

## ***Introduction – Category 15***

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These Standards<sup>1</sup> have been developed to support the Aggregate Resources Act as amended by Bill 52, the Aggregate and Petroleum Resources Statute Law Amendment Act, 1996. There are three main headings:

- 1) Licences - subdivided into eight categories with respect to Class ‘A’. Class ‘A’ licence is to remove more than 20,000 tonnes of aggregate annually and a Class ‘B’ is to remove 20,000 tonnes or less of aggregate annually;
- 2) Aggregate permits - subdivided into six categories; and
- 3) Wayside Permits - one category.

These categories were developed to provide more concise, user friendly and understandable minimum requirements for the delivery of the Aggregate Resources Act.

Each category has a template of six major topics and all categories are developed to be proponent driven. The proponent will refer to the appropriate categories depending on the type of undertaking being contemplated. The reason for 15 categories is to reflect the numerous types of applications that can be applied for. In order to accomplish an easy-to-follow format, the standards and categories are repetitive in some cases or have slight modifications between categories based on whether the application is for a pit or quarry, and whether extraction will occur above or below the water table.

The enabling authority in Bill 52 allows for six major topic areas to be reflected in the standards. They are:

- ◆ Site Plan Standards;
- ◆ Report Standards;
- ◆ Prescribed Conditions;
- ◆ Notification and Consultation;
- ◆ Operational Standards; and
- ◆ Annual Compliance Reporting.

Each category includes Site Plan Standards, Report Standards, Prescribed Conditions and Notification and Consultation. Operational and Compliance Standards for all categories are found at the back of this document.

### ***Site Plan Standards***

These standards have been developed to reflect the type of undertaking: application for a licence (pit vs. quarry) or aggregate permit (pit vs. quarry). The site plan requirements are all encompassing for each category and no additional information will be required.

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<sup>1</sup> These standards will apply only to sites which go through the licensing or permitting process subsequent to the proclamation of Bill 52. The exceptions are the Annual Compliance Report requirement and compliance with Operational Standards which will apply to existing licences and permits.

### ***Report Standards***

The report standards have two components: a summary statement and technical reports. All categories of applications are required to submit these reports. The author of these reports may be:

- 1) the applicant for summary statements where the applicant possesses the qualifications or experience; and
- 2) qualified individuals for the technical reports.

For very unique issues on a site specific basis, additional information to that identified in the Report Standards may be requested.

### ***Prescribed Conditions***

The prescribed conditions are conditions that pertain to the individual category and cannot be varied or rescinded by either the Minister or the Ontario Municipal Board. However, on a site-by-site basis, additional conditions can be attached to the licence or site plan at the discretion of the Board or Minister, however, these conditions do not form part of the prescribed conditions.

### ***Notification and Consultation***

These standards identify the required steps for a proponent to process an application once an application has been accepted by the Ministry. It will be a requirement of the applicant to ensure that all aspects of the standards have been met. Ministry staff will no longer be facilitating and guiding proponents through the process.

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### ***Operational Standards***

These standards identify the day-to-day operational requirements that are not part of an existing site plan. If the site plan requirements already deal with the same factors but in a different way, the site plan provision prevails over these operational standards.

### ***Annual Compliance Reporting***

These standards place the responsibility of reporting non-compliance items and remedial work on the licensee and permittee to self-assess their operation on a yearly basis. The information gathered will be evaluated by the Ministry of Natural Resources to ensure compliance is being achieved. Although the “Guide to Completion of the Assessment Report” is not part of the standards, it is advisable to read this guide in order to assist in the completion of the assessment report.

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### ***Terminology & Definitions***

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For the purpose of these standards reference should be made to the Provincial Policy Statement (Revised February 1, 1997) issued under Section 3 of the Planning Act for definitions and terms used in the Natural Environment Level 1 and 2 and Archaeology Resources Stage 1, 2 and 3.

***Established Groundwater Table*** For unconsolidated surficial deposits, the groundwater table is the surface of an unconfined water-bearing zone at which the fluid pressure in the unconsolidated medium is atmospheric. Generally the groundwater table is the top of the saturated zone.

For confined water bearing zones or consolidated bedrock materials, the groundwater table, or potentiometric surface, is a level that represents the fluid pressure in the water bearing zone and is generally defined by the level to which water will rise in a well.

***Sensitive Receptor*** Includes residences or facilities where people sleep (nursing homes, hospitals, trailer parks, camping grounds, etc.); schools; day-care centres.

***Mitigate*** To alleviate, moderate or reduce the severity of impacts.

### ***Recommended References***

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When applying for a licence or aggregate permit and depending on the location of the proposed site, the applicant may wish to pre-consult with the affected agencies that will be involved.

In searching and/or preparing reports to accompany an application, reference should be made to the following documents and agencies:

- a) Provincial Policy Statement and Associated Training Manuals;
  - b) Zoning by-law(s);
  - c) Official Plan(s);
  - d) Environmental Protection Act;
  - e) Ontario Water Resources Act;
  - f) Conservation Authorities Act;
  - g) Niagara Escarpment Commission;
  - h) Guide to Completion of the Compliance Assessment Report for licences and aggregate permits;
  - i) Flow chart for the Notification and Consultation Standards for licences, aggregate permits, wayside permits, Category 13 and the annual compliance reporting;
  - j) MOEE Guidelines including:
    - MOEE Guideline NPC-205, Sound Level Limits for Stationary Sources in Class 1 & 2 Areas (Urban);
    - MOEE Guideline NPC-232, Sound Level Limits for Stationary Sources in Class 3 Areas (Rural);
    - MOEE Guideline NPC-233, Information to be Submitted for Approval of Stationary Sources of Sound;
    - MOEE Guideline NPC-119, Blasting.
- The above list serves only as a guide and should not be interpreted as all-inclusive.
- k) Provincial and Federal references to endangered species;
  - l) Federal Fisheries Act and Associated Guidelines;
  - m) Environmental Assessment Act and Exemptions.

For further enquiries, please contact:

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Aggregate and Petroleum Resources Section  
P.O. Box 7000  
Peterborough, Ontario K9J 8M5  
Telephone: (705) 755-1258  
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## Application Standards for

### **Category 15:** Wayside Permits for Public Authority Projects

- ◆ Application Standards
  - ◇ Site Plan Standards
  - ◇ Report Standards
- ◆ Prescribed Conditions
- ◆ Notification and Consultation Standards

## *Waysides*

### *1.0 Site Plan Standards for Wayside Permits*

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The site plan accompanying an application for a wayside permit must show the required information on the site plan. Two (2) copies of the site plan and report must be submitted with the application.

Any reference to the Ministry of Natural Resources shall be deemed to refer to the Ministry of Transportation for those permits that the Ministry of Transportation issues for their own projects under subsection 30(1) of the Aggregate Resources Act.

The site plan can be prepared by the applicant or any other person and must show the following:

- 1.1 a key map showing the location of the pit or quarry;
- 1.2 a general description of the site by lot and concession, if any, and the municipality, county or the region where the pit or quarry is located;
- 1.3 a scale reference using both ratio and graphic methods between a scale of 1:1000 and 1:5000;
- 1.4 applicant's name and address;
- 1.5 indicate drawing numbers, if more than one drawing;
- 1.6 a statement that "this site plan is prepared under the Aggregate Resources Act for a Wayside Permit, Category 15";
- 1.7 signature of person under whose direction this plan was prepared, if different from applicant;
- 1.8 north arrow, normally pointing towards the top of the page;
- 1.9 all site plan symbols must be clearly identified;
- 1.10 demarcation of the lot and concession lines;
- 1.11 the use and existing zoning of land on and within 120 metres of the site;
- 1.12 the location and use of all buildings and other structures existing and proposed on and within 120 metres of the site;
- 1.13 the location of every existing and proposed entrance to and exit from the site;
- 1.14 existing and proposed surface water drainage and drainage facilities on and within 120 metres of the site;

- 1.15 the location and type of existing fences on the site;
- 1.16 the location of existing tree cover (i.e. wood lots and hedgerows) on and within 120 metres of the site;
- 1.17 the location of existing and proposed stockpiles of topsoil and overburden on the site;
- 1.18 the location of existing and proposed aggregate stockpiles, including any recyclable materials on the site;
- 1.19 existing and proposed scrap locations on the site;
- 1.20 significant natural features on and within 120 metres of the site;
- 1.21 significant man-made features on and within 120 metres of the site;
- 1.22 all existing excavation faces;
- 1.23 the location of proposed processing areas;
- 1.24 the location of existing berms, and the location and minimum height of proposed berms;
- 1.25 the name and address of the owner of the site;
- 1.26 the public authority that is a party to the contract and the project number;
- 1.27 the location of the project;
- 1.28 the existing and estimated final elevations of the site;
- 1.29 the sequence and direction of the operation;
- 1.30 description of the final rehabilitation of the site;
- 1.31 any proposed water diversion and points of discharge to surface water;
- 1.32 the shape, dimensions and hectarage of the permit area and the area to be extracted;
- 1.33 the location and labelling of all excavation setbacks from the permit boundary;
- 1.34 the general types of equipment that will normally be used on site;
- 1.35 the elevation of the established groundwater table or provide information that shows the final depth of extraction is at least 1.5 metres above the watertable for a pit or 2 metres above the water table for a quarry (e.g. test pits, well record, geo-physical techniques etc.);

- 1.36 a statement that the “Estimated number of tonnes that shall be removed from the pit or quarry for the wayside contract is \_\_\_\_\_ tonnes”;
- 1.37 a section to record any variations from the operational standards that relate to the site; and
- 1.38 a section to record any recommendation(s) and/or monitoring program(s) identified in the technical reports.

## ***2.0 Report Standards for Category 15 Wayside Permits***

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### ***2.1 Summary Statement***

**A summary statement accompanying an application for a wayside permit must be signed by the author and provide information on the following:**

- 2.1.1 determine the elevation of the groundwater table within the site or determine that the final depth of extraction is at least 1.5 metres above the groundwater table for a pit, or at least two (2) metres above the groundwater table for a quarry.
- 2.1.2 the agricultural classification of the proposed site, using the Canada Land Inventory classes. For the lands being returned to agriculture, the proposed rehabilitation techniques must be identified;
- 2.1.3 the estimated cost of the aggregate for the project as compared with that from any alternative sources of supply;
- 2.1.4 the main haulage routes and proposed truck traffic to and from the site; and
- 2.1.5 the identification of the alternative resources of supply for the required aggregate.

**The summary statement may be prepared by the applicant.**

### ***2.2 Technical Reports***

**Technical reports accompanying an application for a wayside permit must provide information on the following:**

- 2.2.1 Natural Environment Level 1: determine whether any of the following features exist on and within 120 metres of the site: significant wetland, significant portions of the habitat of endangered or threatened species, fish habitat, significant woodlands (south and east of the Canadian Shield), significant valley lands (south and east of the Canadian Shield), significant wildlife habitat and significant areas of natural and scientific interest;
- 2.2.2 Natural Environment Level 2: impact assessment where the level 1 analysis identified any features on and within 120 metres of the site in order to determine whether there will be any negative impacts on the natural features or ecological functions for which the area is identified and any proposed preventative, mitigative or remedial measures;
- 2.2.3 Cultural Heritage Resource Stage 1: determine if there are any known significant archaeological resources on the subject property and the potential of the site to have heritage resources;

- 2.2.4 Cultural Heritage Resource Stage 2: property survey by a licensed archaeologist if stage 1 identifies known resources or a medium to high potential for heritage resources on the site and mitigation, if recommended;
- 2.2.5 Cultural Heritage Resource Stages 3 and 4: detailed site investigation by a licensed archaeologist (e.g. test pits, plowing fields and survey) when recommended by stage 2 and mitigation, if recommended.
- 2.2.6 Each report shall state the qualifications and experience of the individual(s) that have prepared the reports.

### ***2.3 Other Reports***

- 2.3.1 If extraction is to occur within 1.5 metres of the established groundwater table for a pit, or within two (2) metres of the established groundwater table for a quarry, the application for a permit must provide information on the following:
  - 2.3.1.1 Hydrogeological Level 1: Preliminary hydrogeologic evaluation to determine the final extraction elevation relative to the groundwater table, and the potential for adverse effects to groundwater and surface water resources and their uses;
  - 2.3.1.2 Hydrogeological Level 2: Where the results of Level 1 have identified a potential for adverse effects of the operation on ground water and surface water resources and their uses, an impact assessment is required to determine the significance of the effect and feasibility of mitigation. The assessment should address the potential effects of the operation on the following features if located within the zone of influence for extraction below the groundwater table, where applicable.

A technical report must be prepared by a person with appropriate training and/or experience in hydrogeology to include the following items;

- (a) waterwells;
- (b) springs;
- (c) groundwater aquifers;
- (d) surface water courses and bodies;
- (e) discharge to surface water;
- (f) proposed water diversion, storage and drainage facilities on site;
- (g) methodology;
- (h) description of the physical setting including local geology, hydrogeology, and surface water systems;
- (i) water budget;
- (j) impact assessment;
- (k) mitigation measures including trigger mechanisms;
- (l) contingency plan;
- (m) monitoring plan; and

- (n) technical support data in the form of tables, graphs and figures, usually appended to the report.

**The technical report(s) must be prepared by a person with appropriate training and/or experience.**

### ***3.0 Prescribed Conditions that Apply to Category 15 Wayside Permits***

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**The permit is subject to the following conditions:**

- 3.1 Dust will be mitigated on site, if a sensitive receptor is within 300 metres..
- 3.2 Water or another provincially approved dust suppressant will be applied to internal haul roads and processing area(s) as often as required to mitigate dust.
- 3.3 Processing equipment will be equipped with dust suppressing or collection devices, where the equipment creates dust and is being operated within 300 metres of a sensitive receptor.
- 3.4 Noise will be mitigated at source with appropriate noise attenuation devices in addition to appropriate site design, if a sensitive receptor is within 150 metres.
- 3.5 If required, a Certificate of Approval will be obtained for processing equipment to be used on site.
- 3.6 The permittee must submit a completed Compliance Assessment Report when requested by the Ministry of Natural Resources.
- 3.7 If required, a Certificate of Approval shall be obtained for locational purposes for any portable equipment that will be used on site.
- 3.8 For the purpose of facilitating rehabilitation and if material on site is insufficient, then only topsoil or inert material can be brought on to the site.
- 3.9 Total tonnage of all material extracted from the site must be reported to the Ministry of Natural Resources and the Aggregate Resources Corporation (Trust).
- 3.10 Before the expiry of the permit any outstanding fees must be paid to the Aggregate Resources Corporation (Trust) and verification is required.
- 3.11 Any recommendations and/or monitoring program identified in the technical reports will be described on the site plan and all records will be retained by the permittee and made available upon request by the Ministry of Natural Resources for audit purposes.

#### ***3.12 Additional Conditions***

**If the permit is for a quarry, the following additional conditions will apply:**

- 3.12.1 The permittee will monitor all blasts for ground vibration and blast over pressure and will operate to ensure compliance with current provincial guidelines.

- 3.12.2 Blasting will not occur on a holiday or between the hours of 6 p.m. on any day and 8 a.m. on the following day.
- 3.12.3 All blast monitoring reports must be retained by the permittee and made available upon request by the Ministry of Natural Resources for audit purposes.

## ***4.0 Notification and Consultation Standards for Wayside Permits***

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The applicant shall submit all required documentation to the Ministry of Natural Resources. Within twenty (20) days, the Ministry of Natural Resources shall determine if the application is complete. Once the application is determined to be complete, the applicant may proceed with the following procedures:

### ***4.1 Notification***

- 4.1.1 The applicant must provide by written notice delivered personally or by registered mail, to landowners within 120 metres of the permitted boundary according to the most recent assessment available at the time of application, the following:
- 4.1.1.1 applicant's name, address and telephone number;
  - 4.1.1.2 name of landowner;
  - 4.1.1.3 location of potential source (e.g. lot, concession, township, region or county);
  - 4.1.1.4 type and quantity of material required by the project;
  - 4.1.1.5 project number, location, description and duration;
  - 4.1.1.6 type of project (e.g. road construction, winter sanding)
  - 4.1.1.7 describe the operation, whether a pit or quarry; and
  - 4.1.1.8 asking the landowner(s) to respond in writing to the applicant, copy to the Ministry of Natural Resources, identifying any concerns with regards to the proposal.
- 4.1.2 The applicant must circulate a complete application package and information on the notification process to the agencies identified below for comments. It is the applicant's responsibility to determine the appropriate contact person.
- 4.1.2.1 the local Ministry of Natural Resources office;
  - 4.1.2.2 the local municipality in which the site is located;
  - 4.1.2.3 the Region or County in which the site is located;
  - 4.1.2.4 Ministry of Environment and Energy (MOEE) (only if a Hydrogeological Level 2 is required);
  - 4.1.2.5 Ministry of Agriculture, Food and Rural Affairs (OMAFRA) (only if prime agricultural land is not being restored to the same average soil quality);
  - 4.1.2.6 utility corporations (if an easement exists on site or within 120 metres); and
  - 4.1.2.7 Niagara Escarpment Commission (NEC) if within their jurisdiction.
- 4.1.3 Comments must be received within 20 days of notification under Sections 4.1.1 and 4.1.2.
- 4.1.4 To facilitate planning of potential wayside permit sites, requirements under Sections 4.1.1 and 4.1.2 may be conducted in advance of the application, to a maximum of thirty (30) months.

- 4.1.5 Requirements under Sections 4.1.1 and 4.1.2 shall be conducted concurrently.
- 4.1.6 If no objections, applicant submits documentation of Notification and Circulation to the Ministry of Natural Resources.

#### ***4.2 Resolution of Concerns***

- 4.2.1 During the Notification procedures, the applicant shall attempt to resolve any concerns.
- 4.2.2 If all concerns have been resolved, the applicant must:
  - 4.2.2.1 amend the permit application, site plan or reports, if required in consultation with the Ministry of Natural Resources based on the results of the notification;
  - 4.2.2.2 submit documentation that concerns have been addressed to the Ministry of Natural Resources; and
  - 4.2.2.3 submit to the Ministry of Natural Resources documentation of landowner and stakeholder contacts, and agencies circulation.
- 4.2.3 If all concerns have not been resolved the applicant must submit to the Ministry of Natural Resources:
  - 4.2.3.1 documentation of attempts to resolve issues;
  - 4.2.3.2 list of unresolved issues; and
  - 4.2.3.3 documentation of landowner contact and agencies circulation.
- 4.2.4 Once the Ministry of Natural Resources has received:
  - 4.2.4.1 agency comments, if any; and
  - 4.2.4.2 applicant's scoping and documentation, as per section 4.2.3

the application shall be processed in accordance with section 26 and 27 of the Act, within 20 days

## ***5.0 Operational Standards that Apply to Wayside Permits***

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**Unless the site plan provides otherwise through variations from these operational standards identified on the site plan, the permittee must comply with the following:**

- 5.1 a gate is erected and maintained at each entrance to, and exit from, the site and that all such gates are kept closed when the site is not in operation;
- 5.2 each entrance to, and exit from, the site is located so as to provide, at the point of intersection with any highway, a clear view of the highway in both directions;
- 5.3 topsoil must be stripped sequentially prior to aggregate extraction;
- 5.4 within the area to be extracted, all trees within 5 metres of the excavation face must be removed;
- 5.5 all topsoil or overburden that is stripped during the operation of the site will be stored separately with vegetated stable slopes;
- 5.6 adequate vegetation is established and maintained to control erosion of any berm or stockpile of topsoil or overburden;
- 5.7 the site is kept in an orderly condition;
- 5.8 all scrap is removed on an ongoing basis, and scrap shall include refuse, debris, scrap metal or lumber, discarded machinery, equipment and motor vehicles. Scrap cannot be located within 30 metres of any body of water and 30 metres from the boundary of the site;
- 5.9 “excavation setback areas” means the area within:
  - 5.9.1 fifteen metres from the boundary of the site;
  - 5.9.2 thirty metres from any part of the boundary of the site that abuts:
    - 5.9.2.1 a highway,
    - 5.9.2.2 land in use for residential purposes at the time the permit was issued, or
    - 5.9.2.3 land restricted to residential use by a zoning by-law when the permit was issued; or
  - 5.9.3 thirty metres from any body of water that is not the result of excavation below the water table;
- 5.10 no excavation can occur within the excavation setback area of the site;
- 5.11 all excavation faces are to be stabilized in so far as is necessary to prevent erosion into the excavation setback area;

- 5.12 no person shall pile aggregate, topsoil or overburden, locate any processing plant or place, build or extend any building or structure:
- 5.12.1 within thirty metres from the boundary of the site; or
  - 5.12.2 within ninety metres from any part of the boundary of the site that abuts:
    - 5.12.2.1 land in use for residential purposes at the time the permit was issued, or
    - 5.12.2.2 land restricted to residential use by a zoning by-law when the permit was issued;
- 5.13 berms that are intended to screen the adjoining lands from the operation on the site are exempt from section 5.12;
- 5.14 all berms shall be located at least three metres away from the boundary of the site;
- 5.15 removal of topsoil from the site shall not occur;
- 5.16 all topsoil or overburden stripped in the operation of the site is used in the rehabilitation of the site;
- 5.17 adequate vegetation is established and maintained to control erosion of any topsoil or overburden replaced on the site for rehabilitation purposes;
- 5.18 when the site is finally rehabilitated, all excavation faces:
- 5.18.1 of any pit has a slope that is at least three horizontal metres for every vertical metre;
  - 5.18.2 of any quarry has a slope that is at least two horizontal metres for every vertical metre;
- 5.19 no aggregate or overburden, except material in a berm, may be moved from the excavation setback area;
- 5.20 rehabilitation of the site shall ensure that:
- 5.20.1 adequate drainage and vegetation of the site is provided; and
  - 5.20.2 any compaction of the site is alleviated;
- 5.21 the rehabilitation security the applicant must pay under subsection 50(1) is 8 cents for every tonne which the permit authorizes to be removed;
- 5.22 the rehabilitation security shall be in the form of cash, cheque or money order;
- 5.23 the rehabilitation security payment must be payable to the Aggregate Resources Corporation (Trust) prior to the issuance of the permit; and
- 5.24 notwithstanding section 5.21 permittees who supply aggregate only for use in projects of the Ministry of Transportation are exempted from the payment of rehabilitation security.

## ***6.0 Annual Compliance Reporting for Wayside Permits***

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- 6.1 when requested by the Ministry of Natural Resources, every wayside permittee must complete Form #592 known as the Compliance Assessment Report with respect to their compliance with the Act, regulations, operational standards, site plan and the conditions of the permit;
- 6.2 the wayside permittee shall ensure a copy of the Compliance Assessment Report Form #592 to the local office of the Ministry of Natural Resources and the clerk of each regional municipality or county and local municipality in which the site is located when advised;
- 6.3 non-compliance with the Act, regulations, operational standards, site plan and the conditions of the permit must be noted on page 1 and 2 of the Report;
- 6.4 documentation of the action for non-compliance must be recorded on page 3 with the appropriate remedial action deadline date;
- 6.5 when completing Compliance Assessment Reports, a sketch showing gates, berms, setbacks, etc. may assist in documenting standards requiring remedial corrective action;
- 6.6 the wayside permittee must provide a sketch showing areas that have been progressively rehabilitated; and
- 6.7 pursuant to subsection 57(4) of the Aggregate Resources Act, it is an offence to furnish false information.