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# **Aggregates Resources Act Review: Update**

**Resource Development Section,  
Natural Resources Conservation Policy Branch  
September 2016**

# What do we mean by aggregates?

- Aggregates are sand, gravel, clay, earth and bedrock
- Does not include materials regulated under the Mining Act or types of rock specifically excluded from the definition (e.g., graphite)
- Two main types of aggregate sites:
  - Pits, where loose material like sand and gravel is extracted
  - Quarries, where bedrock is extracted
- Note: underground extraction is regulated under the Mining Act, not the Aggregate Resources Act



Pit



Quarry

# Nature of Aggregates

- Location is fixed.
- Non-renewable (but recyclable).
- High bulk (mass/volume).
- Low financial value (relative to metallic ores such as gold).



## What this means:

- Aggregates are heavy and bulky, therefore moving them long distances makes them more expensive.
- Transportation is a significant factor in the overall cost of aggregates.
  - Majority (97%\*) is moved by trucks.
- There are benefits (financial, environmental) to having sites close to where the aggregates are used.

# Aggregates and their Uses

They are a major component of many buildings and structures, such as:

- Buildings, roads, airports, subway tunnels, dams, sewers
- Also used for landscaping, counter tops, septic beds, etc...
- From 2000-2009, about 179 million tonnes of aggregates a year was consumed in Ontario, on average; this represents about 14 tonnes of aggregate per person per year<sup>1</sup>.



<sup>1</sup>SAROS, Paper 1, 2009

# Importance to Ontarians

The aggregate industry creates

**~9,000**  
direct  
Jobs<sup>1</sup>

**9,600**  
jobs in related  
industries<sup>1</sup>



**\$1.37 Billion**

contributed to Ontario's Gross Domestic Product from the aggregate industry in 2010<sup>1</sup>.

up  
to **60%**

of aggregates are consumed by provincial, municipal and federal governments for public works projects<sup>2</sup>.

The construction industry from 2000-2009:

**> 80%**

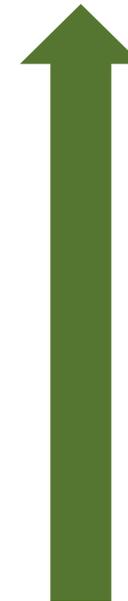
Percentage of  
aggregates used  
in the province<sup>2</sup>

**~250,000**

Number of  
people  
employed<sup>2</sup>

**\$44.7B**

Economic  
activity  
accounted<sup>2</sup>



**4.2 Million**

Ontario's projected population growth between 2015 and 2041.

The additional housing and public infrastructure needs will increase annual aggregate demand.

Ontario's Population, 2013<sup>3</sup>:

**13.5M**

**References:**

<sup>1</sup> The Economic Importance of Aggregates, Strategic Policy and Economics Branch, 2010

<sup>2</sup> State of the Aggregate Resources Study: Paper 3 - The Value of Aggregates, 2009

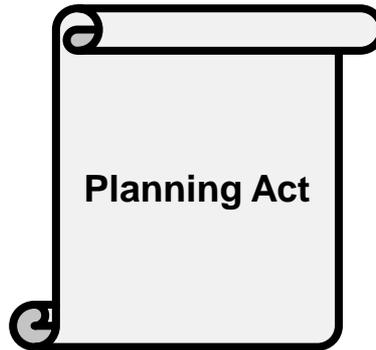
<sup>3</sup> Ontario Population Projections Update, 2015-2041 - Ministry of Finance

# Ontario's Legislation Affecting Aggregate Resources

Primary legislative framework for regulating aggregate resource extraction in Ontario

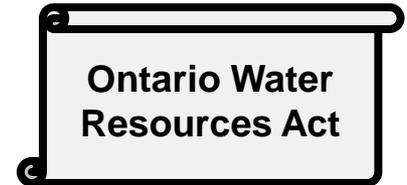


On private land, municipalities also manage land use planning through approvals under the *Planning Act*



Zoning must allow the use of site for a pit or quarry before a licence under the *Aggregate Resources Act* can be issued

Many other pieces of legislation may influence aggregate operations, for example,



# Aggregate Resources Act Policy Framework

## Aggregate Resources Act

- Manages aggregate resources in Ontario, regulates aggregate operations on Crown land and private lands (where designated), requires the rehabilitation of lands, and regulation making authority.

## Regulation

- Sets reporting deadlines, annual fees, areas where private land is subject to Act, requires compliance with Provincial Standards.

## Provincial Standards

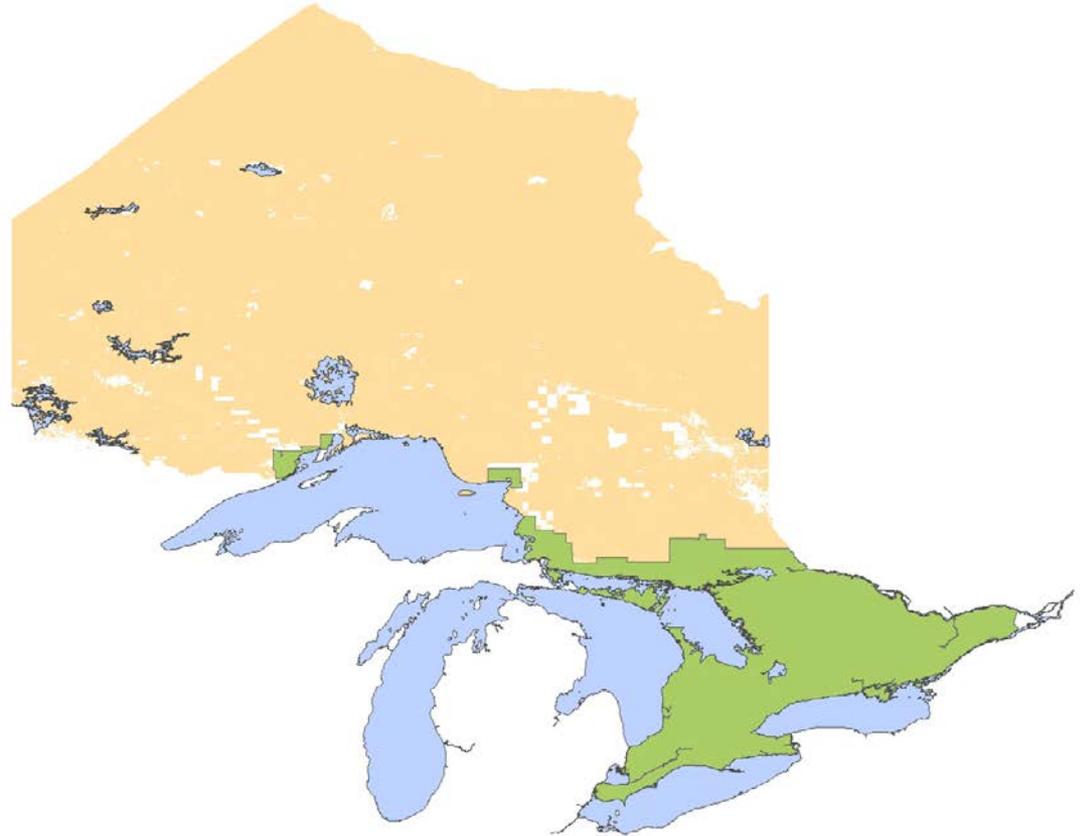
- Provides application requirements for new sites (e.g., consultation requirements/timeframes, technical studies), standard operating rules, self-compliance reporting requirements.

## Policies & Procedures

- Provides guidance / direction on the implementation of the Act, regulations and Provincial Standards.

# Where does the Act apply?

- Beige Colour: Crown land (Act applies to all Crown land)
- Green Colour: Private land in designated areas under the Aggregate Resources Act (see regulation 244/97) (Act applies to designated private land)
- White Colour: Private land in “undesigned areas” (Act does not apply)
- Note: Act does not apply to federal lands



# Where are the pits and quarries?

## Pits & Quarries Online (PQO)

Search by address or site number  Advanced Any Licence or Permit ▾ Pits and Quarries ▾  

Site Details ✕

Site ID: 3187

Client Name	ST. MARYS CEMENT INC. (CANADA)
Approval Type	Operation Type
Class A Licence	Quarry
Max. Annual Tonnage	Licensed Area
4500000	225.1 ha
Location Name	
Bowmanville Quarry	

Search for the location of pits & quarries

Search for the location of nearby aggregates sites

Create & export searches into MS Excel or PDF



Map Satellite

500 m  
2000 ft

Google Imagery ©2013 Cnes/Spot Image, DigitalGlobe, First Base Solutions - Terms of Use Report a map error

# Aggregate Resources Act: Approval Types

MNRF issues all approvals *except* where the aggregate is only for provincial road use (issued by MTO).

## Private Land:

**Licence**  
(Class A, Class B)

**Wayside Permit**  
*(for temporary, public  
authority road projects)*

## Crown Land:

**Aggregate Permit**

**Licence issuance/refusal decisions:** Minister decides (if there are no outstanding concerns). Otherwise MNRF refers for a hearing at Ontario Municipal Board (where the Board directs Minister).

**Aggregate and Wayside Permit issuance/refusal decisions:** MNRF decides, no appeal.

# ARA Review

## March 2012 – Oct. 2013 Standing Committee Review

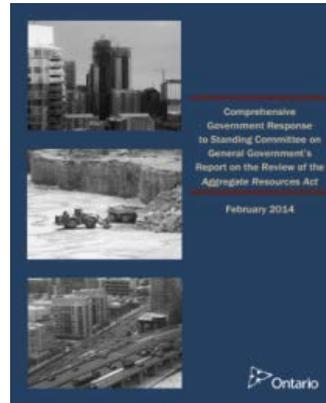


March 2012: Referred to Standing Committee on General Government

Broad participation through public hearings and submissions

October 2013: Committee released consensus report with 38 recommendations

## February 2014 Government Response

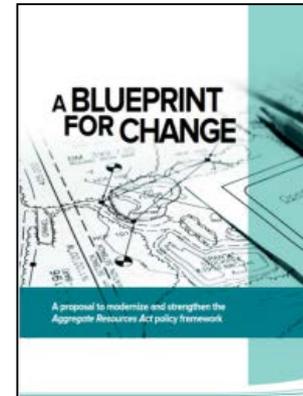


Supports the spirit of recommendations

Commits to key stakeholder and Indigenous community engagement to find solutions

Fall 2014: Engagement sessions

## October 2015 Blueprint for Change



Proposed policy changes released for public consultation

Fall 2015: Public consultation through environmental registry, and engagement sessions with Indigenous communities and key stakeholders (400+ comments)

# Phased Approach to Policy Changes

- The Blueprint contained a range of proposals across policy framework including legislation, regulation, Provincial Standards and policies



\*components are contingent on passing of Bill

# Proposed Changes for Establishing New Sites

- New tools and approaches for low-risk or non-commercial activities (e.g., permit by rule)
- Enhancements to requirements for studies and Information
- Update to notification, consultation and communication requirements
- New application required for requests to lower extraction depth below the water table
- Unique application requirements for small, temporary extraction operations on farms and Crown land stockpiles
- New ability to waive application requirements in unique circumstances
- New ability to refuse to accept applications on Crown land
- Provisions added to allow for peer review requirements for technical studies in the future
- Create flexibility for grandfathering existing sites in newly designated areas

# Proposed Changes to the Management and Operation of Existing and Future Sites

- New provision allowing the ministry to require additional studies, information and updated site plans for existing aggregate sites
- New ability to establish conditions on existing aggregate sites related to source water protection
- Standardize references and interpretation of tonnage limits across the policy framework, clarifying that the total tonnage limit includes both blended and recycled materials
- New reporting requirements for site rehabilitation and for removal of recycled or blended materials
- Establish new requirements for record-keeping on the importation of fill for rehabilitation
- Clarify requirements for detailed record-keeping
- Streamlining and changing the frequency of self-compliance reports

# Proposed Changes to the Management and Operation of Existing and Future Sites, continued

- Clarify requirements for requests for a site plan amendment or a change to a licence or permit condition, enhancing local involvement on significant changes
- Enable self-filing of amended site plans for minor changes in certain situations
- Remove minimum and increase maximum fines issued for offences under the Act
- Enhance and clarify provisions for compliance inspection and false reporting
- New and enhanced powers related to 'no consent' transfers and revocation in special circumstances
- Administrative changes to provide liability protection for ministry employees

# Proposed Changes to Fees and Royalties

## Equalizing and Indexing Fees between Crown and Private Land

- Align annual fees for Crown land aggregate permits with those for private land licences
- New ability to disburse fees to recipients that have road responsibilities
- Index fees and royalties to the Consumer Price Index
- Changes to royalty charge on aggregate sites with a mining lease and easier to find administrative fees
- New ability to waive fees on private land sites

Working with Municipal Organizations to gather information and explore possible reporting mechanisms to support consideration of an increase to the municipal portion of the annual fees to better address infrastructure costs resulting from aggregate operations.

## Provisions for the Future

- Create ability to make changes in the future that allow for broadening of the collection, disbursement and use of fees, and for programs to evaluate their effectiveness

# Other Proposed Changes

## Creating Greater Flexibility for the Future

- New powers to modify the Aggregate Resources Trust agreement and establish performance reporting requirements in the future
- Move specific requirements for application, amendments and reporting from the Act to the Regulations or Standards
- Consolidate all exemptions to the definition of “rock” into one location
- New ability to establish performance reporting requirements in the future
- New ability to establish certification and training programs in the future

## Housekeeping’ Amendments

- Housekeeping amendments to improve clarity and reflect current practices

# Blueprint Comments

- *Blueprint for Change* posted in Oct 2015 (55 days)
- Over 400 comments were submitted through the Environmental Registry, email, mail and online survey; and over 110 individuals attended 3 Regional Aboriginal sessions
- Strong support to move forward; Blueprint seen as positive step
- Most comments related to enhancing studies and information; mostly supportive but wanted to go further, some want reduced duplication and more streamlining
- There will be further opportunities for input on the more detailed proposed changes to the content of the regulatory and policy implementation tools as we move forward
- Indigenous feedback focused on economic opportunities, consultation and capacity building

# Aggregate Fees

- Blueprint proposals to: align fees for Crown and private land (municipalities would receive fees from Crown land as well as private), to index fees to keep them current into the future, and to work with municipalities to gather information to support consideration of an increase to the municipal portion of fees
- Convened a forum with municipal organizations from: Association of Municipalities of Ontario (AMO), Rural Ontario Municipal Association (ROMA), Northwestern Ontario Municipal Association (NOMA), Federation of Northern Ontario Municipalities (FONOM), Top Aggregate Producing Municipalities of Ontario (TAPMO), Ontario Good Roads Association (OGRA)
- Retained services of an expert to look at opportunities to better address impacts to municipal infrastructure associated with aggregate operations; work is underway. Deliverables:
  - Review and research models used in Ontario and other jurisdictions
  - Identify gaps, variables and data needs specific to Ontario
  - Collect data and information for Ontario
  - Develop proposed new (or amended) models / approaches
- A survey was circulated to all municipalities to gather information in support of this work

**Questions?**