 Champlain Avenue, Suite 103          Burlington, Ontario L7L 5Z4          Telephone: (905) 319-7424, Toll-Free: 1-866-308-6272, Toll-Free: 1-866-30-TOARC</p>	