



# Ontario Inspection Report under the Aggregate Resource Act

## Site Description

<b>Date of Inspection:</b>	May-11-15	<b>Licence/Permit Number:</b>	6578
<b>Licensee/Permittee Name:</b>	Miller Paving Limited		
<b>Site Name:</b>	Boyington Pit #3		
<b>Address:</b>	P. O. Box 4080 Markham Industrial Park P.O., MARKHAM		
<b>Lot(s):</b>	18,19,20	<b>Conc.(s):</b>	7
<b>Local Municipality:</b>	UXBRIDGE TP	<b>Township:</b>	UXBRIDGE
<b>County/Region:</b>	DURHAM R	<b>Mining Claim #:</b>	
<b>Licence/Permit Area (ha):</b>	196.05	<b>UTM# (NAD 83):</b>	
<b>Inspection Category:</b>	Initial	<b>Extraction Area (ha):</b>	173.07
<b>Operation Type:</b>	Pit	<b>Authority Type:</b>	Class A Licence
<b>Above Water:</b>	Yes	<b>Operating Status:</b>	Operating

## Critical Inspection Items

Inspection Results:    ✓ Compliance    X Non Compliance    n/a Not applicable    n/i Not Inspected

<b>A. General</b>		
1. ✓ Identification Sign	2. X Gates	3. X Entrance/Exit:
<b>B. Operational</b>		
1. X Berms	2. X Setbacks	3. n/i Stockpile Location
4. n/i Face Heights	5. n/i Trees within 5m	6. n/i Extraction Depth
7. ✓ Buildings	8. ✓ Stripping	9. X Progressive Rehab
10. n/a Inert Fill	11. ✓ Undercutting	12. n/i GPS Corners
13. n/i Boundary Demarcation		
<b>C. Equipment</b>		
1. n/i Asphalt Plant	2. n/i Concrete Plant	3. n/i Portable Crusher
4. n/i Permanent Crusher	5. n/i Wash Plant	6. n/i Screening Plant
<b>D. Environmental</b>		
1. n/a Pumping	2. n/a Discharging (ECA)	3. n/a Ditching
4. n/a Permit to take Water	5. X ECA 1	6. X Scrap
7. ✓ Dust	8. X Fuel Storage	9. n/a ESA
10. n/a PSW	11. n/a Woodlands	12. n/a ANSI
<b>E. Recycling</b>		
1. ✓ Asphalt (RAP)	2. X Concrete	3. n/a Glass
4. X Bricks	5. n/a Slag	6. n/a Asphalt Shingles
<b>F. Monitoring Reports</b>		
1. n/a Water Monitoring	2. n/a Noise Monitoring	3. n/a Blast Monitoring
4. n/a AMP		
<b>G. Other / Notes</b>		

Item 1 – There is an unauthorized entrance into the licenced area on the southern boundary on Reid Road across from the horse farm and approximately 100m from Concession Road 7. Gates are to be kept closed when the site is not in operation. This gate is not used for the extraction operation and employees in charge of the site do not have access to lock the gate when leaving. Therefore, the gate and the entrance/exit shall immediately be discontinued until such time as a site plan amendment request is submitted and approved.

Item 2 – Trailers related to the horse farm are parked on the licenced property. These trailers are not used as part of the extraction operation and they are not on the site plan. These trailers shall be removed.

Item 3 – There is a portable fuel storage tank on the west side of the pit area that needs to be removed. This item was identified on the 2014 CAR and has not been addressed.

Item 4 – A large amount of rebar, bricks and other general waste material was found in an area just east of the asphalt plant. Some of the waste was pushed down what appears to be an old excavation face that was never rehabilitated. Scrap/waste shall be removed on a regular basis. This waste shall be removed.

Item 5 – Concrete and other off site material was found in the area of the asphalt plant. Employees stated that Priestly Demolition is the usual contractor hired periodically to crush concrete for use in the asphalt mix. Concrete recycling (storage/crushing) is not a permitted use on the site plan. The only recycled material allowed on the site is reclaimed asphalt pavement as per the approval letter signed by Glen Price, Ministry of Natural Resources, dated July 3, 1996. The concrete and any other off site material must be removed.

Item 6 - The fuel source for the asphalt plant recently switched. The Environmental Compliance Approval (ECA) issued in 2009 is no longer current or accurate. The asphalt plant has been altered such that the discharge of contaminant into the natural environment may be altered. An application to amend the ECA shall be submitted to the Ministry of the Environment and Climate Change (MOECC), Environmental Approvals Access and Service Integration Branch (EAASIB). A copy of the application shall be forwarded to Lindsay Furan, Environmental Officer, York Durham District Office, Ministry of the Environment and Climate Change.

Item 7 – Construction storage yard – George Antoniuk first brought the idea of a construction storage yard to the MNRF attention on November 12, 2014. On November 24, 2014 George Antoniuk met with MNRF officials and was told that a site plan amendment request would be required for the building of this construction storage yard. A partial surrender of that portion of the licence was also discussed as an option. To date, the licensee has not submitted a site plan amendment or partial surrender request. According to employees on site during the inspection, building of the construction storage yard occurred sometime between December 2014 and March 2015. The construction storage yard has a foundation pad larger than 1 ha was constructed for the purposes of storing construction equipment. Neither the foundation pad nor the storage of construction equipment, that is not intended to be used in the aggregate extraction operation, is approved to be on the site plan. The equipment shall be removed. Note: It was discussed during the inspection that the area where the foundation pad is located is zoned M3-1 and would be a permitted use under the zoning. As stated in Cathy Douglas' letter dated September 23, 2010, "It is not uncommon for municipal zoning to allow for a range of activities in addition to the extractive operation; however, if that particular activity permitted by the zoning is not specifically addressed on the ARA site plan, then it is not a permitted use within the licensed property...It is agreed that the site plan states that an area southwest of the asphalt plant is zoned M3-1, however, the site plan does not specifically address the storage of material associated with a contractor's yard. Therefore, as you are aware, an activity not identified on the site plan is not a permitted use within the licence." It is still MNRF's position that regardless of what is permitted by zoning any activity not indicated on the site plan is not approved.

Item 8 – Progressive Rehabilitation – Many areas of the site have been disturbed for the purposes of aggregate

extraction but the progressive rehabilitation has not been completed. Rehabilitation shall occur in the areas where extraction is exhausted as per the approved site plan. Item 9 – Berms & Setbacks– Parts of the east portion of Area 2C and all of Area 3C have been extracted sometime between 2012 and 2014. The extraction has left the berms along the east boundary exposed. These berms show signs of severe erosion and have negatively impacted the setback area. The setback shall be reinstated either through repair, construction and vegetation of the berms or through final rehabilitation of this area being completed. Item 10 – Temporary Vehicle Structure – A temporary vehicle structure is located on the licensed property near the main entrance and is associated with a rental house adjacent where the structure is located. This structure has been on the property since at least 2013 and was identified on the 2014 CAR but has not been removed.

### **Remedial Action for Non-Compliance Items**

<b>Item</b>	<b>Section (Aggregate Resource Act / Provincial Standards)</b>	<b>Remedial Action Required</b>	<b>Remedial Action Date</b>
Gates	ARA Sec 15, Site Plan & AROPS Sec 5.2	Immediately discontinue the use of the unauthorized gate on the south boundary accross from the horse farm by people not representatives of the pit.	June-01-15
Entrance/Exit	ARA Sec 15, Site Plan	Immediately discontinue the use of the unauthorized entrance/exit along the south boundary accross from the horse farm.	June-01-15
Fuel Storage - CAR	ARA Sec 15, ARA Sec 15.1, Site Plan & AROPS Sec 3.6	The portable fuel tank on the west side of the internal haul road shall be removed.	June-15-15
Scrap	ARA Sec 15, Site Plan & AROPS Sec 5.9	All rebar, bricks and general waste in the area just east of the asphalt plant shall be removed.	June-15-15
Bricks	ARA Sec 15, Site Plan	All bricks shall be removed.	June-15-15
Concrete	ARA Sec 15, Site Plan	All concrete shall be removed.	June-30-15

Environmental Compliance Approval (CofA)	EPA Sec 9(1)	An application to amend the ECA shall be submitted to the MOECC EAASIB and a copy shall be submitted to the York Durham District office.	July-13-15
Construction Storage Yard	ARA Sec 15, Site Plan	All construction equipment that is not related to aggregate extraction shall be removed.	June-30-15
Progressive Rehab	ARA Sec 15, O. Reg 244/97 Sec 48(1)	Progressive rehabilitation shall be completed as per the site plan.	October-30-15
Berms & Setbacks	ARA Sec 15, Site Plan	The berms along the east boundary in Areas 2C (east) & Area 3C shall be repaired such that slopes are 3:1 (Horizontal:Vertical) and/or the setback reinstated to pre extraction conditions.	October-30-15
Horse Trailers	ARA Sec 15, Site Plan	The horse trailers stored on the licenced property shall be removed.	June-15-15
Temp Vehicle Structure - CAR	ARA Sec 15, ARA Sec 15.1, Site Plan	The temporary vehicle structure on the licenced property near the main entrance to the site shall be removed.	June-15-15

### Inspection Results

**Satisfactory (Site in Compliance):** No  
**Remedial Action Required by Licensee/Permittee:** Yes

### Delivery/Attachments/Referral

**Delivered By:** Mail: ☐ EMail: ☒ Personal: ☐  
**Discussed/Accompanied by:** Aidan Pereira  
**Referred To:** Ministry of the Environment and Climate Change: ☒  
Ministry of Labour: ☐  
Fisheries and Oceans Canada: ☐

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Ministry of Northern Development and Mines:	<input type="checkbox"/>
<b>Other:</b>	
<b>Reason for referral:</b> ECA Not Accurate - New Fuel Source	

### Aggregate Inspector Information

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