

# Amendments to Aggregate Resources Act Regulations and Associated Standards

## Summary by MHBC Planning

September 15, 2020

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**MHBC** has undertaken a comprehensive review and detailed comparison of the recently released new ARA regulations. We would be happy to address any project specific questions that you may have. We are working to clarify and confirm a number of matters with MNRF including transition details. The following is a summary assessment of key matters that you may be interested in.

### Changes for New Licence Applications Take Effect April 1, 2021

- **New Site Plan Standards:** the vast majority of site plan requirements remain unchanged. The differences are minor but will have to be carefully considered and reflected in site plans after April 1, 2021. Quarry applications with blasting will have to identify sensitive receptors within 500 metres of the site boundary. Surveyed UTM coordinates for site corners is a new requirement. More specific information is required where fill is imported for rehabilitation. Registered Professional Planners are now included as a class of persons certified to prepare ARA site plans.
- **New Report Standards:** the majority of the changes will bring report requirements up to date with Provincial Plan and PPS requirements. Agricultural Impact Assessments (AIAs) are required (where already required by a Provincial Plan). The hydrogeological requirements include a maximum predicted water table report which requires at least 1 year of groundwater monitoring. The Cultural Heritage requirements are expanded to include Built Heritage and Cultural Landscapes. MHBC Heritage Planners will use Provincial screening standards to meet these new Cultural Heritage requirements and can complete the Evaluation Report and Impact Assessments where required. There are a number of other subtle differences in the standard report requirements where we will be working with our project teams to ensure the new requirements are met.
- **Consultation Standards:** the consultation period is extended from 45 to 60 days. MNRF has more time to review applications for completeness at the beginning of the process and make a decision at the end of the process. The “attempt to resolve” proponent driven application process is rewritten but the key requirements are similar to the existing process. The overall 2 year timeframe remains.
- **Agency Circulation:** Most aspects of the agency circulation requirements are in accordance with current practice. In some circumstances, the standards now clarify agency roles (e.g. Conservation Authorities are asked to only look at regulated areas and hazard lands), recognize changes to Ministry structure (e.g. now MECP looks at endangered species, hydrogeology and proximity to provincial parks), or reflects new application requirements (e.g. OMAFRA now reviews AIAs).

- **Prescribed Conditions** from the Standards have also been rewritten into regulations. There is one new requirement that licensees track and report the quantity of recycled aggregate removed from the site in an annual production report. However, the amount of recycled aggregate will not be counted towards the annual tonnage limit for the site.

## **Site Plan Amendments**

- The new regulations include provisions to allow extraction of road allowances by site plan amendment (without a full licence application process). These take effect April 1, 2021.
- The new regulations include provisions for site plan amendments without Ministerial approval (self-filing). The list of eligible amendments is substantially reduced as compared to the earlier proposals. These regulations took effect September 1, 2020.
- The new regulations in conjunction with new Amendment Standards and the earlier revisions to the Act will, starting April 1, 2021, bring into effect a new regime for site plan amendments that propose extraction below water table. Additional report and consultation requirements will apply and the Minister has discretion to refer the site plan amendment application to LPAT for a hearing. The requirements vary depending on if there is already below water extraction approved elsewhere on the site or if the below water extraction is new for the site.
- Other types of site plan amendments (i.e. not below water table, not road allowance extraction, not self-filing) appear to be largely affected. There are new regulations and an application form but the regulations seem to be generally consistent with current practice and policy.

## **Operational Standards (takes effect January 1, 2022)**

The Operational Standards that apply to all pit and quarry operations have been replaced by regulations that address “control and operation of pit or quarry”. Many of the old Operational Standards have been carried forward and remain in effect. There are minor changes related to things like what qualifies as a gate, and scrap storage. New requirements include: dealing with how recycling activity can occur at a site; requiring the control of fly-rock; and requiring the draining of fluid from “scrap” machinery/equipment. Site plans continue to override the new regulation provisions.

## **Annual Compliance Assessment Reporting (takes effect April 1, 2021)**

There will be new reporting forms for next year which will include expanded requirements to address rehabilitation. There are extended time frames for completing annual compliance assessment. Note: the deadline for CAR reports for this year (2020) has been extended to December 31.