



October 21, 2019

Provincial Planning Policy Branch
777 Bay Street
13th floor
Toronto, ON
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RE: Provincial Policy Statement Review – ERO 019-0279

The Ontario Stone, Sand & Gravel Association (OSSGA) appreciates the opportunity to provide comments on the July 2019 Provincial Policy Statement Review Proposed Policies.

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 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 complete communities in the province.

Striking the Right Balance

When reviewing the proposed changes to the PPS, OSSGA was mindful of the proven gap between the consumption rate of aggregates and the rate of licensing replacement reserves in key market areas. This is not sustainable. The ability to access new aggregate reserves depends on the ability of the PPS to provide a balanced approach in finding solutions to competing land and resource use interests.

For example, there is significant overlap between natural heritage resources and mineral aggregate deposits. Increasingly, the PPS is being interpreted and implemented in a way that treats almost all environmental features on the landscape as provincially significant. Small isolated wetlands in agricultural settings and low-quality plantation woodlands are often included as "significant". This is a concern to our members.

To achieve appropriate balance, the PPS definitions for these natural features and their significance could be improved to scale back the capture of low-quality environments, but real improvement will require substantial revisions to the technical criteria that are being used to define the natural features.

Aggregate Exists where Nature put it

Another example of balance, and a more immediate and necessary solution for availability of close to market aggregate resources, is to recognize the distinction between this interim resource use with potential for rehabilitation opportunities and permanent forms of development that have more

flexibility in where they can be located. In other words, while you may be able to move a shopping mall development to a nearby new location, a deposit of high-quality aggregate is located where it is located and cannot be moved. And once you've built that shopping mall on top of aggregate – you've lost the resource – likely forever.

Implementation Tools

OSSGA supports the further development of implementation tools. The PPS mineral aggregate policies are generally sound but are not being consistently or properly implemented in many cases. The MNRF “Training Manuals” that were developed in the 1990s to support the implementation of the PPS mineral aggregate policies are woefully out of date and need to be replaced. There are significant problems with the reference materials that have been developed to implement the PPS natural heritage policies that warrant attention in order to address concerns mentioned above and improve consistency with the PPS definitions of significance. OSSGA welcomes any opportunity to further discuss implementation tools with the Province once the PPS updates are completed.

OSSGA RECOMMENDED CHANGES TO THE PPS

The July 2019 proposals include positive changes that are a step in the right direction.

1. OSSGA generally supports the following proposed revisions to the PPS:

1.1 Considering Rehabilitation in Assessing Negative Impacts (Policy 2.5.2.2)

The proposed changes include an addition to the 2.5.2.2 policy that confirms extraction may be considered in the no negative impact natural heritage features subject to long term rehabilitation demonstrating “no negative impact” on feature or function. This is a positive policy that is consistent with current MNRF practice (as identified in their Natural Heritage Manual) and OMB/court decisions. It reflects the balanced, outcome-based approach that the PPS is based on.

Realizing the opportunities and long-term benefits associated with strong rehabilitation programs is an essential part of an integrated approach that will serve the stated interests of the Province well over the long term. This policy is essential and required in order to recognize the high degree of overlap between mineral aggregate resources and natural heritage features. As noted above, the implementation of the PPS is currently tilted towards protection of most natural features by treating them as Provincially significant.

The proposed policy does not compromise the protection of these features because it maintains the “no negative impact” requirement. What it does do is recognize mineral aggregate extraction as an interim use with proven opportunity to replace or enhance natural heritage features through rehabilitation that is required by the *Aggregate Resources Act (ARA)*.

MNRF has the research to back up this policy direction. The SAROS research in Paper 2 examined the high degree of overlap between aggregate deposits and natural heritage features, and concluded that an integrated and balanced approach was required if close to market aggregate were to be made available. The Rehabilitation Paper from the SAROS study identified that the rehabilitation of pits and quarries has significant potential to meet healthy community objectives. In addition, the Rehabilitation

Paper showed that former aggregate extraction sites have contributed to the ecological diversity of their surroundings and have generally reverted to geographically appropriate land uses and environmental functions.

However, there is a significant problem with the wording of the proposed policy. The policy would only apply “outside of the Greenbelt Area”. This is not presently the case as the Greenbelt Plan, ORMCP and NEP (which are all part of the Greenbelt Area) allow some extraction in some features subject to similar rehabilitation policies. So, the proposed PPS wording will create confusion and potentially undermine the intent of the other Provincial Plans. Since Part III of the PPS already says that the more specific provincial plan policies prevail, the “Outside of the Greenbelt Area” wording should be removed in order to protect the integrity of those Plans.

Recommendation: In policy 2.5.2.2, the words “Outside of the Greenbelt Area” be deleted.

1.2 Vertical Zoning and Red Tape Reduction (Policy 2.5.2.4)

OSSGA supports the inclusion of a new statement in 2.5.2.4 that where the *Aggregate Resources Act* applies, those ARA processes shall address the depth of extraction. This builds on present provisions of the *Aggregate Resources Act* and *Municipal Act* to help confirm the ARA as the primary regulatory tool. This reduces instances where two levels of government are attempting to regulate the same thing. To be clear and effective the policy should say that “only” the ARA addresses the depth of extraction.

Concerns about regulatory duplication and red tape are not limited to depth of extraction. In addition to the proposed policy OSSGA recommends inclusion of a broader policy statement that “mineral aggregate operations are designed, operated and regulated in accordance with provincial legislation and standards” (similar to 1.6.10.1 for waste management systems). Adding this simple statement of intent would go a long way to reducing red tape.

In a similar vein, OSSGA submits that it is important that there be consistency and certainty in how aggregate resources are managed and made available. Strong leadership from the Province is required. The PPS policy of minimizing social, economic and environmental impacts of extraction work hand in hand with legislation that governs our industry such as the ARA, Ontario Water Resources Act and Environmental Protection Act to name a few. The PPS natural heritage policies establish Provincial interests related to the protection of natural features. These Provincial policies and standards should be consistently adhered to across the Province. The PPS should clearly state that municipalities cannot be more restrictive than the PPS as it relates to the management and availability of mineral aggregate resources. This would be consistent with the ORMCP and GBP.

Recommendation: Policy 2.5.2.4 include additional statements:

- Clarify that “only” the ARA processes address depth of extraction
- “Mineral aggregate operations are designed, operated and regulated in accordance with provincial legislation and standards.”
- “The PPS should clearly stipulate municipalities cannot be more restrictive than the PPS as it relates to the management and availability of mineral aggregate resources.’

2. OSSGA has recommendations for additional policy revisions that the Province should include in a revised PPS.

2.1 Conservation of Aggregate Resources (Policy 2.5.2.3)

OSSGA is seeking a policy that more clearly permits accessory recycling in mineral aggregate operations without need for Planning Act approvals. “Mineral aggregate recycling shall be permitted within active mineral aggregate operations without the need for an Official Plan Amendment, rezoning or development permit under the Planning Act to promote *mineral aggregate resource* conservation.”

OSSGA supports all aggregate recycling and reuse activities and initiatives. As the demand for aggregate continues to rise, it is important to enable the proper recycling of aggregates to continue so as to promote sustainable development, reduced waste, lower land use pressures and reduced greenhouse gas emissions.

Recycling as much aggregate as possible is in the public interest. Requiring Planning Act approvals to permit this use in existing aggregate operations is a barrier to recycling. Mineral aggregate operations already have the truck routes, scales, processing equipment and storage area to facilitate aggregate recycling.

Recommendation: Policy 2.5.2.3 include that “Mineral aggregate recycling shall be permitted within active mineral aggregate operations without the need for an Official Plan Amendment, rezoning or development permit under the *Planning Act* to promote mineral aggregate resource conservation.”

2.2 Earth Science ANSI

The present PPS includes and treats Earth Science ANSIs as if they were an ecological features rather than representations of geological or landform processes. This is out of step with the Provincial Land Use Plans that only include ecological protection for Life Science ANSI’s. The PPS policy should be revised to recognize that Earth Science ANSI’s are often anthropogenic features and landforms that do not warrant the same “no negative impact” level of protection. Aggregate extraction in these areas can contribute to and enhance interpretation and scientific understanding of the features. This would be accomplished by either removing Earth Science from the definition of ANSI or including a new definition of “negative impact” for Earth Science features that would allow site alteration where ANSI program objectives related to education and research can be satisfied.

2.3 Improved Recognition for Mineral Aggregate Resources (Policies 1.1.4 and 1.7.1)

OSSGA supports clearer recognition of the Province’s mineral aggregate resource. For example, it would be helpful if Section 1.1.4 describing Rural Areas included an explicit reference to “mineral aggregate resource extraction”, in addition to “other resource areas”. This would help identify that mineral aggregate resource extraction is expected to occur in Rural Areas. Secondly, we recommend inclusion of the phrase “extraction and processing of mineral aggregate resources including associated facilities” in Policy 1.7.1 which lists activities that support long term prosperity. This would provide a better balance and similar recognition as has been proposed for agricultural resources and related activity.

Recommendation: Policy 1.1.4 add “mineral aggregate resource extraction”, and Policy 1.7.1 add “extraction and processing of mineral aggregate resources including associated facilities”.

3. There are some important areas of concern that OSSGA raises in response to the July 2019 policy proposals.

3.1 OSSGA does not support proposed policy for locally significant wetland management (Policy 2.1.10)

OSSGA opposes the inclusion of a new policy 2.1.10 that says municipalities may choose to manage locally significant wetland (non PSW) in accordance with provincial guidelines (2.1.10). This has no place in Provincial Policy – by definition locally significant wetlands are not a matter of Provincial interest. Municipalities can already choose to manage local wetlands so long as going beyond the PPS minimum does not compromise other Provincial interests.

We are also concerned that the Province would include this policy without being clear and transparent about what the referenced Provincial guidelines for non-Provincial wetlands would say. The policy itself should provide some direction or parameters for the guidelines otherwise the outcome will be at the whim of bureaucrats who prepare or revise the policy from time to time.

Having said that, the aggregate industry is a significant contributor to the creation of wetlands and aquatic habitats in Ontario. (See OSSGA Report on Wetland Rehabilitation - Surrendered Aggregate Sites in Ontario’s Provincial Plan Areas August 15, 2017). OSSGA would be pleased to work with the Province on appropriate guidelines for management of non PSW that create wetland opportunities without further constraining the availability of close to market aggregate supplies. This should be completed before any revisions to the PPS related to local wetlands are contemplated.

Recommendation: Delete Policy 2.1.10

3.2 OSSGA recommends retaining the policy that requires consideration of resources when settlement area boundaries are being expanded.

Policy 1.1.3.8 sets out the requirements for expanding settlement areas through comprehensive review. The proposed changes strengthen the consideration of impacts on agricultural resources but remove the paragraph that required application of the Section 2 policies governing the wise use and management of other resources. These include the policies that protect known deposits of mineral aggregate resources. The intent of this change is unclear. While the aggregate protection policies would still apply, we submit that this was an important cross reference policy that should be retained.

Recommendation: In 1.1.3.8, reinstate language cross referencing the policies of Section 2: Wise Use and Management of Resources.

Thank you for the opportunity to provide OSSGA's recommendations on changes to the Provincial Policy Statement. We look forward to working with you and invite you to reach out to discussion any of the enclosed recommendations.

Regards,



Norm Cheesman
Executive Director

Note: OSSGA had previously provided comments in February 2019. Our cover letter from that submission provides important context and addresses the question of 'striking the right balance' you put forward in your request for comments. We have attached that letter here for your reference as a part of this submission.

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OSSGA Proposed Changes and Rationale on Provincial Policy Statement

October 21, 2019

Proposed Changes to the Provincial Policy Statement		Rationale for Change
1.1.3.8	<p>Reinstate language:</p> <p>In determining the most appropriate direction for expansions to the boundaries of settlement areas or the identification of a settlement area by a planning authority, a planning authority shall apply the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.</p>	<p>The July 2019 proposed changes to this section strengthen the consideration of impacts on agricultural resources but remove the paragraph that required application of Section 2, which include the policies that protect known deposits of mineral aggregate resources. The intent of this change is unclear. This is an important cross reference policy that should be retained.</p>
1.1.4	<p>Add "mineral aggregate resource extratcion" to this policy:Rural Areas in Municipalities</p> <p>Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, mineral aggregate resource extraction, natural heritage features and areas, and other resource areas.</p>	<p>OSSGA supports clearer recognition of the Province's mineral aggregate resource, wherever possible within the PPS. This would help identify that mineral aggregate resource extraction is expected to occur in Rural Areas.</p>
1.7.1	<p>Long-term economic prosperity should be supported by...</p> <p>"extraction and processing of mineral aggregate resources including associated facilites."</p>	<p>As above.</p>

Proposed Changes to the Provincial Policy Statement		Rationale for Change
2.1.10	Municipalities may choose to manage wetlands not subject to policy 2.1.4 and 2.1.5, in accordance with guidelines developed by the province.	By definition locally significant wetlands are not a matter of Provincial interest and therefore this has no place in the PPS. This policy is also being introduced without the referenced Provincial guidelines - without providing direction or parameters for what those guidelines would contain. NOTE: Should the Province proceed, as the Province's largest creator of wetlands, OSSGA would be pleased to work on appropriate guidelines for management of non PSWs.
2.5.2.2.	" Outside of the Greenbelt Area , extraction may be considered in the natural heritage features listed in section 2.1.5, 2.1.6 and 2.1.7, provided that the long-term rehabilitation can demonstrate no negative impacts on the natural features or their ecological functions."	OSSGA supports the intent. As written, this will cause confusion because: - Greenbelt Plan, ORMCP and NEP (all part of the Greenbelt Area), already allow extraction in some features subject to similar rehabilitation policies. - Part III of the PPS already says more specific provincial plan policies prevail. This wording should be removed to protect the integrity of those plans
2.5.2.3	"Mineral Aggregate resource conservation shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever feasible." <i>New Statement: "Mineral aggregate recycling shall be permitted within active mineral aggregate operations without the need for an Official Plan Amendment, rezoning or development permit under the Planning Act to promote mineral aggregate resource conservation."</i>	The PPS needs to take a stronger stance on aggregate recycling. As the demand for aggregate continues to rise it is important to enable the proper recycling of aggregates to promote sustainable development, reduce waste, lower land use pressures and reduce greenhouse gas emissions.

Proposed Changes to the Provincial Policy Statement		Rationale for Change
2.5.2.4	<p><i>“Where the Aggregate Resources Act applies, only processes under the Aggregate Resources Act shall address the depth of extraction of new or existing mineral aggregate operations or their expansions.”</i></p> <p><i>PLUS new statement: Mineral aggregate operations are designed, operated and regulated in accordance with provincial legislation and standards.</i></p>	OSSGA supports the inclusion of this point and it should be made clearer that only ARA processes apply. However, duplication and red tape are not limited to depth of extraction. Adding OSSGA's proposed addition would go a long way to reducing red tape.
	<p><i>New Statement: The PPS should clearly stipulate, "municipalities cannot be more restrictive than the PPS as it relates to the management and availability of mineral aggregate resources."</i></p>	To ensure consistency and certainty in how aggregate resources are managed, and to ensure the Province maintains its leadership role in the protection of mineral aggregate resources, the PPS should include this new statement. This would be consistent with the ORMCP and the GBP.
6.0	<p><i>Add a new definition of "negative impact" specific for earth science ANSI to recognize that site alteration is allowed where program objectives related to education and research can be satisfied.</i></p>	The PPS currently includes and treats Earth Science ANSIs as ecological features rather than representations of geological and landform processes. This is out of step with the Provincial Land Use Plans that only include ecological protection of Life Science ANSIs. Aggregate extraction in these areas can contribute to and enhance interpretation and scientific understanding of these features.

February 15, 2019

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Dear Mr. Truesdell

Re: Proposed Changes to the Provincial Policy Statement 2014 and Planning Act

The Province has requested input from OSSGA on potential changes to the 2014 Provincial Policy Statement and Planning Act.

We are at a critical point and strong provincial leadership is required to ensure that high quality aggregate resources located close to the consumer are available to meet provincial infrastructure and growth requirements. Municipal approaches that restricted access to mineral aggregate resources is the very reason the Province initially declared mineral aggregates a matter of provincial interest and brought forward the first Provincial Policy Statement in 1979.

There is a strong and long standing provincial interest in the protection and availability of mineral aggregates. In 1979 the province released the Mineral Aggregates Policy for Official Plan (10 Point Policy). This document evolved into Mineral Aggregate Resources Policy (MARPP) in 1982, which was adopted in 1986 as the Mineral Aggregate Resources Policy Statement (MARPS). MARPS was replaced by the Comprehensive Set of Policy Statements (CPS) in 1994, which was subsequently superseded by the PPS in 1996, 2005 and 2014.

This long and significant history illustrates that ensuring the availability of mineral aggregates close to the consumer has been a consistent and long standing provincial interest. This is more important today than ever before.

There is a proven gap between the consumption rate of aggregates and the rate of licensing replacement reserves in key market areas. This is not sustainable. A strong commitment from the Province by way of the PPS is needed to continue to acknowledge aggregates as a vital provincial interest or this gap will widen.

The ability to access new aggregate reserves relies on the ability of the PPS to provide a balanced approach in finding solutions to competing land and resource use interests.

The current policy framework is not working. New mineral aggregate operations in Southern Ontario are taking up to 10 years to complete the process for approval. One of the main contributing factors to the lengthy timelines is that there are too many overlapping policies and inconsistent approaches between the Provincial Plans, Regional Official Plans, Local Official Plans and Conservation Authority policies regarding the management of this essential non-renewable resource. The process has also become too cumbersome for small and independent aggregate producers and this will ultimately result in reduced competition, less supply available and increased costs.

OSSGA has consulted with its members and the unanimous position is that the Provincial Policy Statement and Planning Act needs to provide clear language in the policies to ensure that municipalities are not implementing a restrictive/prohibitory approach regarding the protection, availability and operation of mineral aggregate operations.

In the case of natural heritage resource there is significant overlap with mineral aggregate deposits. The PPS is being interpreted and implemented in a way that treats almost all environmental features on the landscape as provincially significant. Small isolated wetlands in agricultural settings and low quality plantation woodlands are often included as "significant" and a constraint to interim extraction with rehabilitation that enhances the features and creates an overall net gain.

The PPS definitions for these natural features and their significance could be improved to scale back the capture of low quality environments but real improvement will require substantial revisions to the technical criteria that are being used to define the natural features.

The more immediate and necessary solution for availability of close to market aggregate resources is to recognize the distinction between this interim resource use with potential for rehabilitation opportunities and permanent forms of development that have more flexibility in where they can be located.

Ontario's close to market availability of high quality aggregate is at risk given interpretation trends relating to policies designed to protect most natural heritage features regardless of quality. This also puts at risk the Province's growth and infrastructure objectives.

The PPS and its implementation should refocus on legitimate Provincial interests. As the PPS has evolved over 40 years it has been expanded to include virtually all planning interests and considerations. The policy framework in Ontario must continue to distinguish between provincial interests versus local interests. If this distinction is lost, then the value of a Provincial policy led system is diminished.

Recent changes to LPAT and the Planning Act have limited opportunities for appeals of Municipal Official Plans and have downloaded more responsibility to regional and local governments. While mineral aggregate operations are a needed land use they typically face significant local opposition. As a result it is imperative that the Province improve policies that protect and ensure the availability of this important provincial resource.

Our recommended policy changes will ensure that mineral aggregate operations are operated in a social and environmentally responsible manner while restoring confidence in the aggregate industries ability to invest in the application process to make this resource available.

Attached please find:

- Securing Access To Stone, Sand & Gravel;
- OSSGA proposed changes to Section 2.5 of the Provincial Policy Statement; and
- OSSGA Proposed Changes to the Planning Act.

We look forward to meeting with the Province to discuss the proposed revisions.

Yours truly,



Norm Cheesman

cc. Kate Manson-Smith, Assistant Deputy Minister, Local Government & Planning Policy Division, MMAH
Ala Boyd, Director, Natural Resources Conservation Policy Branch, MNRF
Jake Sikora, Senior Policy Advisor and Stakeholder Relations, MNRF
Patrick Sackville, Senior Policy Advisor, Office of the Premier