

## Construction Materials Stockpile

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## Report Summary

This report provides a summary of the policies, regulations and by-laws relating to construction material stockpiles.

## Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)

This report is consistent with Council's Strategic Plan, specifically;

- 2.3 Strengthen Business and Development Processes and Services to Support Business Growth.

## Financial Implications

There are no financial implications associated with this report.

## Report Overview

This report responds to direction from [Planning Committee \(PL2021-36\) on February 8, 2021](#) where the following resolution was passed:

*THAT the City of Greater Sudbury directs staff to report on best practices related to stockpiles of materials on construction sites in Q3 of 2021.*

The direction from Planning Committee was made in response to concerns from residents where stockpiles were considered too large and located in close proximity to property lines or the municipal right of way.

Staff have prepared this report to assess the current policies, by-laws and regulations related to construction material stockpiles.

Stockpiling of construction materials is a necessary and expensive part of any construction activity, especially in the City of Greater Sudbury where undulating terrain and the need to crush and reuse rock as construction material on-site can lead to a significant amount of material stockpiling over the life of a project.

Furthermore, new regulations related to on-site and excess soil management may result in developers reusing and stockpiling more soil onsite where it would normally have been removed directly off-site.

## **CURRENT STOCKPILE POLICY**

The City's current requirements related to construction material stockpiles can be found in Sections 2.06.4 and 2.06.5 of By-law 2011-277 "of the City of Greater Sudbury to Prescribe Standards for the Maintenance and Occupancy of All Property", as follows:

4. *No fill shall be allowed to remain in an unleveled state on any property for longer than fourteen (14) days, unless the property is a construction site for which a building permit is in effect.*
5. *No fill shall be left in an uncovered state (not covered by sod, seed or agricultural crop) on any property for longer than thirty (30) days unless the property is:*
  - *a construction site for which a building permit is in effect;*
  - *a property being subdivided under subdivision agreement with the City of Greater Sudbury or;*
  - *property being actively farmed.*

Furthermore, by-law 2009-101 "To Require the Clearing of Yards and Certain Vacant Lots" can be referenced to restrict material stockpiling not related to active construction through Part 3 subsection 4.1 & 4.2, and dust not related to active construction from vacant land or lots through Part 4 subsection 11, as follows:

4. *(1) No owner shall fail to keep his or her yard free and clear of objects, accumulations and conditions that create an unsafe condition, a health hazard, or an unsightly condition.*  
*(2) No owner shall fail to remove any refuse on his or her yard, whether or not he or she caused or permitted the refuse to be on the yard.*
11. *No person being the owner of non-agricultural land which is vacant as a result of a building demolition shall fail to maintain such land in a manner so as to suppress dust arising.*

The City also outlines sediment and erosion requirements related to construction material stockpiles in the [Site Plan Control Guide, dated 2021, appendix D](#), section 9.0, as well as in [By-law 2009-170](#) "To Regulate the Removal of Topsoil, the Placing or Dumping of Fill, and the Alteration of Grades of Land"

In addition to the City's By-law governing construction related stockpiles, the Ministry of the Environment, Conservation, and Parks (MECP) places restrictions on construction related stockpiles as set out in the [Environmental Protection Act, Ontario Regulation 406/19](#), section 24 which references section C of the ["Rules for Soil Management and Excess Soil Quality Standards"](#) dated 2020.

These MECP requirements are as follows:

### **1. SOIL STORAGE RULES**

For the purposes of section 24 of the regulation (reg 406/19), soil stored at a project area, at a Class 2 soil management site, at a local waste transfer facility, a residential development soil depot, a retail landscaping soil depot or at a reuse site before it is finally placed, must be stored in accordance with the following:

## (1) General

1. Soil shall be managed in such a way as to prevent any adverse effects associated with the receiving, processing, storage and movement of soil, including management of:
  - i. noise;
  - ii. dust;
  - iii. mud tracking;
  - iv. leaching;
  - v. run-off and erosion; and
  - vi. potential outdoor air impact(s), including odour issue(s).
2. The soil must be stored in stockpiles and the maximum size of each stockpile shall not exceed 2,500 meters cubed.
3. Soil from a project area that is required to complete sampling and the soil has not been sampled, must remain segregated from soil from another project area. Any soil that is sampled and analyzed must be kept segregated from other soil and soil of different qualities intended for different beneficial uses must also be kept segregated.
4. The soil stored must not be stored at a location:
  - i. within 30 metres of a waterbody; and
  - ii. within 10 metres of the property line (boundary), unless any of the following apply:
    - a) 500 meter cubed or less of excess soil will be stored at any one time on the project area;
    - b) Excess soil storage at the project area will be for a period of time of less than 1 week;
    - c) The storage location has a physical barrier (e.g., concrete wall) between the excess soil and the property boundary; or
    - d) The storage is taking place in a public road right-of-way.
5. Soil shall be stored in a manner that prevents any contaminants from the soil from leaching into the ground water.

Furthermore, the Ministry of Labour provides regulations for the safe stockpiling of construction material as set out in the Ontario Health and Safety Act [regulation 213/91 for Construction Projects](#). Excerpt from the regulation is provided below

39. Material and equipment at a project shall be piled or stacked in a manner that prevents it from tipping, collapsing or rolling. O. Reg. 213/91, s. 39.

## **STOCKPILE POLICY IN OTHER MUNICIPALITIES**

City staff reviewed construction related stockpile requirements from other municipalities throughout Ontario and determined that there are a limited number of by-laws or development guidelines that place restrictions on the size and location of stockpiles. The only municipality where City staff found restrictions on construction stockpiles was the Municipality of Markham, where their Subdivision Design guide restricts the height of construction related stockpiles to 3m and the location to 10m from a road right-of-way.

## **CONCLUSIONS**

This report responds to Council's request to review City's policies and by-laws related to construction material stockpiles.

The Ministry of the Environment, Conservation and Parks (MECP) sets out a rigorous regulation for construction stockpiles and the Ministry of Labour regulates safe construction practices related to stockpiles. Stockpiles are also currently addressed through City By-laws. As a result, the current policies and regulations in place at the City and Provincial level are sufficient to address any concerns related to construction stockpiles.

Concerns related to construction stockpiles on private developments should first be directed to By-law Enforcement through 311 Services and where there are concerns related to erosion, dust, size or location of stockpiles the concerns can be brought to the attention of the Sudbury District Office of [Ministry of the Environment, Conservation and Parks](#) at 705-564-3237.