

September 19, 2024

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Dear Steve and Joe:

**RE: Town of Caledon Aggregate Resources Policy Study
Ontario Stone, Sand & Gravel Association (OSSGA) Comments on Draft Official Plan Amendment No. 1
& Zoning By-law Amendment**

The Ontario Stone, Sand & Gravel Association (OSSGA) is a not-for-profit association representing over 280 sand, gravel and crushed stone producers and suppliers of indispensable construction products and services. Collectively, OSSGA's members supply the substantial majority of the more than 164 million tonnes of aggregate consumed each year in the Province. A farm, village, town or city would not be able to exist without the products our industry provides. If you look around your town, all homes, roads, bridges, recreational/business buildings use stone, sand or gravel and therefore having a reliable supply of aggregate is crucial to ensuring the survival and growth of your town, including the objectives of Ontario's Housing Supply Action Plan.

Further to OSSGA's comments provided to the Town on August 9, 2024, we have reviewed the draft Official Plan Amendment and Zoning By-law Amendment released on August 23, 2024, and offer the following comments.

As previously stated, in order to help accommodate the population and employment growth planned for Caledon to 2051 and the infrastructure needed to support such development, the Town and Peel Region will require a readily available supply of high-quality aggregate resources. Protecting these resources and making them available close to market will help ensure that the necessary raw building materials required to build the 66,000 housing units that are forecasted in Caledon by 2051, including the required infrastructure and fighting climate change at the same time.

Without close to market aggregate resources, there will be significant challenges in reaching the housing and growth targets planned for Ontario including those in Caledon and Peel Region. The alternative of sourcing aggregate resources far from market is not financially or environmentally sustainable, and will hinder abilities to meet growth and housing targets.

Draft Official Plan Amendment No. 1

The Town’s proposed policies attempt to override or substantially alter Provincial jurisdiction over the management of aggregate resources. Proposals which override the *Aggregate Resources Act* (ARA), alter or remove Provincial jurisdiction, and/or establish new standards and guidelines that conflict with Provincial requirements are both inappropriate and well beyond the Town’s regulatory authority.

OSSGA would like to highlight the following sections of the ARA relative to jurisdictional overreach:

2 *The purposes of this Act are,*

- (a) to provide for the management of the aggregate resources of Ontario;*
- (b) to control and regulate aggregate operations on Crown and private lands;*
- (c) to require the rehabilitation of land from which aggregate has been excavated; and*
- (d) to minimize adverse impact on the environment in respect of aggregate operations.*

3 *(1) The Minister is responsible for the administration of this Act and the regulations.* [emphasis added]

The ARA provides for the management of aggregate resources, and controls and regulates aggregate operations on Crown and private lands in Ontario. The Minister of Natural Resources is specifically responsible for the administration of both the ARA as well as its regulations. The purpose of the Planning Act is not to control and regulate aggregate operations, and municipalities are not responsible for the administration of the ARA and its regulations. This clear distinction in legislative authority and scope seems absent in reviewing many of the policies proposed by the Town.

OSSGA would note the Town’s draft amendment itself recognizes this limited authority: *“Some of these documents provide key tests that municipalities need to follow when reviewing proposals for new mineral aggregate extraction, limiting the extent to which municipalities can regulate such uses. Municipalities are one player in a regulatory process established and managed by the Province.”*

We have outlined several draft policies which extend beyond the Town’s authority as it relates to the management of aggregate resources as well as Provincial standards and regulations for technical assessment e.g. blasting, air quality, etc.

Proposed Official Plan Policy	Jurisdictional Concern
<p>20.1 Objectives The planning objectives for mineral aggregates are: d) To apply contemporary standards across all operations, including bringing legacy sites into better compliance at any opportunity and facilitating the continuous improvement of the environmental and operational performance of mineral aggregate extraction. h) To achieve better than minimum standards or minimum levels of mitigation where avoidance of effects from mineral aggregate extraction is not possible: on air quality, noise, vibration, and other matters of compatibility.</p>	<p>The Town does not have the authority to regulate aggregate operations. This is clearly established in Section 66 of the ARA and Section 124(3) of the Municipal Act.</p> <p>Land use compatibility is to be assessed in accordance with Provincial standards, guidelines and procedures. The Town does not have the authority to establish its own noise, air quality, blasting, etc. standards different from the rest of Ontario (Section 3.5.1 2024 PPS).</p> <p>Further, the Provincial Policy Statement states: <i>Within the framework of the provincial policy-led planning system, planning authorities and</i></p>

Proposed Official Plan Policy	Jurisdictional Concern
	<p><i>decision-makers may go beyond these minimum standards to address matters of importance to a specific community, unless doing so would conflict with any policy of the Provincial Planning Statement.</i></p>
<p>20.3 Long-term Protection of Mineral Aggregate Resources d) For the purposes of this Plan, an area of influence of 1,000 metres shall be defined around the extraction limit of existing licenced operations or the proposed licenced area boundary for a proposed new operation. Sensitive receptors within the area of influence shall be identified in the technical studies supporting an application to inform addressing impacts, and may be part of the natural, agricultural or built environment.</p>	<p>The area of influence and assessment is dictated through the Aggregate Resources of Ontario: Technical Report Standards. Further, the Ministry of Environment Conservation and Parks (MECP) D6 Guidelines which identify areas of influence do not apply to pits and quarries (see Section 1.2.4).</p> <p>Agricultural uses and operations are not identified as sensitive land uses in the PPS or MECP NPC-300 Guidelines.</p>
<p>20.5 Applications for New Mineral Aggregate Extraction The following policies shall apply to the review of applications for new mineral aggregate extraction (and, where possible, the review and update of existing Aggregate Resources Act licences) to ensure the cumulative effects of minimal aggregate extraction are documented and considered to ensure future extraction is undertaken in a manner that minimizes social, economic and environmental impacts to the maximum extent possible.</p>	<p>The Town does not have the authority to review and update existing ARA licences.</p> <p>In consideration of the PPS and matters of provincial interest, we are not clear how the Town can qualify or establish “minimal” aggregate extraction.</p>
<p>20.5.2 Complete Applications and Application Processing f) The Town shall work to bring existing mineral aggregate extraction uses into conformity with this Plan at every opportunity, including viewing applications for new uses adjacent or near to, existing operations as an integrated complex with harmonized conditions across all applicable sites. g) Where there is conflict between policies in this Plan with respect to mineral aggregate extraction, the policy that provides the greatest protection to human health and the natural environment shall prevail.</p>	<p>The Town does not have the authority to regulate aggregate operations. Existing aggregate operations are permitted to operate in accordance with the terms and conditions of their licence. The ARA does not require existing licences to be updated due to new Official Plans.</p> <p>The Town’s proposed conflict clause outlined in subsection g) is an attempt to override existing Provincial legislation and policies including the following:</p> <ol style="list-style-type: none"> 1) Section 66 ARA 2) Section 5.3 Greenbelt Plan 3) How to Read the Provincial Policy Statement Section

Proposed Official Plan Policy	Jurisdictional Concern
<p>20.5.7 Water Resources (b) For dewatering, it is encouraged for water to remain on site within the licensed area. Any removal of water from the site must provide a net ecological benefit with no quality impacts.</p>	<p>Dewatering of aggregate applications is regulated by the Permit to Take Water process through the MECP. Off-site discharge is a common and accepted practice.</p>
<p>20.5.9 Operational Design, Air Quality, and Land Use Compatibility b) Adverse effects from noise, vibration, odour (where applicable), dust, and air pollutants shall be avoided, or, where avoidance is not possible, minimized and mitigated to objective standards that provide the greatest protection to human health and the natural environment. c) For greater certainty, the World Health Organization standards for PM2.5 and PM10 shall apply for Section 20.5.9(b). d) The Town shall require air quality monitoring as part of approving new mineral aggregate extraction. e) Where compatible rehabilitation plans for adjacent licenced operations are approved, or where there is an opportunity to create harmonized operational standards across separate sites in a complex, the Town may support the extraction of the setbacks from the shared licence boundary in order to achieve integrated rehabilitation and improved operation of the sites. f) Stockpiles of mineral aggregates incidental to mineral aggregate extraction shall be limited in size, temporary, and designed and managed to avoid dust and particle emissions. g) Stockpiles of mineral aggregates, fuel storage and transfer, processing equipment, areas for storing or processing recycled mineral aggregates, and vehicle parking shall be designed to require a barrier to ensure no leachate or spills can reach the water table.</p>	<p>The test for minimizing and mitigating impacts is established in Section 3.5.1 of the 2024 PPS. The PPS specifically states “in accordance with provincial guidelines, standards and procedures”. The Town does not have the authority to use its own standards or arbitrarily determine what may be appropriate.</p> <p>The MECP establishes Ontario’s ambient air quality criteria in accordance with O. Reg. 419/05. The Town does not have the authority to override these standards or incorporate Official Plan policies that are otherwise directly addressed through Provincial legislation.</p> <p>OSSGA questions whether an Official Plan policy can require air quality monitoring for new sites. This should be determined in accordance with site-specific study and assessment.</p> <p>The Town does not have the authority to require harmonized operational standards or establish standards for aggregate stockpiles and recycling. This would conflict with the ARA.</p>
<p>20.5.10 Blasting and Flyrock a) The design of a mineral aggregate extraction operation shall prioritize the avoidance or impacts from blasting, flyrock (which shall be contained within the licensed area in accordance with Provincial law) and vibration. Where avoidance of adverse effects is not possible, adverse effects shall be minimized and mitigated</p>	<p>The requirements for a Blast Impact Study are specifically outlined in the Aggregate Resources of Ontario: Technical Report Standards. Further and more importantly, lower-tier municipalities do not have the authority to establish standards for blasting in Ontario. MECP regulates blasting at quarries through NPC-119. An Official Plan cannot override these Provincial standards.</p>

Proposed Official Plan Policy	Jurisdictional Concern
<p>to levels better than Provincial and Federal standards.</p> <p>b) A blast impact assessment, including a blast design report, flyrock management plan, and vibration management plan shall be prepared by an experienced and qualified Blaster or Blasting Engineer.</p> <p>c) The person designing a blast and the person carrying out a blast shall be an experienced and qualified Blaster or Blasting Engineer.</p> <p>d) A blast impact assessment shall demonstrate how flyrock shall be contained within the subject site.</p> <p>e) Vibration monitoring shall be provided at the property lines of mineral aggregate extraction using blasting.</p> <p>f) There may be locations in the Town where blasting is inappropriate under any circumstance. The presence of sensitive uses shall be considered in determining if blasting is the best measure for extracting mineral aggregate resources, or if reduced blast intensity is appropriate.</p>	
<p>20.5.11 Transportation</p> <p>e) Provided the impacts are acceptable and taking into account the significance of the aggregate resource, the Town acknowledges that, in principle, there should be a haul route to each resource area. Road improvement and maintenance agreements can be used to implement this policy.</p>	<p>Given the recent changes the Province made to Section 12(1.1) of the ARA regarding the Minister and Tribunal not having regard to ongoing road maintenance and repairs from truck traffic, OSSGA questions whether road improvement and maintenance agreements can be required in this manner.</p>
<p>20.5.12 Rehabilitation and After Uses</p> <p>e) The Town will seek participation in the funding of the Rehabilitation Master Plans from the Region of Peel, the Aggregate Producers' Association of Ontario, and the aggregate producers operating within the Resource Area.</p>	<p>OSSGA is not aware than an Official Plan can establish a potential requirement for private funding of Master Plans prepared by the Town related to aggregate rehabilitation.</p>
<p>20.5.13 Social Impact Assessment</p> <p>a) New and existing mineral aggregate extraction shall not have any unacceptable social impacts caused by factors such as noise, dust, traffic levels and vibration that exceeds Provincial, Federal or Town standards and policies, whichever is the strictest.</p>	<p>As discussed above, the Town cannot establish its own standards for noise, dust, vibration and other matters that are otherwise directly addressed by Provincial standards and regulations. Any references in the proposed policies to Town standards where Provincial standards directly apply should be removed.</p>
<p>20.8.2 Data Sharing, Transparency and Report Production</p>	<p>The amount of aggregate produced at a given site is confidential and proprietary information. The</p>

Proposed Official Plan Policy	Jurisdictional Concern
<p>a) An Aggregate Monitoring Report shall be prepared on mineral aggregate matters in Caledon, at least once every two years, reporting on:</p> <p>ii) An overview of active extractive operations in Caledon, including the total area under extraction, the amount of aggregate produced, and (if known) the primary destinations of these products.</p> <p>iii) Records of any complaints on mineral aggregate extraction operations and the transportation of aggregate products during the reporting period.</p> <p>iv) Records of any violations of site plan or conditions of licence under the Aggregate Resources Act and their status during the reporting period.</p> <p>v) Status of the implementation of approved rehabilitation plans.</p> <p>vi) Status of the operation and implementation of approved adaptive management plans.</p>	<p>Town would not have access to this information nor would they be able to disclose such information.</p> <p>The Town does not have the authority to regulate aggregate operations. As an extension to this, OSSGA is unsure how the Town would be able to report on the status of violations or public complaints given these items are overseen by MNR.</p>
<p>20.8.3 Resource Rescue and Recycling</p> <p>f) Where new and recycled mineral aggregates are mixed, the new mineral aggregates shall be measured prior to mixing.</p>	<p>The Town does not have the authority through an Official Plan to require that new aggregate be “measured prior to mixing”. Documenting and tracking recycling aggregate is prescribed under the ARA for licensed sites.</p>
<p>20.8.4 Improvement Environmental Performance on Existing Sites</p> <p>a) There are limited opportunities for existing Aggregate Resources Act licences to be reviewed and updated. The Town shall seek to update existing licences to conform to the policies of this Plan wherever possible.</p> <p>b) The Town shall not support the amendment of existing Aggregate Resources Act licences unless conformity with the policies of this Plan is demonstrated.</p> <p>c) Applications for new mineral aggregate extraction adjacent to existing sites shall require updating existing licences to incorporate any recommendations or requirements for the new mineral aggregate extraction onto existing sites to reflect the integrated operation.</p>	<p>Setting aside the fact the Town does not have the authority to regulate or control aggregate operations, existing pits and quarries can operate in accordance with the terms and conditions of their licence and site plan. OSSGA is not aware of any examples in Ontario where existing licences had to be updated to conform with new Official Plans. This would directly contravene Section 66 of the ARA.</p>
<p>27.2.2 Mineral Aggregate Applications</p> <p>(j) In addition to the studies identified above, the following technical reports and studies may be</p>	<p>Blast Design Report requirements are outlined in the Aggregate Resources of Ontario: Technical Report Standards. Provincial guidelines for blast</p>

Proposed Official Plan Policy	Jurisdictional Concern
<p>required for applications for new mineral aggregate extraction:</p> <ul style="list-style-type: none"> i) Blast impact assessment, including a blast design report and protocol, flyrock management plan and vibration management plan ii) Haul route safety analysis, and confirmation the Applicant is prepared to enter into agreements with the appropriate public bodies to ensure the timely completion of any necessary road improvements iii) Haul route condition analysis, and confirmation the Applicant is prepared to enter into agreements with the appropriate public bodies to ensure the timely completion of any necessary road improvements iv) Overburden (site preparation) study. v) A complete set of site plan drawings and notes to satisfy Aggregate Resources Act requirements 	<p>overpressure and ground vibration must be satisfied.</p> <p>The Town does not have the authority or expertise to advise on blasting protocol or flyrock/vibration management.</p> <p>Section 12(1.1) of the ARA states that the Minister or the Tribunal shall not have regard to ongoing maintenance and repairs to address road degradation that may result from proposed truck traffic to and from the site. We question whether the requirements in ii) and iii) for specific road agreements conflict with this provision of the ARA.</p> <p>The ARA establishes how overburden and site preparation are to be managed. This should not be addresses through a separate Official Plan requirement. Further, this would be directly addressed on the ARA Site Plans.</p>
<p>Zoning By-law Amendment 2. & 3. Identifying eight categories of pits and quarries including by above or below water extraction.</p>	<p>The Town does not have the authority to regulate depth of extraction in the zoning by-law. Any references to above or below water extraction must be removed.</p>

OSSGA Request: that the Town remove the proposed policies noted above that are beyond their authority as it relates to the management of aggregate resources, and control and regulation of aggregate operations under the ARA.

The Planning Act states that a decision of the council of a municipality in respect of the exercise of any authority that affects a planning matter shall be consistent with provincial policy statements that are in effect on the date of the decision. Regardless of whether the Town makes a decision before or after the new Provincial Planning Statement comes into effect on October 20, 2024, the statutory requirement to be consistent with these policy statements applies to the proposed Official Plan Amendment. The Town of Caledon is not afforded a special exception that allows the Town to override or be inconsistent with either the 2020 PPS or 2024 PPS.

It is OSSGA’s position that many of the proposed policies discussed below in addition to the concerns regarding jurisdictional overreach are inconsistent with the PPS.

Section 6.1.5 of the 2024 PPS states that “*official plans shall provide clear, reasonable and attainable policies to protect provincial interests and facilitate development in suitable areas*”. This policy is also found in the 2020 PPS. The conservation and management of natural resources and the mineral resource base is identified as a matter of provincial interest in the Planning Act. It is OSSGA’s position that several of the proposed policies do not provide clear, reasonable or attainable policies to protect mineral aggregate resources specifically as it relates to the approval process for new pits and quarries.

The PPS states that mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified. Further, as much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible. We do not see where these key policy directives are included in the draft Official Plan Amendment. For example, Section 20.3 a) states that the Town will protect high potential aggregate resource areas except where the Town considers those resources unsuitable for extraction.

OSSGA Request: Section 20.3 a) and the objectives in Section 20.1 should more closely align with the PPS direction on mineral aggregate resources and protection of long-term resource supply.

Section 20.2.2 states that “recycling uses”, among other uses, are prohibited in the Niagara Escarpment Plan. This proposed prohibition conflicts with the Niagara Escarpment Plan which specifically permits accessory recycling and reprocessing (see NEP 1.9.3.10). Further, the Niagara Escarpment Planning and Development Act exempts aggregate recycling activities within licences from requiring a Development Permit subject to the prescribed conditions.

OSSGA Request: remove “recycling uses” from the list of prohibited uses in the Niagara Escarpment Planning Area.

Section 20.2.3 a) states that “additional aggregate-related uses” will require an Official Plan Amendment and Zoning By-law Amendment. We question how this prohibitive approach is consistent with the PPS as it relates to the definition of mineral aggregate operations which specifically includes associated facilities.

OSSGA Request: remove the requirement for an Official Plan Amendment and Zoning By-law for aggregate-related uses that would be associated with or accessory to pits and quarries per the definition included in the PPS.

Section 20.2.3 b) states that aggregate operations will be prohibited in unstable slopes, soils and bedrock that may pose a danger to public safety or public health or result in property damage. We would encourage the Town to review the Natural Hazards policies in the PPS specifically Section 5.2.6 of the 2024 PPS. Prohibited uses are limited to those which may affect public health and safety including institutional uses such as hospital and schools. Aggregate operations are not identified as a prohibited use.

OSSGA Request: remove Section 20.2.3 b) as aggregate operations should not be prohibited in these areas per PPS 5.2.6.

Given the identification of significant aggregate resources and potential constraints was primarily a desktop mapping exercise, the policies should recognize that aggregate resources may still be found outside CHPMARA.

OSSGA Request: revise Section 20.3 c) to state that for lands not identified within CHPMARA, it does not imply that aggregate resources are not found in these areas.

The proposed policies state that for peer reviews of proposed sensitive uses near aggregate operations and within aggregate resource areas that the Town shall enter into an agreement with the applicant to administer and scope the peer review and set reasonable controls on peer review costs. However, OSSGA could not find the same provision applying to new aggregate applications.

OSSGA Request: that the peer review scoping and reasonable control policy also apply to applications for new aggregate applications.

There are several references in the proposed policies requiring that ARA site plans include required conditions from the Town and that they accordingly be imposed and enforced. This provides a carte-blanche and potentially unattainable requirement for applicants to include matters that may otherwise conflict with the ARA or its regulations.

OSSGA Request: the policies in Section 20.5 that speak to the Town's required conditions be qualified to state that it would not apply where the condition conflicts with the ARA or provincial plans and policies.

Section 20.5 c) states that proponents of new aggregate operations shall have regard to the Caledon Aggregate Standards Manual. It is OSSGA's understanding that this Manual has not been developed by the Town and will not be subject to a formal Planning Act process. This poses serious concerns for OSSGA and its members for an unknown document with no status under the Planning Act. Further, it is OSSGA's understanding that municipal guidelines cannot replace or derogate from official plan or provincial policies.

Similarly, Section 20.5 d) states that in advance of the approval of the Manual, proponents shall have regard for best practices for technical review, study preparation, available data and operational standards. OSSGA is unclear on what this refers to and how this would be objectively assessed or measured. This policy in OSSGA's opinion is not clear, reasonable or attainable.

OSSGA Request: that the draft Official Plan Amendment remove all references and policies with respect to the Caledon Aggregate Standards Manual including Section 20.5 d).

Town is proposing to expand the areas of prohibitions for new aggregate operations to include non-significant woodlands including linkages, vegetation protection zones and enhancement areas. For context, the Natural Features and Areas, and Supporting Features and Areas designations occupy a significant portion of the rural area of Caledon as illustrated in Schedule D1 of the Town's new Official Plan. The existing and new PPS do not prohibit aggregate extraction in significant woodlands, and the Greenbelt Plan does not prohibit extraction within non-significant woodlands. Given the conflict clauses previously discussed, it is concerning to OSSGA that Caledon is attempting to adopt a more prohibitive approach for aggregate resources which would prohibit new extraction in non-significant woodlands greater than 0.5 ha in size.

Further, the Town is introducing a new test to assess the level of biomass from woodlands in determining whether extraction may be permitted. Both the Town's new Official Plan and the Region's Official Plan do not contain any related policies or provisions regarding assessing biomass. OSSGA is unclear how this will be measured and how it could be assessed objectively in a clear, reasonable and attainable manner.

OSSGA Request: that Section 20.5.3 b) i) be revised to remove "Supporting Feature and Area". This would be consistent with the current policy direction in the existing Town Official Plan. Section 20.5.3 b) v) regarding assessing biomass should be removed in its entirety.

The Town is proposing to prohibit new or expanding aggregate operations in key natural heritage and hydrologic features in the Greenbelt Plan unless conformity is achieved with the new Official Plan policies and the feature does not occupy an area identified in Section 20.4 (a). This list includes several non-significant features including linkages, 0.5 ha woodlands, enhancement areas, etc. This proposed prohibitive approach does not conform with the Greenbelt Plan. As noted, the Greenbelt Plan does not allow municipalities to be more restrictive as it relates to mineral aggregate resources.

OSSGA Request: that Section 20.5.3 h) be revised to state that aggregate extraction is permitted in key natural heritage features and hydrologic features including their vegetation protection zones subject to Section 3.2.5 and 4.3.2 of the Greenbelt Plan.

The Town is proposing to incorporate a new conflict clause as it relates to applications in the Niagara Escarpment Plan in that the more restrictive policies applies in the case of a conflict between Section 20.5.3 of the Town's Official Plan and Niagara Escarpment Plan. Section 14 of the Niagara Escarpment Planning and Development Act states that the provisions of the Niagara Escarpment Plan prevail in the case of a conflict with an official plan. We would remind the Town that one of the objectives of the Escarpment Rural Area designation is to provide for the consideration of new aggregate extraction.

OSSGA Request: that Section 20.5.4 b) be deleted or revised to be consistent with the existing conflict clause in Section 14 of the NEPDA.

Section 20.5.6 states that where no other Provincial plans apply, the policies of Section 2.5 of the PPS and Section 4.2.8 of the Growth Plan shall apply to new aggregate applications. As the Town would be aware, the 2020 PPS and Growth Plan are being replaced by the Provincial Planning Statement which will come into effect on October 20, 2024.

OSSGA Request: that Section 20.5.6 be deleted in its entirety given the 2020 Provincial Policy Statement and Growth Plan will no longer exist as of October 20, 2024.

Sections 20.5.7 and 20.5.8 state that monitoring plans should contain water targets and triggers including stopping active operations. These types of policies are not appropriate to be included in an Official Plan as the results of required mitigation and monitoring should be determined through site-specific study.

OSSGA Request: that Sections 20.5.7 c) and 20.5.8 c) be deleted in their entirety.

Section 20.5.9 outlines examples of operational design to be used to minimize and mitigate impacts on surrounding land uses including small phases, sharing entrances for adjacent operations and the location of temporary processing plants. The operational design of pits and quarries must comply with the requirements of the ARA. The examples provided may not be feasible or appropriate in every situation.

OSSGA Request: that Section 20.5.9 be qualified to state “where feasible and not in conflict with the provisions of the Aggregate Resources Act”.

Section 20.5.11 states that existing haul routes are identified on the Schedules of the proposed Official Plan and that the hauling of aggregate shall use these identified haul routes. Based on a review of the proposed Schedules, the Town has removed several truck routes that are currently identified in the strategic goods movement network identified in the 2022 Region of Peel Official Plan (see Figure 16 of ROP). It is unclear to OSSGA how the Town can remove Regional roads as truck routes where the Region has already specifically identified these roads as truck routes in an approved Official Plan.

OSSGA Request: that the Mineral Aggregate Haul Routes identified on the Schedules be updated to reflect the approved strategic goods movement network identified on Figure 16 of the Peel Official Plan.

The proposed policies addressing below water extraction in prime agricultural areas is not consistent with Section 4.5.4.2 of the 2024 Provincial Planning Statement. For example, the new PPS does not require an assessment of alternative sites. Further, the policy regarding minimizing and mitigating adverse effects on agricultural uses should be clarified to state in accordance with provincial guidance.

OSSGA Request: that Section 20.5.16 b) be revised to incorporate the required tests outlined in Section 4.5.4.2 of the 2024 PPS. That Section 20.5.16 c) be revised to add “based on provincial guidance” to be consistent with Section 4.3.5.2 of the 2024 PPS.

Section 20.7 includes policies related to aggregate-related uses. The Town is taking an overly prohibitive approach to aggregate-related uses including for uses and activities that are defined as associated facilities for pits and quarries based on the definition in the PPS e.g. concrete and asphalt production, rehabilitation activities, etc.

Pits and quarries have been determined by MECP to be acceptable receiving sites for excess soil based on the Excess Soil Rules & Regulations. This has been implemented in the ARA. Allowing pits and quarries to accept excess soil can assist with completing rehabilitation work, berm mitigation, etc. and the beneficial reuse of excess soil avoids these materials being unnecessarily landfilled. Limiting the use of excess soil to only licences existing as of 2024 and requiring Official Plan Amendments for new proposals is inappropriate and does not properly consider the provincial framework currently in place. Further, OSSGA questions whether filling or site alteration is a use of land that in of itself requires separate planning approvals.

Section 20.7.3 outlines requirements for permanent concrete and asphalt plants but it appears to also include policies on storing and processing recycling aggregate even though these activities can be separate from concrete and asphalt plants. More importantly, the ARA establishes required provision for aggregate recycling (see Section 0.13 of O. Reg. 244/97).

OSSGA Request: that Section 20.7.1 be removed in its entirety given the rules and regulations for excess soils at pits and quarries are established through the ARA and Environmental Protection Act. That Section 20.7.3 be revised to clarify the provisions apply to concrete and asphalt plants, and not matters already regulated by the ARA including aggregate recycling and processing.

Section 20.8.3 speaks to the Town's support for initiatives by the aggregate industry to conserve aggregate resources through such as measures as aggregate recycling. OSSGA's supports this proposal but would question why the Town in the same document is proposing to introduce additional restrictions or prohibitions on aggregate recycling beyond those contained in the ARA

OSSGA Request: that the Town fulfill its stated objective to support aggregate recycling by removing arbitrary or unnecessary prohibitions on aggregate recycling at licensed pits and quarries both in the proposed Official Plan Amendment and Zoning By-law Amendment. For example:

- 20.2.2 – prohibiting aggregate recycling in the Niagara Escarpment Plan Area when the NEP explicitly permits it.
- 20.8.3 e) – prohibiting aggregate recycling in wellhead protection areas when it is not identified as a prescribed drinking water threat by the Province in the Clean Water Act.

Draft Zoning By-law Amendment

The Town is proposing to limit the permission of pits and quarries in the Extractive Industrial (MX) Zone to only those uses legally existing as of 2024 (see Provision 10(5)). This would imply that no new pits or quarries are permitted in the MX Zone. This is inappropriate and further erodes OSSGA's confidence in the Town's ability to appropriately plan for aggregate resources in a manner consistent with provincial policy.

The ARA no longer includes eight categories for pits and quarries so these uses should not be identified on this basis. Further, the ARA does not allow municipalities to regulate depth of extraction so any references to above or below water extraction must be removed.

It is OSSGA's understanding that site alteration including importing excess soil at pits and quarries is not a "use of land". The Town is attempting to define this as a use of land requiring separate planning approvals even though in many cases it is related to the operation and rehabilitation of pits and quarries. Further, it is OSSGA's position that prohibiting excess soil at pits and quarries is not appropriate and conflicts with Provincial rules and regulations for the use of excess soil at pits and quarries. This should be removed from Provision 6 of the draft by-law.

The Town is limiting aggregate-related uses to only those that are deemed "essential" to the pit or quarry. We are unclear under what authority or determination this can be made. We would encourage the Town to review the definition of 'mineral aggregate operation' in the PPS. Essential is entirely a different term and test than "associated" which is used in the PPS.

OSSGA is concerned about the fairness of the Town's proposal to remove site-specific zoning permissions for existing pits and quarries. Many of these permissions would have been approved by Town Council or in some cases approved by OLT. This is another example where the Town should refresh its understanding of Section 66 of the ARA and that zoning cannot override or supersede existing ARA licences.

Closing

The Town of Caledon through this proposed Official Plan Amendment and Zoning By-law Amendment is going well beyond its authority and trying to establish a special status different than any other municipality in Ontario when it comes to addressing a matter of Provincial interest in the wise use and management of aggregate resources.

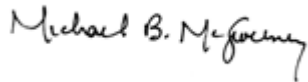
The proposed policies and zoning as drafted require significant revision to ensure they are consistent with and conform to provincial policies and plans. OSSGA would be pleased to provide further recommendations beyond those outlined in this submission.

Thank you for the opportunity to submit comments. Please notify OSSGA of the Town's decision on these planning matters.

If you have any questions, please let us know. I can be reached at mike@ossiga.com.

Sincerely,

ONTARIO STONE, SAND & GRAVEL ASSOCIATION



Mike McSweeney
Executive Director

cc.

Hon. Doug Ford, Premier

Hon. Sylvia Jones, Deputy Premier

Hon. Paul Calandra, Minister of Municipal Affairs and Housing (MMAH)

Hon. Graydon Smith, Minister of Natural Resources

Ms. Michelle DiEmanuele, Secretary of Cabinet and Clerk of the Executive Council

Ms. Martha Greenberg, DM, MMAH

Mr. Drew Vanderduim, DM, MNR

Mr. Jonathan Lebi, DM MECP

Mayor Annette-Groves

Laurie Miller, Regional Director of Planning – Municipal Services Office, MMAH

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