

	<i>Subject:</i> Importation of Inert Fill for the Purpose of Rehabilitation	<i>Policy No.:</i> A.R. 6.00.03	<i>New:</i> No
<i>Compiled by – Branch:</i> Lands & Waters	<i>Section:</i> Aggregate & Petroleum Resources	<i>Date Revised:</i> April 14, 2008	

Guiding Principle

Historically, legislation has allowed the practice of importing inert material (e.g. topsoil, overburden) for the purpose of rehabilitation (i.e. to create required slopes), where there was insufficient topsoil/overburden existing on the site. This practice is allowed to continue, provided that the site plan allows its use. In situations where the site plan is silent (i.e. importation activity not specifically addressed), a minor site plan amendment is required to allow the activity to occur.

Policy

The management of inert fill to be brought onto a particular site is governed by Regulation 347 of the *Environmental Protection Act* (EPA), which defines inert as earth or rock fill or waste of a similar nature that contains no putrescible material or soluble or decomposable chemical substance. If the results from a bulk analysis meet the criteria in Table 1 of the Ministry of the Environment’s (MOE) “Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the *Environmental Protection Act*”, as amended, the material is considered as “inert fill”. This material may be used for sloping and/or backfilling purposes provided that the site plan allows its use. However, alternative criteria may be acceptable on a case-by-case basis with prior approval. If the material meets the definition of inert fill, no Certificate of Approval (C of A) is required from the MOE for disposing of the material.

For the purposes of pit/quarry rehabilitation, the soil quality standards for sodium adsorption ratio (SAR) and electrical conductivity (EC) specified in Tables 1, 2, and 3 under Part XV.1 of the EPA are intended to ensure good plant growth. Since plant growth is affected primarily by surface soil, the soil standards document does not include SAR and EC standards for subsurface soil (i.e. Tables 4 and 5 in the soil quality standards). Subsurface soil means soil that is more than 1.5 metres beneath the soil surface. Consequently, there is no need to apply the SAR and EC standards in Table 1, or any other table, for soil that is being deposited as a subsurface soil. The subsurface would be defined based on the final grade after rehabilitation.

Note: In situations where there is an existing condition on a site plan requiring the licensee/permittee to meet Table 1 criteria for imported fill being used for rehabilitation purposes, the licensee/permittee may request that the condition be modified to reflect the above discussion regarding SAR and EC criteria. The condition is to be modified through a minor site plan amendment to add Condition 2 in the Sample Wording for Site Plan Conditions (see below).

In 1990, the regulations under the ARA allowed the importation of material without requiring a site plan amendment where material was insufficient on the site. No further consent from the Ministry of Natural Resources was required. Consequently, many site plans remained silent on the importation of material. In 1997, the regulations were changed; this provision was removed and replaced by site plan standards within the Aggregate Resources of Ontario Provincial

Standards. Specifically, site plans for new applications must provide details regarding rehabilitation including whether inert material will be used to facilitate rehabilitation. For new applications, the operational plan must ensure, where possible, that sufficient materials are available on-site for rehabilitation and address how slopes and final elevations are to be achieved upon completion of extraction activities.

If the site plan does not address the importation of material and the licensee/permittee wishes to bring material on-site, provided that there is insufficient topsoil and/or overburden to create the necessary slopes as defined on the site plan, a minor amendment should be approved to allow this activity. The onus is on the licensee/permittee to demonstrate to MNR that material is lacking on the site to facilitate rehabilitation.

If the site plan has been approved to backfill the entire site or a portion of the site to the original grade, the licensee/permittee has the authority, provided that the material meets Table 1 (with the exceptions for SAR and EC criteria as described above) and proper monitoring or sampling of truck loads or the source occurs. However, alternative criteria may be acceptable on a case-by-case basis with prior approval.

If a licensee/permittee has no prior approval and wishes to backfill the entire site or a portion of the site to the original grade, this change in rehabilitation should be processed as a major site plan amendment (see A.R. 2.03.00 and A.R. 4.04.00). The importation of material to facilitate rehabilitation must be described on the site plan.

Sample Wording for Site Plan Conditions

1. Clean inert fill (e.g. topsoil, overburden) may be imported to facilitate pit/quarry rehabilitation. Only sufficient material to create a 3:1 / 2:1 (horizontal: vertical) grade may be imported. At the request of MNR, the licensee/permittee will conduct random sampling of the imported material to ensure that it meets the Ministry of the Environment's (MOE) criteria under Table 1 of MOE's "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the *Environmental Protection Act*". Sampling results will be provided to MNR upon request.
2. Notwithstanding Condition 1, where the imported material is not being placed within 1.5 metres of the surface, the criteria under Table 1 for sodium adsorption ratio and electrical conductivity do not have to be met.

OR

3. Clean inert fill may be imported to facilitate the establishment of 3:1 / 2:1 (horizontal: vertical) slopes on the pit/quarry faces. The licensee/permittee must ensure that the material is tested at the source, before it is deposited on-site, to ensure that the material meets the Ministry of the Environment's (MOE) criteria under Table 1 of MOE's Soils, Ground Water and Sediment Standards for use under Part XV.1 of the *Environmental Protection Act*. Sampling results will be provided to MNR upon request.
4. Notwithstanding Condition 1, where the imported material is not being placed within 1.5 metres of the surface, the criteria under Table 1 for sodium adsorption ratio and electrical conductivity do not have to be met.