Environmental Assessment Act  
Loi sur les évaluations environnementales

ONTARIO REGULATION 444/94

EXEMPTION — MINISTRY OF TRANSPORTATION — MTO-63

**Consolidation Period:** From July 4, 1994 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

No amendments.

This Regulation is made in English only.

Having received a request from the Minister of Transportation that an undertaking, namely:

Proposed changes to the undertaking of the extraction of aggregate materials within the Puslinch Crown Resource Management Area approved under the Act in 1980 to:

i. allow modification of the approved sequence of extraction operations to allow for early preparation of Area 5, to erect an asphalt plant and to defer extraction activities in Area 4 which contains an archaeological site and a stand of pine trees,

ii. permit a change in the hours of operation of the pit and asphalt plant to permit work to proceed through the night during some paving operations which will require restricting Highway 401 traffic to one lane, and

iii. confirm that the “summer months” during which a portable asphalt plant may be operated at the site, if an approval is obtained under section 9 of the Environmental Protection Act, include the period from May 1 to November 15 in any year,

be exempt from the application of the Act pursuant to section 29; and

Having been advised by the Minister of Transportation that if the undertaking is subject to the application of the Act, the following injury, damage or interference with the persons and property indicated will occur:

A. The Crown will be damaged by delays and increased costs in completing the project.

B. The Crown will be damaged by increased construction costs and extended duration of daytime construction activities.

C. The Crown will be damaged by increased costs for salvaging an archaeological site and clearing trees, which may not be necessary.

D. The Crown and public will be damaged by decreased levels of safety for construction staff during daytime construction activities while traffic volumes are higher.

E. The public will be interfered with by the resulting traffic delays, congestion and inconvenience caused by daytime construction operations.

F. The public will be damaged by deteriorating operational conditions and potential vehicle accidents on Highway 401.

G. The public will be damaged by potential noise and visual impacts by the removal of a tree buffer before the last phase of extraction.

Having weighed such injury, damage or interference against the betterment of the people of the whole or any part of Ontario by the protection, conservation and wise management in Ontario of the environment which would result from the undertaking being subject to the application of the Act;

The undersigned is of the opinion that it is in the public interest to order and orders that the undertaking is exempt from the application of the Act for the following reasons:

A. The environmental impacts of aggregate extraction in this area have been evaluated in the Environmental Assessment which resulted in the 1980 approval.

B. The amendments requested will not affect the nature of the undertaking and will reduce the negative impacts of the extraction process in that:

i. The placing of the asphalt plant in an area depressed below ground level (Area 5) will reduce potential noise and visual impacts on nearby residences.

ii. The changing of the sequence of extraction operations to leave a buffer of trees until the last extraction phase will reduce potential noise and visual impacts on nearby residences during the main time span of the operation.

iii. The changing of the sequence of extraction operations to defer extraction activities in an area which contains an archaeological site will allow for a proper archaeological salvage of this area, should extraction be required.

iv. The Highway 401 reconstruction/six-laning work requires traffic to be reduced to one lane during final paving operations. Allowing this work to occur at night when traffic volumes are lower will reduce traffic congestion, delays and inconvenience to the travelling public.

v. Paving at night when the traffic volumes are lower will improve safety conditions for the travelling public and ministry and contractor’s construction staff.

C. The amendments requested have been reviewed and endorsed by The Corporation of the Township of Puslinch.

D. The amendments requested have been reviewed and endorsed by the Ministry of Natural Resources.

E. The amendments requested have been subject to public review and any concerns raised have been satisfactorily addressed by MTO.

This exemption order is subject to the following terms and conditions:

1.  i. Where any activity which otherwise would be exempt under this order is being carried out as or is part of an undertaking for which an environmental assessment has been accepted and approval to proceed received, the activity shall be carried out in accordance with any terms or conditions in the approval to proceed as well as the conditions of this order.

ii. Subcondition i does not prevent the proponent from making the changes in the undertaking described at the beginning of this order.

2. Where any activity which is the subject of this order is being carried out as or is part of another undertaking which is the subject of an exemption order under the Act, the activity exempt under this order shall be carried out in accordance with any terms or conditions in the other exemption order as well as the conditions in this order.

3. Direct access onto Highway 401 from the PCRMA will be provided whenever it is operationally and technically feasible, in order to minimize use of other haul routes.

4. The change to approved operating hours as described at the beginning of this order will expire on the fifth anniversary of this exemption. O.Reg. 444/94.

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