

 Ontario Ministry of Natural Resources / Ministère des Richesses naturelles	<i>Subject:</i> Public Interest: Aggregate Permits	<i>Policy No.:</i> A.R. 4.00.03	<i>New:</i> Yes
<i>Compiled by – Branch:</i> Lands & Waters	<i>Section:</i> Aggregate & Petroleum Resources	<i>Date Issued:</i> March 15, 2006	

Guiding Principle

Aggregate permits are a disposition of Crown land that remains in effect until the resource is depleted and the permit is surrendered. A review by the Ministry of Natural Resources (MNR), prior to the issuance or refusal of an aggregate permit, must take into consideration the following principles in an attempt to balance a range of environmental, economic and social matters.

Policy

In accordance with the Act, the Minister (as delegated to the Area Supervisor) can refuse to issue, transfer or allow the continuation of the permit if he/she believes it to be contrary to the public interest. Public interest, however, is not defined and the Area Supervisor, in considering whether to issue or refuse to issue an aggregate permit, shall have regard to a number of considerations with respect to the environmental, social and economic matters.

Additional conditions may be imposed on the site plan or the permit to mitigate concerns raised through the review of these matters. The influence area, size and nature of the proposed extractive operation can also lead the Minister (delegated to the Manager, Aggregate and Petroleum Resources Section) to request additional information in the form of further studies.

The following items need to be reviewed by the Aggregate Inspector prior to making a recommendation whether to issue or refuse the aggregate permit. Based on the following criteria, if the review concludes that the operation can satisfy these requirements and the application process has met the test of the Aggregate Resources of Ontario Provincial Standards, then a permit should be issued. Also the Prescribed Conditions that deal with dust, noise, etc., should be considered as mitigation of these concerns.

a) Effect of the operation on the environment

The Act defines "environment" as the air, land and water, or any combination or part thereof of the Province of Ontario. This refers to the on-site and off-site conditions.

Existing and potential impacts must be considered for the extraction operation either on-site or off-site.

Off-site effects must be examined closely. The Ministry of the Environment (MOE) can play a lead role in assessing many potential off-site effects, including dust, noise, vibration, drainage, etc. MOE's provincial legislation (i.e. *Environmental Protection Act* (EPA) and/or the *Ontario Water Resources Act* (OWRA)) and guidelines may apply.

This information, collected through site plans and reports required by the Provincial Standards, is submitted in support of the application and circulated to other agencies.

b) Effect of the operation on nearby communities

Matters which may impact nearby communities can include: noise, dust, vibration, truck traffic, and surface water and ground water impacts. Many of the impacts associated with an operation (e.g. noise, dust) may be mitigated through the Prescribed Conditions.

c) Comments provided by a municipality in which the site is located

Crown land is not subject to municipal planning. If an application is submitted to a municipality for their information, municipal comments may include matters such as haul routes, hours of operation and final rehabilitation.

d) Suitability of progressive and final rehabilitation plans

The suitability of rehabilitation will vary from site to site in accordance with the special needs and characteristics of the particular pit or quarry and the surrounding land use. Special care should be taken when reviewing the proposed rehabilitation of a site that is located close to a sensitive value (e.g. wetland, Area of Natural and Scientific Interest (ANSI)).

The Minister (delegated to the Area Supervisor) must be satisfied that the site can be restored to its former use or condition, or changed to another use or condition compatible with adjacent land uses.

e) Possible effects on ground and surface water resources

The hydrogeological report, if required, must indicate that there will be no adverse impacts on the groundwater and surface water resources.

Where a hydrogeological report is not required as a part of the application package, the potential effects on surface water, as well as any proposed mitigative measures to minimize impacts, must be addressed through the summary statement and the operational and/or rehabilitation notes of the site plan.

MNR must be satisfied that there will be no significant adverse effects on ground water and surface water resources as a result of the excavation.

f) Possible effects on agricultural resources

If the present land use is agricultural, the applicant must identify the agricultural classification of the proposed site within the summary statement. Consideration must be given to whether the rehabilitation reflects the agricultural classification of land on the permitted site and on adjacent lands.

The Ministry of Agriculture and Food (OMAF) must be circulated where prime agricultural land is not being restored to the same agricultural classification. Prime agricultural land is defined in the Provincial Policy Statement (PPS).

g) Planning and land use considerations

The Planning Act does not bind the Crown and municipal by-laws do not restrict Crown authorized activities on Crown land (with the exception of Minister's zoning orders). However, in very rare situations, the Crown, in keeping with the intent of the PPS, may want

to be consistent with municipal comments and we will consider their comments and address the concerns, where possible, on the site plan or as a condition on the permit. For further information, see A.R. 4.00.09.

h) Main haulage routes and proposed truck traffic to and from the site

Not all permits will access onto a forest access road owned by MNR and some will access directly onto the King's Highway or a municipal road. If access is to the King's highway, an entrance permit must be issued by the Ministry of Transportation (MTO) before an aggregate permit can be issued. If the access is onto municipal roads, approval must also be granted by the municipality via an entrance permit before the aggregate permit is issued. A permit must not be issued if the applicant has not secured the appropriate entrance permits.

Consideration must be given to any municipal or MTO comments respecting existing traffic patterns, additional truck traffic, road conditions, dust/noise, safety, alternate routes, and other potential traffic implications.

i) Quality and quantity of aggregates on site

If known, the quality and quantity of the aggregate material may assist in determining whether or not MNR should grant a permit.

This information may include site-testing information supplemented with any available district resource information, including Aggregate Resource Inventory Papers (ARIPs), geological reports, or field data from other government agencies (e.g. MTO).

The information provided must be suitable to determine whether or not there is sufficient quality and quantity of material on-site to support the permitting of the site, keeping in mind that requirements for aggregate will differ depending on the location of the site.

j) Size of the permitted area

Since the issuance of an aggregate permit is a disposition of land that remains in effect until the resource is depleted or the permit is surrendered, the proposed size of the permit must be reviewed carefully in the context as to whether or not there is a need to reduce the area applied for, to address MNR concerns to use the land for other program needs. However, if the proposed site is also subject to a mining claim and/or a mining lease, then the permit should be issued for the same area. The size of the permit area should reflect the availability of the resource and the nature of the deposit.

k) Applicant's past history of compliance

The Aggregate Inspector should determine whether the applicant has a past history of repeated violations under the Act, the regulations or the site plan with respect to other permits he/she holds, and whether these violations have been corrected or are still outstanding.

For the purposes of this section, a contravention disclosed by the applicant in an annual compliance report under section 40.1 may not be considered if the applicant complied with

clause 40.1(5)(a), namely, remedied the contravention within the approved/prescribed period and immediately ceased the violation.

l) Environmental Assessment Act (EAA)

Ensure that the Area Supervisor has reviewed the process under the Class Environmental Assessment for MNR Resources Stewardship and Facility Development Projects and consideration has been given to all comments received.

m) Other matters considered appropriate

The Minister (delegated to the Area Supervisor) may have justification to consider other matters than those outlined in (a) - (l) above for a permit application.