



BILL 39, AN ACT TO AMEND THE *AGGREGATE RESOURCES ACT* AND *THE MINING ACT*

AMO RECOMMENDATIONS

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Introduction

The issue of aggregates is certainly a complex and long-standing one. The Association of Municipalities of Ontario (AMO) and our members have been very engaged over the past few years as the Ministry of Natural Resources and Forestry (MNRF) has consulted on all aspects of this industry. The recent introduction of Bill 39 is a welcomed next step. Many of the concerns or suggestions brought by municipal governments and others have been taken into account and enabled through this draft Bill.

The Blueprint and Enabling Legislation

As you are aware, prior to the introduction of the Bill, there was a policy paper released by MNRF. The ideas brought forward in the “Blueprint” are well received by municipal governments. The four aspirations of that document are,

- STRONGER OVERSIGHT – by introducing new tools, powers and provisions that improve effectiveness, efficiency and flexibility;
- ENVIRONMENTAL ACCOUNTABILITY – by updating and enhancing application requirements, developing new tools to deal with existing sites and improving record keeping and reporting;
- IMPROVED INFORMATION AND PARTICIPATION – by improving consistency in requirements, enhancing opportunities for involvement and making information more accessible and easier to understand; and
- INCREASED AND EQUALIZED FEES AND ROYALTIES – by changing Crown land fees and royalties, indexing fees and royalties, working with municipal organizations.

The policies established in the “Blueprint” document are reflected in the enabling framework under Bill 39. These general ideas are supported at AMO. However, as the saying goes, the devil is in the details.

AMO would be pleased to participate as regulations to implement this Bill are crafted. We understand that there are some who would stall this Bill until all these details are in place. However, it has already been years to get to this point and the reforms to improve the aggregate industry must proceed, even in stages.

Specifically, municipal governments support Section 64 of the Bill which gives the Minister authority to require reports and studies for existing sites as the present approach has not been effective. The environs around a pit or quarry are not static. Neighbouring land uses, standards and policies change. It is only reasonable that aggregate operations keep pace and work within the current landscape. There is no static state that can create certainty for any land use. Studies and reports are a meaningful foundation from which all parties can work to balance interests.

AMO recommends that any reports, notices, tests and studies be shared with both the host and upper tier municipal governments. Then all parties have the same basis of information from which to base decisions.

AMO also supports better control over the amount of aggregate, including recycled, that leaves an aggregate operation. This will harmonize with the work to better manage excess

construction materials to ensure contaminated materials are properly disposed of and other materials are recycled. As well, improved fees and royalties calculations may require improved knowledge of tonnage. Finally, as a finite resource better monitoring is essential to ensure a conservation minded approach.

The Bill does allow for changes to the fines regime which are also welcomed.

The Implications to MNRF

AMO remains concerned that MNRF staffing is insufficient to address the expectations of the Bill or the regulations that may come. Process modernization will not replace the need for field verification, inspections and expert advice. We note that concerns from the aggregates industry regarding the need to alter licences are more about timeliness than other matters. MNRF must be properly funded to ensure that appropriate resources are brought to this and other important responsibilities.

As well, it is possible that without sufficient staff resources at the Ministry, additional pressures tend to be placed on the local planning process and municipal staff. Local staff are asked to undertake both interpretation and administrative roles that rightly belong to the Ministry.

Clear and Predictable Decision Making

AMO believes that a set of principles with clarity around the criteria for each of the new or amended powers identified in Bill 39 would be useful to guide the formulation of regulations. This would create certainty around the intended use of powers which in turn creates greater predictability for land use and economic planning.

Rehabilitation

Municipal governments have long asked for the changes, which will see pits and quarries rehabilitated. Pits and quarries are intended as a temporary use, yet there is no clarity around the ending of an operation nor the timely rehabilitation of it. The Ministry must develop terms and conditions for retiring licences and tighter expectations around rehabilitation. The mechanisms in place need strengthening.

Summary

Overall, this Bill addresses long-standing concerns of municipal governments and the citizens of Ontario. It brings aggregate policy into harmony with other environmental and planning related pieces of legislation. There are a number of elements that will need detailed expectations, which are to come forward through legislation. AMO appreciates the level of consultation with municipal governments as well as the Association and will continue to work with the government as they move forward with regulations.