

Proposed Site Plan Amendments Eligible for Self-filing

Overview

On September 1, 2020, changes to Ontario Regulation 244/97 (the Regulation) under the *Aggregate Resources Act* (the Act) came into effect, which set out eligibility criteria and requirements that allow operators of pits and quarries to self-file changes to existing site plans for some routine activities without requiring approval from the ministry (subject to conditions set out in regulation).

This approach has effectively reduced burden and provided efficiency to aggregate operations, while continuing to manage the impact of lower-risk activities on aggregate sites. This proposal is seeking your feedback on the following additional site plan amendments that a licensee or permittee may self-file without ministry approval when certain conditions are met as outlined in regulation.

In accordance with current regulatory requirements for other self-filed amendments, it is important to note that unless otherwise provided on an approved site plan, in addition to the proposed conditions identified below for each new activity, the amendments described in this document would continue to be subject to all applicable operating conditions prescribed in the Regulation under the Act. For example, “recycling activities on the site shall not interfere with the operational phases of the site or with the rehabilitation of the site”, (O. Reg. 244/97, s. 0.13 (1) 32), would apply to any licence or permit where a site plan amendment is self-filed to import recyclable material.

Furthermore, proposed site plan amendments for the activities described below would only be eligible for self-filing, provided they do not conflict with the Act, the Regulation, any other Act or regulation or any licence, permit or approval issued under the Act, the Regulation or any other Act or regulation.

Any licencees or permittees proposing changes that do not meet all the eligibility criteria and conditions for self-filing must seek authorization from the ministry through a formal amendment process prior to implementing the change.

Proposals

Importation of Recyclable Material

For licences (private land only): Allow the importation of concrete, asphalt, brick, glass, or ceramics for recycling, provided the following criteria are met:

- municipal zoning for the site specifically allows the recycling of aggregate materials (asphalt, concrete, brick, glass, or ceramics) or the zoning by-law allows for accessory uses such as recycling to occur on the site;
- general processing activities (e.g., crushing, screening of aggregate) are already approved (on the site plan) to occur at the site;
- where a processing area is identified on the approved site plan, the location of stockpiled material for recycling is limited to this area;
- asphalt will not be stored within 30 m of a water body or within 2 metres of the established ground water table and is not co-mingled with scrap material; and
- requirements are added to the site plan to specify that:
 - once excavation of aggregate on the site has been completed there will be no further importation of recycled materials and rehabilitation will be completed,
 - the quantity of recycled aggregate removed from the site each year shall count toward the total amount of aggregate that the licensee or permittee is entitled to remove from the site under the licence or permit, and
 - no more than 20,000 tonnes, or 10% of the annual production limit (whichever is less), of recycled material may be stored on the site at any time.

Entrances/Exits

Allow the addition or re-location of an entrance or exit to or from the site, provided:

- the road authority has approved the work and all prescribed operational standards related to entrances and exits are followed;
- the work will conform to all conditions of the approval from the road authority;
- the work will not harm or negatively impact existing features (e.g., natural/cultural heritage features, existing berms, etc.); and
- a copy of the approval from the road authority is provided with the submission form.

Portable Processing Equipment

Allow the addition, removal or re-location of portable processing equipment necessary for crushing, screening and processing aggregates, provided the following criteria are met:

- a mobile or site-specific Environmental Compliance Approval (ECA) has been obtained from the Ministry of the Environment, Conservation and Parks (note: if re-locating the equipment on the site, the ECA must allow for equipment to be moved);
- a copy of the mobile or site-specific ECA is provided with the submission form;
- use of the equipment is permitted as an accessory use in the municipal zoning for the property;
- there are no sensitive receptors situated:

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- within 500 metres of the boundary of the site for a quarry, or
- within 150 metres of the boundary of the site for a pit;
- the equipment will not be located within 30 metres of the boundary of the site or within 90 metres of any part of the boundary of the site that abuts land in use for residential purposes;
- noise and dust mitigations currently required by the approved site plan, licence, or permit, continue to be implemented; and
- where a processing area is identified on the approved site plan, the operation of portable processing equipment is limited to this area.

Portable Concrete or Asphalt Plants

Allow the addition, removal or re-location of portable concrete or portable asphalt plants for public authority projects (e.g., road work), provided they will only remain on site for the duration of the project, and:

- “portable asphalt plant” and “portable concrete plant” have the same meanings as defined under the Provincial Policy Statement (PPS);
- a mobile or site-specific ECA has been obtained from the Ministry of the Environment, Conservation and Parks (note: if re-locating the plant on the site, the ECA must allow for plant to be moved);
- a copy of the mobile or site-specific ECA is provided with the submission form;
- the plant will not be located within 30 metres of the boundary of the site or within 90 metres of any part of the boundary of the site that abuts land in use for residential purposes;
- noise and dust mitigations currently required by the approved site plan, licence, or permit, continue to be implemented; and
- where a processing area is identified on the approved site plan, the operation of portable concrete/asphalt plants is limited to this area.

Above-ground Fuel Storage

Add, remove, or relocate an above ground fuel storage tank on the site, provided:

- fuel storage tanks are installed and maintained in accordance with the Liquid Fuel Handling Code as adopted under the *Technical Standards and Safety Act, 2000*;
- proposed fuel storage capacity does not exceed 5,000 litres;
- the location of fuel storage tanks is identified on the site plan;
- fuel storage tanks are not within a vulnerable area for the protection of drinking water sources where the handling and storage of fuel would be a significant drinking water threat, as defined in the Technical Rules under the *Clean Water Act, 2006*;
- fuel storage tanks are not within 30 metres of a waterbody and not within 2 metres of the established ground water table; and
- all other required approvals have been obtained (e.g., municipal, Niagara Escarpment Plan).