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**Member of Conservation Ontario**

## **LARGE FILL POLICY – May, 2014**

CLOCAs Large Fill Policy applies to those lands that are situated within the regulatory jurisdiction of the Central Lake Ontario Conservation Authority, as specified within the Conservation Authorities Act and Ontario Regulation 42/06. In accordance with Ontario Regulation 42/06, any proposed development within a regulated area requires permission from the Authority. Permission may be granted if in the Authorities opinion, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be affected by the development. In addition to the provisions outlined in this Policy, there are other applicable administrative provisions outlined in CLOCAs Policy and Procedural Document that need to be considered.

For the purpose of this document large fill sites are defined by the Authority as those sites that involve the importation of 500 cubic metres or more of excess soil that has been excavated /removed, mainly during construction activities that cannot be reused at the site and must be moved off site. For the purpose of this document soil is defined as: Substantially unconsolidated naturally occurring mineral particles and other naturally occurring material resulting from the natural breakdown of rock or organic matter by physical, chemical or biological processes that are generally either smaller than 2 millimetres in size or that pass the US #10 sieve. Other incidental amounts of inert fill material may also be accepted.

The importation of soil solely for the purpose of agricultural soil enrichment may be considered exempt from portions of the large fill policy provided the depth of the soil placement is minimal (generally less than 20cm in depth) and the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be adversely affected by the activity.

### **Policy**

In general large fill sites should be directed away from areas subject to Ontario Regulation 42/06. CLOCA supports soil conservation and beneficial re-use of excess soil in a manner promoting sustainability and the protection of the environment.

Large fill sites are generally prohibited in:

- Watercourses
- Wetlands;
- Areas of Natural and Scientific Interests (ANSI's)
- Woodlands identified to be within CLOCA's Functional Natural Heritage System
- Hazard lands associated with valley systems;
- Dynamic Beaches

## 1. Application Information Requirements

- a) Upon receipt of an application, Authority staff will ensure that the application is complete and all necessary supporting documentation has been submitted. Three copies of the following supporting plans and/or reports must be submitted with an application:
  - o Location of subject property including property lines, north arrow and nearest roadways/intersections
  - o Existing and proposed elevations within and adjacent to the area where the placement of soil is proposed. Detailed site plans with cross sections must be provided. The plan must show the subject property and all areas where the placement and/or grading of soil is proposed. Note: No new side slopes are to exceed a 3 (horizontal): 1 (vertical) gradient
  - o total quantity of imported soil must be shown on the plans in cubic metres
  - o The Authority's regulatory limit as prescribed by Ontario Regulation 42/06
  - o The regulatory flood plain
  - o Location of all environmentally sensitive features identified through an environmental impact study (EIS) in accordance with EIS policy outlined in Section # 2 under Application Administration. The plan(s) must illustrate a minimum setback of 15m from all watercourse, wetlands and property lines. Setbacks greater than 15m will be applied if recommended in the EIS
  - o Other known site features and structures such as access roads, culverts, utilities, poles, pavement, curbs, etc.
  - o Timing and location of the placement of soil ;
- b) Sediment and Erosion Control Plans;
- c) Pre and Post Drainage Plans and confirmation from a qualified person that the placement of soil will not alter drainage patterns and volumes in such a way to have an adverse effect on flooding and erosion of downstream or upstream properties;
- d) Completion in full of application form (including Schedule A and Large Fill Site Contamination Screening Questionnaire).
- e) A Soil Management Plan for the receiving site consisting of the following:
  - Documentation from a Qualified Person (professional engineer or geoscientist) using a risk-based approach, assessing the appropriateness of the receiving site for the placement on soil and establishing the appropriate soil quality standards for incoming soil. The analysis should be based on the specific conditions at the receiving site, including the history of the sites and verify that the placement of soil will not degrade the existing conditions at the receiving and will not increase any contaminant concentration at the receiving site such that there would be an adverse environmental impact. Generally fill quality must not exceed Table 2 of the Soil Standard Tables contained in Ontario Regulation 153/04. A Qualified Person (QP) must consider the appropriateness of the proposed application of the Table of Soil Standards and whether the assumption used in the development of standards remain valid. In determining the soil quality standards for the receiving site, a QP must also take into account the effects of loading associated with the concentrations of individual contaminants in soil and the impacts on the pre-existing, ambient conditions of the receiving site.
  - Representative baseline sampling from the receiving site must be completed prior to the placement of soil. The sampling must be carried out by a QP and provide information on soil and surface and groundwater water conditions confirming that the placement of soil will not be an adverse impact on the control of pollution and/or hydrologic functions.
  - Identification of a qualified on-site manager(s) for the purpose of monitoring of on-site activities, confirming working state of erosion and sedimentation control measures and maintenance of site drainage and record keeping of incoming fill material. Qualifications of

the site manager shall be reflective of the expertise required for each receiving site based on considerations such as soil volumes and site characteristics.

- Description of requirements for on-going testing of soil and/or groundwater by a QP at the receiving site to ensure that the soils received complies with the established soil quality standards. Sampling procedures for the receiving site must be outlined and should be determined in consultation with CLOCA and the rationale connected therewith provided. At a minimum all sampling should be accompanied by a chain of custody form and to be submitted to a laboratory within 24 hours of sampling. All samples must be submitted to a laboratory that is accredited by an internationally recognized accreditation body, such as the Standards Council of Canada or Canadian Association for Laboratory Accreditation.
- For lands that are located within Landform Categories 1 and 2 in the Oak Ridges Moraine Conservation Plan, final elevation plans must demonstrate that disturbance to landform character is being kept to a minimum.

f) Descriptions of the addresses and property owners of the source sites (origin) of all soil material.

g) Description of the source sites of the soil material and its history, past and present uses of the land including any processes involved in its generation and a completed soil quality questionnaire to identify if there are any potential concerns with soil quality and possible contamination.

Documentation of soil quality from each source site by a qualified person (QP) including a clear and definitive conclusion that the soil quality meets the soil quality standards outlined in the Soil Management Plan. The documentation shall also include a description of the sampling procedure and rationale. Sampling must be based on distributed samples across the source site with a focus in areas of highest risk. At a minimum all sampling should be accompanied by a chain of custody form and to be submitted to a laboratory within 24 hours of sampling. All samples must be submitted to a laboratory that is accredited by an internationally recognized accreditation body, such as the Standards Council of Canada or Canadian Association for Laboratory Accreditation.

Soil from minor excavations such as basements and pools for individual lots may be exempt from the requirement of soil quality report provided the Large Fill Site Contamination Screening Questionnaire is completed to the satisfaction of CLOCA.

h) Where site specific conditions/concerns are warranted, the Authority may require that an environmental impact study (EIS) and/or hydrological study be completed verifying that the proposed placement of soil will not have an adverse impact on natural resources and will not create or worsen natural hazards. The study shall assess potential impacts and provide recommendations on the appropriateness of placing fill on the subject lands and any setbacks and/or mitigation measures to the satisfaction of CLOCA. Once an application is submitted by the authorized agent/owner, the Authority will review the proposal and if deemed necessary, a Terms of Reference will be provided outlining the requirements of the study. It will be the sole responsibility of the authorized agent/owner to pay for and complete the EIS. Site specific issues may include, but not be limited to, proximity to or presence of one or more of the following:

- hydrological sensitive features i.e. significant discharge areas, springs, seeps;
- significant groundwater recharge areas, and the highly vulnerable aquifers
- high water table;
- environmentally sensitive features; and
- natural heritage features;

i) The Authority may require other studies and reports as deemed necessary to ensure that the proposed fill site will not result in an adverse impact on the control of flooding, erosion, dynamic beaches, pollution or the conservation of land.

- j) Site security measures.
- k) A contingency plan outlining actions that are to be taken in the event that sampling results or other information identifies concerns with soil quality or site drainage.
- l) Restoration details including but not limited to:
  - o detail related to site stabilization measures such as topsoil, seed, sod, hydroseed and associated timing, etc.);
  - o staging of restoration such that any exposed soil is vegetated as soon as possible;
  - o invasive species management.

## **2. Application Administration**

- a) An application in writing may be provided by an authorized agent acting on behalf of the property owner provided that the authorized agent has been granted permission in writing by the property owner (copy of permission shall be provided with application). The permit will not be issued until it is signed by the registered property owner(s) and / or principle of the numbered company.
- b) An application will not be deemed complete until all information requirements and applicable fees have been submitted. If information is missing from the application submission, it will be the responsibility of the owner and/or authorized applicant to ensure that the information is provided. A deposit of \$5,000 will be required to cover the cost of any potential peer review and/or additional independent soil sampling. If deemed necessary by CLOCA to ensure and/or confirm compliance to the granted permission, the Authority will retain an independent qualified consultant to review the submitted soil report(s) and/or undertake independent sampling of the receiving site. The peer review deposit will be required before the application is deemed complete. At the time of completion of the fill activity and permit expiry, the unused funds from the peer review deposit will be refunded to the applicant.
- c) Applicants are encouraged to consult with the respective municipality in which the proposed fill site is located (i.e. Town of Ajax, City of Oshawa, City of Pickering, Municipality of Clarington, Township of Scugog, Township of Uxbridge, Town of Whitby) regarding their approval of the large fill site, prior to permit issuance. Municipal partner agencies may be concerned with one or more of the following:
  - Oak Ridges Moraine Conservation Plan, Greenbelt Plan, Official Plan and zoning;
  - Condition of municipal roadways and site entrance;
  - Haul route from the source site to the proposed receiving site location;
  - Mud mat, dust control schematics for receiving site; and
  - Noise
- d) Where proposed fill site locations are regulated jointly by both CLOCA and a municipal fill By-Law, the proponent shall prepare comprehensive plans/reports for both agencies.
- e) Only one active CLOCA permit per municipal address can exist at any one time.
- f) Written permission from the Authority consenting to a large fill operation will only be granted to a maximum of 1 year. A new application for development can be submitted. The new application will be subject to the requirements, stipulations and fees of this policy.
- g) Following the issuance of a permit from the Authority, CLOCA enforcement staff will conduct routine site inspections of large fill sites in order to ensure compliance with permit conditions subsequent to this policy.
- h) It will be the responsibility of the owner and/or authorized agent to ensure that a final inspection with Authority enforcement staff is coordinated. A final site inspection and review of permit conditions shall be completed prior to the expiration date on the permit.

### **3. Conditions of the Permit**

- The Authority will apply conditions to the permit to ensure that there is no adverse effect on the control of flooding, erosion, dynamic beaches, pollution or the conservation of land. The conditions will include, but are not limited to the following:
  - Prior to the expiry of the permit, the submission of a post elevation and drainage plan/report prepared by a certified Ontario Land Surveyor and confirmed by a QP that final elevations and drainage patterns are in accordance with the approved plans and will not result in increased or new drainage off-site that will pose a risk to human health, property or the environment;
  - A specified limit on the volume of soil that is permitted;
  - A specified limit of the depth of soil material that is permitted;
  - Adherence to the requirements of the submitted Soil Management Plan;
  - That a qualified on-site manager monitor the receiving site on a monthly basis to ensure maintenance of drainage patterns and that all erosion and sediment control measures are working and provide reports to CLOCA advising of the results of the on-site monitoring;
  - Acknowledging the provision of access to the receiving site to CLOCA staff and if applicable, the peer review consultant to undertake independent sampling;
  - The submission of soil records by a designated on-site manager identifying disposal location. On a daily basis, the on-site manager shall confirm all incoming soil is from an approved originating site, and record the location on the site where site alterations activities have occurred. The location of the loads will be tracked and recorded on a daily basis through the development of a locational grid tracking system for the property. The on-site manager shall inspect incoming material at the receiving site and shall confirm by signed documentation that the soil quality meets the requirement of the sites Soil Management Plan;
  - Records will be retained and made available to CLOCA on a monthly basis;
  - A daily summary log to be maintained for loads shipped to the site, including date, daily total # of trucks entering the site and the location from where the soil was loaded into each truck; and
  - That the site be gated and sign prohibiting access to unauthorized personal/trucks.

### **4. Denial of Permit Application:**

- If, in the opinion of the Authority staff the application would result in a negative and / or adverse impact on the control of flooding, erosion, dynamic beaches, pollution, or the conservation of land, the permit may be denied by Authority staff. Following a denial, the applicant will have the right to a hearing before the Authority Board. The Authority Board may refuse the permission; or grant the permission with or without conditions.
- In accordance with the CA Act S.15, “A Person who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons under subsection (14), appeal to the Minister who may,
  - Refuse the permission; or Grant the permission, with or without conditions

### **5. Cancellation of permission:**

The Authority may cancel a permission, if it is of the opinion that the conditions of the permission have not been met. Before cancelling a permission, the Authority shall give a notice of intent to cancel to the holder of the permission indicating that the permission will be cancelled unless the holder shows cause at a hearing why the permission should not be cancelled. Following the giving of the notice, the Authority shall give the holder at least five days notice of the date of the hearing.

### **6. Regulation Fees**

The fee structure for large fill applications is:

> 500m <sup>3</sup>	\$3000 PLUS \$1.5 per m <sup>3</sup> of soil PLUS a peer review/sampling deposit of \$10,000
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