

Source Protection Planning Bulletin – Aggregate Resources Act Instruments



March 2011

Introduction

The purpose of the Clean Water Act (“the act” or “CWA”) is to protect Ontario’s existing and future drinking water sources, as part of an overall commitment to safeguard human health and the environment. A key focus of the legislation is the preparation of locally developed terms of reference, science-based assessment reports and source protection plans. For additional information on the CWA and how the terms of reference and assessment reports were developed, readers may refer to the Ministry of the Environment’s website www.Ontario.ca/cleanwater.

The source protection plans will consist of a range of policies that together, will reduce the risks posed by threats to water quality and quantity. This document is one in a series of planning bulletins intended to assist local source protection committees (SPCs) in preparing source protection plans and policies.

Purpose

This document provides SPC members with information related to instruments (**i.e. Licences, Wayside Permits, Aggregate Permits and Site Plans**) issued under the *Aggregate Resources Act* (ARA). These instruments are prescribed under the CWA and may be used as tools to address threats to drinking water. There are seven additional bulletins that set out details about each of the instruments prescribed in the General Regulation - Ontario Regulation 287/07 (“the Regulation”) and a general Overview Bulletin about policy development as it relates to prescribed instruments. These bulletins will help SPC members understand the general scope of each of the prescribed instruments, the types of drinking water threats each instrument may have the mandate to address and how terms and conditions are used within the instrument to manage the threats.

Together the act and its regulations (“the legislation”), in particular the Regulation, establish a legal framework for drinking water source protection in Ontario. Amendments to the Regulation setting out some of these requirements took effect on July 1, 2010. All section references relate to the Regulation unless otherwise stated.

While every effort has been made to ensure the accuracy of the information in this document, it should not be construed as legal advice or relied on as a substitute for the legislation.

Purpose and Legislative/Regulatory Authority

The ARA is the primary legislation governing the regulation of aggregate operations in Ontario and is administered by the Ministry of Natural Resources (MNR).

The purposes of the ARA (found in section 2 of the ARA) are to provide for the management of the aggregate resources of Ontario; to control and regulate aggregate operations on Crown and private land; to require the rehabilitation of land from which aggregate has been excavated; and to minimize adverse impact on the environment in respect of aggregate operations.

The ARA applies (s. 5, ARA) to all aggregate and topsoil that is the property of the Crown or where the surface rights belong to the Crown; all land under water; and private land in designated areas of the province (i.e., areas listed in regulation).

A licence or permit issued under the ARA may be required to extract aggregate from private or Crown land. Every licensee/permittee is required to operate the site in accordance with the ARA, the regulations, the site plan and the licence/permit conditions.

The ARA regulates aggregate extraction through four types of instruments¹ (approvals):

- On Private land:
 - A **Licence** is required for aggregate extraction on private land in designated areas. A Class “A” licence is issued for operations that remove more than 20,000 tonnes of material from the site annually. A Class “B” licence is issued for operations that remove 20,000 tonnes or less annually.
 - A **Wayside Permit** is issued for aggregate extraction on private land in designated areas where the aggregate is to be used by a public authority (e.g., Ministry of Transportation (MTO) or a municipality) for temporary projects for road construction or road maintenance.
- On Crown land:
 - An **Aggregate Permit** is required for aggregate or topsoil extraction on Crown land or where the Crown owns the aggregate or topsoil and all extraction from land under natural water bodies.
- On Private and Crown land:
 - Applicants seeking a licence, wayside permit and aggregate permit also require approval of an additional instrument, the **Site Plan**. A site plan sets out the specific operational and rehabilitation terms and conditions for the aggregate operation (e.g., depth of extraction, buildings on-site, types of equipment operated, permitted ancillary activities, fuel storage location, source (imported vs. on-site) of materials used for rehabilitation purposes).

¹ All approved instruments cannot be amended by the SPC directly. If an SPC writes a policy to which MNR must conform, it is up to MNR to review the relevant instruments, consider the necessary amendments to the instrument and to make those amendments.

- These plans are typically three to five pages and very detailed. The information is illustrated as a map(s) with accompanying cross section(s) and notes (see examples in Appendix E).

Prescribed Drinking Water Threats

There are 21 activities prescribed as drinking water threats under the CWA. Activities listed in the Regulation are associated with the release of chemicals or pathogens, or have the ability to impact the quantity of water in aquifers or surface water bodies.

Since the activity of aggregate extraction at pits and quarries itself does not contribute chemicals or pathogens, this activity is not listed as a prescribed drinking water threat. Consequently, SPCs cannot write policies that treat the activity of aggregate extraction itself as a significant (or moderate or low) drinking water threat. There are, however, certain prescribed threats that are/may be associated with aggregate operations.

The threat most common at ARA operations is:

- Handling and storage of fuel

Other threats that could occur at ARA operations are:

- Application of road salt
- Handling and storage of road salt
- Handling and storage of dense non-aqueous phase liquids (DNAPLs)
- Handling and storage of organic solvents
- Consumptive water taking activities
- Activities that reduce the recharge of an aquifer
- Application of commercial fertilizers to land (may be associated with rehabilitation)
- Application of pesticides to land (may be associated with rehabilitation)

Below is a discussion of whether and how the above threats may be addressed under the ARA and a source protection plan.

Handling and Storage of Fuel

Fuel storage is the prescribed threat most commonly associated with aggregate operations and the only one that is commonly managed by an ARA instrument. The ARA site plan authorizes the location of the tank, whether storage tanks are above or below ground and whether tanks will be portable or permanent in nature.

All licences and permits issued after June 30, 1997, have a condition attached requiring the preparation of a Spills Contingency Program to be developed prior to site preparation and for fuel storage tanks to be installed and maintained in accordance with the Liquid Fuel handling Code under the Technical Standards and Safety Act (TSSA). The specific requirements for handling and storage of fuel are regulated by the Technical Standards and Safety Authority.

SPCs can write policies that rely on the standards set out by the TSSA, however the TSSA itself is not a prescribed Act and there are no conformity requirements for TSSA related to source protection plan policies. With that being said, SPCs can include

specific TSSA standards or risk management measures (from the MOE's catalogue of risk management measures) in a source protection plan policy that relies on ARA instruments for implementation. It should be noted that there are certain limitations on what the MNR can enforce (see discussion on page 7) and that in many cases the MNR relies on the technical expertise of the TSSA in order to protect the environment. In situations where SPCs use ARA instruments in their source protection plan policies it is anticipated that MNR will provide comment on whether it can implement the draft policy.

Other Prescribed Drinking Water Threats

As noted above, fuel storage is the prescribed threat most often associated with aggregate operations. Other prescribed drinking water threats as discussed below may occur at an aggregate operation, but tend to occur far less frequently and/or in small quantities.

The handling and storage or application of road salt, may be permitted on a temporary basis and require approval under the site plan to be authorized on the site. MNR ensures that proper safe guards are in place to avoid any form of contamination caused by leaching. There are only a few historic sites where the storage of salt has been authorized.

Dense non-aqueous phase liquids (DNAPLs) and organic solvents are not likely to be used at aggregate operations although degreasers may be used in small quantities on some sites which have maintenance facilities. If there are situations where DNAPLs and organic solvents are used then SPCs could include specific risk management measures related to DNAPLs and organic solvents in a source protection plan policy that relies on ARA prescribed instruments in order to address this threat.

Prescribed water quantity threats include consumptive water takings and activities that reduce the recharge of an aquifer. The MNR does not regulate water quantity threats associated with aggregate operations in ARA instruments. Large consumptive water takings (> 50,000 litres per day) are regulated under a separate prescribed instrument (i.e., Permits to Take Water (PTTW)) which is administered by the MOE. Thus, SPCs can rely on the PTTW instrument for large consumptive water takings or other available policy tools to address these threats in a source protection plan.

Once rehabilitation of an aggregate site occurs, the application of commercial fertilizers and pesticides on land is generally allowed; their use is typically limited to small quantities to facilitate rehabilitation to agricultural land uses where soil improvements are necessary. In general, a site plan could be used to address threats associated with fertilizers and pesticides. SPCs are reminded that pesticides are also regulated under the *Pesticides Act*. For further information on pesticides permits, please refer to the "Source Protection Planning Bulletin – Pesticide Permits".

Transport Pathways

The Regulation allows SPCs to write policies to address transport pathways. Transport pathways are shortcuts to drinking water sources that increase the vulnerability of the drinking water supply, and may increase the vulnerability score of the land in and around the transport pathway. An aggregate operation may be considered a transport

pathway, since it can remove protective layers of overburden above an aquifer, potentially increasing the vulnerability of the water supply.

When prescribed drinking water threats are in the vicinity of a transport pathway, such as an aggregate operation, the risk level (significant, moderate, low) of those threats may have been influenced by the presence of the transport pathway. SPCs must include policies in their source protection plans that specifically address the areas where threats could be significant using the suite of policy tools (e.g., Part IV prohibition, risk management plans, land use planning approaches, etc.), some of which were discussed above. SPCs also have the option of including policies in their plan that address the transport pathway. Transport pathway policies can only rely on the policy tools described in section 27 of O. Reg. 287/07, namely policies that:

- Govern education and outreach and incentive programs,
- Establish stewardship programs,
- Specify and promote best management practices,
- Establish pilot programs,
- Govern research, or
- Specify certain actions be taken to implement the plan or achieve the plan's objectives.

The instruments prescribed in the Regulation, including the ARA instruments, can not be used as a means to address transport pathways in a source protection plan. The Ministry of the Environment will continue to provide guidance to assist committees in understanding the transport pathway policies that may be included in source protection plans.

Creation/Issuing of Instrument

Instruments issued under the ARA include²:

- Licence (s. 7 of ARA)
 - Issuance of new Licence – Minister of Natural Resources
 - Issuance of an Amended Licence – MNR District Manager
 - Add, rescind or vary a condition on a Licence – MNR District Manager
 - Amend site plan – MNR Area Supervisor
- Wayside Permit (s. 23 of ARA) and Aggregate Permit (s. 34 of ARA)
 - Issuance of a new Permit – MNR Area Supervisor
 - Add, rescind or vary a condition on a permit – MNR Area Supervisor
 - Amend the site plan – MNR Area Supervisor
 - Extend the expiration date of a wayside permit – MNR Area Supervisor

MTO has been delegated the authority to issue wayside permits and aggregate permits that are required for provincial road construction and maintenance projects (s. 32.1 and s. 46.1 of ARA) – MTO Head of Geotechnical Section.

² MNR may periodically change the delegated authority for approvals related to prescribed instruments.

Situations where an instrument would not be issued:

- If the potential adverse impact can not be mitigated, including possible effects to ground and surface water resources and its uses.
- For licences, if a zoning by-law prohibits the site from being used for the operation of a pit or quarry.
- For wayside permits, if the site is zoned and developed for residential use or zoned as having a particular environmental sensitivity.
- For aggregate permits, if contrary to the public interest.

Aggregate Resources Act Application Process

The approval process and technical requirements for new applications under the ARA are set out in the Aggregate Resources of Ontario Provincial Standards (AROPS). The AROPS contain a set of standard application criteria for licence, wayside permit and aggregate permit applications. This includes Site Plan Standards, Report Standards, Prescribed Conditions, and Notification and Consultation Standards. There are also operating and compliance standards that apply to licenced and permitted sites.

Aggregate permits are a disposition of a resource on Crown land and therefore also subject to review under MNR's Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects; additional requirements may also apply.

SPCs should be aware of the following general elements of an ARA application.

- Technical reports which may accompany an application include a natural environment, blast design, noise assessment, hydrogeological and cultural heritage resource report.
- Applications under the ARA which propose to extract within the water table must include a hydrogeological report, prepared by a qualified individual, to establish the water table and determine the potential for adverse effects to ground and surface water resources and their uses. If potential for an adverse effect is identified, an impact assessment is required to determine the significance of the effect and feasibility of mitigation.
- Consultation Requirements:
 - Applicants are required to provide written notice of the application to adjacent landowners, municipalities and agencies as identified in the AROPS. Licence applications also require a newspaper advertisement, public information session and the posting of a sign on the property. Agencies and municipalities receive a copy of the complete application package for their review.
 - Any member of the public may provide comments or objections to the applicant and MNR prior to the closing of the commenting period. If a member of the public files an objection letter with the applicant and MNR during this period, the applicant must try to resolve all of the issues raised.
- There are certain requirements to post items on the Environmental Registry.

- New licence applications and major changes/amendments to site plans or licence conditions must be posted on the environmental registry under the Environmental Bill of Rights (EBR) for a minimum of 30 days.
- This posting provides the public/municipalities with an additional opportunity to comment on the proposal.
- Permit applications and amendments to site plans or permit conditions are not subject to posting requirements.

For more information regarding application requirements, please refer to the MNR's Aggregates website: <http://www.mnr.gov.on.ca/en/Business/Aggregates>

Additional information on the issuance of instruments and the matters considered can be found in Appendix A of this document.

Content of Each Instrument

Terms and conditions may be included in an ARA approval to regulate the operation and rehabilitation of the site while protecting the environment.

Terms and conditions must be consistent with the purposes of the ARA and MNR's regulatory mandate, and necessary to mitigate significant adverse environmental impact(s) resulting from the operation of the site.

All conditions placed on a licence/permit or site plan should only address matters directly related to the licenced/permitted site and its operation and/or rehabilitation.

Conditions Set out in an Instrument

All instruments issued after June 30, 1997 have mandatory conditions described by the AROPS as "Prescribed Conditions". Prescribed Conditions are specific to the category of undertaking and cannot be varied or rescinded, either upon issuance or during the term of the instrument.

Additional conditions may also be attached to the licence/permit or the site plan at the discretion of the Minister of Natural Resources or the Ontario Municipal Board (OMB)/Mining and Lands Commissioner (MLC). These conditions may be varied or rescinded and are the result of specific recommendations of the OMB/MLC/Minister; recommendations of supporting technical reports (e.g., natural environment, blast design, noise assessment, hydrogeological or cultural heritage resource reports); public or agency concerns, including MNR; or conditions proposed by the applicant to address concerns/issues.

There are certain limitations on the conditions the MNR can impose:

- Conditions must address matters directly related to the licenced site and its operation and/or rehabilitation.
- The conditions and notes must not imply or state that the MNR is a party to any agreement between other parties.
- Conditions related to haulage routes may be considered in some instances; however, in general, the applicant should negotiate road use and maintenance matters with the appropriate road authority during the approval process.

Operating Standards

All instruments are subject to the “Operational Standards”, as listed in the AROPS, unless specifically varied by the site plan.

Duration of Instrument

Licence/Aggregate Permit: Issued without an expiry date. In very rare circumstances, may be issued with an expiry date as a condition.

Wayside Permit: Expire upon completion of the project or eighteen months after the date of issuance, whichever occurs first. There is a provision to extend the expiration date before the permit expires if the project has not been completed and requires more aggregate from the same site.

Compliance Program

Every licensee and permittee is responsible for the day-to-day monitoring of their site to ensure that they are in compliance with the requirements of the ARA, the regulations, the AROPS, the site plans and the conditions of their licence or permit.

Holders of aggregate permits and licences must submit an annual compliance report to MNR and to the clerk of each municipality in which the site is located reporting on their compliance. The report must be completed between May 1 and September 15 and submitted by September 30 of each year. Aggregate Inspectors review the Compliance Assessment Reports and based on the information contained in these reports will assist in setting priorities for future inspections by MNR.

Holders of wayside permits are required to operate in compliance with the ARA, the regulations, the site plan and any permit conditions but are only required to submit a compliance report when requested by the MNR.

In addition, MNR has a variety of tools available to ensure compliance including Inspector’s orders, rehabilitation orders, instrument suspension and revocation, and charges through the courts.

Appeal and/or Review Mechanisms

The CWA does not remove any of the existing appeal mechanisms.

Licences and Permits have different appeal mechanisms in place. The MNR may refer an application and objections to a hearing before the Ontario Municipal Board (OMB) in the case of a licence, and the Mining and Lands Commission (MLC), in the case of an aggregate permit to extract aggregate material from land under water (i.e., natural water bodies). There are no provisions for a hearing regarding the refusal to issue a wayside permit or an aggregate permit under the ARA (with the above exception).

In general, an instrument may be amended (i.e., add, rescind or vary a condition of the licence/permit or site plan) either upon request by the licensee/permittee or when

required by the Minister (or delegated person). The request is reviewed and assessed by the local MNR District office responsible for administering the site.

The MNR must ensure that any amendment initiated by the MNR is consistent with the purposes of the ARA and the MNR's regulatory mandate, and is necessary to mitigate significant adverse environmental impact(s) resulting from the operation of the site.

Amendments will not be approved without a careful review of the implications that may result from the change. Requirements resulting from a hearing should only be modified or removed in rare instances, and only after appropriate consultation with the original affected parties.

When an SPC uses ARA instruments to address significant drinking water threats, the MNR is required to conform to the policies in the SPC's approved source protection plan. Any decisions by the OMB and the MLC are also bound by the prescribed instrument conformity requirement under the CWA.

Example of Instrument

See Appendix B

Where to Get Additional Information

www.ontario.ca/aggregates

Appendix A – Instrument Issuance – Matters Considered

In issuing an instrument, the decision maker considers the following:

- Licence
 - The Minister, or the OMB, in considering whether to issue or refuse to issue a licence, must take into consideration section 12 of the ARA. Section 12 deals with a range of planning, environmental, economic and social matters. Matters considered include, but are not limited to, the effect of the operation on the environment, ground and surface water resources, and nearby communities.
- Wayside Permit
 - In considering whether to issue or refuse a wayside permit, the Minister (delegated to the Area Supervisor and MTO) shall have regard to a number of matters. Section 26 of the ARA deals with a range of planning, environmental, economic and social matters that need to be assessed before a permit is issued.
 - Pursuant to subsection 23 (3) of the ARA, the application must be for a project of road construction or road maintenance; the aggregate must be obtained from outside the limits of the right of way of the highway; and adequate provision can be made as conditions of the permit to ensure a method of operation and rehabilitation so as to cause only a temporary inconvenience to the public.
- Aggregate Permit
 - The Minister (delegated to the Area Supervisor and MTO) can refuse to issue, transfer or allow the continuation of the permit if he/she believes it to be contrary to the public interest, pursuant to clause 42 (d) of the ARA. However, public interest is not defined in the ARA. The Area Supervisor, in considering whether to issue or refuse to issue an aggregate permit, considers a range of environmental, economic and social matters, similar to a licence.

Other Approvals May Be Required

Other legislation may also apply to pits and quarries, whether on private or Crown land (e.g., *Planning Act*, *Environmental Protection Act*, *Ontario Water Resources Act*, *Conservation Authorities Act*, *Endangered Species Act*, *Lakes and Rivers Improvement Act*, and federal *Fisheries Act*).

For example – *Planning Act* approvals

Licence

- No licence can be issued if a zoning by-law established under the *Planning Act* prohibits the site from being used for the operation of a pit or quarry pursuant to subsection 12.1(1) of the ARA. Some aggregate operations predate the current zoning by-law, and if the operations do not conform with the zoning on the site, the operation may be permitted to continue if determined to be legal non-conforming. A legal non-conforming use is a use that legally operated on the site prior to the passing of a zoning by-law, and continues to be used for that purpose, but which

does not conform to the present zoning on the site. Expansions to legal non-conforming uses generally require further approval from the municipality.

- All lands proposed to be extracted within a licenced pit or quarry property must be zoned under an Extractive/Industrial Zoning designation by the appropriate planning authority. However, there may be instances where another zoning designation may be required on a portion of a proposed licenced site to protect a particular natural heritage feature (e.g., Environmentally Sensitive or Environmental Protection zoning designation to protect a provincially significant wetland or deer yard).

Wayside Permit

- A wayside permit may be issued regardless of zoning by-laws, with the exception of a site zoned and developed for residential use or zoned as having a particular environmental sensitivity.
- Additional requirements or limitations may apply within the Niagara Escarpment Planning Area, Oak Ridges Moraine Conservation Plan and Greenbelt Plan Area, and within the Towns of Caledon and Halton Hills.

Aggregate Permit

- The *Planning Act*, which gives authority for local municipalities to pass zoning by-laws, does not bind the Crown. Thus, the *Planning Act* does not affect the Crown's activities on its lands. However, under the *Planning Act*, "a ministry, before carrying out or authorizing any undertaking that the ministry considers will directly affect any municipality, shall consult with, and have regard for, the established planning policies of the municipality. R.S.O. 1990, c. P.13, s. 6 (2)".
- Aggregate Permit applications for new pits and quarries within an organized township are circulated to the municipality for information and comment.

Appendix B - Licence



LICENCE
Aggregate Resources Act
PERMIS
Loi sur les ressources en agrégats

Licence No. _____
 No du permis 624972

New Licence

Pursuant to the Aggregate Resources Act and Regulations thereunder, and subject to the limitations thereof and to the conditions of the licence and the requirements of the site plan.

Conformément à la Loi de 1997 sur les ressources en agrégats et à ses règlements, et sujet aux restrictions qu'ils comportent, aux conditions d'octroi du permis et aux exigences du plan du site,

this Class nous délivrons ce permis de classe: A licence is issued to: à:
 Joes Trucking
 123 Fake Street
 Little Town, ON
 CANADA
 L5H9J7

to operate a pour exploiter un/une	<u> Quarry </u>	on a sur le terrain de	<u> 62.6 </u>	hectare site located in: hectares situé à l'endroit suivant:	
<u> 1/2 </u>	<u> 11 </u>		<u> ABREY </u>	<u> WATERLOO </u>	<u> WATERLOO R </u>
Lot	Concession	Section	Geographic Township	Local Municipality	County / Regional Municipality / District

The licence is subject to the following conditions:
 Ce permis est assujéti aux conditions suivantes:

As shown on attached Schedule "A".

Effective the 23 day of August , 2010
 En vigueur le 23 jour de August , 2010

 Minister of Natural Resources
 Ministre des Richesses Naturelles

Schedule A

The licence is subject to the following prescribed conditions:

- 3.1 Dust will be mitigated on site.
- 3.2 Water or another provincially approved dust suppressant will be applied to internal haul roads and processing areas 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 Any recommendations and/or recommended monitoring program identified in the technical reports will be described on the site plan and all records will be retained by the licensee and made available upon request by the Ministry of Natural Resources for audit purposes.
- 3.5 A Spills Contingency Program will be developed prior to site preparation.
- 3.6 Fuel storage tanks will be installed and maintained in accordance with the Liquid Fuel Handling Code under the Technical Standards and Safety Act.
- 3.7 If required, a Certificate of Approval will be obtained for the discharge system should water be discharged off site.
- 3.8 If required, a Certificate of Approval will be obtained for processing equipment to be used on site.
- 3.9 If required, a Permit to Take Water will be obtained for utilizing ground and/or surface water.
- 3.10 The licensee will monitor all blasts for ground vibrations and blast overpressure and will operate to ensure compliance with current provincial guidelines.
- 3.11 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 All blast monitoring reports must be retained by the licensee and made available upon request by the Ministry of Natural Resources for audit purposes.

Appendix C – Permit



**AGGREGATE PERMIT
Aggregate Resources Act**
**PERMIS D'EXTRACTION D'AGRÉ GATS
Loi sur les ressources en agrégats**

Permit No. _____
No du permis _____ 624970

Pursuant to the Aggregate Resources Act and Regulations thereunder, and subject to the limitations thereof and to the conditions of the Permit and the requirements of the site plan,

Conformément à la Loi sur les ressources en agrégats et à ses règlements, et sujet aux restrictions qu'ils comportent, aux conditions d'octroi du permis et aux exigences du plan du site,

this Permit is issued to:
nous délivrons ce permis à:

Joels Trucking
123 Fake Street
Little Town, ON
CANADA
L5H9J7

to operate a pour exploiter un/une	<u>Quarry</u>	from a sur le terrain de	<u>56</u>	hectare site located in: hectares situé à l'endroit suivant:
	<small>Pit / Quarry Puits / Carrière</small>			
<u>13.6</u>	<u>21</u>	<u>SHEBA</u>	<u>NORTH HURON TP</u>	<u>HURON CO</u>
<small>Lot</small>	<small>Concession</small>	<small>Section</small>	<small>Geographic Township</small>	<small>Local Municipality</small>
				<small>County / Regional Municipality / District</small>

Location Name:
Nom d'emplacement:

The Permit is subject to the following conditions: As shown on attached Schedule "A".
Ce permis est assujéti aux conditions suivantes:

Effective the 23 day of August, 2010
En vigueur le _____ jour de _____

Minister of Natural Resources
Ministre des Richesses Naturelles

Schedule A

The permit is subject to the following prescribed conditions:

- 3.1 A Forest Resources Licence is required prior to harvesting the trees within the site boundary.
- 3.2 Dust will be mitigated on site if a sensitive receptor is within 2000 metres of the permitted boundary.
- 3.3 Water or another provincially approved dust suppressant will be applied to internal haul roads and processing areas as often as required to mitigate dust, if a sensitive receptor is within 500 metres of the site.
- 3.4 Processing equipment will be equipped with dust suppressing or collection devices, where the equipment creates dust and is being operated within 500 metres of a sensitive receptor.
- 3.5 Noise will be mitigated at source with appropriate noise attenuation devices in addition to appropriate site design when a sensitive receptor is within 2000 metres of the permitted boundary.
- 3.6 Fuel storage tanks will be installed and maintained in accordance with the Liquid Fuel Handling Code under the Technical Standards and Safety Act.
- 3.7 Any recommendations and/or recommended monitoring program identified in the technical reports will be described on the site plan and all records retained by the permittee and made available upon request of the Ministry of Natural Resources for audit purposes.
- 3.8 If required, a Certificate of Approval will be obtained for the discharge system should water be discharged off site.
- 3.9 If required, a Certificate of Approval will be obtained for processing equipment to be used on site.
- 3.10 If required, a Permit to Take Water will be obtained for utilizing ground and/or surface water.
- 3.11 The permittee will monitor all blasts for ground vibration and blast overpressure and will operate to ensure compliance with current provincial guidelines if a sensitive receptor is within 500 metres of the permitted boundary.
- 3.12 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.
- 3.13 Notwithstanding section 3.12 if the site is remote or isolated and it can be demonstrated that there are no sensitive receptors within 2000 metres of the active quarry face, then section 3.12 does not apply.
- 3.14 A Spills Contingency Program will be developed prior to site preparation.
- 3.15 All blast monitoring reports must be retained by the permittee and made available upon request by the Ministry of Natural Resources for audit purposes.

Appendix D - Wayside Permit



WAYSIDE PERMIT
Aggregate Resources Act
PERMIS DE Puits D'EXTRACTION OU DE CARRIERE
EN BORDURE DE LA ROUTE
Loi de 1989 sur les ressources en agrégats

Permit No. _____
 No du permis _____ 624971

Pursuant to the Aggregate Resources Act and Regulations, and subject to the limitations thereof and to the conditions of the Permit and the requirements of the site plan, this Permit is issued to:

Conformément à la Loi de 1989 sur les ressources en agrégats et à ses règlements, et sujet aux restrictions qu'ils comportent, aux conditions d'octroi du permis et aux exigences du plan du site, nous délivrons ce permis à:

_____	_____	_____
<small>Name</small>	<small>Address</small>	<small>Postal Code</small>
<small>Nom</small>	<small>Adresse</small>	<small>Code Postal</small>

_____	_____	_____	_____	_____	_____
<small>Lot</small>	<small>Concession</small>	<small>Section</small>	<small>Geographic Township</small>	<small>Local Municipality</small>	<small>County / Regional Municipality / District</small>

The authorized maximum number of tonnes that can be excavated for the sole purpose of providing aggregate for the project applied for is:

As shown on attached Schedule "A".

This permit is valid until _____
 Ce permis est valide jusqu'au _____
 Effective the _____ day of _____
 En vigueur le _____ jour de _____

 Minister of Natural Resources
 Ministre des Richesses Naturelles

Schedule A

The permit is subject to the following prescribed 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.

