

**Ministry of Natural
Resources and Forestry**
Office of the Minister

Room 6630, Whitney Block

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**Ministère des Richesses
naturelles et des Forêts**
Bureau du ministre
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99, rue Wellesley Ouest
Toronto (Ontario) M7A 1W3
Tél.: 416-314-2301

July 10, 2019

To: PitSense Niagara Escarpment Group Inc.

pitsense@gmail.com

Dear PitSense:

Thank you for your email regarding your observations of truck and fill activity at the Olympia Sand and Gravel site in Caledon. I am pleased to respond.

Licence #625402 was issued to Olympia Sand and Gravel Co. in June 2016 and the licensee is in the process of creating visual and acoustic berms along the perimeter of the property. The approved site plans allow for the importation of off-site material to construct the required perimeter berms. Using off-site material will ensure that there will be less disturbed area on this site.

The site plans require all off-site material to be in accordance with Olympia's Off-Site Fill Acceptance Protocol (March 29, 2019), which requires the material to meet Table 1 of the Soil, Ground Water and Sediment Standards and to pass the slump test as outlined in the Waste Management Regulation O. Reg. 347 pursuant to the *Environmental Protection Act*.

Ministry staff completed a site inspection on May 30, 2019 and observed the trench being extracted beyond the limit of extraction as outlined in the site plan. My ministry sent a Notice of Inspection to the licensee on June 6, 2019 and will work with the applicant to come back into compliance.

If you have any further questions, please contact Ben Keen, A/Aggregate Technical Specialist, Aurora District Office, at (905) 713-7388 or ben.keen@ontario.ca.

Thank you for your bringing this matter to my attention.

Sincerely,
John Yakabuski
Minister of Natural Resources and Forestry

c: The Honourable Jeff Yurek, Minister of the Environment, Conservation and Parks
Ben Keen, A/Aggregate Technical Specialist, Aurora District Office

from: Keen, Ben (MNRF) <Ben.Keen@ontario.ca> via ontariogov.onmicrosoft.com
to: PitSense <pitsense@gmail.com>
date: Jul 24, 2019, 1:49 PM

Hello,

Thank you for your letter dated July 12, 2019. In response to the requested information, the MNRF offers the following information;

1. **Digital copy of the aforementioned MNR Aurora District Off-Site Fill Acceptance Protocol (March 29, 2019)**
 - As this document is part of the site plan, it is recommended that you ask Olympia Sand and Gravel Ltd. Alternatively, you can submit a FIPPA (Freedom of Information and Protection of Privacy Act) request for a copy.
2. **Digital copies of “prior written approval(s)” provided to Olympia by MNR for importation of off-site fill**
 - Olympia Sand and Gravel Ltd. **did not receive prior written approval(s) as per Note 1.2.29 on Page 2B of 3 of the site plans.**
3. **Digital copies of all communications between Olympia and MNRF such as requests from Olympia and approvals by MNRF regarding building of Berms, relocation of Scale House, etc. and any other communications that involve variance from the site plan.**
 - Please refer to Note 1.2.29 on Page 2B of 4 of the site plans that permit the use of off-site material for berm development. As noted previously, Olympia Sand and Gravel Ltd. **did not receive prior written approval(s)** as per Note 1.2.29 on Page 2B of 3 of the site plans.
 - Thank you for bringing the relocation of the Scale House to our attention. The licensee submitted a request to relocate the scale house on May 31st, 2018 and is still currently under review. It is recommended that you approach Olympia Sand and Gravel Ltd. Alternatively, you can submit a FIPPA request for a copy of this documentation.
4. **Digital records of the quantities (truckloads/tonnage), source(s) of, and sample testing done on imported soils, as well as records of qualifications of persons doing the testing, type of testing done and records of test results.**
 - It is the responsibility of the licensee to ensure all importation of fill material meets the Ministry of Environment, Conservation, and Parks criteria under Table 1 “Soil, groundwater, and sediment standards for use under Part XV.1 of the Environmental Protection Act.” **All records of number of trucks, tonnages, and source site reports are held with the licensee.** It is recommended you ask Olympia Sand and Gravel Ltd. for access to all reports. Alternatively, you can go through FIPPA to obtain any reports contained within the Aurora District office.
5. **Digital records of “evidence of deficiency” of on-site material for use in building the required Berms and the subsequent “written approval” as required by the site plan**
 - Note 1.2.29 ii) states “Prior to fill importation (topsoil) for the purposes of topdressing pit side slopes and floor for rehabilitation, the licensee must provide evidence of a deficiency in on-site material suitable to satisfy rehabilitation requirements, and obtain written approval from MNR”. Therefore as noted it is in relation to rehabilitation not building of berms.
6. **Digital copy of your “Notice of Inspection” dated June 6.**

- It is recommended that you ask Olympia Sand and Gravel Ltd. for a copy. Alternatively you can submit a FIPPA request to obtain this information.

For all FIPPA requests, please contact the Ministry of Natural Resources and Forestry, Information and Privacy Unit, 3rd Floor, N, 300 Water Street, Peterborough, Ontario K9J 3C7, Attention: Erin Coulter, Coordinator. Please note there is a \$5.00 application fee (payable to the Minister of Finance). The submission should be clear and concise, outlining exactly what is being requested.

If you have any further questions or concerns please do not hesitate to ask.

Regards,

Ben Keen

A/Aggregate Technical Specialist | ONTARIO MINISTRY of NATURAL RESOURCES and FORESTRY | AURORA DISTRICT OFFICE 50 Bloomington Road, Aurora, Ontario, L4G 0L8 | PH: 905-713-7388 | EMAIL: ben.keen@ontario.ca

***NOTE from PitSense;**

Despite what Mr. Keen appears to claim above, the site plan clearly states:

1.2.29. CLEAN INERT FILL (E.G. TOPSOIL, OVERBURDEN) MAY BE IMPORTED TO FACILITATE BERM DEVELOPMENT AND PIT SIDE SLOPES AND FLOOR. THE LICENCEE MUST ENSURE THAT IMPORTED MATERIAL IS TESTED AT THE SOURCE AND HAS WRITTEN APPROVAL BY MNR, BEFORE IT IS DEPOSITED ON-SITE. ALL IMPORTED FILL MATERIAL MUST MEET 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.

We believe that "FACILITATE BERM DEVELOPMENT" means the *building* of berms, not the rehabilitation of berms. And Mr. Keen clearly acknowledges in item 3 above that the operator did not have the required approval before importation and depositing on site.