

December 14, 2015

Ministry of Natural Resources and Forestry
300 Water Street
Peterborough, ON K9J 8M5

**Re: A Blueprint for Change – A proposal to modernize and strengthen
the *Aggregate Resources Act* policy framework**

EBR Registry Number: 012-5444

The Ontario Stone, Sand & Gravel Association (OSSGA) is a not-for-profit association representing over 280 sand, gravel and crushed stone producers and suppliers of valuable industry products and services. Collectively, our members supply the substantial majority of the 164 million tonnes of aggregate consumed, on average, annually in the province to build and maintain Ontario's infrastructure needs. OSSGA works in partnership with government and the public to promote a safe and competitive aggregate industry contributing to the creation of strong communities in the province.

The ARA Review has been ongoing for nearly five years. The Provincial Government announced a review of the *Aggregate Resources Act* during the 2011 Provincial election. The Standing Committee on General Government held hearings on the ARA review in 2012 and released its report including 38 recommendations in October 2013. The Government issued its response in February 2014 generally supporting the spirit of the Standing Committee recommendations. There was further focus group consultation in the fall of 2014.

The MNRF's *A Blueprint for Change* outlines the Government's proposal to modernize and strengthen the ARA policy framework. Since its release on October 21, 2015, OSSGA staff, committees and members have initiated a comprehensive review of the Government's proposals and participated in stakeholder consultation sessions. OSSGA's Board has endorsed this submission.

Summary Position

OSSGA is disappointed that despite extensive consultation, MNRF's *A Blueprint for Change* comes up short in several key areas that have been central to the ARA Review over the past few years. OSSGA is frustrated that the current proposal does not address licence fee structure, streamlining of the application review process or more substantively contribute to better recycling. These are three fundamental issues that were included in the order for the Review from the Ontario Legislature. They

are three issues where there was a good degree of consensus among stakeholders. They are three areas where the Standing Committee provided clear directions all of which were endorsed in the Government Response. Given this background, lack of progress on these matters is a serious omission and missed opportunity. OSSGA would like to see these matters back on the table and a priority for the ARA Review as it moves to the next stage.

OSSGA recognizes the need to review, modernize and strengthen the ARA policy framework. Policy and legislation related to management of aggregate resources has been regularly updated since the 1970s in order to keep it strong, fresh and relevant. OSSGA and its members have been very involved in the ARA review through all stages. There continues to be a strong interest in continuing the dialogue and providing constructive input to the Government's proposals.

It goes without saying that OSSGA members have an enormous stake in the outcome of the ARA Review. That is why we are so interested in taking significant steps forward on the issues that matter most to all stakeholders and why we are calling for action on licence fees, streamlining and recycling. These issues are further discussed in the body of our submission.

OSSGA recognizes that substantial work has gone into development of the Blueprint proposals. *A Blueprint for Change* offers a number of recommendations to help improve efficiency and reduce administration which OSSGA supports in principle. Examples include a review and update of study requirements (to provide consistency and certainty), simplifying areas such as farm operations, permit by rule, no licence for personal use, and conditions for exemptions. Another positive direction is improvements in record keeping that will support fact-based management of Ontario's aggregate resources.

There are other proposals in *A Blueprint for Change* that should be reconsidered. OSSGA does not support the proposal for authority to require new studies for existing approvals that will create unwarranted uncertainty. We question the rationale for tonnage limits on recycled and blending materials. While OSSGA endorses aggressive progressive rehabilitation we do not think maximum disturbed area would be a very effective control.

In many areas there are remaining questions and details to be determined, developed and discussed. OSSGA looks forward to being a part of the continuing dialogue. OSSGA is committed to working with the MNRF as we move through revisions to the legislation, regulations and policy framework.

OSSGA has identified several components of the MNRF Blueprint proposals that will benefit from additional work and consultation. OSSGA is particularly interested in working with MNRF on the following matters:

- Increase licensed fees to support municipal infrastructure and Ontario’s aggregates program;
- Streamlining and integration;
- Recycling to ensure necessary regulation without deterrence;
- Detailed requirements for enhanced studies and information;
- Cumulative Impact Assessments;
- Agricultural Rehabilitation – best practices;
- Aboriginal Consultation;
- Site Plan Amendment policy and procedures; and
- Fill importation protocols.

Stakeholders’ Common Ground

Looking back on the Standing Committee hearings and subsequent report, OSSGA observes that there was a good degree of consensus amongst many stakeholders on three important themes:

- It was time to increase licence fees;
- The application process should be streamlined, simplified, harmonized and integrated; and
- That collectively, we do better on recycling.

In evaluating the MNRF Blueprint proposals, OSSGA was disappointed not to see more on these key components of the ARA review. The first section of our response focuses on these three aspects of the review.

Licence Fees

Throughout the ARA review, one of the primary concerns among all stakeholders has been the adequacy of the current licence fee structure. OSSGA has been working with producing municipalities in order to develop a framework for increased fees and an up-to-date distribution system. The Standing Committee recommended increasing the annual fees including increased support for MNRF’s aggregate program administration and inspection.

This remains to be resolved. The MNRF’s Blueprint does not include specific proposals for revised fee structures; this is work still in progress. OSSGA is but one of many stakeholders who perceive the updating of the licence fees to be an integral piece of a successful ARA Review.

The issue of fees is of fundamental importance to the proposed changes to the ARA. Without an adequate funding model to pay for the added program components and responsibilities in *A Blueprint for Change*, OSSGA is unclear how an already busy ministry will be able to affect and enforce the changes outlined in the document.

Together, the Top Aggregate Producing Municipalities of Ontario (TAPMO) and OSSGA created the TAPMO/OSSGA Committee. In various consultations with MNR, the Committee has been very clear that increased fees are supported provided that all of the following seven principles are met:

1. Licence fees are charged on all products produced in Ontario;
2. Money to regions and municipalities is used for infrastructure only;
3. Exports out of province and imports into province are addressed;
4. Discrepancies between the *Mining Act* and the ARA are resolved;
5. More funding for the Management of Abandoned Aggregate Properties Program (MAAP) program in TOARC is provided;
6. The increased fee results in increased enforcement, staffing and results from the Ontario government; and
7. The fee is no longer directed to general revenues of the Provincial Government.

OSSGA stands behind the work of this group, including its recommendation for a Delegated Administrative Authority (DAA) model to address a number of concerns of industry in addition to the licence fee (increased enforcement, etc.).

OSSGA is supportive of indexing fees and royalties to the Consumer Price Index, as outlined in *A Blueprint for Change*, but recommends a one-year lag to accommodate financial planning and pricing requirements.

Streamlining

The Standing Committee report includes a good discussion of the concerns that stakeholders expressed about the licensing process. The conclusion was that efficiency can be improved including the following key recommendation:

The Ministry of Natural Resources, the Ministry of Municipal Affairs and Housing, and the Ministry of the Environment shall simplify and standardize wherever feasible and practical, the consultation processes, timelines, and data requirements associated with aggregate applications, including licences, site plans, and permits subject to review or consideration under the Aggregate Resources Act, the Planning Act, the Environmental Bill of Rights, and other relevant statutes.

The Government's Response Report endorsed this direction. The process should be clear, predictable and streamlined, wherever possible.

The Blueprint does not put forward new substantive proposals that would streamline, integrate or simplify the application processes. In some cases the result of proposed changes will be the opposite. There will be more studies required (increased cost and time for review), duplication of reviews and more MNRF discretion on a number of fronts. Many of the Blueprint proposals are missing key information and details without which there is going to be lack of clarity and more opportunity for arguments. Furthermore, existing consistency between applications which adds to clarity, predictability and a streamlined approach has been removed.

OSSGA appreciates that harmonization and streamlining is a significant challenge that involves other Ministries and legislation. This should not detract from the importance of this recommendation or dissuade MNRF from making this a priority. OSSGA would like to work with MNRF to develop additional proposals for legislative and policy reform that would implement the Standing Committee's recommendations. This work could be divided into logical categories for development of innovative ideas to improve the application process such as the following:

- Internal efficiencies in the MNRF process including timely EBR postings and reduced timeframes for end of process paperwork.
- Opportunities for harmonization between ARA and *Planning Act* processes.
- Improved direction and criteria for decision making when minor objections are unresolved (MNRF discretion to issue a licence).
- Sorting out multiplicity of Provincial level policy, guidelines, manuals, etc. including overlapping jurisdiction on water resources.
- Clearly defining what work needs to be completed to obtain a licence and what work is better dealt with as conditions of approval. (e.g. permits after land use approval)
- Resolving duplication of regulators' roles between MNRF and Niagara Escarpment Commission.

Recycling

OSSGA continues to be a strong advocate for maximizing the use of recycled aggregates. Granted, this issue goes beyond the ARA itself and several of the Standing Committee recommendations are not ARA matters.

OSSGA supports the Blueprint proposals for better record keeping that would improve tracking of recycled aggregates and shed better light on where the Province is doing well and where there is more room for improvement.

One matter that does fall under the ARA is permission to recycle aggregate in licensed pits and quarries. This would remove a barrier and should be established as a right (subject to a standardized

set of appropriate controls to ensure the size, scale and environmental controls are in accordance with best practices), and incorporated as a requirement on updated Standards for all site plans.

OSSGA and Aggregate Recycling Ontario (ARO) are committed to working with MNRF and other Ministries towards the next steps that were outlined in the Government's Response to the Standing Committee recommendations.

New Studies for Existing Licences (2.1 u.)

MNRF's proposal to introduce the authority to require new studies for existing licences is of significant concern to OSSGA and its member companies. This is one of the few Blueprint proposals that OSSGA strongly opposes.

There are adequate and appropriate safeguards in place and tools available to properly manage sites with older approvals. Environmental permits (ECA and PTTW) have to be kept current. Endangered species are protected, regardless of the status of the licence. The EBR provides a process for requests to review. The MNRF has the authority to amend site plans (through a process that provides a degree of protection for licensees).

An existing ARA licence is not a licence to pollute or cause adverse effects on neighbours. In fact, both are prohibited under the *Environmental Protection Act* and other legislation. As a result, aggregate producers are compelled to adopt best practices mitigation regardless of the age of the licence.

The ARA legislation works hand in hand with planning policy to manage, regulate and make sure aggregate resources are available. For nearly as long as there have been licences (40 years), Ontario has had in place planning policy to protect licensed areas and allow them to continue to operate. Uses that preclude or hinder aggregate availability at a licensed operation (or unlicensed known deposit area) are generally not permitted. Rural areas have a primary function of protecting and making available rural resources.

Where other neighbouring uses have been established after the pit or quarry was licensed, licensees should not be required to reassess land use compatibility concerns. Given the longstanding policy protecting resource areas and licences, it has already been determined by the developer, landowner and/or approval authority that the other use would not hinder or preclude extraction. If that is not the case (i.e. the government failed to implement its policies), the onus should be on the land use or the government to study and resolve the compatibility concern. To require the licensee to study and resolve an incompatibility issue created contrary to government policy reverses the reasonable onus and overturns a basic principle of planning (rural areas are resource areas).

Where adjacent properties existing at the time of licensing have changed owners, licensees should not be required to assess land use compatibility concerns. Licensed operations are required to be identified in municipal planning documents so that prospective purchasers are aware of pits and quarries before purchase decisions are made.

For natural environment concerns, no new licensee studies should be required. This is an area of planning where the rules of the game are constantly changing and the list of protected features has evolved rapidly over time. These planning policies are not to be applied retroactively; if they were, many forms of approved development could be rolled back and it would be quite reasonable to expect some form of compensation to be warranted.

For traffic, there is a reasonable expectation that road authorities are building and maintaining road networks to accommodate movement of goods and services from approved land uses. If that has not been done then municipal governments and producers often work together cooperatively to achieve haul routes that can safely accommodate truck traffic. There is no need for Provincially required new studies after the licence has been issued.

That leaves water. It is conceivable that there are old licences where lack of hydrogeological study coupled with the current understanding of potential for impact could have undesirable environmental consequences. This would be limited to where water taking (dewatering) is required and there is already an MOECC PTTW requirement that fully addresses any such concern.

In summary, there is strong public interest in providing a high degree of certainty where licences have been issued. This licensed supply should be protected consistent with the PPS and not subject to unpredictable capricious reevaluation. As the time, risk and cost of securing new licensed supply increases it is important that the industry continue to view licensed supply as a safe investment and be able to rely on previous approvals.

Source Water Protection Conditions (2.1 v.)

The *Clean Water Act* already provides authority to amend instruments (including ARA licences) to implement Source Protection Plans. What is the rationale for “new powers” and automatic conditions? Why is the *Clean Water Act* insufficient? While there may be merit in more efficient implementation, no information is provided on what conditions would be automatically applied or established in regulation.

Remaining Comments

The remainder of the OSSGA comments are provided in the order that they are presented in the MNRF Blueprint:

Enhanced Study Requirements (1.1.1 a.)

Enhanced study requirements are provided for the natural environment, water, cultural heritage, noise, traffic and dust. There are new study requirements for applications on agricultural lands. MNRF proposes enhanced summary statement requirements and plain language summaries for certain types of applications.

OSSGA supports a review and update of study requirements. Once updated, the benefit of current and comprehensive study requirements should provide consistency and certainty across the board. There should be no duplication between report requirements (between province and municipality) where they overlap. The ARA should be the leading document on applications and studies, and municipal official plans should not be more restrictive. Provincial legislation should be the test and municipalities should reflect study requirements identified in the ARA. This is an example of the type of harmonization that should be pursued.

OSSGA comments on specific study requirements:

- Some of the new study requirements serve to align ARA requirements with current policies and legislation. In many respects, it is common practice for applications to address these requirements. Incorporating these requirements under the ARA should help standardize approaches and scope for these studies.
- Updated standards for cultural heritage impact assessment should better align with Ministry of Tourism, Culture and Sport guidelines so that later stages of archaeological assessment can be completed after the licence has been issued. Requirements for built heritage and cultural heritage landscape impact assessment should be scoped and apply to known resources that are properly identified and designated in approved planning documents.
- The proposals for enhanced water impact studies recognize the relationship between requirements for impact assessment and level of risk related to different types and scales of aggregate operations. Applicants and reviewers would be greatly advantaged if clear definition of the efforts expected were provided. OSSGA and its associate member practitioners require additional details in order to properly assess these proposals and would be happy to assist as required.

- As submitted to the Standing Committee, OSSGA endorses the assessment of cumulative effects and has worked with other stakeholders to develop reasonable best practices. Assessment of cumulative effects is often included in water resource impact assessments. MNR proposes to standardize this requirement. Considerable work and consultation with stakeholders and practitioners will be required in order to appropriately define these requirements. Without clear guidance and/or objective measurements, "qualified experts" will differ on the interpretation and methodology which will be counterproductive to the Standing Committee direction to simplify the process. The study guidelines will need to account for availability of information and practical scoping of what uses or proposals are to be assessed as well as reasonable temporal and spatial limits.
- Careful consideration is required when determining what information is required in order to obtain a new licence and what information is more appropriately dealt with after licensing as a condition or further permitting requirement. It is important not to duplicate existing requirements that are established through other Ministries. Resolving this would be a significant streamlining achievement and reduce potential for disagreement during the licensing process. As an example, dust may be more appropriately addressed as a condition through MOECC approvals such as the Environmental Compliance Approval.
- Clarification is required on whether/what enhanced requirements apply to class B licences. The tiered approach should be maintained so that Class B licences remain affordable and achievable. There is no indication from the Standing Committee or implementation experience that revisions are required for Class B licences.
- In NPC-300, vacant lots are defined as sensitive receptors and this triggers a noise assessment resulting in increased effort with little value in the north. In many cases, noise studies on Crown land may be overkill. Most of northern Ontario will require noise studies which may have little value due to limited residential development.

Agricultural Impact Assessments (1.1.1 b.)

Making Agricultural Impact Studies/Assessments (AIA) a required Technical Report where extraction is proposed on prime agricultural land within prime agricultural areas is a reasonable step forward.

Requirements for an AIA will need to be developed that recognize and implement the current PPS requirements: aggregate extraction is permitted on prime agricultural land subject to agricultural rehabilitation. Some exceptions are permitted subject to meeting specific criteria (e.g. below water extraction). This policy was confirmed in the 2014 PPS. The Standing Committee did not recommend changes to the longstanding requirements for agricultural rehabilitation but did recommend

improvements in implementation. The Blueprint proposals appear to be consistent with the Standing Committee direction and are supported by OSSGA.

The requirement for an AIA will raise the bar on what information is required as part of an ARA application. This will provide better information to plan for effective progressive rehabilitation, document baseline conditions and monitor rehabilitation results. OSSGA will be looking for further consultation opportunities on the detailed requirements to ensure they are balanced, practical and focused on what matters.

Requirements for improved monitoring of results will help address the lack of comprehensive data to document results and provide a measurement for improvement. It will be important to establish reasonable timeframes for monitoring so that the surrender of licences and return of land to farmers is not unreasonably delayed.

Impacts on adjacent land uses including agriculture is already addressed by current requirements. The requirements for impacts on adjacent agricultural land uses should not duplicate or reinvent the compatibility assessments that are already part of the ARA licensing process.

OSSGA questions the intent of the proposal to require soil capability statements for non-prime areas where agricultural rehabilitation is not a requirement of the PPS. There would seem to be limited value if rehabilitation is for another after use.

Maximum Disturbed Area (1.1.1 d.)

OSSGA supports strong enforceable requirements for progressive rehabilitation. It is in any operator's best interest to keep disturbed areas to a minimum by aggressively rehabilitating depleted areas of a mineral aggregate operation.

OSSGA does not accept that the establishment of a maximum disturbed area will be an effective tool to achieve progressive rehabilitation. MNRF should review and report on the effectiveness of this provision that was incorporated in the Greenbelt Plan. Is there clear evidence that this tool has resulted in better progressive rehabilitation? In some cases, maximum disturbed area may actually become a deterrent to progressive rehabilitation at stages of the operation when the area is below the maximum.

We believe that the current provisions of the legislation are sound and provide effective tools for achieving progressive rehabilitation. Improved implementation ties back to licensee fees and additional resources for MNRF's aggregate program. Some strengthening of the site plan standards for

progressive rehabilitation may be warranted and we support improved record keeping and enhanced compliance assessment on this point.

Timeframes and Notification Areas (1.1.2 g. and Appendix 1)

Many stakeholders seek extended review timeframes and notification requirements. Many also seek a streamlined, more efficient, less confusing application process. Clearly, some balance is required.

OSSGA supports a robust notification and consultation process where all stakeholders are given full opportunity to review, comment and participate. At the same time there needs to be clear timelines and limits so that the process has a reasonable prospect of a conclusion. Some of the recommendations in this section of the Blueprint are positive, on point and reflect the Standing Committee direction for standardization and flexibility. The possible extension of the 2-year time period to resolve issues is a positive change as is the discretion contemplated for remote or isolated areas.

Improved definition of MNRF's review for completeness is needed (this is not the stage to comment on merits). There is too much extension of time for the MNRF completeness review. This is especially true for 2nd and 3rd submissions which could be checked in a matter of days.

The creation of eight different timeframes and notification areas based on tonnage seems contrary to the goal of streamlining and simplification. It is acknowledged that some extension of review timeframes is warranted - perhaps 90 days. Notification areas could be standardized consistent with the *Planning Act* (120 metres) recognizing that signage and newspaper notices are also required.

There needs to be a better performance standard or timeline at the end of the application process for ministerial approval in order to keep reasonable timelines. The post recommendation stage of the process is an area where efficiency and streamlining are certainly required.

Aboriginal Consultation (1.1.2 h.)

Appropriate consultation with Aboriginal communities is a significant challenge for both industry and government across Canada. There is confusion around Aboriginal consultation requirements. Lack of clarity and consistency is creating delays and frustration with the licensing and permitting processes. The current system is not working well. Significant work is required in order to develop a better approach, identify who does what and bring some much needed clarity to the process. OSSGA would like to work with MNRF on this.

The focus for ARA Review and MNRF policy should be making every effort possible to ensure that the consultation is completed within ARA regulatory timeframes. While it is an unfortunate reality that it is not always possible to complete the constitutional duty on the same timeline, OSSGA is concerned that amending the Provincial Standards to state that consultation may extend beyond ARA timeframes could be interpreted as officially condoning routine extensions, thereby contributing to additional delay.

If Aboriginal consultation is to be added to proponent's application requirements then this should be designed and acknowledged to be contributing to the Crown's duty to consult.

OSSGA's understanding is that the Crown must satisfy itself that the duty to consult has been fulfilled before decisions potentially affecting aboriginal claims or interest are made. This duty is already well established in law and OSSGA questions the need to write new law by reiterating what is already a requirement in the ARA. Legally defining the adequacy of consultation would be difficult to accomplish because there is such a range of expectations taking into account strength of claims, degree of interest and variations in potential for impacts. Clarifying adequacy of consultation may be better dealt with in policy (rather than legislation).

New Requirements for Requests to Lower Extraction Depth Below Water (1.2 j.)

OSSGA has acknowledged stakeholder concerns related to use of the site plan amendment process for increasing depth of extraction to go below water. The MNRF Blueprint proposes to require a new application for changing an above water approval to below water extraction.

This is a significant change that goes beyond the Standing Committee recommendations. There should be a transition period (5 years) before this takes effect for existing licences. Going forward OSSGA believes current best practices are to fully define the extent of the deposit and apply accordingly. Requirements for a new application will have to be scoped to focus on the change proposed and controlled accordingly.

This proposed change to the ARA should address municipal concerns about using site plan amendments and alleviate the need for vertical zoning. The Province has opposed vertical zoning in order to protect its regulatory role. Depth of extraction should be controlled under the *Aggregate Resources Act* without duplicative regulation under municipal by laws. The ARA should be amended to confirm and clarify the Provincial jurisdiction (similar to Section 66). Without such amendment, there remains potential for continued costly disputes regarding municipal jurisdiction to regulate the operation of pits and quarries.

Simplifying the Simple (e.g. 1.2 k. Farm Operations; 1.3 r. Permit by Rule; 1.3 s. No Licence for Personal Use; 1.3 t. Conditions for Exemptions)

OSSGA generally supports the inclusion of innovative changes that recognize the range of circumstances and seem directed at unraveling red tape for simple, small scale operations with limited potential for environmental consequence. These components of the Blueprint are positive.

Treating extraction of municipal road allowances between licensed sites as a “permit by rule” would be an additional simplification that would remove unnecessary red tape.

Peer Review Provisions (1.2 p.)

The MNRF’s Blueprint proposes to amend the ARA to enable future use of peer reviewers to help the government more efficiently review applications. One alternative to developing new programs such as this is to properly fund and resource the program so that there is in-house expertise to efficiently review applications and ensure the public interest is properly upheld (see comments under licence fees).

There may still be limited circumstances where peer review provisions make sense. Specialized expertise may be required or additional resources needed to clear backlogged applications. Reviewers’ qualifications and terms of reference would have to be carefully controlled so that the reviews aligned with Ministry mandates and are conducted in a transparent and timely way. OSSGA agrees with the Blueprint recognition that duplication with municipal reviews will have to be avoided.

Standardized Tonnage Limits to include Recycled Materials (2.2 w.)

The proposal to standardize tonnage limits to include blended and recycled aggregates is a component of the Blueprint that will likely need some additional thought and development of clearer goals and implementation planning. Above all, OSSGA does not want to see this become a deterrent to use of recycled materials.

It is not clear what the rationale or benefit is for including recycled materials in the tonnage limit. Presumably MNRF does not want to put limits on how much material can be recycled annually (recognizing that there may be reasons to restrict the size of recycling areas but this is not the same as annual limitations). What issue or problem is being addressed by annual limits? If this is related to potential for impacts associated with recycling activity on a site then it is not clear to OSSGA that an annual tonnage limit is going to be an effective across the board solution.

Better definition of the concern and benefits of the proposed solutions should then be weighed against the workload related to review of all tonnage limits and the implementation in terms of audit and enforcement. MNRF does not have the capacity to consider amendments for revised tonnage limits on this scale. Has TOARC agreed with this approach (no fees are to be collected)? If not, is MNRF getting back into the business of production audits?

Reporting and Record-Keeping Requirements (2.3)

OSSGA supports improved record keeping for rehabilitation, recycling, blending, fill importation and compliance. Having good data supports development of sound, fact-based policy for the management of Ontario's aggregate resources.

OSSGA agrees with short form Compliance Assessment and reduced frequency for inactive sites.

The CAR system would be further improved if electronic submissions for Compliance Assessment Reports were accepted. It is also recommended that the May- September timeframe for completion of CAR be extended (April- October).

OSSGA does not support reduced frequency for Compliance Assessment at active sites. This should continue to be an annual requirement. Extending the time between Compliance Reports would increase risk that non-compliance matters go unnoticed or are allowed to continue thereby eroding the effectiveness of the legislation.

Importing fill provides an opportunity for improving final rehabilitation. Fill importation is an area where more work is required. Consistency is an issue; both in terms of MNRF districts and between MNRF and MOECC. MNRF should work closely with MOECC on excess soil policy. OSSGA would like the opportunity to be involved.

Site Plan Amendments (2.4 ab. & ac.)

The Standing Committee heard concerns from a cross-section of stakeholders about the site plan amendment process. The recommendation was for a consultation process to look for ways to simplify and standardize the ARA site plan amendment procedures. The Government's Response committed to developing solutions and improving service delivery.

It does not appear that there has been much progress on this front. The Blueprint proposals lack specifics and do not seem significantly different than the current approach.

OSSGA members continue to have concerns about MNRF delivery of this part of the ARA. Site plans amendments are taking too long to process – very often two years or more. The process lacks rigour and defined timelines. The upward delegation of approval authority has bogged down the process. The proposal for self-filing for minor changes may help reduce the workload so that staff resources can be focused on more significant amendment proposals.

There is plenty of room for improvement through policy and procedural reviews (without legislative change). OSSGA encourages MNRF to make this a priority for the next stage of the ARA review.

Housekeeping (4.2)

Extraction of road allowances was a recommendation of SAROS Paper 5 in order to maximize reserves from existing licences. The proposal to allow extraction without approvals for construction or maintenance is status quo and does not go far enough. The ARA review should include provisions for full extraction of road allowances between licensed areas without the requirement for a new licence.

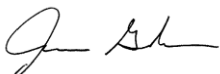
Limiting the MNRF role at an OMB hearing is a concern. There is more to the MNRF role than having outstanding concerns or not. There is a Provincial role in ensuring PPS consistency as it relates to aggregate availability. There is also often a need for information and advice on conditions of approval and functioning of the ARA.

OSSGA generally supports the idea that completed documentation on notification and consultation should be publicly available at the completion of this stage of the application process (not upon request while the process is still ongoing). Also, there needs to be some exclusion if settlement discussions have been “off the record” or “without prejudice”.

Closing

OSSGA appreciates the opportunity for the ongoing consultation and remains available for further dialogue that will constructively contribute to ongoing improvement of Ontario’s program for the management of aggregate resources.

Regards,



James Gordon
Chair, Ontario Stone Sand & Gravel Association