

Miller Boyington Pit 3 - Site Plan Development Application Frequently Asked Questions – Second Edition (revised Feb28, 2020)

1. Where is the site in question?

The site is the Miller Paving Asphalt plant and aggregate pit located at 4419 Conc. Rd. 7. This is Part Lot 18, Conc. 7. This is also known as the Boyington Pit # 3. [Reference Attachment #1, #2]

The site is an active aggregate extraction pit, contractor's yard and asphalt plant. This property has been active as such since approximately 1977.

2. What is the purpose of Miller's Application?

Miller Paving has submitted an application for a Site Plan Development Agreement. This application, if approved, would enable them to import fill to their site to assist in the development and rehabilitation of the property.

Miller is proposing to remove approx. 37 hectares of land from their existing Aggregate Resource license and rehabilitate the site. They are proposing to bring in fill to match the grade of the surrounding lands. They have proposed to bring in 1.039 million m³ (36.7 million cubic feet) of fill, in phases, for up to 10 years to fill the site and achieve the grading required. Each phase would require successful completion of the previous phase and approval from the Township in order to proceed to the next phase. If approved, the Township would dictate the quality of fill that can be imported to the site, and will impose strict monitoring protocols. The application includes soil and groundwater monitoring programs.

This application includes a new 3,716m² – 4,088 m² storage facility on the site with 38 adjacent parking spots, in accordance with our zoning by-law.

3. What is Miller permitted under their existing zoning?

Miller has a licence under the Aggregate Resources Act which is administered by the Ministry of Natural Resources and Forestry (MNRF). This licence permits the extraction of aggregates at this site. They are zoned M3 which permits aggregate storage area, conservation, forestry and reforestation, a farm, a pit, a portable processing plant and a public use. They are also zoned M3-1 which permits them to have a contractor's yard and outside storage.

Production of asphalt is a permitted use under their M5-1 zoning and has been occurring on the property since approximately 1977. This zoning additionally permits an aggregate crushing and screening plant, a concrete batching plant, a crushing plant and an asphalt plant.

Miller cannot use the property for other commercial or industrial purposes not permitted in their current zoning without seeking a zoning by-law amendment for additional uses. There is no zoning amendment proposed as part of this application.

Miller Boyington Pit 3 - Site Plan Development Application Frequently Asked Questions – Second Edition (revised Feb28, 2020)

Miller is not permitted to operate a shingle recycling facility under their current zoning, and Miller has withdrawn this request within their application.

4. What is the current and anticipated traffic?

The truck trips generated by the importation of fill is less than would be generated by the gravel pit if materials were being removed at the licensed limit of 816,000 tonnes per year. Combined with the estimated truck trips based on the average tonnage from 2009 to 2018, the total number of trucks would be roughly equivalent to what would have been generated in 2012, which was the peak tonnage year. Further, it is estimated that the proposed importation of fill for rehabilitation may generate up to 99 truck trips per day over a period of 10 years, which is roughly equivalent to the background truck traffic over the past several years.

5. How long have we been working with Miller on this application?

Miller first proposed this project in a deputation to Council in 2015. Miller had their pre-consultation meeting and submitted an application in 2017. Miller has made two submissions to date. Their second submission was in November 2019 and is currently under review by our Development Services Department, staff, consultants, and external regulating agencies.

6. When do we anticipate this application being complete?

This application will not be finalized until all of the reports, studies and analysis are complete and a site plan agreement is negotiated. The Township will not rush this process, and a key requirement from the start of this application has included a public information session to be hosted by Miller Paving.

7. Can Miller begin work without an agreement?

No. Miller can only continue their existing operations. No new work may be undertaken until a by-law is brought forward to council and all required fees and securities have been paid.

8. What exactly is a Site Plan Development Agreement?

Commercial, institutional or industrial property owners may wish to develop their land by constructing buildings, making additions or alterations, or changing physical aspects of their site (location or size of parking lots etc.). The Township regulates and controls the development of land through a [Site Plan Control By Law](#). This process is legislated under the Planning Act.

Work commences after the Township enters into a Site Plan Development agreement with the applicant finalizing the development that will take place on the site and what is permitted and what is not. In the case of the Miller application, the

Miller Boyington Pit 3 - Site Plan Development Application Frequently Asked Questions – Second Edition (revised Feb28, 2020)

Township will ensure the development of the land is done in compliance with all legislative requirements for site plan control.

Site Plan Development agreements are also used to ensure the resulting changes to the site meet building code requirements and property standards, and ensure neighbouring properties are protected from the impacts of inappropriate drainage, noise, dust and other related hazards. The agreement cannot be finalized unless all agencies with an interest in the file have also approved the terms (such as the Conservation Authority, or Region of Durham).

In order to create a Site-Plan Development Agreement the Township and its peer agencies require detailed plans and reports which are thoroughly reviewed and vetted.

Financial securities for site works, vegetation/planting, sediment and erosion control measures, among other items, will be required to be posted by the applicant. Such securities will be held by the Township until the development on site is completed in accordance with the provisions of the Site Plan Development Agreement.

The Site Plan Development Agreement is registered on the title of the property.

9. Can Miller Alter the Type of Industry on the Site with a Site Plan Development Agreement?

No, changes to the use of the property can only be completed through a Zoning By-law amendment.

10. When is a pit no longer a pit and must be rehabilitated?

A pit is no longer a pit when the licensee decides to surrender the licence. All licences require progressive rehabilitation. (response from MNRF).

11. Are there formal complaints filed with the Town that relate to recent temporary shut-downs of the pit in 2018/2019?

The Township has no records of complaints however, complaints related to the operation of this pit would be directed to MNRF as we have no jurisdiction over the current operations.

12. Will the Township review the ORMCA (Oak Ridges Moraine Conservation Act) and DROP (Region of Durham Official Plan) to assist in determining if this application and others that may follow are in compliance?

Yes, the Township's consultants are reviewing this application against the requirements set forth in the ORMCA and the DROP.

13. Why is it necessary to create an industrial site when there is an existing zoned industrial park at Durham Rd# 30?

**Miller Boyington Pit 3 - Site Plan Development Application
Frequently Asked Questions – Second Edition (revised Feb28, 2020)**

A new industrial site is not being created. The zoning existed on this property since 1981.

14. How will the community be informed of revisions or progress of the application?

New submissions of studies and plans are posted on the Township's website. The Township will continue to communicate on progress with those who have requested notice. If you wish to be added to the list to receive notification please contact: info@uxbridge.ca or call 905 952 9181.

15. Why is Council not committed to protecting land and rehabilitation?

The Township takes protection of the environment very seriously and makes every effort to do so. The Township does not have jurisdiction over rehabilitation in pits. It is under the jurisdiction of MNRF under the site plan for that pit.

16. What is the status of the application? Meaning what is the timeline for the approval process?

The Township does not have a time line for an approval process. The application will be considered on its merits, studies and plans and is based on the input from our consultants as to whether the application conforms with all legislation (local, Regional and Provincial).

17. Have the studies provided by Miller's consultant been peer reviewed? If not, will they be? Is a list of reports available? What is the consultant's area of expertise that have been hired to assess these reports? How do studies get reviewed and checked?

All reports/studies are being peer reviewed and are available on the Township's website at https://uxbridge.ca/development_services_planning_current_applications. The Township has a number of different consultants reviewing reports. The Township consultants have expertise in the area of engineering, planning, legal etc.

18. Has the Township considered the implications this application poses for resident's quality of life, such as road congestion, noise, water and air pollution, wear and tear on the roads – and the resulting tax increases and detrimental effect on property values?

These are all items that Council will review as part of the consultants review of the reports/studies from Miller.

19. Is the Township prepared to allow Miller out of their obligation to rehabilitate the pit?

Miller Boyington Pit 3 - Site Plan Development Application Frequently Asked Questions – Second Edition (revised Feb28, 2020)

The remaining portion of the property will continue to be under the jurisdiction of the MNR and whatever progressive rehabilitation is required by MNR under the site plan.

20. Why is the Township even considering the application? Why wasn't this application shut down using the Fill By-Law?

The application was submitted for a Site Plan Development Agreement under the authority of the Planning Act. The Township must consider this submission in accordance with the Planning Act. Any decision could be appealed by the applicant.

21. What is the application process?

The applicant submits an application package with the required reports. The package is sent to the Township's consultants and agencies having expertise in that particular jurisdiction.

22. Has the agreement been made already?

No approval has been granted nor agreements entered into for this application.

23. Will any fines for non-compliance be a deterrent to a company as large as Miller?

If the application is approved, a site plan application would be entered into which would also include a letter of credit/security deposits etc. that the Township would use in the event that there was non-compliance. If non-compliance is deemed serious, fill operations can be suspended until matter is addressed.

24. Will Miller be able to change the building's use in the future?

A rezoning will be required if it is not a permitted use under the current zoning.

25. What is the Township's plan to ensure that any and all material brought into the site is clean?

In support of the application, Miller is required to prepare a Site Alteration and Fill Management Plan which presents the fill quality acceptance criteria, source site acceptance protocol, and required documentation from the source site that characterizes the soil quality.

A complete characterization of the soil proposed to be imported to the Miller property will be done at the Source Site by the Source Site Qualified Person and reviewed for acceptance by a Qualified Professional prior to soil arriving at the Site.

All fill sources will be pre-screened and must meet Ministry of the Environment, Conservation and Parks' Table 2.1 Excess Soil Quality standards. In order for a source site to be approved to bring fill to the Site, all sources must apply in advance

Miller Boyington Pit 3 - Site Plan Development Application
Frequently Asked Questions – Second Edition (revised Feb28, 2020)

and provide a report prepared by a Qualified Professional (“QP” as defined by Ontario Regulation 153/04) at the source site that must include records of laboratory soil testing to demonstrate the material is suitable for the Site. Miller’s Reviewing Qualified Person will review the provided information and approve the importation of soils to the Site. At this time, the third party consultant retained by the Town will also review the reports.

Confirmatory soil samples are collected at the Site for quality control, and under the supervision of the Qualified Person. Confirmatory soil samples will be collected at a frequency of one sample for every 2,000 m³ imported to the Site.

Additional testing and controls are under review for consideration.

26. What monitoring facilities will be needed with the addition of fill?

Prior to any filling activities, groundwater monitoring wells are installed around and within the proposed filling activities. Samples will be collected prior to the filling activities to determine baseline conditions. Samples will be collected at a regular frequency to confirm groundwater quality and to assess potential for the filling to impact the groundwater quality. Groundwater monitoring will continue after the filling activities have been completed.

27. What specific steps is the Township currently taking to assess the environmental impact of Miller’s application?

Miller is required to undertake several studies in support of their application including hydrogeology, environmental site assessment, stormwater management and erosion control, baseline groundwater monitoring, haul route assessment, traffic study, air quality study, and infiltration management. These studies are reviewed by a third party engineering consulting firm retained by the Township.

28. Does the Township acknowledge that the Miller Pit sits on an aquifer of high vulnerability and is surrounded by Key Natural Heritage Feature

Yes. Groundwater monitoring wells are installed around and within the proposed fill area. These wells will be monitored prior to, during and after the filling activities have been completed. A residential well survey was also undertaken by Golder in 2017 and water samples were collected at those residences that provided permission.

If there are any impacts to the groundwater from the fill activities, these impacts will be detected in the monitoring wells within and around the fill area. Miller is required to provide monthly operations reports, semi-annual and annual reports to the Township.

In the event, there is evidence of contamination detected in the on-site monitorings during filling, Miller is to notify the Township and Miller is to investigate the source. The following actions are required:

**Miller Boyington Pit 3 - Site Plan Development Application
Frequently Asked Questions – Second Edition (revised Feb28, 2020)**

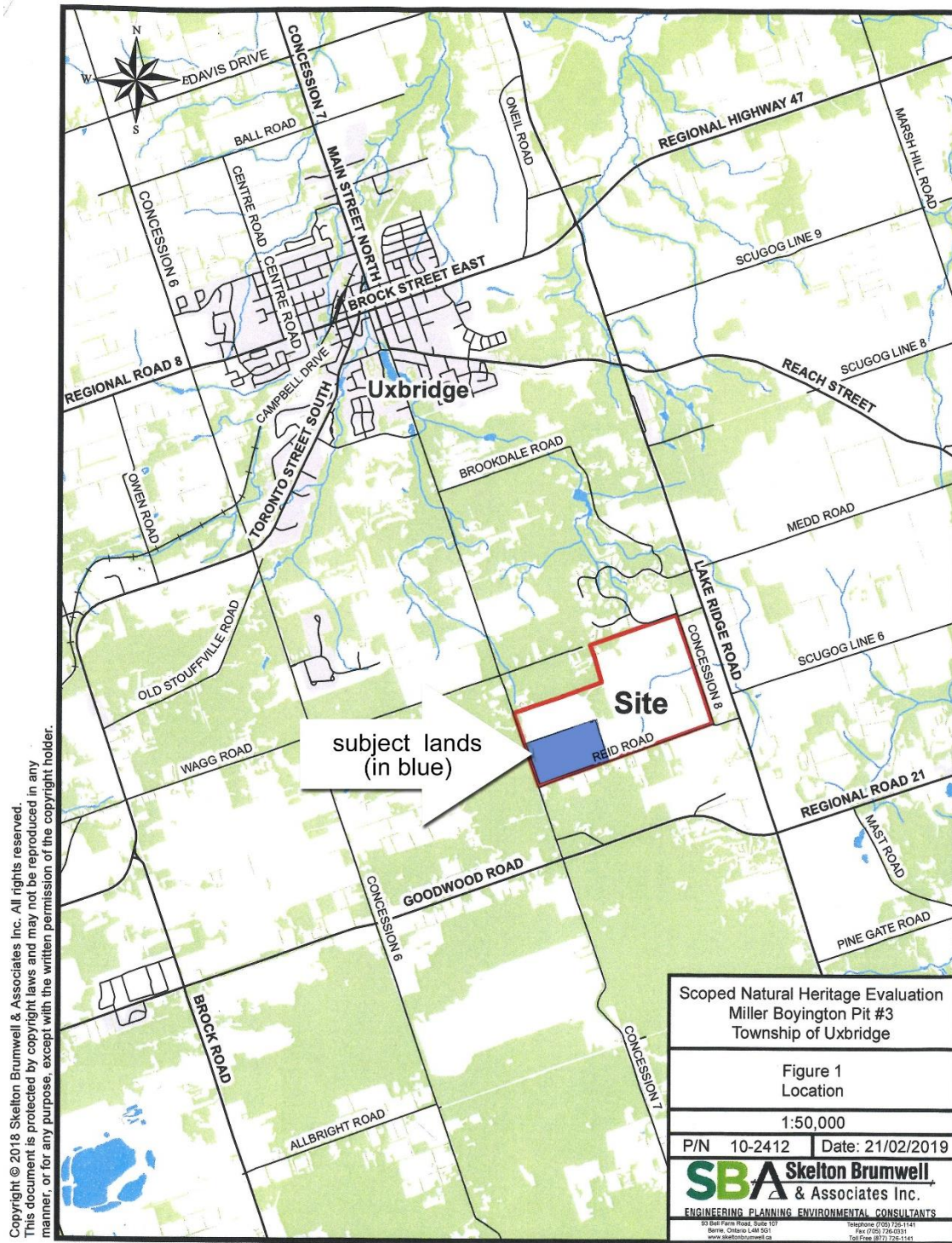
- Determine the source of the groundwater contamination.
- If determined to be from placement of fill at the Site, cross reference non-compliant soil that was delivered to site and determine the location.
- Undertake subsurface investigations (i.e., drilling) to confirm source.
- Undertake remedial action or risk management measures.
- Township to be notified through Incident Report issue of matter and actions taken by Miller.
- If deemed serious, fill operations may be suspended until matter is addressed.

29. What is the availability of reports for groundwater availability, displacement from pit and groundwater quality data?

A Hydrogeology Study was completed in support of the application. This report presents the groundwater levels and groundwater quality prior to commencement of fill activities.

Miller Boyington Pit 3 - Site Plan Development Application

Frequently Asked Questions – Second Edition (revised Feb28, 2020)



Attachment 1

Miller Boyington Pit 3 - Site Plan Development Application

Frequently Asked Questions – Second Edition (revised Feb28, 2020)



Copyright © 2018 Skelton Brumwell & Associates Inc. All rights reserved.
This document is protected by copyright laws and may not be reproduced in any manner, or for any purpose, except with the written permission of the copyright holder.

G:\Projects-1\2400\2412\GIS 2412\2412 - Figure 2 - Study Area.mxd

Attachment 2