

**Township of Clearview**

**Guidelines Manual  
For Site Alteration and  
Movement of Fill By-law 25-67**

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Appendix A Permit Application Forms

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## 1.0 Purpose

This Guidelines Manual was prepared to assist applicants and administrators in understanding the rationale and requirements for an application for a Permit for Township of Clearview By-law 2025-67, a By-law to Regulate Site Alteration and Movement of Fill within the Township of Clearview.

The document encompasses the components of large and complex site alterations and filling projects. Minor and Small site alterations and filling projects will not require all of the components outlined herein. Smaller and less complex site alterations will only require abbreviated and possibly “not applicable” responses to some components of an application.

This document describes the process for applying for a Permit and the administrative process involved with Permit review, approval and oversight.

The primary purpose of this Guidelines Manual is to outline:

- Site Alteration and Movement of Fill activities that are allowed when consistent with provincial and municipal policy and conducted in a manner that is protective of human health and the environment.
- The activities that are exempt from the By-law such as activities conducted under the authority of a higher regulatory agency (Provincial, Federal, County, etc.).
- When activities are waived from requiring a Permit but still must comply with all other aspects of the By-law, such as Minor Site Alterations.
- When a Permit Application is required with supporting documents prepared by appropriately qualified technical specialists (i.e., P.Eng., P.Geo., Qualified Person (QP), etc.).
- What must be included in an application, such as:
  - Application Fees in accordance with the Fees and Charges By-law.
  - A Security Deposit (Irrevocable Letter of Credit, cash, certified cheque, or other instrument) may be required prior to the issuance of a Permit and will be calculated based on the total volume of Fill imported from off Site. (This recognizes the fact that the primary liability of a site alteration is related to the quantity and quality of imported fill).
- The purpose of the per cubic metre fee and Security Deposit is to provide the Township with financial resources to have peer review oversight of the Site Alteration.
- That the imported fill quality must be managed in accordance with Ontario Regulation (O. Reg.) 406/19 On-Site and Excess Soil Management and the Rules for Soil Management and Excess Soil Quality Standards.
- In cases where a Record of Site Condition is not required by provincial regulation the Township may at its discretion require a Record of Site Condition in accordance with O. Reg. 153/04.

- Orders can be issued if the site alteration is out of compliance with the Conditions of a Permit.
- Orders must be complied with, even after the expiry or revocation of a Permit.
- When the owner/operator is unwilling or unable to fulfill the conditions of a Permit and/or Orders, the Township can conduct the work at the cost of the Owner using the Security Deposit and other legal mechanisms to:
  - Secure the Site to prevent illegal activity.
  - Rectify the outstanding requirements of any Orders.
  - Complete the Site Alteration to the point where it meets the minimum requirements of the Permit.
- The By-law provides the Township with the financial resources as outlined in the Fees and Charges By-law to retain the technical resources to oversee the Site Alteration and if necessary, retain the resources to control the Site and mitigate any issues that are out of compliance.
- Refer to the following related documents:
  - By-law 2025-67 Being A By-Law To Regulate Site Alteration and Movement of Fill in The Township Of Clearview.
  - Fees and Charges By-law.
  - Permit Application Form for a Minor Site Alteration and Movement of Fill.
  - Permit Application Form for a Small Site Alteration and Movement of Fill.
  - Permit Application Form for a Large Site Alteration and Movement of Fill.

## 2.0 Township of Clearview Considerations

The By-law takes into consideration the unique conditions and needs of the Township of Clearview. The focus is on regulating site alterations and filling for the benefit of the Township and the residents, while also considering the bigger environmental, economic and social setting of central Ontario. This includes setting requirements to demonstrate a “need” for any site alteration and filling that is in line with provincial policy, Township policy and how the activity will be conducted to ensure environmental protection and mitigation of impacts to neighbours. The requirements of the By-law are aligned with Township By-law enforcement as well as the Fees and Charges By-law which could include security deposits to protect the Township and taxpayers from a potential economic burden because of an abandoned liability.

In response to citizen pressure and the desire to protect the environment of the municipality some municipalities have instituted a ban on all fill importation or have drafted By-laws that are so onerous that it is very difficult for landowners to import fill regardless of the purpose.

The prohibition approach is contrary to provincial policy for reuse and recycling.

The MECP Excess Soil Policy Framework states;

*Managing excess soil in a responsible way is integral to building sustainable communities. Improper management can result in impacts to ground or surface water quality and/or quantity, natural areas and agricultural lands, and cause a number of local issues including concerns regarding noise, dust, truck traffic, road damage, erosion, drainage and other social, health and environmental concerns. Proper management of excess soil can result in a number of benefits to the environment and economy.*

The Township of Clearview Strategic Plan includes the following:

### *Mission*

*“Clearview Township will plan with our community to enhance our local environment and economy through improved communication and innovation.”*

*“We will build new infrastructure to support more housing and outdoor spaces through sustainable growth while protecting our agricultural nature.”*

*“We will embrace our lifestyles, culture, recreational opportunities, and welcome visitors & newcomers.”*

*“We will enhance our working and living environment for citizens and businesses.”*

The Site Alteration and Movement of Fill By-law is designed to meet these philosophical objectives.

Site alteration and movement of fill can enhance the Township and environment through:

- Improved drainage, creation of noise berms, stabilization of slopes.
- Increased suitability of lands for buildings, employment activities, and recreation.
- Enhancement of natural features such as ponds and wetlands.
- Improved use of agricultural lands, including crops, livestock and related activities.
- Rehabilitation of aggregate extraction pits and other previously disturbed areas.

It is important for all stakeholders to consider the rights of landowners to develop their properties and enhance uses while protecting the environment and while limiting the impact to neighbours.

The By-law aligns with the Township’s environmental stewardship and economic development strategies and the requirements of other agencies with jurisdiction including conservation authorities, Ministry of Natural Resources and Forestry (MNR) and the Ministry of Environment, Conservation and Parks (MECP).

Given the presence of farming in the Township, the By-law is aligned with the policies of the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA). It is carefully balanced to not encroach on the rights of farmers however does restrict site alterations and filling that do not align with a carefully considered “need” rather than those driven simply by filling for profit (commercial filling).

The Township of Clearview deems it in the public interest to pass a By-law to regulate Site Alteration and Movement of Fill within the Township of Clearview to ensure that:

- a) Groundwater and surface water quality is maintained.
- b) Drainage patterns, water courses and water bodies are protected.
- c) Natural heritage features, landforms and archeological resources are protected.
- d) There is no cause for an Adverse Effect.
- e) Impacts to the Townships roads, Highways and infrastructure are minimized.
- f) Disturbance and nuisance impacts to residents and businesses are minimized.
- g) Costs and liabilities are borne by Owners and Persons who undertake Site Alteration and Movement of Fill within the Township.

- h) The regulatory authority to create the By-law is outlined in the Municipal Act, 2001, S.O. 2001, c. 25.

### 3.0 Regulations and Best Management Practices

The Township Site Alteration and Movement of Fill By-law has been designed to align and complement existing regulations and best management practices. These include:

- *Management of Excess Soil – A Guide for Best Management Practices (BMP)*, MECP, January 2014. This BMP sets out the province's expectations for all those managing soil and encourages the beneficial reuse of excess soil in a manner that promotes sustainability and the protection of the environment.
- *The Excess Soil Policy Framework*, MECP, December 2016. This document outlines the management of excess soil in a responsible way that is integral to building sustainable communities.
- *Rationale Document for Development of Excess Soil Quality Standards*, MECP, November 19, 2019. Provides the scientific derivation process to develop the Excess Soil Quality Standards.
- *Ontario Regulation 406/19, On-Site and Excess Soil Management* made under the *Environmental Protection Act*, December 4, 2019. Updated regulations for the management of excess soil along with changes to align other regulations including Ontario Regulation 153/04.
- *Rules for Soil Management and Excess Soil Quality Standards*, MECP, December 2019. Provides a set of soil quality tables for various land uses and site conditions and outlines the use of the Beneficial Reuse Assessment Tool (BRAT) and Risk Assessment.

#### 3.1 Exemptions from Requiring a Permit

The need for a Permit is waived in certain circumstances (such as when the Site Alteration and Movement of Fill is a designated minor amount in any 12-month period) where the risk of an impact and liability to the Township is acceptably low. This is considered a Minor Site Alteration.

Exemptions from requiring a Permit include:

- Small-scale activities where the risk to the environment and liability of the Township is low.
- Where another legal instrument of the Township (such as Planning approval or Building Permit) provides enough regulatory oversight.
- Right to Farm practices.
- Activities where there are only temporary conditions/activities (Garden Centers, Soil Processing Sites and Temporary Fill Storage Sites) that may also have another legal instrument such as a business license or planning approval.
- Garden Center – related business - Contractors Yard – Must be Industrial or Commercial zoned or have a Temporary Zoning Approval.
- The discretion of the Director.

The By-law does not conflict with Normal Farm Practice.

### 3.2 Size Thresholds for Site Alteration (which includes both cut and fill)

The By-law recognizes site alteration, and the movement of fill size thresholds based on the potential for activities to cause an Adverse Effect, which as defined in the Environmental Protection Act, R.S.O 1990, c. E.19 (EPA), as meaning one or more of:

- Impairment of the quality of the natural environment for any use that can be made of it.
- Injury or damage to property or to plant or animal life.
- Harm or material discomfort to any person.
- An adverse effect on the health of any person.
- Impairment of the safety of any person.
- Rendering any property or plant or animal life unfit for human use.
- Loss of enjoyment of normal use of property.
- Interference with the normal conduct of business.

The By-law is based on Site Alteration volumes. It does not differentiate between the volume of cut vs the volume of fill in the basic permit calculations. However, it does recognize in the requirements of a Site Alteration & Fill Management Plan (SA&FMP), the difference in liability between on-Site cut and fill Site Alterations and the importation of Fill from off-Site. The Permit application requirements are more onerous when importing large volumes of Fill from off-Site.

The liability and issues surrounding a large site alteration with hundreds of truckloads of fill are significantly higher than the recontouring of a field. For this reason, three specific size thresholds have been defined as having differing requirements and fee structures.

They are:

1. **Minor Site Alteration** defined as a one-time maximum cumulative volume per Property based on the area of Property suitable for Site Alteration (the Property area excluding buildings, structures and fixed features) calculated as follows:
  - a) Area of Property suitable for Site Alteration in hectares x 100 m<sup>3</sup>/hectare (approximately 10 triaxle truckloads) of Site Alteration, up to a maximum area of Property suitable for Site Alteration of 1.0 hectares.
  - b) The maximum volume is a one-time maximum cumulative allowance. Any Site Alteration that exceeds the maximum one-time cumulative volume is prohibited without a Permit. Once this cumulative volume has been reached regardless of the timeframe over which it occurred, no further Site Alteration is allowed without a Permit.

- c) This volume is set below the 350 m<sup>3</sup> small volume for excess soil quality standards outlined in *the Rules for Soil Management and Excess Soil Quality Standards*, MECP, December 2019.
  - d) Excludes the volume of any approval under another Township legal instrument such as a Building Permit or Swimming Pool Permit. This excludes the volume of a swimming pool excavation which can often be up to 6.1 m x 12.2 m and 2 m deep (20 ft. x 40 ft. and 6 ft. deep) for a volume of approximately 150 m<sup>3</sup>. Swimming pool excavation is a common low risk site alteration.
  - e) One of most difficult aspects of municipal management of site alteration and filling is dealing with “*volume creep*”. This is the situation where site alteration and filling start small and continue for a long period of time at a small rate that ultimately results in a cumulative large volume alteration. To address this situation Minor Site Alterations are a one-time volume limited event per property based on property size.
  - f) This assumes that a one-time event of limited size (based on property size) is unlikely to cause a significant impact. This approach will allow landowners to conduct site alterations and filling activities that are “*Minor*” in scope, impact and liability without direct engagement with the Township. The Township monitors the site alteration registry to track the properties and activities, especially cumulative volumes over time.
  - g) In this fashion the Township can monitor the impacts volume creep through the Permit process.
2. **Small Site Alteration** – Any site alteration that does not meet the definition of a Minor Site Alteration and is less than 1,000 m<sup>3</sup> (approximately 100 triaxle truckloads) in any 12-month period. A Permit is required for a Small Site Alteration.
- a) Since the volume and time period for a Small Site Alteration is well defined and a Permit required, volume creep can be monitored as the Permit expires when the approved volume is reached and/or the time period expires. Further site alteration would require a Permit Renewal or a new Permit.
  - b) Small Site Alterations with a maximum threshold of 1,000 m<sup>3</sup> (approximately 100 triaxle truckloads) in any 12-month period are expected to be the most common site alterations that engage Township staff. The size is sufficiently large to accommodate the majority of the needs of landowners in the Township that are conducting the most common types of site alterations such as estate lot grading, laneway improvements, building site preparation (houses, barns, sheds etc.), drainage modifications, pond construction, screening berms and other property enhancements. The environmental and neighbor impact liability is typically low and easily addressed if there is an issue. The application process and Site

Alteration & Fill Management Plan requirements are scoped to be reasonable for the size of the site alteration. The Permitting process includes the requirement for professionally prepared site plans and studies to address the site-specific conditions and demonstrate compliance with the By-law and all other agencies with jurisdiction. A Site Alteration & Fill Management Plan (SA&FMP) prepared by a Qualified Person is a requirement. Township fees and requirements are also reasonable and balanced given the relatively low potential liability. The ability to apply for a new Permit offers the Township the discretion to consider future related site alterations as another Small Site Alteration or to define further activities as a Large Site Alteration (based on the sum of both the past site alterations and proposed future site alterations). This addresses the issue of volume creep.

**3. Large Site Alteration** – Any site alteration that does not meet the definition of a Small Site Alteration is considered a Large Site Alteration. A Permit is required for a Large Site Alteration.

- c) Given the natural environment of the Township and the various regulatory controls on land use (Niagara Escarpment, Wetlands, Woodlands, etc.) it is expected that Large Site Alterations will be limited to a few sites per year. The Permitting process includes the requirement for professionally prepared site plans and studies to address the site-specific conditions and demonstrate compliance with the By-law and all other agencies with jurisdiction. A Site Alteration & Fill Management Plan (SA&FMP) prepared by a Qualified Person is a requirement. The application would likely involve Peer review by technical specialists (Qualified Person) contracted by the Township at the applicant's expense. A public meeting and Council approval may also be required at the discretion of the Director.

Site alterations above 10,000 m<sup>3</sup> are prohibited without the prior approval of the Council to obtain permission to apply under the Large Site Alteration Application process. This mechanism provides the opportunity for an applicant to present the merits of a "concept" to Council for consideration without investing the time and resources of both the applicant and the Township in the detailed application stage. If Council approves the applicants request to submit an application, it in no way guarantees an ultimate approval as it still has to go through the scientific and engineering review, public scrutiny (PIC) and finally Council consideration of the merits of the actual application. This volume threshold requiring Council approval to submit an application reflects the sentiment of the public to restrict very large (commercial) site alterations and movement of fill activities yet recognizes that there is the possibility of an activity that would merit approval.

### **3.3 Normal Farm Practices**

The Ontario Farming and Food Production Protection Act under the jurisdiction of Normal Farm Practices Protection Board determines Normal Farm Practices.

Farming often involves the addition of topsoil and other additives to fields and in some cases such as sod farming the removal of soil. Given the large surface areas involved “Normal Farm Practices” could trigger thresholds set in the By-law. To address this issue the By-law includes clauses that exclude Normal Farm Practices from requiring a Permit. However, all other aspects of the By-law related to environmental protection, fill quality and controlling impacts to neighbours apply.

The By-law is designed to allow farmers to conduct Normal Farm Practices without a Permit but controls site alterations and filling outside of Normal Farm Practices such as site alterations and filling that alters the natural heritage topography or could potentially cause an environmental impact.

Some municipalities have tried to define volumes and depths of topsoil application, etc., to try and define “normal farm practices” in the By-law. The By-law as designed provides a variety of protections without encroaching on restrictions to farmers and avoids interpreting the definition of “normal farm practices” which is the jurisdiction of the Normal Farm Practices Protection Board.

For a general interpretation by the users of the By-law the following should be considered when determining if an activity is Normal Farm Practice:

- The site qualifies as a farm business operating with a valid Farm Business Registration Number issued by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) and to be assessed in the Farmland Realty Tax Class by the Ontario Property Assessment Corporation (OPAC).
- Determining whether a farm practice is a Normal Farm Practice shall be in accordance with the provisions of the Ontario Farming and Food Production Protection Act, including decisions by the Normal Farm Practices Protection Board.
- Most activities that would be considered Normal Farm Practices that would otherwise trigger Site Alteration and movement of Fill size thresholds would usually involve the topsoil horizon rather than mineral soil. Activities that involve mineral soil should be closely scrutinized as it is likely that such activities (above the volume thresholds) would trigger the requirement for a Permit.

Site Alteration and Movement of Fill conducted as part of Normal Farm Practices should align with the OMAFRA Factsheet 16-055, AGDEX 510, *Importation of Soil onto Agricultural Land*, dated October 2016.

### **3.4 Conservation Authority Regulated Lands**

Changes to the Municipal Act allow the By-law to include all Conservation Authority regulated land within the Township. Site alterations in regulated lands must comply with both the requirements of the Conservation Authority, as a provincial regulatory authority under *the Conservation Authorities Act*, and the By-law.

The By-law requires that the requirements of all other agencies with jurisdiction (including the Conservation Authority) be satisfied prior to approval of an application for a Permit.

### **3.5 Aerodromes**

Site alterations in the vicinity of aerodromes must conform with the Transport Canada Document; Aviation, Land Use in the Vicinity of Aerodromes, TP1247E, dated 2013/2014. The document indicates that part of its purpose is to assist planners and legislators at all levels of government. The introduction states:

*This publication is designed to assist planners and legislators at all levels of government in becoming familiar with issues related to land use in the vicinity of aerodromes.*

*Municipal planners and developers must understand that how land is used around an aerodrome will have an impact on the aerodrome's operations. The land use around aerodromes can have significant impacts on safety at the aerodrome and can negatively impact the operational viability of the aerodrome to the detriment of the local community that depends upon it.*

*The compatible land use planning concept is an outgrowth of the focus of attention on the environmental relationship between aerodromes and their community neighbours. This planning concept is relatively simple, and the results can be impressive, but the implementation requires careful study and co-ordinated planning.*

Any site alterations in proximity to aerodromes must consider the need to avoid potential conflicts with aerodrome operation.

### **3.6 Building Permits and Building Code Approvals**

Building Services approvals such as Building Permits and Demolition Permits have the potential to include limited focused site alterations and filling.

Although the By-law requirements still apply regarding fill quality and environmental protection etc., a Permit is not required when the work is encompassed by a Building Services approval for activities that fall into the category of a Minor Site Alteration or a Small Site Alteration.

Minor Site Alterations, and Small Site Alterations with a maximum threshold of 1,000 m<sup>3</sup> (approximately 100 triaxle truckloads) in any 12-month period, are likely a common component of a Building Permit. Although the requirements in the By-law for fill quality, limiting impacts to neighbours and environmental protection still apply, the Building Permit process provides enough regulatory oversight for a Minor Site Alteration and Small Site Alteration such that the need for a Permit may be waived.

If the work falls into the category of a Large Site Alteration a Permit may be required.

The municipal approval process involves the submission of a complete Building Permit application package to the Township including fees. Township Staff will review the application for:

- Site Plan Approval/Agreement
- Entrance Requirements
- Zoning
- Setbacks & Lot Coverage
- Grading
- Source Water Protection
- Conservation Authority regulations
- Site Alteration and Movement of Fill By-law

If Township Staff determines that the application will trigger the volume thresholds of the Site Alteration and movement of Fill By-law, the requirements of the By-law will be included in the application process.

Once Township Staff is satisfied that the requirements of the Township including the Site Alteration and Fill By-law are met, the Township will issue approval for a Building Permit.

If a Site Alteration Permit is waived, a clause should be inserted into the approval documents.

### **3.7 Temporary Fill Storage Sites**

There are times and situations where fill is stored on a temporary basis.

The By-law states: "Temporary Storage of Fill" means the storage of Fill at a Temporary Fill Storage Site above Existing Grade for a period of time determined by the activities of the licensed business with the expectation that the business involves the regular Movement of Fill on to and off the Site in a manner that results in no Fill being stored longer than 18 months.

Some businesses temporarily store and move fill materials such as:

- Garden Centers – Temporarily store soil, topsoil, aggregate and similar materials for sale or use elsewhere – Must meet appropriate planning and zoning requirements.
- Soil Processing Sites such as triple mix and soil amendment facilities – Temporarily store soil, topsoil, manure and similar materials for creating agricultural products for sale or use elsewhere – Must meet appropriate planning and zoning requirements.
- Fill Storage Sites – (Including a Soil Bank Storage Site as per O. Reg. 406/19) temporarily store fill materials for sale or use elsewhere – Must meet appropriate planning and zoning requirements; and

- Contaminated Soil (and other Materials) Storage and Processing Sites – These must have an Environmental Compliance Approval (ECA) from the MECP and therefore are not within the jurisdiction of the By-law.

The By-law recognizes the need for these types of operations to exist and to temporarily store and move fill materials in volumes that would normally result in triggering the site alteration volume thresholds in the By-law.

The By-law provides specific conditions where these sites are exempt from needing a Permit, however all other requirements of the By-law related to environmental protection and control of impacts to neighbours still apply.

The property and activities must also comply with all Township zoning and planning requirements.

The site operator must be able to demonstrate with documentation satisfactory to the Township that the storage is temporary and that the material quality and storage conditions meet the requirements of the By-law as well as all other Township planning and zoning requirements.

Commercial products stored temporarily for commercial sale at a property approved for such activity, including in bulk form, such as, manure, asphalt, concrete, rock, peat, wood chips, aggregate etc. that do not meet the definitions and quality requirements of O. Reg. 406/19 must be stored in a fashion that do not have the potential to cause an environmental impact or a nuisance impact.

Excess Soil, Dry Soil and Liquid Soil (as defined by O. Reg. 406/19) that are stored temporarily must meet the definitions and quality requirements of O. Reg. 406/19 for the property on which they are stored.

### **3.8 Conflicts with other By-laws or Legal Instruments and Severability**

There may be occasions where there are pre-existing legal instruments or agreements with the Township concerning a property.

Where possible the concept of maximizing environmental protection should take precedence however this must be done in compliance with the hierarchy of legal jurisdiction and precedence.

If the Township and an owner or former owner have entered into a legal agreement with respect to land within the area to which this By-law applies, and a conflict exists between the provisions of this By-law and such an agreement, the provisions of the agreement shall prevail to the extent that there is a conflict.

Severability means the continued use of the majority of the By-law even if a portion is found not to be legally applicable in some manner. This avoids the possibility of the entire By-law being discarded for a small issue.

If a court of competent jurisdiction declares any section, or any part of any section, of the By-law to be invalid, or to be of no force or effect, it is the intention of the Township that every other provision of the By-law be applied and enforced in accordance with its terms to the extent possible according to law.

### **3.9 Enforcement**

Enforcement of the By-law is carried out by Municipal Enforcement Officers appointed by the Township of Clearview Council, the Director, or other individuals authorized in writing by the Director, as defined in the By-law.

### **3.10 Other Legal Instruments of Township Approval**

In some cases, such as a Site Plan Approval or a Subdivision Agreement, the Township may use these legal instruments of approval to administer the requirements of the By-law rather than issue a Permit. The Township can make that decision on a case-by-case basis.

### **3.11 Reference to Other By-laws and Regulations**

Other relevant By-laws include:

- By-law Number 25-01, *Fees and Charges By-law as amended or any successor by-law.*
- By-law Number 02-09, *Noise By-law as amended or any successor by-law.*

### **3.12 Trees**

The Township has no specific By-law regarding trees and forests however the Simcoe County Forest Conservation By-law is applicable throughout the Township. The Forest Conservation By-law applies to:

- Properties at least 1 ha (2.47 acres) in size.
- Commercial harvesting.
- Clearing of forests.

The Objectives of the Forest Conservation By-law are to:

- Conserve the forest landscape and prevent over harvesting.
- Protect Sensitive Natural Areas.
- Encourage 'good forestry practices.
- Ensure a sustainable supply of timber for industry and landowners.

All Site Alteration activities within the Township must follow the County By-laws.

### **3.13 Road Occupancy and Property Access**

The Township has jurisdiction over Township roads. Site Alterations that will involve traffic on Township roads and access property from Township roads will require meeting the requirements of the Township's Public Works Department and Operations (Roads) Department.

Road maintenance and damage considerations will be included in the Security Deposit.

Site Alterations and movement of Fill that involve the use of Township roads require the approval of the Township.

### **3.14 Soil, Groundwater and Sediment Standards**

Although not specifically designed for site alterations and filling, the Soil, Groundwater and Sediment Standards for Use Under Part XV.I of the Environmental Protection Act, April 15, 2011, will be used as the best available criteria for evaluating site alteration and fill activities.

When determining the appropriate Standards to be used in any situation, the methodology in O.Reg. 153/04, as amended, will be adopted. The applicable Standards (Table) selected must be consistent with the definition of the land use defined in O.Reg. 153/04, as amended, and that land use must be consistent with Township zoning.

The default Standards will be the Table 1: Full Depth Background Site Condition Standards for Agricultural or Other Property Use.

The use of any other Standards will be at the discretion of the Director based on the provision of scientific rationale in accordance with O.Reg. 153/04, as amended.

Deviation from the default standards must be consistent with the requirements of all other agencies with jurisdiction prior to consideration by the Township.

### **3.15 Record of Site Condition**

The Environmental Protection Act and regulations dictate when a Record of Site Condition (RSC) is required. In general, this is triggered by a change in land use (as defined by O.Reg. 153/04, as amended), confirmation from the Conservation Authority that the site alteration meets their requirements and any site-specific conditions imposed by the Conservation Authority, from less sensitive land use (i.e., industrial / commercial) to more sensitive land use (i.e., residential / parkland).

In cases where the need for a Record of Site Condition is not required by provincial regulations, the Township may at its discretion, request that a Record of Site Condition be filed as part of the requirements for a Site Alteration and Movement of Fill Permit.

The reason the Township may request a Record of Site Condition when it may not be provincially required is to ensure that a consistent, industry familiar, process of environmental assessment and documentation has been followed during site alteration and the conditions of a site meet the appropriate standards for the legal land use.

Where there is a conflict between Township requirements and provincial regulation and/or County requirements, the higher order governmental body has jurisdiction.

### **3.16 Soil Quality**

The quality of soil used for filling as part of a site alteration must conform to the minimum standards outlined in *“Soil, Groundwater and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act”*, April 15, 2011.

The Standards are organized in a series of Tables base upon “Property Use” (as defined by O.Reg. 153/04, as amended), Groundwater Condition (Potable or Non-Potable) and other site specific details. Table 1 in the document provides Full Depth Background Site Condition Standards for the province. The remaining Tables are Generic Site Condition Standards created by the MECP for common site condition situations using a risk-based approach. In addition to the Generic Standards the MECP allows the development of Site Specific Standards developed following an MECP approved Site Specific Risk Assessment (SSRA). Although the Generic Site Condition Standards and SSRA Standards are for the environmental assessment of sites for use when filing a Record of Site Condition, they offer the best guidance available for evaluating soil quality when importing soil during filling activities.

The most stringent criteria provided in the Standards is the Table 1: Full Depth Background Site Condition Standards for Agricultural or Other Property Use. These are the default standards.

The By-law allows consideration of the use of other Generic Standards or Site Specific Standards developed from a Site Specific Risk Assessment providing the rationale is in compliance with MECP requirements as outlined in O.Reg. 153/04, as amended, and conforms to the requirements of all other agencies with jurisdiction. It is up to the Permit applicant to demonstrate to the Township that the proposed site alteration and fill activities (including soil quality standards) are compliant with MECP regulations and best practices guidelines.

The applicant must demonstrate that soil sampling protocols are consistent with O.Reg. 153/04, as amended, and the document entitled *“Guidance on Sampling and Analytical Methods for Use at Contaminated Sites in Ontario”*, December 1996.

Fill that meets the definition of Excess Soil as per O. Reg. 406/19 must also follow the requirements of that regulation.

## **4.0 Council Approval for Large Site Alteration Permit Applications**

The By-law requires the owner of any property that will be the subject of a Large Site Alteration (1,000 m<sup>3</sup> and greater in any 12-month period) to have the application approved by Township Council and/or at the discretion of the Director as one of the Conditions of a Site Alteration and Movement of Fill Permit. Council could add or amend conditions which could include such things as:

- Site Alteration and Fill Management Plan (SA&FMP)
- Security Deposit (in Cash, or Certified Cheque ).
- Insurance (liability and environmental).
- Conditions (including under what circumstances the Permit would be terminated).

The termination of a Permit (and ending the need for a Security Deposit) would be based on meeting the Conditions of the Permit and any Orders following the completion of a site alteration.

In some cases, the Conditions could include the completion of a technical report and post closure monitoring. In other cases, it could also involve the filing of a Record of Site Condition.

## **5.0 Township Administration and Oversight**

### **5.1 Application Fee**

The application fee applicable to a site alteration is included in the Townships' Fee and Charges By-law (as amended).

### **5.2 Security Deposit**

The Township may require a Security Deposit as a Condition of a Site Alteration and Fill Permit, the amount to be determined by the Director.

The Security Deposit consists of a certified cheque or cash held by the Township that may be used at the Township's discretion to address the failure to comply with an Order. The Township may access the Security Deposit to retain professional services or contractors to conduct work to achieve compliance with an Order made under the Site Alteration and Movement of Fill By-law. The Security Deposit must be replenished when requested by the Township to stay in compliance with the Permit.

The Security Deposit is required to provide the Township with the fiscal resources to address any liabilities that could result from granting permission to conduct site alteration and movement of fill activities. The Township needs to have the fiscal resources to address any liabilities that could exist during or after the site alteration and fill activities. The fiscal resources must be enough to complete or close the site alteration at any point in time should the owner be unwilling or unable to do so. The Security Deposit must be able to survive the economic and/or business entity demise of the owner. The owner being defined as the property owner / applicant / operator. The Security Deposit must be in the form of a certified cheque or cash. The potential fiscal liabilities include such things as:

- Operational Liabilities:
  - Dirt on roads
  - Road damage
  - Dust
  - Noise
  - Surface runoff
  - Fencing
  - Site access control
- Environmental Liabilities:
  - Contaminated soil
  - Soil, surface water and groundwater impacts
  - Dust and nuisance impacts
- Closure and Post Closure Liabilities:
  - Closure or Interim Closure of the site alteration should it be left in an uncompleted state

- Post closure monitoring and care as required
- File a Record of Site Condition, if required.

The amount of Security Deposit would be based on the specific details of the proposed site alteration. Site alterations that did not involve the importation of fill would not have the same liability as a fill operation as the most significant environmental liability is associated with the importation of potentially contaminated or deleterious materials.

### **5.2.1 Legal and Peer Review Costs**

Fee for Legal and Peer Review Consultants is included in the Townships' Fee and Charges By-law (as amended).

The Township may have to retain appropriately qualified Peer Review Consultants to oversee all aspects of the Site Alteration including but not limited to:

- Source Site Assessment.
- Report, manifest, and document review.
- Site Inspections.
- Site topographic survey, to confirm contours and volumes.
- Drilling and test pitting to confirm sub-surface conditions.
- Collection and analysis of samples for soil, surface water, groundwater and air quality.

The Peer Review Consultant would assist the Township technical staff and By-law Officer's with inspections and make recommendations to the Director.

The Peer Review Consultant could provide the expertise to review the completion of the site alteration and make recommendations for terminating the Permit and/or Orders to allow the return of the unused portion of the Security Deposit.

### **5.3 Application Submission**

The Application for a Site Alteration and Movement of Fill Permit requires the Applicant to determine the nature, scope and reason for conducting a site alteration.

The first step an applicant would take would be to retain the services of a suitably qualified professional licensed in the province of Ontario. This could include a Professional Engineer, (P.Eng.), Professional Geoscientist (P.Geo.) or similarly licensed qualified individual as approved by the Director. The multi-disciplinary nature of site alterations and the potential to overlap with the jurisdiction of multiple regulatory agencies requires professional assistance.

The Site Alteration and Movement of Fill Permit Application form requires the Applicant to provide technical details regarding the Site and proposed site alteration. The Fees and Charges By-law outlines the Application Fees. This document and the application form outline the items to be submitted with the Application.

The Application is received by Township's Public Works staff, reviewed for completeness and if complete, added to the registry and placed in queue for review.

If incomplete, the Applicant will be notified of the missing components. The application will not be processed until it is deemed complete.

#### **5.4 Permit Application Review Process**

Upon receipt of a complete application it will be briefly reviewed by Township technical staff and, if required, the Township's Peer Review Consultant for a detailed technical review.

The Township's Peer Review Consultant, if required, will conduct a detailed review, liaise with other agencies with jurisdiction (if required for clarification) and provide a written response with comments and recommendations back to Township Staff.

The comments and recommendations will be forwarded to the Applicant by Township Staff. The Applicant would respond to the comments and address any outstanding issues, with a resubmission to the Public Works Department.

#### **5.5 Preparation of a Permit**

##### **5.5.1 Public Consultation**

Once the Township is satisfied with the Application and supporting documents, the need for public consultation will be determined. Large Site Alterations (1,000 m<sup>3</sup> and greater) may require approval of Council and may require a Public Consultation Centre (PIC) to give the public the opportunity to comment.

Input from public consultation will be used when preparing the Conditions of the Permit.

##### **5.5.2 Council Approval**

Where a Large Site Alteration requires a Permit to be approved by Council, the Applicant shall be required to host a Public Information Centre in advance of the Council meeting.

A report will be prepared by Township staff outlining the application and the results of the public consultation. The report will be reviewed by the Director with comments and recommendations prior to submitting to Council.

During the Council meeting presentations may be made by the following:

- Applicant
- Applicant's Agent
- Township staff
- Peer Review Consultant

Council will decide to approve or not approve the application and / or make recommendations for Conditions or other action.

## **5.6 Permit Approval and Conditions**

Township staff (following Council approval of a Large Site Alteration) will address any remaining Conditions and issues. Once all is satisfactory, the Permit will be approved by the Director.

## **5.7 Oversight of Site Alteration and Movement of Fill Activities**

Township oversight of the site alteration and movement of fill activities and monitoring compliance with Conditions will involve the following resources:

- Director
- Technical Staff
- Peer Review Consultant
- By-law Officers

## **5.8 Orders, Fines and Compelling Compliance**

The Township will have the following fiscal resources to draw on:

- Fees – for application administration cost recovery.
- Actual costs plus administration charge - for Legal and/or Peer Reviewer, and oversight monitoring costs incurred.
- Security Deposit from which to draw funds if the owner / operator is unwilling or unable to comply with Permit Conditions or Orders. Should site alteration activities be out of compliance with the Conditions of the Permit the Township may issue Orders with specific requirements and timelines to achieve compliance. Fines and other penalties including the revocation of the Permit are also possible. Should the owner / operator be unwilling or unable to achieve compliance with the Orders the Township may direct its Peer Review Consultant to take over aspects of the operation or retain the services of specialists or contractors to secure the site against illegal activities and bring conditions back into compliance.

All orders must be complied with, even after the expiry or revocation of a Permit.

Retroactive Application Fees may apply in any situation where work or activities have been undertaken for which a Permit is required in accordance with the Site Alteration and Movement of Fill By-law but was not obtained.

They are outlined in the Fees and Charges By-law.

## 5.9 Permit Renewal

Permits are issued for a maximum of one year unless specified by the Director as a Condition.

Should a Permit expire, a new application is required. All conditions of the previous Permit must be in compliance prior to receiving a new Permit.

## 5.10 Permit Closure

The Permit can be closed at the completion of the site alteration when all final Conditions have been satisfied including:

- All Orders satisfied.
- All work completed and confirmed.
- All reports and documents submitted.
- All post closure monitoring complete.
- Record of Site Condition acknowledgement from the MECP provided (if required).

Once the Director is satisfied that all Conditions have been met the Permit may be closed and the unused portion of the Security Deposit will be returned.

## 5.11 Peer Review Consultant and External Resources

The Township's engineering and environmental Peer Review Consultant provides outside specialized technical engineering and environmental assistance with the review and oversight of Site Alteration and Movement of Fill Permits.

Staff could include:

- Engineers, scientists and technicians ranging from field inspectors to doctorate level.
- Professional Geoscientists (P. Geo.) that are Qualified Persons - Environmental Site Assessment (QP<sub>ESA</sub>) recognized by the MECP as per O. Reg. 153/04.
- Professionals recognized as Expert Witness's for hearings and litigation.
- Survey crews with GPS equipment for sub-centimetre accuracy.

The Peer Review Consultant may assist the Township with all aspects of the oversight of site alteration and fill activities including but not limited to:

- Peer review of applications and supporting technical reports.
- Recommendations of Conditions for Permits and Orders.
- Oversight of activities through auditing paperwork and documentation.
- Site inspections, surveying and sampling (soil, air, groundwater, surface water, noise, etc.).
- Peer review of reports and cross check the data provided against site inspection and audit findings.
- Assistance with technical training of Township staff.

The cost for retaining the services of the Peer Review Consultant and outside specialist staff is outlined in the Fees and Charges By-Law.

## **5.12 Auditing and Inspections**

### **5.12.1 Auditing**

Once a Permit has been approved the oversight of site alteration activities becomes active. Township staff with the assistance of their Peer Review Consultant will conduct regular audits of the site alteration process to confirm it is conducted as per the approved Site Alteration and Fill Management Plan (refer to Appendix B for an example template of a Plan). The Plan is required to include a protocol for Fill Quality Control, Environmental Protection, Monitoring and Oversight. The purpose of the audit is to ensure all aspects of the Plan are being followed, in particular the documentation related to the assessment of source sites and the issuance of transportation tickets.

On a regular basis the Township will undertake site inspections and audit activities. The regular audits and inspections would focus on determining compliance with the Site Alteration and Fill Management Plan and could include:

- Review of source site assessment documentation including Phase 1 ESA reports, Phase 2 ESA reports, sampling results, Qualified Person reports approving the source site and issuing tickets for specific volumes of material.
- Review of volume and transportation tickets in comparison to receipts at the site.
- Review of placement documentation and GPS coordinates.
- Review of site records.
- Review of complaints and incidents.
- Review of sampling details and results.
- Review of deposit area sampling and results.
- Review of truck counts vs. topographic survey and site.
- Review reports and monitoring results.
- Check status of Permit Conditions, and Security Deposit.

Any outstanding issues would be brought to the attention of the Director.

### **5.12.2 Site Inspections**

To supplement the auditing, site inspections will be conducted as often as required to provide oversight. The site inspection will be conducted by Township staff with the assistance of specialised staff from the Peer Review Consultant. The purpose of the site inspection would be to confirm that site activities are occurring in accordance with the Site Alteration and Fill Management Plan and the Conditions of the Permit and Orders. Site inspections will be conducted without prior notice to the Owner. Health and Safety is of the highest priority so it is expected that the Township inspector will comply with all site health and safety requirements which could include site specific training provided by the

operator. The inspector would identify themselves to the gate house/site entrance and be given immediate access to the site in accordance with health and safety protocols.

Inspections would focus on areas of concern and would include at a minimum:

- Mud and dust on the road.
- Truck traffic.
- Road conditions.
- Dust, noise and impacts to public and local landowners.
- Sampling protocols and records.
- Incoming truck inspections and sampling.
- Conversations with site staff and truck drivers to cross-check information.
- Fill area evaluation and sampling.
- Surface water flow and conditions.
- Condition of silt fence, security fence and vegetation.
- Monitoring wells and sampling.
- Materials being dumped and sampling.
- GPS of points of interest.
- Photo documentation.
- Written notes.

The site inspections could include random sampling for items of concern which could include:

- Sampling of soil from trucks, at the deposition location, or anywhere on the site either at surface or below surface via test pits or drilling.
- Collection of readings using a Photo-ionization detector (PID) and similar instruments
- Surface water and / or groundwater sampling or screening using portable instruments.
- Measurement of air and noise conditions.
- Photo documentation.
- GPS locations of sampling points and items of interest.

The sampling of soil would include selection of parameters of concern and typically would include:

- Metals and inorganics.
- Petroleum hydrocarbons.
- Volatile organic compounds (VOC).
- Poly-cyclic aromatic hydrocarbons (PAH).
- Polychlorinated Biphenyls (PCB's).
- Additional parameters of interest.

The results of the field inspections would be reviewed along with the reports provided by the operator and the Conditions of the Permit.

Site topography will be checked using a survey technician from the Peer Review Consultant to evaluate elevations in comparison to reports and truck count data.

The site inspections would include specialised staff from the Peer Review Consultant with instrumentation and expertise for those components where Township staff need assistance.

The Site Alteration and Fill Management Plan will be the primary document by which to evaluate the results of the site inspections and audits.

The results of inspections would be retained and tracked to provide a resource for reporting to the Director.

The cost of audits and inspection would be covered by the actual cost plus administration charge if a peer review consultant is necessary.

### **5.13 Maintaining Compliance**

As outlined in the preceding sections the Township has developed the protocols and resources to adequately administer Site Alteration and Movement of Fill Permits including Large Site Alterations.

Compliance with the Permit and Orders will be assessed by the Township on a regular basis and issues of non-compliance identified for action. The ability to access the Security Deposit provides the Township with the financial resources to address issues.

Site auditing and inspections provide the Township with an ongoing picture of site activities and the potential for future issues.

The requirement for regular reporting from the operator and staff provides a track record as to how the site alteration is proceeding.

Issues of non-compliance can be identified and addressed quickly and effectively.

### **5.14 Annual Reviews**

A Condition of a Large Site Alteration may require that the Site Alteration and Fill Management Plan (SA&FMP) be reviewed and updated to maintain compliance with current Township By-laws and requirements as well as maintain compliance with all other agencies with jurisdiction. The annual review and update to the SA&FMP must be submitted to the Township along with all required monitoring reports for review. Compliance with Permit Conditions is required in order for site alteration and filling activities to continue.

This Guidelines Manual and other documents prepared in support of the Site Alteration and Movement of Fill By-law will be reviewed and updated as needed to maintain

consistency with changing regulations, best practices and the needs of the Township. Revisions to the Guidelines Manual and other related documents (the Permit Template, Application Forms, etc.) may be revised as needed.

## **6.0 Requirements for Issuance of a Permit**

A Site Alteration and Movement of Fill Permit is required for any activity not covered under the Exclusions section of the By-law, that will alter the grade (topography) of land through the movement, removal or placement of topsoil, soil or fill.

In any situation where the need for a Permit is waived the environmental and land protection requirements of the By-law would still apply to any activities involving the protection of drainage, movement of fill and grading of land.

Site alterations with a total cut and fill volume of 1,000 m<sup>3</sup> or greater on any property in a 12-month period are deemed to be a Large Site Alteration and have additional requirements including the potential requirement for a Public Information Centre and approval by Council.

### **6.1 Application**

Anyone applying for a Permit shall provide a complete Application for a Site Alteration and Movement of Fill Permit with all required supporting information in the form outlined by the Director.

### **6.2 Fees**

Anyone applying for a Permit must calculate and submit the appropriate fee at the time of application. Permit per cubic metre fees shall be calculated based on the volume of material to be removed or deposited, in accordance with the Townships Fees and Charges By-law and paid prior to permit issuance.

At the discretion of the Director, fees may be collected periodically based on actual imported volumes.

### **6.3 Insurance**

For Large Site Alterations and/or as required by the Director general comprehensive insurance may be required to cover liability in an amount not less than \$5,000,000 per occurrence against all claims including personal injury, death, property damage and environmental damage resulting directly or indirectly from site alteration and filling activities, in which the policy shall include the Township as a named additional insured or insure as required by the Director based on site specific conditions. The insurance shall remain in place until the termination of all Permits and Orders related to the site alteration.

A copy of the certificate of such insurance is required prior to the issuance of a Permit.

## 6.4 Background Studies and Documents

The application must be supported by the provision of sufficient background studies and documentation prepared by appropriately qualified technical specialists to confirm compliance with other regulatory agencies with jurisdiction and provide any conditions imposed by those other agencies related to the site alteration including, but not limited to:

1. Where the site is immediately adjacent to, or shares a common boundary with, an area under the jurisdiction of a Conservation Authority, provide confirmation from the Conservation Authority that the site alteration meets their requirements and any site-specific conditions imposed by the Conservation Authority.
2. Where the site is within the jurisdiction of the Niagara Escarpment Commission (NEC), provide confirmation from the NEC that the site alteration meets their requirements and any site-specific conditions imposed by the NEC.
3. Where the site has previously been licensed by the Ministry of Natural Resources and Forestry (MNRF) for Aggregate extraction, provide confirmation of the surrender of the license.
4. Where the site is in the area of Mineral Aggregate Resources, provide a description of how the site alteration is consistent with Section 2.5 of Provincial Policy Statement 2014.
5. Where the site is within a Wellhead Protection Area, Significant Groundwater Recharge Area or Highly Vulnerable Aquifer, as defined by the South Georgian Bay Lake Simcoe Source Protection Plan, provide confirmation from the Conservation Authority that the proposed site alteration meets their requirements and provide any site-specific conditions imposed by the Conservation Authority.
6. Where the site alteration involves traffic and access via roads under the jurisdiction of Simcoe County or MTO provide confirmation that the proposed traffic and road access components of the site alteration meet their requirements and provide any site-specific conditions imposed by the applicable authority.
7. Where the site alteration has the potential to injure or destroy trees as outlined in the Simcoe County By-law to prohibit or regulate the destruction or injuring of trees, provide confirmation from the County that the proposed site alteration meets their requirements and provide any site-specific conditions imposed by the County.
8. Where the site alteration has the potential to discharge a contaminant into any part of the natural environment, provide a copy of the Environmental Compliance Approval (ECA) from the Ministry of Environment, Conservation and Parks (MECP) or confirmation that an ECA is not required.

9. Where the site alteration has the potential to generate noise, complete the Noise Screening Process for ECA Applications and evaluate the potential for noise as per NPC-300. Provide a copy of the ECA or confirmation through an Acoustic Assessment that one is not required.
10. Where the site alteration has the potential to result in unstable geotechnical conditions, provide a geotechnical assessment.
11. Where the site alteration has the potential to disturb archaeological resources, conduct an Archaeological Assessment as required by the Ministry of Tourism, Culture and Sport (MTCS).
12. Where the site is potentially on or adjacent to an area of Significant Natural Heritage, conduct an Environmental Impact Assessment (EIS) as per the requirements of the MNR and Conservation Authority.
13. Where the site alteration will result in a change to a more sensitive land use as defined by O.Reg 153/04, as amended, provide a description prepared by a Qualified Person of how a Record of Site Condition will be obtained, as it will be a Permit Condition for the completion of the site alteration.
14. Provide a legal plan of the property and specify the location of the site alteration activities.
15. Provide other background reports and documentation as required to support the application.

## **6.5 Site Alteration and Fill Management Plan**

### **6.5.1 Preparation of a Plan**

Anyone applying for a Permit shall provide a Site Alteration and Fill Management Plan (SA & FMP). The SA & FMP must outline in detail current conditions, how the site alteration activities will be conducted, the final site conditions and the impact, and the mitigation measures to be employed. The SA & FMP must be prepared by an appropriately qualified professional licensed in the province of Ontario and be based on background studies and site-specific conditions of the property.

The scope and comprehensiveness of the SA & FMP is greatly dependent on the size and nature of the site alteration to be undertaken. Small site alterations with very little potential to impact surrounding lands or the environment will require a SA & FMP of limited scope and detail. Larger site alterations, especially those involving the importation of material from offsite and significant changes to grades, will require a more comprehensive SA & FMP. A template for a Site Alteration and Fill Management Plan is included in Appendix B of this document.

The Site Alteration and Fill Management Plan will include the provision of the following (where applicable):

1. Rationale regarding the purpose of the site alteration and its conformance with good engineering and scientific practices and how the site alteration will not degrade the environmental condition of the site or surrounding properties.
2. A work schedule for site alteration activities including:
  - a) Proposed start date.
  - b) Proposed end date.
  - c) A brief description of the timing of major activities such as completion of silt fencing and preparatory work, period of filling and final surface cover application.
3. Timing of the Site Alteration activities such that no activities occur, as a minimum:
  - a) Between the hours of 7:00 p.m. and 7:00 a.m. Monday to Saturday.
  - b) Anytime on a Sunday or a Statutory Holiday.
  - c) During any period in which a wind warning has been issued by Environment Canada.
  - d) During any weather conditions, where the ability to mitigate site alteration activity impacts is severely compromised (i.e., heavy rain, etc.).
  - e) During any situation where site alteration activities can unduly impact adjacent landowners (i.e., brush fires, floods, unsuitable road conditions, etc.).
4. Engineering drawings and cross-sections with sufficient topographic and site condition details to illustrate:
  - a) Existing topography and conditions.
  - b) Existing surface water flow on and around the site.
  - c) Site alteration process.
  - d) Proposed final grades and conditions.
  - e) Proposed final surface water flow on and around the site.

5. Surface water flow conditions before, during, and after site alteration activities on and around the site including:
  - a) Mitigation methods to be used to control erosion, sedimentation and surface water flow during the site alteration.
  - b) Impacts of the site alteration on surface water flow.
  - c) Mitigation methods employed to ensure no significant deleterious impacts (blockage, siltation, contamination, flooding, increased runoff, etc.) to water courses and surrounding properties will occur as a result of the site alteration.
6. An evaluation of the potential for the site alteration to impact groundwater on and around the site including:
  - a) Existing groundwater conditions.
  - b) Groundwater sensitivities (i.e., well head protection area, aquifer vulnerability, source water protection, groundwater discharge areas, etc.).
  - c) Potential impacts to groundwater.
  - d) Mitigation methods.
  - e) Monitoring and post site alteration confirmation of groundwater conditions.
7. Sufficient documentation to demonstrate that the site alteration will not impact a groundwater well including:
  - a) No site alteration activities to come within 3 m of a well; or provide a report from an appropriately qualified professional that the site alteration will not impact the well and/or the modifications to the well that will be conducted in accordance with O.Reg. 903.
  - b) Maintain drainage away from the well as required by O.Reg. 903.
8. Sufficient documentation to demonstrate that the site alteration will not impact a septic system including bed and reserve bed area including:
  - a) No site alteration activity to come within 3 m of a septic system including the bed and reserve bed area or provide a report from an appropriately qualified professional that the site alteration will not impact on the septic system and/or the modifications to the septic system that will be conducted in accordance with the Building Code.
  - b) Maintain the septic system capacity of the property in accordance with the Building Code or the Environmental Compliance Approval (if issued for the property).

9. Sufficient documentation to demonstrate that the site alteration will not have an impact on a house, building or other structure for which a Building Permit would be required to construct including:
  - a) No site alteration activities to come within 3 m of a building or provide a report from an appropriately qualified professional that the site alteration will not have an impact on a building or structure and / or the modifications to the building and / or structure that will be undertaken in accordance with the Building Code to mitigate the impacts of the site alteration.
  - b) Maintain grading, drainage and geotechnical conditions in vicinity of all buildings and structures in accordance with the Building Code.
10. Sufficient documentation to demonstrate that the site alteration will not impact adjacent properties including:
  - a) Provide a report from an appropriately qualified professional that the site alteration will not impact on the neighboring property and what mitigative controls will be employed to ensure the protection of the neighboring property.
  - b) Where the site alteration will impact a neighboring property, provide documentation of the neighboring property owner's permission to carry out the activities proposed.
11. Where the site alteration will involve the importation of topsoil, soil or fill from offsite:
  - a) Apply Table 1: Full Depth Background Site Condition Standards for Agricultural or Other Property Use from the Soil, Groundwater and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act as the default comparative criteria to evaluate the soil being imported from offsite. All of the imported material must meet this criterion; or
  - b) Provide rationale in accordance with O.Reg. 153/04 and good engineering and scientific practices for the application of alternative soil quality criteria for consideration. Any deviation from the default soil quality criteria must be approved; and
  - c) Provide rationale in accordance with the relevant Ministry of Environment Regulations (O.Reg. 153/04, O.Reg. 347, etc.) Best Management Practices and good engineering and scientific practices if the imported materials are not topsoil, soil, rock, stone, clean concrete or sod, that the material is inert and geotechnically and environmentally suitable for the proposed purpose. The use of any inert fill material that is not topsoil, soil, rock, stone, clean concrete or sod must be approved.
12. A methodology of how any imported fill will be evaluated to ensure it meets the quality requirements established for the site including:

- a) Source site assessment by a Qualified Person.
  - b) Collection and analysis of samples of the fill material.
  - c) Evaluation of the material based on analytical results.
  - d) Quality control / quality assurance procedures.
13. A methodology of how any imported fill will be documented and managed from source site to receiving site including:
- a) Bills of lading and tracking.
  - b) Receiving site assessment.
  - c) Inspection and auditing.
14. A transportation plan when importing or exporting fill from the site, in accordance with the requirements of the Township, County and MTO to manage the traffic and access to and from the source site and the receiving site. The transportation plan must include:
- a) Haul routes.
  - b) Traffic control.
  - c) Traffic volume.
  - d) Road maintenance.
  - e) Impacts and mitigation.
15. A protocol for site alterations involving the transportation of materials on and off the site, for controlling mud and dust on transportation routes to and from the site including:
- a) Method of monitoring mud and dust on roadways.
  - b) Mitigation methods such as access road paving, mud mats, wheel wash systems, (etc.).
  - c) Response plan to address mud and dust incidents such as maintaining a road sweeper on standby.
16. A protocol for site alterations where airborne dust could impact neighboring properties for controlling dust, including:
- a) Method of monitoring dust.

- b) Mitigation methods to control dust (road watering, surface cover, etc.).
  - c) Response plan to address dust incidents, such as reducing traffic to limit dust generation and clean-up actions to address any impacts (window washing, car washing etc.).
17. For site alterations requiring retaining walls provide:
- a) Detailed engineering design.
  - b) Appropriate Building Permits.
18. For site alterations that will involve the installation or alteration of any type of sub-surface drainage system, provide:
- a) Engineering drawings for the system.
  - b) Inspection report from an appropriately qualified person prepared prior to covering.
19. For site alterations that may harm trees provide:
- a) Existing vegetation and tree details.
  - b) Proposed changes due to site alterations.
  - c) Mitigation methods to limit damage to trees.
  - d) Restoration plan.
  - e) Where required, engage a qualified tree consultant (Arborist).
20. For site alterations that will result in a change to the surface cover provide:
- a) Existing grade and surface cover conditions.
  - b) Final grade and surface cover conditions.
  - c) Mitigation methods to be employed to minimize impervious surfaces, maximize infiltration and enhance natural vegetation and conditions.
  - d) Demonstrate that existing downstream conditions will be maintained or improved.
21. For site alterations that could impact the public and adjacent landowners provide:
- a) A mechanism for public and adjacent landowner liaison.
  - b) Identification of potential impacts (dust, noise, traffic, etc.).

- c) Proposed mitigation methods.
  - d) Complaint response and resolution protocol.
22. For large site alterations that require the regular reporting of site activities, monitoring and calculation of imported fill volumes provide:
- a) Reporting program and schedule.
  - b) Monitoring program and schedule.
  - c) Method of determining and reporting the volume of imported fill.
23. For site alterations where there is the potential for illegal dumping and unauthorized access, provide a protocol for site security and access control.
24. For site alterations where there is the potential for noise impacts to adjacent properties, provide:
- a) An assessment of potential noise impacts (machinery, tailgate banging, etc.).
  - b) Mitigation methods.
  - c) A monitoring program to confirm compliance.
25. For Large Site Alterations with the potential for public complaints, unexpected incidents, or a change in conditions provide:
- a) A Risk Management Matrix.
  - b) Response and mitigation protocol.
  - c) An internal improvement protocol to reduce the potential for reoccurrences.
  - d) A public consultation and liaison mechanism.
26. For site alterations that will result in a post alteration change in land use as defined by O.Reg. 153/04, as amended provide:
- a) Purpose and rationale of benefits of the change in land use.
  - b) Documentation that the change in land use is consistent with Township zoning, the Niagara Escarpment Plan, O.Reg. 153/04, as amended and the requirements of other agencies with jurisdiction.
  - c) How a Record of Site Condition will be obtained if required by O.Reg. 153/04 or the requirements of the Township.

## **6.5.2 Fill Quality Control, Environmental Protection, Monitoring and Oversight**

### **6.5.3 Overview of Strategy**

The Site Alteration and Fill Management Plan (SA&FP) must have an integrated strategy for environmental protection.

There should be successive layers of control and protective activities that are in place throughout the filling operation and post closure. The multiple layers of protection are designed to limit the potential for the importation of deleterious materials and ensure there is a robust process to address any issues at an early stage in the operation. The strategy involves assessment, documentation and certification by several professional parties and oversight of all aspects by the Township and their Peer Review Consultant. The process also includes compliance with the requirements of MECP, the primary regulatory authority with jurisdiction over the assessment and movement of fill materials. The MECP has recently updated regulations regarding the management of excess fill as outlined in O. Reg. 406/19. These regulations and best practices should be followed. The process includes the following components:

1. Oversight by the Owner/Operator of the Site.
2. Assessment of the Source Site(s) and signed reports by the professional firm on behalf of the Source Site Owner.
3. Third Party Qualified Person (QP<sub>ESA</sub>) review of Source Site documentation by a professional consulting firm retained by the Owner, who must approve the Source Site and dictate the quantity approved and any conditions.
4. Owner staff inspection and sampling at the gate and tipping face as well as enroute monitoring.
5. Third party professional firm retained by Owner to conduct groundwater monitoring and reporting.
6. Security Deposit posted and available to the Township for any issues of non-compliance or environmental impact.
7. Township and their professional Peer Review Consultant to audit and oversee all aspects of the program.
8. County of Simcoe and other agencies with jurisdiction to provide oversight of specific areas of their mandate such as groundwater protection.

#### 6.5.4 Regulatory Agencies with Jurisdiction

In addition to the requirements of the Township the SA&FP and Site operations must be in compliance with the guideline's regulations and requirements of all regulatory agencies with jurisdiction.

This would include:

- Ministry of Natural Resources and Forestry (MNRF)
  - Aggregate license closure requirements
  - Fish and wildlife protection
  - Forest and vegetation protection
  - Control of invasive species
- Ministry of Environment, Conservation and Parks (MECP)
  - Management of the movement of fill
  - Waste management (O.Reg. 347)
  - Environmental protection (soil, air, groundwater and surface water)
  - Contaminated sites and Brownfields Management (O.Reg. 153/04, as amended)
  - Land use controls and designations
- County of Simcoe
  - County road control
  - Groundwater resource management (wellhead protection and groundwater quality protection)
- Conservation Authority
  - Wetlands
  - Watershed management
- Ministry of Transportation (MTO)
  - Traffic
  - Roads and highways
- Police Services
  - Various police jurisdictions to enforce laws
- Fire Services
  - Fire and emergency services

The Township has jurisdiction for such things as:

- By-laws
- Various powers as dictated by the Municipal Act

Each of the regulatory agencies has specific mandates and carries out their mandates with various requirements and approvals. They also have staff with various powers to exercise the authority of their mandate and in most cases, this includes the ability to enter the site, request information and issue Orders to take action and / or impose penalties.

The Site Alteration and Movement of Fill Permit is conditional upon the continual compliance of all applicable laws and regulations.

The Site Alteration and Fill Management Plan must illustrate that site activities will maintain this compliance. The Owner is responsible for retaining all permits and requirements by other agencies with jurisdiction and operates in full compliance with such requirements.

The Permit includes, among other things, the content of the SA&FP. The Permit remains in place until the Township is satisfied that all aspects have been fulfilled. The Site Alteration and Movement of Fill Permit is issued for the period of one year for small site alterations with other durations possible at the discretion of the Township, such as, when the filling approaches the final approval contours for Large Site Alterations with a Permit does not expire but may be subject to an annual review.

## **6.6 Sampling Frequency and Protocol for Imported Fill**

### **6.6.1 Source Site Sampling Frequency**

Each site alteration is unique, however the requirements for sampling the imported soil must follow the current requirements and protocols established by the MECP and in particular O.Reg. 153/04, as amended and O. Reg. 406/19.

The document "Guidance on Sampling and Analytical Methods for Use at Contaminated Sites in Ontario", MECP, December 1996, is the technical guidance document for assessment and sampling protocols.

Sampling frequency for imported material will be in accordance with the approach outlined in the MECP Guidance document and O.Reg. 153/04, as amended, which also references this document.

The actual number of samples and the parameters analyzed will be developed by the QP<sub>ESA</sub> in accordance with the MECP Guidance document and regulations as a minimum, as well as good engineering and scientific practices.

Source site sampling frequency will be based on the requirements of O.Reg. 153/04, as amended, O. Reg. 406/19 and the MECP Guidance document, as well as any additional due diligence sampling as determined by the QP<sub>ESA</sub>.

### **6.6.2 In Transit Sampling**

Random sampling of material leaving the source site and in transit to the receiving site will be determined by the QP<sub>ESA</sub> and the auditing procedures of the receiving site's audit protocol in their Site Alteration and Fill Management Plan. Transit monitoring will focus on truck traffic control, manifests and random inspections with actual load sampling

conducted should there be a concern identified from the general auditing. The protocol will be to reject any load of suspicious origin or without appropriate documentation.

### **6.6.3 At the Gate Sampling**

Sampling at the gate is an additional layer of due diligence and auditing following the source site assessment and transit management protocols. Sampling at the gate is not designed to be the primary soil monitoring mechanism. The evaluation of the soil quality is a much more effective in-situ at the source site where the Phase I ESA and other documents can provide a more reliable assessment, including source site sampling and evaluation than any detailed sampling program conducted at the gate of a receiving site. The site assessment process to evaluate soil quality is based on the long established and MECP regulated process of Phase I ESA, Phase II ESA and remedial action if necessary (followed by Phase II ESA confirmation report). This is often completed by the filing of a Record of Site Condition, as required by regulation or by the requirements of other parties (municipalities, agencies, etc.). In many cases the filing of RSC is not required, however the environmental assessment process leading up to that point is the same.

The QP<sub>ESA</sub> will evaluate the potential source site soil quality based on this established process with the addition of comparing the findings to the soil quality criteria of the receiving site. The QP<sub>ESA</sub> will determine if additional source site sampling is required to ensure the source site soil is suitable for the receiving site. Sampling at the gate is for auditing and due diligence purposes and is not designed to be a primary soil screening point. In no situation would soil from an unapproved source site be allowed to access the receiving site.

The due diligence soil sampling audit at the gate would be designed to collect sufficient samples reflective of an audit. The determination of the number of samples would be based on the number of source sites, number of loads and the identification of any irregularities in the transit protocol.

Typical audit sampling frequency for a well-controlled operation bringing material from one or two source sites with no significant issues could be in the order of once per day conducted together with other inspection and evaluation protocols. The selection of audit sampling parameters would be based on the advice of the QP<sub>ESA</sub> and include typical contaminant suites such as metals, organics, petroleum hydrocarbons and VOCs.

In any sampling program there are two components:

- Sampling frequency.
- Analytical parameters.

Basically, a soil assessment on blindly sampling unknown soil based on frequency is an inappropriate approach out of compliance with regulations and good engineering and scientific protocols. The determination of the potential contaminants of concern based on source site assessment and the selection of the appropriate suite of analytical parameters

by the QP<sub>ESA</sub> is of critical importance. In some situations, the QP<sub>ESA</sub> may require testing for parameters not listed in the MECP Standards, such as radiation, biological materials, as well as organic and inorganic compounds not listed in the Standards. Ontario regulation requires the QP<sub>ESA</sub> to evaluate the potential for parameters not listed in the Standards and conduct the appropriate assessment and determine appropriate comparative site-specific criteria. In some cases, a Risk Assessment by a QP<sub>RA</sub> (Risk Assessment) may be the appropriate regulatory compliant method to develop a Site-Specific Standard (SSS).

#### **6.6.4 In-situ Audit Sampling**

Audit sampling must be conducted at a frequency and for parameters selected by the QP<sub>ESA</sub> of the fill placed at the receiving site to supplement receiving site soil assessment protocols. This will provide another layer of due diligence to the soil assessment protocols of the receiving site.

Source Site Assessment and sampling protocols are part of the multi-layered quality control and environmental protection system.

### **6.7 Soil Quality Criteria Selection**

#### **6.7.1 Overview**

The most applicable soil quality comparative criteria for use during site alterations and filling are the Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act, MECP, April 15, 2011.

For the management of excess soil, the applicable regulation is Ontario Regulation 406/19 Onsite and Excess Soil Management and the reference Rules for Soil Management and Excess Soil Quality Standards, MECP dated 2024 (Soil Rules).

In any situation, the QP<sub>ESA</sub> evaluates the actual site conditions and determines the applicable Generic Standards or, with the assistance of a QP<sub>RA</sub> (Risk Assessment) develops risk-based Site Specific Standards.

The Township has set the most stringent Standards as the Default Standards (Table 1) for the comparative criteria for imported fill soil. However, the Township recognizes the scientifically valid approaches acceptable to the MECP as outlined in O. Reg. 153/04 and O. Reg. 406/19 and will consider on a case by case basis rationale to use Standards other than the Default Standards.

#### **6.7.2 Table 1: Full Depth Background Site Condition Standards**

The Table 1 Standards contained within the Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act, MECP, April 15, 2011, are the background values for Ontario Typical Range values for the land uses indicated and

are considered representative of upper limits of typical province-wide background concentrations in soils that are not contaminated by point sources. These Standards have been adopted as Table 1 by Ontario Regulation 406/19.

In the absence of any site-specific studies and site specific rationale developed by a QP<sub>ESA</sub> and/or QP<sub>RA</sub> in accordance with O. Reg. 153/04 and O. Reg. 406/19 methodology the Table 1 Standards would be considered the Default Standards for evaluating the quality of imported soil fill during site alteration activities. Unless the current and future Property Use is known as per O. Reg. 153/04 and O. Reg. 406/19 the Default Property Use would be Agricultural or Other Property Use.

Any deviations from the Default Standards must be supported by scientific rationale and be approved in the Permit Conditions.

### **6.7.3 Tables of Generic Site Condition Standards**

In accordance with O. Reg. 406/19 and the Soil Rules, the QP<sub>ESA</sub> can select the appropriate table of Standards based on such things as Property Use, potable or non-potable ground water, and proximity to a water body. The Generic Standards include both Full Depth and Stratified Standards. The Stratified Standards provide values for surface soil and sub-surface soil below 1.5 m of final grade.

For any site alteration the post alteration environmental condition of the property when evaluated in accordance with O. Reg. 153/04 as part of an environmental site assessment (ESA) must meet the applicable Generic Standards or Site Specific Standards developed from a risk assessment.

To ensure that the applicable standards can be achieved after a site alteration the quality of imported fill must, as a minimum, meet the applicable Standards for the Site.

### **6.7.4 Potable and Non-Potable Standards**

In the Township of Clearview, the Standard for environmental site assessments is for a Potable Ground Water Condition. Any deviation from the use of Potable Ground Water Standards must be assessed and approved by the Township.

### **6.7.5 Rationale for the Use of Generic Site Condition Standards as Comparative Standards for Imported Fill Soil**

The use of Generic Site Condition Standards (i.e., Table 2.1 as per O. Reg. 406/19) for Potable Ground Water Condition for various Property Uses as the comparative criteria for imported fill soil must be supported by rationale by a QP<sub>ESA</sub> based on the concepts outlined in O. Reg. 153/04, and site specific studies. The rationale would include:

- The reason why is there is a need to deviate from the Default Standards.

- Determination of the applicable Generic Site Condition Standards applicable to an ESA to support the filing of a Record of Site Condition for the post site alteration use of the property.
- Evaluation of the pathways and Drivers used to develop the Generic Standards to determine the most sensitive receptors and the potential to impact those receptors.
- Evaluate the differences between the Default Standards (Table 1) and the applicable ESA Standards based on the values of the Drivers for the most sensitive receptors.
- Select the applicable Standards to be used as the comparative criteria for assessing the quality of imported fill soil and any deviations from these Standards (i.e., EC and SAR below 1.5 m of final grade).

#### **6.7.6 Rationale for the Use of Risk Based Site Condition Standards as Comparative Standards for Imported Fill Soil**

The environmental site assessment process as outlined in O. Reg. 153/04 also allows the use of Standards developed from a site specific risk assessment. The risk assessment approach can be based on a Tier 2 (Modified Generic Risk Assessment Model) or Tier 3 (Full Risk Assessment).

The use of Site-Specific Standards developed from a risk assessment for use as comparative criteria for imported soil fill would be considered if the risk assessment followed the full MECP peer reviewed process. The approval of the Director would also be required.

### **6.8 Compliance with Permit Conditions**

Each Site Alteration and Fill Permit will be issued with mandatory Conditions for compliance including:

1. General Conditions.
2. Site Specific Conditions as outlined in the following:
  - a) Site Alteration and Fill Management Plan.
  - b) Additional documentation (if applicable) such as updated reports or protocols.
  - c) Additional Conditions (if applicable) to address specific issues.
3. The requirement for the Owner to sign the Permit to abide by all Terms and Conditions of the Permit and provide an indemnity to the Township.
4. At the discretion of the Director, Permits for Large Site Alterations of 1,000 m<sup>3</sup> and greater, only be issued after Council has approved a Permit.

## **7.0 Indemnification**

The Owner will, both during and following the term of the Permit indemnify and save harmless the Township from all costs, losses, damages, judgements, claims, demands, suits, actions, complaints or other proceedings in any manner based upon, occasioned by or attributable to anything done or omitted to be done by the Owner, its directors, officers, employees, agents, sub-contractors or volunteers in connection with site alteration and fill activities conducted pursuant to the Permit.

## **8.0 Application Forms**

A copy of the draft application forms for the different sizes of Site Alterations and Movement of Fill are included in Appendix A.

A template draft Site Alteration and Fill Management Plan (SA&FMP) is included in Appendix B. This SA&FMP includes a list of items that may need to be included, however not every situation requires all items. The list is meant to be inclusive of the potential requirements for a Large Site Alteration. Small and Minor Site Alterations will require significantly less detail.

## **9.0 Guidelines Manual Reviews and Updates**

This Guidelines Manual has been prepared as a “living document” to be updated on a as needed basis by the Director as part of the Township’s desire to see continuous improvement. The Guidelines Manual is designed to be updated as provincial policy changes and as regulatory agencies update their regulations and best practices guidelines. Input from the public and stakeholders will be incorporated along with feedback from those applying for a Site Alteration and Movement of Fill Permit and conducting site alteration and filing activities.



## **Appendix A**

### **Permit Application Forms**



# Minor Site Alteration and Movement of Fill Application Township of Clearview

<b>A. Site Information</b>			
Building number, street name		Unit number	Lot/Con
Municipality	Postal Code	Plan number/other description _____	
<b>B. Applicant Information</b>			
Applicant is: <input type="checkbox"/> Owner <input type="checkbox"/> Authorized agent of owner			
Last name	First name	Corporation or partnership	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number	Fax		Cell number
<b>C. Owner (if different from applicant)</b>			
Last name	First name	Corporation or partnership	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number	Fax		Cell number

Personal information on this form is collected pursuant to Section 29 of the Municipal Freedom of Information and Protection of Privacy Act and will be used for processing this application. Questions about this collection should be directed to the Township's Municipal Clerk.

## D. Additional Information Required

- Has a Minor Site Alteration Permit been obtained for this property within this calendar year:  
 Yes  No (If "Yes", a Small or Large Site Alteration Permit must be obtained)

- Purpose of site alteration (describe briefly):

- Type of property use  Agricultural  Residential  Commercial/Industrial  Other: \_\_\_\_\_

- Property size \_\_\_\_\_ hectares

- Area suitable for site alteration (excluding buildings, structures fixed features) \_\_\_\_\_ hectares

Minor Site Alteration limited to Area of Property suitable for Site Alteration in hectares x 100 m<sup>3</sup> /hectare of Site Alteration, up to a maximum area of Property suitable for Site Alteration of 1.0 hectares. The maximum volume is a one-time maximum cumulative allowance.

- Area being altered \_\_\_\_\_ hectares

- Volume of fill being imported \_\_\_\_\_ m<sup>3</sup>

- Type of fill being imported  Topsoil  Mineral Soil  Aggregate  Other: \_\_\_\_\_

- Volume of fill being exported \_\_\_\_\_ m<sup>3</sup>

- Net cut/fill volume \_\_\_\_\_ m<sup>3</sup>

- Work Schedule: Start/End Dates: \_\_\_\_\_ Hours: \_\_\_\_\_

- Source site of imported fill (if known):

## E. Declaration of applicant

I \_\_\_\_\_ agree to  
(print name)

abide by By-Law 2025-67, as amended and the terms and conditions outlined herein to General Prohibitions and Regulations and the Requirements for Issuance of a Permit in the Township of Clearview.

I hereby grant the officers of the Township of Clearview and/or any person in the company of the officer's permission to enter the site for the purpose of inspection for compliance with the conditions in this application and/or performing any work necessary to bring the site into compliance with said conditions.

\_\_\_\_\_ Date

\_\_\_\_\_ Signature of applicant

**OFFICE USE ONLY**

Application Received:

Application Number:

Date:

Comments:

**INFORMATION:**

Approval of this application for Site Alteration shall be based on conformance to the Township of Clearview's Site Alteration and Fill By-law 2025-67, as amended.

**This application shall only be valid as noted to a maximum of one (1) time cumulative volume. No further site alteration is allowed without a permit.**



# Small Site Alteration and Movement of Fill Permit Application

## Township of Clearview

Date	Permit #

<b>A. Site Information</b>			
Building number, street name		Unit number	Lot/Con
Municipality	Postal Code	Plan number/other description	
<b>B. Applicant Information</b>			
Applicant is:		<input type="checkbox"/> Owner	<input type="checkbox"/> Authorized agent of owner
Last name	First name	Corporation or partnership	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number	Fax	Cell number	
<b>C. Owner (if different from applicant)</b>			
Last name	First name	Corporation or partnership	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number	Fax	Cell number	

Personal information on this form is collected pursuant to Section 29 of the Municipal Freedom of Information and Protection of Privacy Act and will be used for processing this application. Questions about this collection should be directed to the Township's Municipal Clerk.

## D. Additional Information Required

- Has a Site Alteration Permit been obtained for this property within this calendar year:  
 Yes  No (If "Yes", cumulative volume must remain less than 1,000 m<sup>3</sup> per 12-month period)

Note: Small Site Alteration means any Site Alteration that does not meet the definition of a Minor Site Alteration and is less than 1,000 m<sup>3</sup> of total Site Alteration in any 12-month period.

- Purpose of Site Alteration (describe briefly)
- Type of property use  Agricultural  Residential  Commercial/Industrial  Other: \_\_\_\_\_
- Area being altered \_\_\_\_\_ hectares
- Volume of topsoil being imported \_\_\_\_\_ m<sup>3</sup>
- Volume of mineral soil being imported \_\_\_\_\_ m<sup>3</sup>
- Volume of other materials being imported (aggregate from licensed pit etc.) \_\_\_\_\_ m<sup>3</sup>
- Total volume of imported materials \_\_\_\_\_ m<sup>3</sup>
- Volume to be exported \_\_\_\_\_ m<sup>3</sup>
- Total site alteration net cut/fill \_\_\_\_\_ m<sup>3</sup>
- Work Schedule: Start/End Dates: \_\_\_\_\_
- Mandatory Submission Requirements Checklist:
- Site Alteration & Fill Management Plan
  - Grading and Drainage Plan
  - Applicable soil quality Standards
  - Application Fee (as per fees and charges By-law)
  - Source sites for imported materials (if known)
  - Haul Route

Additional Requirements as determined by Director:

- Road Cleaning
- Security Deposit

## E. Declaration of applicant

I \_\_\_\_\_ agree to  
(print name)

abide by By-Law 2025-67, as amended and the terms and conditions outlined herein to General Prohibitions and Regulations and the Requirements for Issuance of a Permit in the Township of Clearview.

I hereby grant the officers of the Township of Clearview and/or any person in the company of the officer's permission to enter the site for the purpose of inspection for compliance with the conditions in this application and/or performing any work necessary to bring the site into compliance with said conditions.

\_\_\_\_\_ Date

\_\_\_\_\_ Signature of applicant

<b>OFFICE USE ONLY</b>		
Application Received:	Application Number:	Letter of Credit Amount:
Approved by:	Date:	
Permit Period:		
Issue Date:	Expiry Date:	
Comments:		

**INFORMATION:**

Approval of this application for Site Alteration shall be based on conformance to the Township of Clearview's Site Alteration and Fill By-law 2025-67, as amended.

**Township of Clearview Consulting and/or Peer Review Fees**

The Township may require the services of external consultant services (such as engineering, legal, landscape architect) as part of the review and approval process for the application. The Applicant will be invoiced for any associated consulting fees incurred by the Township. \_\_\_\_\_(applicant signature)

This application shall be considered approved and shall act as the Site Alteration Permit only when signed by the Director indicating approval of the alteration of grade as per the information supplied in this application, with amendments as necessary. Any proposed modifications to an existing approved Site Alteration application must be reviewed and approved by the Director prior to implementation.

Any physical modifications made to the infill elements deemed to be significantly different from the approved application or which contravene By-law 2025-67, as amended, shall invalidate this permit.

Invalidation of the permit will require the applicant to re-apply for a new permit, and/or will require removal of all fill elements from the property and public right-of-way. The Director has the right to remove fill elements from the public right-of-way which differ from the approved application and/or pose a safety hazard to the patrons and/or the public at the sole cost of the applicant/owner.

**This application and permit shall only be valid within the permit period as noted to a maximum of one (1) year or at the discretion of the Director.**

**CONDITIONS:**



# Large Site Alteration and Movement of Fill Permit Application

## Township of Clearview

Date	Permit #

<b>A. Site Information</b>			
Building number, street name		Unit number	Lot/Con
Municipality	Postal Code	Plan number/other description _____	
<b>B. Applicant Information</b>			
Applicant is:		Owner	Authorized agent of owner
Last name	First name	Corporation or partnership	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number	Fax		Cell number
<b>C. Owner (if different from applicant)</b>			
Last name	First name	Corporation or partnership	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number	Fax		Cell number

Personal information on this form is collected pursuant to Section 29 of the Municipal Freedom of Information and Protection of Privacy Act and will be used for processing this application. Questions about this collection should be directed to the Township's Municipal Clerk.

## D. Additional Information Required

- Has a Site Alteration Permit been obtained for this property within this calendar year:  
 Yes  No
- Purpose of Site Alteration (describe briefly)
  
- Type of property use  Agricultural  Residential  Commercial/Industrial  Other: \_\_\_\_\_
- Area being altered \_\_\_\_\_ hectares
- Volume of topsoil being imported \_\_\_\_\_ m<sup>3</sup>
- Volume of mineral soil being imported \_\_\_\_\_ m<sup>3</sup>
- Volume of other materials being imported (aggregate from licensed pit etc.) \_\_\_\_\_ m<sup>3</sup>
- Total volume of imported materials \_\_\_\_\_ m<sup>3</sup>
- Volume to be exported \_\_\_\_\_ m<sup>3</sup>
- Total site alteration net cut/fill \_\_\_\_\_ m<sup>3</sup>
- Work Schedule: Start/End Dates: \_\_\_\_\_
- Farm Business Registration Number (if applicable): \_\_\_\_\_

### Mandatory Submission Requirements Checklist:

- Site Alteration & Fill Management Plan prepared by a Qualified Person
- Environmental Impact Study (if applicable)
- Grading and Drainage Plan
- Traffic Management Plan
- Applicable soil quality Standards
- At-Gate & In-Transit Testing Protocol (if applicable)
- Application Fee (as per fees and charges By-law)
- Proof of Insurance
- Source sites for imported materials (if known)
- Impact mitigation including monitoring
- Haul Route

### Additional Requirements as determined by Director:

- Road Cleaning
- Security Deposit
- Public Information Centre
- On-Site Signage Posting During Activity

I \_\_\_\_\_ agree to  
(print name)

abide by By-Law 2025-67, as amended and the terms and conditions outlined herein to General Prohibitions and Regulations and the Requirements for Issuance of a Permit in the Township of Clearview.

I hereby grant the officers of the Township of Clearview and/or any person in the company of the officer's permission to enter the site for the purpose of inspection for compliance with the conditions in this application and/or performing any work necessary to bring the site into compliance with said conditions.

\_\_\_\_\_ Date

\_\_\_\_\_ Signature of applicant

<b>OFFICE USE ONLY</b>		
Application Received:	Application Number:	Security Amount:
Approved by:		Date:
Permit Period:		
Issue Date:	Expiry Date:	
Comments:		

**INFORMATION:**

Approval of this application for Site Alteration shall be based on conformance to the Township of Clearview's By-law 2025-67, as amended.

This application shall be considered approved and shall act as the Site Alteration Permit only when signed by the Director indicating approval of the alteration of grade as per the information supplied in this application, with amendments as necessary. Any proposed modifications to an existing approved Site Alteration application must be reviewed and approved by the Director prior to implementation.

Any physical modifications made to the infill elements deemed to be significantly different from the approved application or which contravene By-law 2025-67, as amended, shall invalidate this permit.

Invalidation of the permit will require the applicant to re-apply for a new permit, and/or will require removal of all fill elements from the property and public right-of-way. The Director has the right to remove fill elements from the public right-of-way which differ from the approved application and/or pose a safety hazard to the patrons and/or the public at the sole cost of the applicant/owner.

**This application and permit shall only be valid within the permit period as noted to a maximum of one (1) year or at the discretion of the Director.**

**CONDITONS:**



## **Appendix B**

# **Template for a Site Alteration and Fill Management Plan (SA&FMP)**

# **Template for a Site Alteration and Fill Management Plan (SA&FMP)**

## **Township of Clearview**

### **1.0 Introduction**

The scope and detail of a Site Alteration and Fill Management Plan (SA&FMP) will be greatly dependent on the size and scope of the proposed site alteration, the unique characteristics of the subject property, and the relationship to adjacent land uses and activities.

Minor Site Alterations may be completed by the property owner or a contractor with minimal information such as a sketch of a grading plan of the property with details of the work being undertaken.

Small Site Alterations that do not have significant potential to impact the environment or adjacent properties will require a very brief Plan, while larger Site Alterations will require a very detailed and sophisticated Plan.

Every site and situation is different. This template is designed to assist applicants of both small and large site alterations.

### **2.0 Who Should Prepare a Site Alteration and Fill Management Plan**

A SA&FMP is to be prepared by a qualified person with the appropriate expertise to determine the site specific issues associated with the particular site alteration and to determine the required scope and content of a SA&FMP.

Appropriately qualified professionals (Qualified Person) must be licensed to practice in Ontario.

### **3.0 Content of the Site Alteration and Fill Management Plan (SA&FMP)**

A suitably qualified professional should review the current conditions of the site and the proposed site alteration in order to determine the nature and scope of a SA&FMP.

#### **3.1 Rationale**

Rationale must be provided as to why the SA&FMP is scoped to include some items but exclude others. The following section provides a list of items to be considered when preparing a SA&FMP. Rationale must be provided as to what items are relevant and what items are not with respect to a proposed site alteration.

#### **3.2 Background Studies and Documents**

The jurisdiction of the following agencies must be determined and any conditions or constraints imposed by these agencies must be identified.

- Conservation Authorities
- Simcoe County;
- Ministry of Environment, Conservation and Parks (MECP);
- Niagara Escarpment Commission (NEC);
- Other provincial and federal agencies.

Conformance with provincial plans including the Niagara Escarpment Commission must be demonstrated as part of the background studies and documents.

## **4.0 Site Alteration and Fill Management Plan**

### **4.1 Purpose of the Site Alteration**

Provide rationale regarding the purpose of the site alteration and its conformance with good engineering and scientific practices and how the site alteration will not degrade the environmental condition of the site or surrounding properties.

Anyone applying for a Permit shall provide a Site Alteration and Fill Management Plan (SA&FMP). The SA&FMP must outline in detail current conditions, how the site alteration activities will be conducted, the final site conditions and the impact mitigation measures to be employed. The SA&FMP must be prepared by an appropriately qualified professional licensed in the province of Ontario and be based on the background studies and site specific conditions of the property.

The scope and comprehensiveness of the SA&FMP is greatly dependent on the size and nature of the site alteration to be undertaken. Small site alterations with very little potential to impact surrounding lands or the environment will require a SA&FMP of limited scope and detail. Large site alterations, especially those involving the importation of material from off-site and significant changes to grades, will require a more comprehensive SA&FMP.

### **4.2 Schedule**

Provide a work schedule for site alteration activities including:

- Proposed start date;
- Proposed end date; and
- A brief description of the timing of major activities such as completion of silt fencing and preparatory work, period of filling and final surface cover application.

### **4.3 Timing**

Provide the timing of the Site Alteration activities such that no activities occur, as a minimum:

- Between the hours of 7:00p.m. and 7:00a.m. Monday to Saturday;
- Anytime on a Sunday or a Statutory Holiday;
- During any period in which a wind warning has been issued by Environment Canada;
- During any weather conditions where the ability to mitigate site alteration activity impacts is severely compromised (i.e., heavy rain, etc.); and
- During any situation where site alteration activities can unduly impact adjacent landowners (i.e., brush fires, floods, unsuitable road conditions, etc.)

#### **4.4 Drawings and Cross -Sections**

Provide engineering drawings and cross-sections with sufficient topographic and site condition details to illustrate:

- Existing topography and conditions;
- Existing surface water flows on and around the site;
- Site alteration process;
- Proposed final grades and conditions; and
- Proposed final surface water flows on and around the site.

#### **4.5 Surface Water Flow and Impact**

Provide surface water flow conditions before, during, and after site alteration activities on and around the site including:

- Mitigation methods to be used to control erosion, sedimentation and surface water flow during the site alteration;
- Impacts of the site alteration on surface water flow; and
- Mitigation methods employed to ensure no significant deleterious impacts (blockage, siltation, contamination, flooding, increased runoff, etc.) to water courses and surrounding properties occur as a result of the site alteration.

#### **4.6 Groundwater**

Provide an evaluation of the potential for the site alteration to impact groundwater on and around the site including:

- Existing groundwater conditions;
- Groundwater sensitivities (i.e., well head protection area, aquifer vulnerability, source water protection, groundwater discharge areas, etc.);
- Potential impacts to groundwater;
- Mitigation methods; and
- Monitoring and post site alteration confirmation of groundwater conditions.

#### **4.7 Wells**

Provide sufficient documentation to demonstrate that the site alteration will not impact a groundwater well including:

- i. No site alteration activities to come within 3 metres of a well; or
- ii. Provide a report from an appropriately qualified professional that the site alteration will not impact the well and/or the modifications to the well that will be conducted in accordance with O.Reg.903; and
- iii. Maintain drainage away from the well as required by O.Reg.903.

In the case of a Large Site Alteration, conditions ii and iii above must be met.

#### **4.8 Septic Systems**

Provide sufficient documentation to demonstrate that the site alteration will not impact a septic system including bed and reserve bed area including:

- i. No site alteration activity to come within 3 metres of a septic system including the bed and reserve bed area; or
- ii. Provide a report from an appropriately qualified professional that the site alteration will not impact the septic system and/or the modifications to the septic system that will be conducted in accordance with the Building Code; and
- iii. Maintain the septic system capacity of the property in accordance with the Building Code or the Environmental Compliance Approval (if issued for the property).

In the case of a Large Site Alteration, conditions ii and iii above must be met.

#### **4.9 Buildings and Structures**

Provide sufficient documentation to demonstrate that the site alteration will not have an impact on a house, building or other structure for which a Building Permit would be required to construct including:

- i. No site alteration activities to come within 3 metres of a building or structure; or
- ii. Provide a report from an appropriately qualified professional that the site alteration will not impact a building or structure and/or the modifications to the building and/or structure that will be undertaken in accordance with the Building Code to mitigate the impacts of the site alteration; and
- iii. Maintain grading, drainage and geotechnical conditions in vicinity of all buildings and structures in accordance to the Building Code.

In the case of a Large Site Alteration, conditions ii and iii above must be met

#### **4.10 Adjacent Properties**

Provide sufficient documentation to demonstrate that the site alteration will not impact adjacent properties including:

- i. No site alteration activities to come within 5 metres of a neighbouring property; or
- ii. Provide a report from an appropriately qualified professional that the site alteration will not have an impact on neighbouring properties and note mitigative controls employed to ensure protection of neighbouring properties; and
- iii. Where the site alteration will impact a neighbouring property provide documentation of the neighbouring property owner's permission to carry out the activities proposed.

In the case of a Large Site Alteration, conditions ii and iii above must be met.

#### **4.11 Fill Quality Criteria**

Where the site alteration will involve the importation of topsoil, soil or fill from off-site:

- Apply Table1: Full Depth Background Site Condition Standards for Agricultural or Other Property Use from the Soil, Groundwater and Sediment Standards for Use Under PartXV.1

of the Environmental Protection Act, as the default comparative criteria to evaluate the soil being imported from off-site. All of the imported material must meet this criteria; or

- Provide rationale in accordance with O.Reg.153/04 and good engineering and scientific practices for the application of alternative soil quality criteria for consideration by the Director of Public Works. Any deviation from the default soil quality criteria must be approved by the Director of Public Works; and
- Provide rationale, in accordance with relevant Ministry of Environment Regulations (O.Reg.153/04, O.Reg.347, etc.) Best Management Practices and good engineering and scientific practices, if the imported materials are not topsoil, soil, rock, stone, clean concrete or sod, that the material is inert and geotechnically and environmentally suitable for the proposed purpose. The use of any inert fill material that is not topsoil, soil, rock, stone, clean concrete or sod must be approved by the Director of Public Works.

#### **4.12 Fill Quality Evaluation and Assessment**

Provide a methodology of how any imported fill will be evaluated to ensure it meets the quality requirements established for the site including:

- Source site assessment by a Qualified Person;
- Collection and analysis of samples of the fill material;
- Evaluation of the material based on analytical results; and
- Quality control/quality assurance procedures.

#### **4.13 Traffic to and from Site**

When importing or exporting fill from the site, provide a transportation plan in accordance with the requirements of the Township, County of Simcoe and Ministry of Transportation to manage the traffic and access to and from the source site and the receiving site. The plan must include:

- Haul routes;
- Traffic control;
- Traffic volume;
- Road maintenance; and
- Impacts and mitigation

#### **4.15 Mitigation of Mud and Dust on Roads**

For site alterations involving the transportation of materials on and off the site, provide a protocol for controlling mud and dust tracking on transportation routes to and from the site including:

- Method of monitoring mud and dust on roadways;
- Mitigation methods such as access road paving, mud mats, wheel wash systems, (etc.); and
- Response plan to address mud and dust incidents such as maintaining a road sweeper on standby.

#### **4.16 Dust Control**

For site alterations where airborne dust could impact neighbouring properties provide protocol for controlling dust, including:

- Method of monitoring dust;
- Mitigation methods to control dust (road watering, surface cover, etc.); and
- Response plan to address dust incidents, such as, reducing traffic to limit dust generation and clean-up actions to address any impacts (window washing, car washing etc.).

#### **4.17 Retaining Walls**

For site alterations requiring retaining walls provide:

- Detailed engineering design; and
- Appropriate Building Permits, where applicable.

#### **4.18 Sub-surface Drainage**

For site alterations that will involve the installation or alteration of any type of sub-surface drainage system provide:

- Engineering drawings for the system; and
- Inspection report from an appropriately qualified person prepared prior to covering.

#### **4.19 Protection of Trees**

For site alterations that may harm trees, or vegetation provide, where applicable:

- Existing vegetation and tree details. A Tree Inventory may be required;
- Proposed changes due to site alterations;
- Mitigation methods to limit damage to trees;
- Restoration plan; and
- Where required, engage a qualified tree consultant/Arborist.

#### **4.20 Final Surface Cover, Hardscaping and Grading Plans**

For site alterations that will result in a change to surface cover provide:

- Existing grade and surface cover conditions;
- Final grade and surface cover conditions;
- Mitigation methods employed to minimize impervious surfaces (hardscaping), maximize infiltration and enhance natural vegetation and conditions; and
- Demonstrate that existing downstream conditions will be maintained or improved.

#### **4.21 Public and Adjacent Land Owners**

For site alterations that could impact the public and adjacent landowners provide:

- Identification of potential impacts (dust, noise, traffic, etc.);
- Proposed mitigation methods; and

- Complaint response and resolution protocol.

#### **4.22 Reporting**

For large site alterations that require the regular reporting of site activities, monitoring and calculation of imported fill volumes provide:

- A mechanism for public and adjacent landowner liaison;
- Reporting program and schedule;
- Monitoring program and schedule; and
- Method of determining and reporting the volume of imported fill.

#### **4.23 Site Control**

For site alterations where there is the potential for illegal dumping and unauthorized access, provide a protocol for site security and access control.

#### **4.24 Noise Impacts**

For site alterations where there is the potential for noise impacts to adjacent properties, provide:

- An assessment of potential noise impacts (machinery, tailgate banging, etc.);
- Mitigation methods; and
- A monitoring program to confirm compliance.

#### **4.25 Public Complaints and Incidents**

For Large Site Alterations with the potential for public complaints, unexpected incidents, or a change in conditions provide:

- A Risk Management Matrix;
- Response and mitigation protocol;
- An internal improvement protocol to reduce the potential for reoccurrences; and
- A public consultation and liaison mechanism.

#### **4.26 Change in Land Use**

For site alterations that will result in a post alteration change in land use as defined by O.Reg.153/04, as amended provide:

1. Purpose and rationale of benefits of the change in land use; and;
2. Documentation that the change in land use is consistent with Township zoning, the Niagara Escarpment Commission, O.Reg,153/04, as amended and the requirements of other agencies with jurisdiction, and;
3. How a Record of Site Condition will be obtained if required by O.Reg.153/04, as amended and/or the Township.

## **5.0 Summary**

### **5.1 Scope of Site Alteration and Fill Management Plans**

Each site alteration is different. The SA&FMP should provide the level of detail required to allow engineering and scientific reviewers to understand the activities to be undertaken and the potential impacts and mitigation strategies. The SA&FMP should clearly outline what items are relevant to the particular site alteration and what items are not relevant.

### **5.2 Site Alteration and Fill Management Plan Updates**

For small site alterations the Site Alteration and Fill Management Plan should be a straightforward document and significant changes or deviations from the plan would not be expected. Should a situation arise that requires significant modification to the SA&FMP the Township must be notified and an updated SA&FMP submitted for approval and an amendment to the Permit.

Failure to comply with the Conditions of a Permit (which would include the content of the SA&FMP) could lead to Orders, Revocation of the Permit and/or fines.

Reporting requirements for Large Site Alterations include the requirement to review and update the SA&FMP to reflect changing site conditions and activities, as well as changes due to amendments to Township By-laws and the conditions imposed by other agencies with jurisdiction. Addendums or amendments to the SA&FMP must be approved by the Director of Public works to maintain compliance with the Conditions of a Permit and Agreement.

Each Site Alteration is different and will require a different level of planning and details depending on the volume of site alteration, site conditions, source sites and other factors.

Small site alterations will require less detail to address the applicable items than a large complex site alteration.

A Site Alteration and Fill Management Plan shall be prepared by a Qualified Person (an Engineer or Geoscientist with specific expertise in the work being performed).

**The following items are to be considered and addressed if applicable to the proposed site alteration.**

- Receiving Site Planning
- Beneficial Reuse
- Regulatory Requirements
- Consultation and Engagement
- Receiving Site Characterization to Determine Constraints
- Impact Assessment
- Soil Quality Acceptance Criteria Determination

#### Special Conditions

##### 1. Grading Plans

- Site Design and Layout
- Long term Final Conditions
- Current, Interim and Final Grades
- Topsoil and surface cover
- Fill Sequence and Timing
- Traffic Flow
- Site security
- Erosion and Sediment Control
- Signage
- Stormwater Management Plan

##### 2. Site Documentation

- Site Operations
- Source Site Information
- Documentation Review and Management
- Approval Process for Importing from Source Sites
- Transportation documentation
- At the gate scrutiny
- Rejected Loads
- Soil deposition observation and management
- Audit sampling
- Identification and management of unsuitable materials (rejected loads)

##### 3. Mud and Dust Management

- Hours of Operation
- Soil quality monitoring
- Geotechnical conditions monitoring
- Groundwater quality monitoring
- Surface water quality monitoring
- Erosion and sediment control
- Air quality, noise, and vibration

- Surveying to cross check load counts
- Weather and temporary stockpiling

#### 4. Additional Items

- Emergency situations
- Retaining walls
- Tree protection
- Complaint and incident management
- Spills and accidental releases
- Contingency plan and risk mitigation
- Insurance, financial assurance/security
- Qualified Person (QP)
- Maintaining records and reporting
- Regulatory and approvals requirements
- Due diligence documentation
- RPRA registration