

## SAR discussion with MNR

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Subject: RE: SARDate: Thu, 10 Jan 2013 20:41:57 +0000From: VandenHeuvel, Maria (MNR)  
<maria.vandenheuvel@ontario.ca>To: natureways@rogers.com <natureways@rogers.com>

Hi Carmela,

Thanks for sharing this information with us, and for your follow-up phone call to help me understand the issue.

MNR Policy A.R. 6.00.03, regarding the Importation of Inert Fill for the Purpose of Rehabilitation was designed solely for use on aggregate operations regulated under the *Aggregate Resources Act* and was not intended for use in municipal by-law/proponent agreements. A Qualified Person as described under Ontario Regulation 153/04 would need to be consulted to determine whether the conditions set out in the policy are appropriate for situations outside of those specifically addressed within the policy.

MOE is working on a soil management best management practices document that would be more appropriate for the purpose of municipal fill agreements. We understand that the Soil Management - A Guide for Best Management Practices document is currently posted on the environmental registry for public comment at: <http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTE3ODk1&statusId=MTc2NDY0>.

The Ministry of Natural Resources (MNR) will work with the Ministry of the Environment (MOE) to assess whether changes to MNR's inert fill policy are necessary as a result of the changes to Table 1 within Ontario Regulation 153 that were made in July of 2011.

Please let me know if you require any further information. I have also received your question regarding licence surrenders and will provide you with some information on that matter in a separate email.

Thanks,

Maria

Maria VandenHeuvel

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**From:** Carmela Marshall [mailto:natureways@rogers.com]

**Sent:** Saturday, December 01, 2012 8:55 PM

**To:** VandenHeuvel, Maria (MNR); Carmela Marshall  
**Subject:** Re: SAR

Good day. It has been several months since our last correspondence. Since then, I have seen a few references to the MNR policy re: SAR and EC and placement of salt impacted soils( i.e. SAR elevations above Table 1) 1.5m beneath the ground surface. Although not under MNR's jurisdiction, this policy is starting to be used in fill by-law agreements drawn up between municipalities and proponents running commercial fill operations. So I just want to clarify again the following 2 points:

- 1) **The MNR is working with the MOE in order to address whether the SAR policy** (i.e. allowing elevated SAR levels above Table 1, 1.5 metres below ground surface) **is protective of groundwater.**
- 2) A decision, report, or the like **has not yet been released** by the MNR or the MOE as to whether the SAR/EC policy considers groundwater impacts and is protective of groundwater.

Would this be correct? I look forward to your response.  
carmela:-)

[maria.vandenheuvel@ontario.ca](mailto:maria.vandenheuvel@ontario.ca) July 27<sup>th</sup>, 2012

We have been working with the MOE regarding the SAR and EC provisions contained within our inert fill policy. We have determined that when the policy was originally approved in 2008, Table 1 had numbers for chloride, which have since been removed from the table (effective July 2011). **The ministry will be exploring the impacts of this change further to determine if a policy change is required. Thank you for bringing this to our attention.**

As I mentioned in my previous email, if you have concerns about a particular site that is regulated under the Aggregate Resources Act and importing fill under the conditions outlined in policy 6.00.03, please let us know.

Let me know if you have any further questions.

Thanks,  
Maria

Maria VandenHeuvel

(705) 755-1375

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**From:** Carmela Marshall [mailto:natureways@rogers.com]  
**Sent:** Wednesday, July 11, 2012 12:39 PM  
**To:** VandenHeuvel, Maria (MNR)  
**Subject:** Re: SAR

Hi there. Its been a few months.-) I am just wondering if there has been any progress with regards to determining if MNR's current policy- (i.e. re: SAR and importation of fill to sites lacking enough overburden) is still protective of groundwater and whether groundwater, not just "growing crops", was considered when this policy was made (ie. elevated SAR allowed below 1.5m of surface)  
thanks,  
carmela:-)

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**From:** "VandenHeuvel, Maria (MNR)" <maria.vandenheuvel@ontario.ca>  
**To:** Carmela Marshall <natureways@rogers.com>  
**Sent:** Tuesday, March 27, 2012 4:07:15 PM  
**Subject:** RE: SAR

Hi Carmela,

Thanks for giving me the opportunity to clarify. My reply was intended to let you know that the ministry takes questions from members of the public quite seriously, and that the two ministries are going to evaluate whether or not the existing policy provides adequate protection in today's policy framework.

I will be sure update you on our progress as soon as possible. In the interim, if you have concerns about a particular site that is regulated under the Aggregate Resources Act and importing fill under the conditions outlined in policy 6.00.03, please let us know.

Thanks,  
Maria

Maria VandenHeuvel  
(705) 755-1375

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**From:** Carmela Marshall [mailto:natureways@rogers.com]  
**Sent:** Wednesday, March 21, 2012 12:35 AM  
**To:** VandenHeuvel, Maria (MNR)  
**Subject:** SAR

Hi there. Thank you for your reply. I am very familiar with the use of the tables and MOE Reg. 153/04 as amended. I have certainly come to know the regulation over the past 2 years with concerns raised in our community re: the dumping of brownfield dirt. It's been educational to say the least.-)

It was indicated to me that the direction came from MOE on this particular point- re: SAR I am just wondering if MOE considered impacts to groundwater when they advised MNR to allow higher SAR ratios below 1.5 metres? What I am

understanding from your email is that neither the MOE nor the MNR considered impacts to groundwater when this policy was developed-would this be because someone, somewhere knows elevated SAR could never be a problem for groundwater due to some scientific reason or was it that no one thought of it. It must be one of the two I would think? Maybe I am misunderstanding? Is there a contact you have in the MOE who would be the "go to" person to get more clarity? May I ask who that contact would be?

regards,  
carmela:-)

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**From:** "VandenHeuvel, Maria (MNR)" <maria.vandenheuvel@ontario.ca>  
**To:** Carmela Marshall <natureways@rogers.com>  
**Sent:** Tuesday, March 20, 2012 5:03:47 PM  
**Subject:** RE: appropriate contact

Hi Carmela,

Thank you for your email.

MNR's Policy A.R. 6.00.03: Importation of Inert Fill for the Purpose of Rehabilitation (<http://www.mnr.gov.on.ca/stdprodconsume/groups/lr/@mnr/@aggregates/documents/document/269650.pdf>) was developed to address the practice of bringing material or fill into an aggregate operation for rehabilitation purposes, and to clarify what is meant by the term 'inert' in that context. At the time of development, it was determined that the "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environment Protection Act" provided an existing set of parameters for the testing of fill, and that if the fill material met these parameters, it would be considered inert.

The Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environment Protection Act were developed to address the clean-up at existing contaminate sites, and the parameters for sodium adsorption ratio and electrical conductivity within those tables were intended to address adequate plant growth. After the first version of Policy 6.00.03 was issued, the Ministry of Natural Resources (MNR) was asked to consider whether the policy could be amended to exclude those two parameters. The MNR consulted with Ministry of the Environment (MOE) and determined that, as these criteria were for the purposes of ensuring adequate plant growth and plant growth is affected by the conditions of the surface soil, it was not necessary to meet these two parameters for imported fill being deposited more than 1.5 m below the surface.

**We are working with MOE to determine whether our existing policy adequately addresses any potential concerns for groundwater.**

Please let me know if you have any further questions.

Thanks,  
Maria

Maria VandenHeuvel  
(705) 755-1375

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**From:** Carmela Marshall [mailto:natureways@rogers.com]  
**Sent:** Wednesday, February 29, 2012 3:18 PM  
**To:** VandenHeuvel, Maria (MNR)  
**Subject:** Re: appropriate contact

Much appreciated. I look forward to your reply.  
carmela:-)

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**From:** "VandenHeuvel, Maria (MNR)" <maria.vandenheuvel@ontario.ca>  
**To:** natureways@rogers.com  
**Cc:** "Douglas, Cathy (MNR)" <cathy.douglas@ontario.ca>  
**Sent:** Wednesday, February 29, 2012 2:59:19 PM  
**Subject:** RE: appropriate contact

Hi Carmela,

I apologize for the delay in responding to your email. I am in the process of looking into your question and will get back to you as soon as possible.

Thanks,  
Maria

Maria VandenHeuvel  
Policy Advisor, Aggregates  
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**From:** Douglas, Cathy (MNR)  
**Sent:** Friday, February 10, 2012 8:53 AM  
**To:** VandenHeuvel, Maria (MNR)  
**Subject:** FW: appropriate contact

As discussed attached is e-mail from Carmella Marshall re Table 1 fill policy & SAR

Thanks

CDD

Catherine D. Douglas  
Aggregate Resources Officer  
Ministry of Natural Resources  
Aurora District  
50 Bloomington Road  
Aurora, ON. L4G 0L8  
phone: 905-713-7396  
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**From:** Carmela Marshall [mailto:natureways@rogers.com]

**Sent:** February 8, 2012 11:28 PM

**To:** Douglas, Cathy (MNR)

**Subject:** appropriate contact

Hi there. It's been a while:-) I was hoping you could give me a contact to speak to regarding the following:

I have been trying to figure out if policy (or guideline writers) of the Aggregate Act took into consideration groundwater impact when they indicated that imported fill for rehab purposes has to be consistent with table 1 standards except for SAR -if not in the top 1.5 metres of soil. I understand salt's impact on growing plants and therefore you don't want salt impacted soils on the top layer. I just want to understand why salt impacted soil would be acceptable lower down-closer to the water where it could have an impact on groundwater, especially in volume. Would you know who I could talk to about that. I called MNR in Peterborough but they gave me your number. Sorry to bother you with this. Can you help?

regards,  
carmela