

ADMINISTRATION OF AGGREGATE SOURCES INCLUDING EARTH BORROW AND ROCK SUPPLY SOURCES AND HIGHWAY RIGHT-OF-WAY AGGREGATE PRODUCTION

Special Provision No. 199S38

DRAFT September 2026

Permits and Approvals for Pit and Quarry Operations, Haul Road Maintenance and Repair, and Surplus Crushed Granular Materials

1.0 REFERENCES

This Special Provision refers to the following standards, specifications, or publications:

Ontario Ministry of Transportation Publications

Manual for Condition Rating of Flexible Pavements-Distress Manifestation (MERO-SP-024 March 2026 and its amendments)

Manual for Condition Rating of Gravel Surface Roads (SP-025)

MTO Forms:

PH-D-046	Pit and Quarry After Use Report
PH-CC-460	Aggregate Source List Release Form
PH-CC-701	Request to Proceed
PH-CC-702	Notice to Proceed

Canadian and Provincial Statutes

Aggregate Resources Act (ARA)

Aggregate Resources of Ontario Standards (AROS)

Commercial Aggregate and Membership directory O. Reg 244/97

Environmental Protection Act, R.S.O. 1990, c. E.19

Public Transportation and Highway Improvement Act

2.0 DEFINITIONS

For the purpose of this Special Provision, the following definitions apply:

Adverse Effect means as defined in *Environmental Protection Act*, R.S.O. 1990, c. E.19.

Commercial Source means a place (pit, quarry, or both) where aggregate or a product containing aggregate is made available for sale.

Non-commercial source means an MTO aggregate permit source or a temporary pit, quarry, or both, opened and/or operated to only supply aggregates for ministry contracts.

Qualified Person means a professional engineer identified in MTO Registry, Appraisal and Qualification System as Key Personnel of an Engineering Service Provider prequalified under the Rockfall Engineering Category, Rockfall Hazard Inspection, Evaluation and Design Specialty

3.0 Pit and Quarry Operations

3.01 Commercial Sources

The operation of commercial sources is excluded from this Pit and Quarry Operations section of this Special Provision.

Commercial sources include:

- a) A licensed source; or
- b) A private source on Crown land, under an aggregate permit; or
- c) A source from Indian Reserve Land; or
- d) An established private source on private land, subject to compliance with municipal by-laws and zoning, including a legal non-conforming use, in an area of the province not designated by the *Aggregate Resources Act (ARA)*; or
- e) Established private sources in unorganized territory.

For information regarding commercial sources, refer to the following sources of information:

- a) Commercial Aggregate and Membership Directory, available through the Ontario Stone, Sand & Gravel Association (OSSGA);
- b) Aggregate License/Permit List, available through the Ministry of Natural Resources (MNR); and
- c) Aggregate Resources Inventory Papers (ARIPs), available through the Ministry of Energy and Mines (MEM).

3.02 Non-Commercial Sources

The Contractor shall declare, at the Contract pre-start meeting, the aggregate sources to be used for the Contract and shall submit the operations plan for each selected sources to the Contract Administrator. If no operations plan is provided to the Contract Administrator, the related source(s) will be released from the Contract.

The operations plan for each proposed source shall include, as a minimum, the following information:

- a) A description of the proposed activities to be carried out under the aggregate permit;
- b) The sequence and the location of the operations, including stripping, excavation, processing, stockpiling, disposition of recycling materials, and site rehabilitation;
- c) The location of all processing equipment and stockpile areas; and
- d) Proposed haul routes within the source and from the source to the Work.

Aggregate sources under permit to the ministry and listed on the Aggregate Sources List (ASL) that the Contractor has declared will be used for the Contract and will be available until the issuance of the Contract Completion Certificate. Within 10 Business Days after the pre-start meeting, the Contractor shall submit to the Contract Administrator MTO form PH-CC-460, Aggregate Source List (ASL) Release Form, to release the ASL sources that the Contractor does not intend to use for the Contract. The Contract Administrator shall forward a copy of the release form to the Regional Geotechnical Section.

After the Contract Completion Certificate is issued, the Contractor shall not be permitted access to MTO aggregate permit sources.

The operation of non-commercial sources supplying aggregates, including earth borrow and rock supply, shall be according to the terms and conditions of either a wayside permit, aggregate permit or a letter of approval issued by MTO.

If the Contractor elects to use a non-commercial source, the Contractor shall operate the source according to this Special Provision, the terms and conditions noted on the permit/letter of approval, the site plan, and the ASL. Failure to operate a non-commercial source according to these requirements will result in the immediate suspension of the permit/letter of approval.

The application for, and operation of wayside permit or aggregate permit sources, shall be according to the *Aggregate Resources Act (ARA)*, RSO. 1990, c. A.8, *O. Reg. 244/97*, Aggregate Resources of Ontario Standards (AROS), and any of their amendments.

3.03 Sheer Wall Inspection and Remediation

For non-commercial sources, after extraction has reached the limits of a sheer wall as specified on the site plan for an operational stage, the Contractor shall have the sheer wall inspected by the Contractor's qualified person. The Contractor shall submit MTO Form PH-CC-701, Request to Proceed, accompanied by the qualified person's signed and sealed inspection report confirming that the sheer wall has acceptable stability.

The Contract Administrator will notify the Contractor immediately in writing if any apparent stability concerns are identified.

The Contractor shall have the qualified person address the identified concern and shall submit a signed and sealed confirmation that the sheer wall has acceptable stability and that any required remedial measures have been completed.

The Contractor shall not commence the next stage until MTO Form PH-CC-702, Notice to Proceed, has been received from the Contract Administrator

3.04 Highway Right-of-Way Aggregate Production

Excavation and associated processing of earth or rock materials within the highway right-of-way limits is not considered a pit or quarry operation under the ARA if the materials are extracted for aggregate production in conjunction with a provincial highway construction or maintenance project.

Rock material from MTO aggregate sources from outside of the highway right-of-way limits, for the Rock Supply item, shall only be used for aggregate production or rock embankment construction on this Contract in order to comply with the ARA.

3.05 After Use Reporting

The Contractor shall submit MTO form PH-D-046, Pit and Quarry After Use Report, to the Contract Administrator annually by December 31. The report shall summarize the total aggregate material tonnage removed from each aggregate source used on the Contract, including commercial, non-commercial and right-of-way production. Aggregate material quantities in cubic metres shall be converted to tonnage using a conversion factor of 1.8 tonnes/cubic metre.

3.06 Wayside Permit Application

The Contractor shall submit the application according to the requirements of the *O.Reg. 244/97*, to the appropriate Regional Geotechnical Section Head with a copy of the application to the Contract Administrator. A landowner agreement certifying property ownership, permission to extract and rehabilitate the site must be included with the application package. A current Transfer/Deed of Land from the appropriate Land Registry Office or other current evidence of property ownership must also be submitted with the application.

The Contractor is required to pay all permit fees and the rehabilitation security fee according to *O.Reg. 244/97* to The Ontario Aggregate Resources Corporation (TOARC).

3.07 Aggregate Permit Application

For sources identified on the ASL as "MTO", an aggregate permit has already been issued to MTO. Unless otherwise specified on the ASL, site plans showing rehabilitation requirements and other operational conditions are available to bidders for viewing by appointment at the appropriate Regional Geotechnical

Section. Proposed deviation from the site plan or operational conditions must be approved in advance in writing by the Regional Geotechnical Section Head through a site plan amendment.

For sources identified on the ASL as “Crown”, the Contractor shall prepare an application according to the requirements of the AROS and submit the application to the appropriate Regional Geotechnical Section Head with a copy of the application to the Contract Administrator. When application is made for a source shown on the ASL as “Crown” which was previously under a MTO aggregate permit, the whole of the previous permit area shall be applied for, unless otherwise noted on the ASL.

For sources under aggregate permit to MTO, the Contractor is exempt from payment of all fees and royalties to TOARC. If an aggregate permit is issued in the name of the Contractor, payments of the application fee and any applicable annual fees to TOARC shall be the responsibility of the Contractor; however, the Contractor will be exempt from the payment of royalties.

If trees need to be cut within the permit boundary, either a Permit to Remove Forest Resources or a Fuel Wood Permit issued by MNR is required prior to harvesting the trees. The Contractor must contact the applicable MNR office to determine what licensing or permitting arrangement is appropriate, and what requirements must be met before the trees can be cut. All costs related to the scaling, cutting, and removal of the trees, and the destruction of areas where silvicultural treatments (e.g., site preparation, tree planting, tending) have occurred, shall be borne by the Contractor.

3.08 Letter of Approval Application

For non-commercial pit and quarry sources on private land outside the areas designated by the ARA, the Contractor must apply for and obtain a letter of approval from the appropriate Regional Geotechnical Section Head.

Letter of approval applications for extraction of aggregate from land under water will not be considered by MTO.

The Contractor shall obtain all required aggregate extraction land-use approvals, permits, licences, or other authorizations from the authorities having jurisdiction over the land prior to applying for a letter of approval.

The Contractor shall submit an application to the appropriate Regional Geotechnical Section Head with a copy to the Contract Administrator. Additional conditions may be added to the letter of approval and/or the site plan by the Regional Geotechnical Section Head. The application shall contain the following:

- a) A written agreement with the landowner permitting entry, occupation, extraction, and detailing rehabilitation measures.
- b) A site plan showing the following information:
 - i. Location of the site;
 - ii. Existing conditions, including topography and land use on the site, and the area to be excavated including dimensions;
 - iii. Location and dimensions and use of any buildings or other structures, existing or proposed, on the site and/or within 120 m of the site;
 - iv. Method and sequence of the extraction operation;
 - v. Proposed progressive and final rehabilitation, including final rehabilitated elevations, contours, slope treatments and cross-sections, placement of topsoil and overburden, revegetation for depleted areas; and the identification, treatment and access-protection of any non-depleted faces or areas proposed to remain available for future extraction;
 - vi. Existing and proposed drainage during operations and progressive and final rehabilitation, including drainage plan with flow direction;
 - vii. Location and size of existing and proposed stockpiles of overburden and soil and location and size of proposed aggregate stockpile areas;
 - viii. Location and type of fences, barriers and signs;

- ix. All existing and proposed entrances and exits at the site;
 - x. Location of the excavation setback limits, including any setback distance or buffer required by an applicable municipal by-law, zoning order or other applicable law that is more restrictive than the minimum setback distances specified below; and
 - xi. the approximate scale (either 1 cm = 10 m or 1 cm = 20 m).
- c) For aggregate sources not shown on the ASL within a municipality or unorganized territory, the Contractor shall obtain in writing, the comments of the local municipal council or planning board or the Municipal Services Office, Ministry of Municipal Affairs and Housing (MMAH), as appropriate, and the applicable offices of MNR, MEM, Ministry of Citizenship and Multiculturalism etc., regarding potential use of the source.

The Contractor shall not excavate within any setback or buffer shown on the site plan forming part of the letter of approval or required by applicable law. Excavation shall not occur within the following minimum setback distances:

- a) 15 m from any part of the boundary of a site;
- b) 30 m from any body of water, that is not the result of extraction below the water table; and
- c) 30 m from any part of the boundary of the site that abuts the following:
 - i. A highway,
 - ii. Land in use for residential purposes at the time the permit was issued; or
 - iii. Land restricted to residential use by a zoning by-law in place when the permit was issued

The Contractor is responsible for ensuring compliance with the excavation setback requirements. Preventative measures or remedial work for any adverse effect, damage, or non-compliant work, as required as a result of the Contractor's operations, whether required by applicable law or specified in the Contract Documents, shall be undertaken at no additional cost to the Owner.

Rehabilitation measures shall be according to the following requirements:

- a) Any topsoil or overburden that is stripped in the operation of any pit or quarry shall be stored on the site in separate stockpiles or earth berms with stable slopes.
- b) All excess material resulting from the Contractor's operation of the pit or quarry shall be managed as specified in the Contract Documents.
- c) The Contractor shall ensure that all scrap collected on the site will be stored further than 30 m from the boundary of the site, and all scrap shall be removed from the site at or before the completion of the Contract.
- d) Scrap shall include refuse, debris, scrap metal or lumber, discarded machinery, equipment, and motor vehicles.
- e) Pits and quarries shall be progressively and finally rehabilitated according to elevations, lines, grades, slopes and cross-sections specified on the site plan forming part of the letter of approval to ensure proper drainage. After the final rehabilitation, the slopes of any pit face shall be at least three horizontal metres for every vertical metre where practical. The slopes of any quarry face shall be at least two horizontal metres for every vertical metre where practical. However, where justified by the rehabilitation objectives and site conditions and accepted by the Regional Geotechnical Section Head, portions of a quarry may be self-standing sheer quarry walls or a series of benches as part of the rehabilitation scheme, thereby creating a more natural escarpment topography and encouraging greater plant and animal diversity. These sheer quarry walls and benches shall be expressly illustrated on the site plan, forming part of the letter of approval. The Contractor shall remove unstable overburden, loose rock, blocks and overhangs from the quarry faces and shall provide and maintain adequate drainage and protection against inadvertent access as shown on the site plan.

- f) The topsoil or overburden stockpiled from the pit or quarry operations shall be spread uniformly over the trimmed and graded surfaces, which shall then be seeded and/or planted as specified on the site plan to prevent erosion. In non-depleted pits and quarries, the Contractor may not be required to place topsoil or seed in areas that, at the discretion of the Contact Administrator, may remain open for future operations. All topsoil and overburden required for future rehabilitation shall remain on the site.

3.09 Permit/Lease from Indian Reserve Lands

Prior to extraction of aggregate, earth or rock borrow materials from Indian Reserve Lands, the Contractor must submit an application to Indigenous Services Canada (ISC) and obtain a Permit/Lease.

3.10 Application Review and Approval

For sources identified on the ASL as “MTO”, approval for use under the Contract will be granted provided that the Contractor complies with the requirements specified in the Contract Documents, the appropriate application process is completed, and the issuance of the approval is in accordance with the appropriate legislative requirements.

For sources requiring a wayside permit, “Crown” aggregate permit or letter of approval, including a source not identified on the ASL or identified on the ASL but with no guarantee of permit issuance remark, the Contractor shall complete the applicable application process according to Wayside Permit Application, aggregate permit Application, and Letter of Approval Application subsections. MTO does not guarantee that a wayside permit, a “Crown” aggregate permit, or a letter of approval will be issued. Prior to submission, the applicant may undertake preliminary consultation with agencies listed in the AROS.

MTO will determine whether the application is completed or not within 25 Days for a wayside permit and an aggregate permit. Once the application is deemed complete, the Contractor shall comply with the notification and consultation requirements specified in *O. Reg. 244/97*. The applicant shall submit to the Regional Geotechnical Section Head a complete copy of the consultation information and documents according to *O. Reg. 244/97*.

Upon satisfactory review of the submission and consideration of the comments received through the consultation process including any outstanding concerns, MTO will decide whether to issue or refuse the applicable wayside permit or “Crown” aggregate permit according to the *Aggregate Resources Act*, *O. Reg. 244/97* and MTO procedures.

The wayside permit, if issued, will be in the name of the Contractor. An aggregate permit, if issued, may be in the name of MTO, or the Contractor for the duration of the Contract only, as determined by MTO.

For letter of approval, MTO will review the application submitted as specified in the Letter of Approval Application subsection and determine whether to issue the approval. A Letter of Approval, if issued, will be in the name of the Contractor.

For any wayside source proposed within the Town of Caledon that is not identified on the ASL, the Contractor shall coordinate with the Regional Geotechnical Section and comply with the notice and consultation requirements of *O. Reg. 244/97* and any additional consultation requirements communicated by MTO under applicable memorandum of understanding. Before MTO makes a decision on the wayside permit, the Contractor shall submit to the Regional Geotechnical Section Head a complete copy of the consultation information and documents required under *O. Reg. 244/97*, together with any additional documentation required by MTO under the applicable memorandum of understanding.

4.0 Haul Road Maintenance and Repair

Haul Road maintenance and repair activities shall apply to the public road, as defined by the *Public Transportation and Highway Improvement Act*, including a First Nation road, but not to Crown land access

roads and Haul Roads used for the disposal of waste/surplus materials. For the purposes of this Special Provision, the road is deemed to be from the source entrance at the public roadway to the nearest provincial highway, regional, or county road.

MTO will pay for Haul Road damage to public roads caused by Contractor hauling aggregates for MTO capital construction and maintenance work from:

- a) Commercial aggregate and borrow sources in non-designated areas under the ARA;
- b) Wayside permit sources in designated areas;
- c) Letter of approval sources in non-designated areas;
- d) Aggregate permit sources held by MTO on Crown land;
- e) Aggregate permit sources held privately on Crown land; and
- f) Indian Reserve Land sources.

MTO will not pay for Haul Road damage to public roads caused by the Contractor hauling aggregates for MTO capital construction and maintenance work from:

- a) Commercial Class A and Class B licensed sources in designated areas;
- b) Roads used for the disposal of waste/surplus materials; and
- c) Crown land access roads.

For Class A or Class B licensed sources in designated areas under the ARA, the Contractor is responsible for using roads suitable for haulage of materials. The Contractor is responsible for the construction and/or maintenance of Crown land access roads and roads used for haulage of waste/surplus materials.

Inspection of Haul Roads, where MTO will pay for Haul Road maintenance and repair, shall be undertaken prior to construction use jointly by the Contract Administrator, Contractor, and Local Municipal Official (Road Superintendent). Inspection of gravel surface Haul Roads shall be conducted according to the Manual for Condition Rating of Gravel Surface Roads (MTO SP-025 Aug 1989 and any of its amendments). Inspection of surface-treated Haul Roads shall be conducted according to the Manual for Condition Rating of Surface-treated Pavements (MTO, SP-021 Aug 1989 and any of its amendments). Inspection of hot mix Haul Roads shall be conducted according to the Manual for Condition Rating of Flexible Pavements – Distress Manifestation (MERO-SP-024 Mar 2016 and any of its amendments).

Where improvements to the road are deemed necessary by the Contract Administrator, such improvements shall be limited to reducing maintenance demands and ensuring safe passage of traffic. It excludes significant improvements to ditches and geometrics of the road. The Contractor shall adhere to load limits on existing structures and/or public roads.

The Contract Administrator will assess the condition of the Haul Road during hauling operations and administer the maintenance required to preserve the condition of the roadway surface. When aggregate or borrow is being hauled and where the Haul Roads are damaged due to the hauling operations, the Contractor shall, when directed by the Contract Administrator, place such material and perform such work on the Haul Road as is required to provide safe passage and control of traffic. The Contractor shall, on completion of the hauling operations, place such material and perform such work as ordered by the Contract Administrator to repair the Haul Road to its pre-contract condition and to the satisfaction of the Contract Administrator and the Local Municipal Official.

Haul Road maintenance and repair shall be administered as a Change in the Work.

5.0 Surplus Crushed Granular Materials

5.01 General

MTO's obligation to purchase and compensate for surplus crushed granular materials production shall not apply to materials from a commercial source including Crown land sources owned by others, Indian Reserve land or a licensed source. MTO's obligation to purchase and compensate for surplus crushed granular materials production shall not apply to:

- a) Surplus crushed granular material for use in hot mix;
- b) Tender items that require aggregate stockpiling only;
- c) Tender items that include a 7 or 10 year pavement performance warranty; and
- d) Aggregate materials produced from within the highway right-of-way limits.

Where the Contractor produces surplus crushed granular material from Crown lands for use in hot mix, all excess shall be neatly piled by the Contractor and shall remain the property of MTO.

MTO will not provide the Contractor compensation for production costs of excess crushed granular material in amounts greater than the guaranteed surplus quantity specified in the Guaranteed Surplus Quantity subsection.

The quantity will be measured over scales where possible, otherwise by cross-section.

Where MTO requires the material to be relocated, it shall be administered as a Change in the Work.

5.02 Guaranteed Surplus Quantity

Guaranteed surplus quantity material is the amount of Granular A, M, O or B Type II produced by the Contractor in excess of what is required to do the Work. The guaranteed surplus quantity is calculated as follows:

$$\text{Guaranteed Surplus Quantity} = (1.10 \times \text{Estimated Quantity}) - \text{Actual Quantity}$$

Where:

Estimated Quantity = The total quantity specified in the Contract for all uses of the material, subject to any written notice of change given before the excess material was produced, tonne.

Actual Quantity = The quantity actually required for the Work, tonne.

5.03 Surplus Crushed Granular Material from Private Lands

Where the Contractor produces a surplus of crushed material from private lands (those where a letter of approval or wayside permit is issued) and the Contractor is unable to sell or, not permitted to sell the material to a third-party, MTO will provide the Contractor compensation for production costs. Compensation will be paid to the maximum of the guaranteed surplus quantity as follows:

When the actual quantity is less than the estimated quantity:

- a) For that quantity representing the difference between the estimated quantity and the actual quantity, the purchase price for stockpile shall be \$9.66 per tonne for pit production and \$14.03 per tonne for quarry production. Transportation, if required, will be paid at a negotiated price.

- b) For the quantity representing the difference between the guaranteed surplus quantity and the amount calculated in a) above, the purchase price shall be \$8.40 per tonne for pit production and \$12.21 per tonne for quarry production.

When the actual quantity is greater than the estimated quantity, the purchase price of the guaranteed surplus quantity shall be \$8.40 per tonne for pit production and \$12.21 per tonne for quarry production. No payment will be made for the quantity of granular material that exceeds the guaranteed surplus quantity.

Surplus stockpiled material from a wayside permit source cannot be sold or removed. Surplus stockpiled material not removed under the authority of a wayside permit shall be buried on site.

5.04 Surplus Crushed Granular Material from MTO Aggregate Permit Sources on Crown Lands

Where the Contractor produces a surplus of crushed material from MTO aggregate permit sources on Crown lands, all excess shall be neatly piled by the Contractor and will remain the property of MTO, including any portions blended with material imported to the site by the Contractor. Surplus stockpiled material from an MTO aggregate permit source on Crown land cannot be sold or removed. MTO will compensate the Contractor for crushing and stockpiling the surplus quantity as specified in the Surplus Crushed Granular Material from Private Lands subsection, subject to the restrictions set out in the Surplus Crushed Granular Materials section.

Where the Contractor imports materials to an MTO aggregate permit source on Crown land, the Contractor shall clean up and remove that material from the permit source by the date of issuance of the Contract Completion Certificate. However, if the imported material has been processed by blending with material extracted from the MTO aggregate permit source, and the blended material is surplus as of the date of issuance of the Contract Completion Certificate, the blended material shall be neatly piled by the Contractor and will remain the property of MTO.

WARRANT: All contracts with earth borrow, rock supply, granulars, hot mix, surface treatment, concrete, and winter sand.