

Township of Scugog

**Guidelines Manual
For Site Alteration and
Movement of Fill
By-law 2026-027**

Version May 22, 2026

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1.0 Purpose

This Guidelines Manual was prepared to assist applicants and administrators in understanding the rationale and requirements of Township of Scugog By-law 2025-XX, a By-law to Regulate Site Alteration and Movement of Fill within the Township of Scugog.

The Permit Application Process showing the steps involved in the application for a Permit is included in Appendix A.

This Guidelines Manual is a “living document” that is updated from time to time and is designed to support the use and understanding of By-law xx-26.

Not all components of the By-law and the Guidelines Manual are applicable to every circumstance. The size and complexity of each site alteration and movement of fill project will determine what aspects are relevant and what are not.

The content of By-laws and any legislation take precedence over the content of the Guidelines Manual. The Guidelines Manual is designed to be a plain language supporting document for the By-law to assist users of the By-law. 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, Region, etc.).
- When activities are waived from requiring a Permit, they must still comply with all other environmental and human health protective aspects of the By-law.
- 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 a Site Alteration application.
- The purpose of the Cash Deposit and Security Deposit to provide the Township with financial resources to have the application peer reviewed and 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.
- When a Record of Site Condition is required in accordance with Ontario Regulation 153/04.

- Orders that would be issued if the site alteration is out of compliance with the Conditions of a Permit.
- Orders that 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 Cash Deposit, 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 (Cash Deposit, Security Deposit, etc.) 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 2026-XX Being a By-Law to Regulate Site Alteration and Movement of Fill Within the Township of Scugog
- Fees and Charges By-law
- Permit Application Form for a Minor Site Alteration (on line registry)
- Permit Application Form for a Small Site Alteration
- Permit Application Form for a Large Site Alteration

2.0 Township of Scugog Considerations

2.1 Township Environment and Policies

The By-law takes into consideration the unique conditions and needs of the Township of Scugog. The focus is on regulating site alteration and filling for the benefit of the Township and the residents while also considering the bigger environmental, economic and social setting of southern 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 prevent the Township and taxpayers from being under an 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 (December 2016) 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 Scugog Strategic Plan, 2023-2026 states:

Vision Statement

The Township of Scugog will be a safe, sustainable municipality where the new Economy, our Environment, our Community and our Natural Heritage can flourish in harmony.

Mission Statement

Township of Scugog Council and Municipal Officials commit:

- *to preserve the natural heritage bequeathed to us by earlier generations,*
- *to provide services to residents that are safe, sustainable and affordable, and*
- *to balance our environment and economic success in a respectful and equitable manner.*

The Bylaw is designed to meet these 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 limiting the impacts on neighbours.

Each situation will be reviewed with its merits in accordance with the By-law.

The By-law aligns with the Township's environmental stewardship and economic development strategies and the requirements other agencies with jurisdiction including conservation authorities, Ministry of Natural Resources and Forestry (MNRF) 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 Affairs and Agribusiness (OMAFRA). It is carefully balanced to not encroach on the rights of farmers.

The By-law restricts site alterations and filling that do not align with a carefully considered beneficial reuse (as defined by Ontario Regulation 406/19) rather than those driven simply by filling for profit (commercial filling).

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

1. Groundwater and surface water quality is maintained and protected
2. Drainage patterns, water courses and water bodies are protected
3. Natural heritage features, landforms and archeological resources are protected

4. There is no cause for an Adverse Effect
5. Impacts to the Township's roads, highways and infrastructure are minimized
6. Disturbance and nuisance impacts to residents and businesses are minimized
7. Costs and liabilities are borne by Owners and Persons who undertake Site Alteration and Movement of Fill within the Township
8. The regulatory authority to create the By-law is outlined in the Municipal Act, 2001, S.O. 2001, c. 25.

The By-law is designed to meet these objectives.

2.2 Concept of the Wider Environment

The By-law has been prepared to manage the “concept of the wider environment” rather than just property discrete considerations. The air, surface water, groundwater and the Township of Scugog environment on an individual property scale. To do this each proposed activity on individual property must conform to the greater best interest of the environment. Grading and drainage modifications must consider the runoff from upstream and downstream properties within the drainage basin. Modifications to infiltration (hardscaping) must consider the changes to infiltration that impacts aquifer replenishment and the effects of changes to surface sheet run off that may impact downstream properties. The construction of berms must consider sightlines and snow drifting. No single property is completely isolated from the environment and is usually interconnected with immediate neighboring properties so site alteration activities must be managed in a way that does not impact others and aligns with the greater environmental stewardship of the Town. For these reasons the By-law includes considerations of such things as:

- grading
- drainage
- hardscaping
- infiltration
- runoff
- haul routes
- noise and vibration
- mud and dust
- surface water quality
- groundwater quality
- soil quality
- tree protection
- invasive species

- wetlands
- natural habitat
- heritage features
- archaeological and cultural heritage

In many cases impacts can be mitigated by additional actions such as the installation of Low Impact Development (LID) techniques to increase infiltration to offset hardscaping.

3.0 Regulations and Best Management Practices

There are various Regulations and Best Management Practices that also address issues with site alteration and filling which are referenced to support the By-law. 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, February 2024. 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.

In addition, there have been decisions by various courts related to site alterations and excess fill dumping that have changed the way municipal By-laws are written and enforced.

These types of By-laws can be quite controversial due to a wide range of personal perspectives (landowners, regulators, businesses, environmental groups, etc.). The rationale for the various parts of the By-law is provided below to help all stakeholders understand the balanced approach of the By-law to address the various perspectives while ensuring long term environmental protection.

4.0 Site Alteration and Movement of Fill

4.1 Exemptions from Requiring a Permit

The need for a Site Alteration Permit is waived in certain circumstances where the risk of an impact and liability to the Township is acceptably low and/or where another regulatory or approval process applies.

Exemptions from requiring a Site Alteration 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) or Durham Region provides enough regulatory oversight.
- Normal 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.
- At the discretion of the Director.

The exemption from needing a Permit does not exempt the activity from the environmental and human health protection requirements of the By-law.

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

Part 5.1 of By-law speaks to other legal instruments, and the Municipal Act requires that those other legal instruments such as a Planning Act should address Site Alteration. As such, all agreements prepared pursuant to the Planning Act, would be expected to contain similar requirements to the Site Alteration By-law. Other legal instruments have the option to require obtaining a Permit under the By-law if there is a significant concern.

4.2 Size Thresholds for Site Alteration (which includes both cut and fill) and Special Circumstances

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 versus the volume of fill in the basic permit calculations. However, it does recognize in the fee structure and 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 a field. For this reason, three specific size thresholds have been defined as having differing requirements and fee structures.

They are:

4.2.1 Minor Site Alteration

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 200 m³/hectare (approximately 20 triaxle truckloads) of Site Alteration, up to a maximum area of Property suitable for Site Alteration of 1.0 ha.
- 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 small volume for excess soil quality standards outlined in *the Rules for Soil Management and Excess Soil Quality Standards*, MECP, December 2024.
- d) 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

- e) The Township maintains a free online registry for Minor Site Alterations and the issuance of an online Permit. The Township monitors the online site alteration registry to track properties and activities, especially cumulative volumes over time.
- 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.

A Minor Site Alteration with a cumulative volume of less than 10m³ does not require a Permit however all environmentally protective requirements of the By-law still apply.

4.2.2 Small Site Alteration

Small Site Alteration – Any site alteration that does not meet the definition of a Minor Site Alteration and is less than 1,000 m³ (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 999 m³ (approximately 100 triaxle truckloads) in any 12-month period are expected to be the most common site alterations. The size is sufficiently large to accommodate 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 neighbour 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. Township fees and requirements are also reasonable and balanced given the relatively low potential liability. The ability to apply for a Permit Renewal or 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.

4.2.3 Large Site Alteration

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.

- a) Site alterations above 10,000 m³ are prohibited without approval from the Township.
- b) At the discretion of the Director based on the size and potential issues, approval of Council to obtain permission to apply under the Large Site Alteration Application process may be required.
- c) Applicants shall present the merits of a “concept” in a Concept Submission to the Director and Council for consideration without investing the time and resources of both the applicant and the Township in the detailed application stage of the proposal. Council will either preliminarily support or not support the submission of the proposal for approval.
- d) If Council approves the applicant’s request to submit a Large Site Alteration application it in no way guarantees an ultimate approval as it still has to go through the scientific and engineering review, Public Open House and finally Council consideration of the merits of the details of the application.
- e) 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.

The submission of a concept to Council will need to include sufficient information for Council to understand the concept sufficiently to render a decision. The applicant must engage with a Qualified Person with expertise in large fill sites to assist in preparing a concept submission.

The scope, location and details of the proposed site alteration will determine the items required to be addressed and the level of detail. The following items should be considered if relevant to the application:

- Background and Purpose
- 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
- Site Operations
- Source Site Application
- Documentation Review and Management
- Approval Process
- Transportation documentation
- At the Gate Scrutiny
- Rejected Loads
- Soil Deposition Observation and Management
- Audit Sampling
- Identification and Management of Unsuitable Materials (responsibility, removal and confirmation)
- Mud and Dust Management
- Hours of Operation
- Monitoring
- Soil Quality
- Geotechnical Conditions
- Groundwater Quality
- Surface Water Quality
- Air, Noise, Vibration
- Surveying to cross check load counts
- Weather and temporary stockpiling
- Emergency Situations
- Retaining Walls
- Natural Heritage Evaluation and Tree Protection
- Archaeological and Cultural Resources Assessment
- 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

Each situation is unique, and the required details and documentation must be tailored to the proposed site alteration.

4.2.4 Special Circumstances

There may be occasions where a proposed activity is not specifically outlined in the By-law. In such cases the Large Site Application process will be followed. This would include an application involving Liquid Soil. Liquid Soil is defined in Ontario Regulation 406/19 and is commonly associated with:

- drilling spoils from large tunnelling projects such as subways
- drilling spoils from small micro-tunnelling projects such as water and sewer line installations
- vac truck contents from hydrovac excavations. (This does not include septic tank clean outs, storm sewer clean outs and other contaminated and waste stream sources).

5.0 Council and / or the Director 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 m³ and greater in any 12 month period) to have the application approved by the Township Council and/or at the discretion of the Director as one of the Conditions of a Site Alteration and Movement of Fill Permit. The 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 Irrevocable Letter of Credit as outlined in the Fees and Charges By-law)
- 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 as per the Fees and Charges By-law) 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. It could also involve the filing of a Record of Site Condition as per Ontario Regulation 153/04.

As outlined in the By-law, an approval under another municipal instrument may waive the requirement for a Site Alteration Permit such as a Planning Act Approval and Agreement for a subdivision development.

5.1 Normal Farm Practices

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

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. These controls could include site alterations and filling that alters the natural heritage topography or site alteration that could potentially cause an environmental impact.

The By-law 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 would 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 Affairs and Agribusiness (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 would 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.

When a Normal Farm Practices exemption is in question the owner will be required to satisfy the Director of the applicability of the Normal Farm Practices being undertaken. This could include:

- A completed application form including submission of an active Farm Registration Number from Farm Registration and Farms Organization Funding Act ("FRFOFA"), and documentation that they are in good standing under the FRFOFA.
- Detailed description of the Farm Practice demonstrates how this is normal practice for the type of farming undertaken with applicable examples.
- A report from a professional agrologist, certified crop advisor or other technical farm specialist supporting the proposed activity as a Normal Farm Practice.

The NFPPB is the body that resolves farm practice disputes and defines “normal” practice”.

The management of haul routes will be assessed on a case-by-case basis to determine if activities on Township roads are “normal” farm practice or are subject to Township control. The Township does not have authority over Durham Region roads or MTO roads.

It is noted that large scale hauling on Township roads is not a “normal” practice for the type of farming typically conducted within the Township.

5.2 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.

5.3 Aerodromes

The overlapping jurisdiction of authority when it comes to aerodromes is outlined in ce to Transport Canada Advisory Circular AC 300-009. It includes:

(1) In order to comply with the Aeronautics Act and other federal, provincial, territorial and municipal legislation that may have an impact on the activities related to an aerodrome, it must be understood that Transport Canada is not in a position to provide legal advice respecting the application of existing laws that fall outside of its jurisdiction.

(2) Determination of whether or not provincial, territorial, or municipal legislation impairs the federal core competencies is a matter to be determined by courts on a case-by-case basis. Transport Canada does not provide advice regarding the applicability of provincial, territorial, or municipal legislation.

(3) In cases of valid and applicable jurisdictional overlap of laws compliance with provincial, territorial and municipal non-aeronautics legislation might be enforced by those jurisdictions.

This indicates the legitimate authority of the Township for items not specifically related to aeronautic activities such as site alterations the same as provincial regulations apply for drinking water wells and septic systems.

Site alterations in the vicinity of aerodromes must also 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.

5.4 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., the requirement for a Permit is not typically generated when the work is encompassed by a Durham Region Building Services approval for activities that fall into the category of a Minor Site Alteration or a Small Site Alteration. The applicant is required to ensure if a Permit is required.

Minor Site Alterations, and Small Site Alterations with a maximum threshold of 1,000 m³ (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. The Township will review the application for:

- Site Plan Approval / Agreement
- Entrance Requirements
- Zoning
- Setbacks & Lot Coverage
- Grading

- Source Water Protection
- Conservation Authority regulations
- Archeological and Cultural Heritage Assessment
- Site Alteration and Movement of Fill By-law

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

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

In some cases where the need for a Permit is waived the Building Permit would reference the environmental protection requirements in the By-law for a consistent approach to site alteration and environmental protection.

5.5 Planning Act Approvals

Typically Planning Act Approvals are exempted from requiring a Permit, however the need for a Permit may be included as a Condition in a Planning Act Approval. In other cases, the requirements of the By-law may be referenced in part as Conditions of a Planning Act Approval.

It would be expected that Township Planning staff would liaise with Township Engineering staff when applications indicate significant earth works especially importation and exportation to determine the need for a Permit.

In cases where a Permit is waived the requirements of the By-law may be included in the Conditions of a Site Plan Approval (or similar approval) to ensure consistent application of environmental protection throughout the Township regardless of the approval process.

5.6 Temporary Fill Storage Sites

“Temporary Fill Storage Site” means any Property where Fill is stored above Existing Grade on a temporary basis as part of the activities of a licensed business.

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 Ontario Regulation 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 a Soil Processing Site(as per Ontario Regulation 406/19)
 - 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.

The “Temporary Storage of Fill” means the storage of Fill at a Temporary Fill Storage Site above Existing Grade for a period 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.

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. The property must also be appropriately zoned for the activities.

A Class 1 Soil Management Site with Environmental Compliance Approval (ECA) would be exempt from the By-law as it has provincial approval. A soil Depot, as defined by Ontario Regulation 406/19 without an ECA would be subject to Township By-laws.

The By-law has enough flexibility to require a Permit (or waive the requirement for a Permit) for any situation of short-term or long-term activity involving site alteration and the movement of fill.

5.7 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 this 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 this By-law be applied and enforced in accordance with its terms to the extent possible according to law.

5.8 Enforcement

Enforcement of the By-law is carried out by Officers appointed by the Director.

"Officer" means a police Officer, a municipal enforcement Officer, the chief building official (CBO) or other person appointed by the Director for the purpose of enforcement of this By-law.

If the Conditions of an Order made under this By-law are not complied with within the period specified in the Order, in addition to all other remedies it may have, the Township may undertake any activity to fulfill any of the Conditions of a Permit or Order at the Owner's expense and may enter upon Property at any reasonable time for this purpose.

These costs could include additional enforcement measures, such as peer review consultants and external audits as well as physical actions such as remediating the site alteration.

5.9 Other Legal Instruments of Township Approval

The By-law applies throughout the Township except when overruled by a higher-level regulatory authority such as the Durham Region, the province and the federal government. 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.

5.10 Reference to Other By-laws and Regulations

Other relevant By-laws include:

- By-law Number 2015-19 Being a *By-law Authorizing By-law Enforcement*
- *By-law Number 2014-29, A By-law for the Imposition of Development Charge.*
- By-law Number 2004-16 (amended by 2010-17), *A By-law to Prohibit and Regulate Noise within the Township of Scugog*
- By-law Number 2005-34 (amended by 2011-45), *A By-law for Prescribing Property Standards within the Township of Scugog*
- By-law Number 2007-54, *Being a By-law to Prescribe the Form and Manner and Times for the Provision of Notice Under the Municipal Act, 2001*
- By-law Number 94-4, *Being a By-law to Protect and Conserve Topsoil within the Corporation of the Township of Scugog*
- By-law Number 82-16 (Amended by 2010-14 and 2009-10 (R)), *A By-law to Prohibit Regulate and Inspect the Use of Any Land and Structures within the Municipality or Any Defined Area or Areas Thereof for Dumping or Disposing of any Garbage, Refuse or Domestic or Industrial Waste of Any Kind*
- By-law Number 2014-47, *Being a By-law to Prohibit or Regulate the Destruction or Injuring of Trees within the Corporation of the Township of Scugog*

The passing of *Ontario Regulation 406/19* made under the Environmental Protection Act, December 4, 2019 (as amended), entitled *On-Site and Excess Soil Management*; and the associated *Rules for Soil Management and Excess Soil Quality Standards*, MECP, February 2024, have addressed the many of the soil quality and transportation aspects of Excess Soil however Township diligence for management of Sites is still required through effective By-law enforcement.

5.11 Indigenous Consultation

The need for Indigenous Consultation is determined by the appropriate Indigenous communities and organizations depending on location and the nature of the site alteration. Applicants are required to determine the need for Indigenous Consultation and conduct the consultation and other related requirements.

A review of the need for an Archaeological and Cultural resources assessment will be included in the screening process for an application that could disturb known or suspected archaeological and cultural resources. This is typically in the form of a Archaeological Assessment as required by the Ministry of Tourism, Culture and Sport (MTCS).

5.12 Natural Heritage and Hydrological Features and Trees

No Person shall conduct, undertake, cause, permit or carry out a Site Alteration that could injure or destroy a Tree and / or Natural Heritage and or Hydrological Feature except in accordance with the Regional Municipality of Durham's Woodland By-law and the Township of Scugog Woodlot, Tree Preservation Protection, Replacement and Enhancement Policy, 2005. Scugog Official Plan, 2009, and Regional Official Plan, 2024, Greenbelt Plan, 2017 and Oak Ridges Moraine Conservation Plan, 2017, includes policy direction for the protection of natural heritage features.

5.13 Hardscaping

The By-law is designed to manage hardscaping on properties specifically changes to hardscaping. Township standards specify the types and amounts of hardscaping permitted. All site alterations must comply with these standards. Where pre-existing conditions are not in compliance with Township standards additional hardscaping will not be allowed.

5.14 Road Occupancy and Property Access

The Township has jurisdiction over Township roads. Site Alterations that will involve traffic on Township of Scugog's Road Occupancy By-law 31-19 or a By-law or as amended. The Township of Scugog requires an Application for a Road

Occupancy Permit for movement of traffic related to site alterations. Entrance Permits are subject to the Township of Scugog's Zoning By-Law 14-14 or as amended.

Road occupancy permits, entrance permits, and other permits required on roads under Regional or Provincial jurisdiction may be required and are not administered by the Township of Scugog. The Permit holder shall be responsible to ensure that they have all the necessary permits for roads that are not under the jurisdiction of the Township.

The Township of Scugog constructs and maintains municipal roads and bridges, which involves grading, repairing and improving road and bridge structures, maintaining signs, culverts, ditches and shoulders, snow clearing and salt / sanding in the winter months and dust control and grading during the rest of the year.

The maintenance of roads is ongoing throughout the year. With about 270 km of roads in the Township (540 km lanes), it takes many hours for Township equipment to work over the entire system.

Calcium chloride for dust control is applied once a year to gravel roads, usually starting in late May, and takes about a month to six weeks to complete. Maintenance gravel is also applied during this same time period. 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 and Recreation Department - Operations (Roads) Division.

Site Alterations and movement of Fill that involve the use of Township roads require the approval of the Township. A road damage security deposit may be required as a condition of approval. The value and format of the security deposit will be determined by the Township on a case-by-case basis. The Township may restrict the use of routes or roads seasonally or entirely, at their sole discretion.

6.0 Township Administration and Oversight

6.1 Application Fee

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

6.2 Cash Deposit

The application for a Permit would require a Cash Deposit would be on account with the Township.

The Cash Deposit would be used as such things as:

- Peer Review and specialty oversight and review services
- Field Inspections
- Surveying, sampling and monitoring to confirm compliance with the requirements of the Permit

The Cash Deposit and Security Deposit as outlined in the Fees and Charges By-law could also be used to fulfill the Conditions of a Township Order when the owner / operator is unwilling or unable to comply, such as, cleaning roads, monitoring, site control and provision of required reports.

The un-used portion of the Cash Deposit is refundable at the termination of the Permit.

Upon submission of an application for a Site Alteration and Movement of Fill Permit the applicant will provide the application fees outlined in the Township's Fee By-law. In addition, a Cash Deposit will also be required to cover the costs of the Township's Peer Review Consultant, and any other specialized services including Township technical staff.

The Cash Deposit amount will be calculated as shown in the Fees By-law.

The Cash Deposit will be based on the site alteration volume conducted during the period of the Permit (12 months). The Cash Deposit must be topped up on a regular basis, should it become depleted.

6.3 Security Deposit

The Security Deposit consists of a Letter of Credit 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 Township may require a Security Deposit as a Condition of a Site Alteration and Fill 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 an Irrevocable Letter of Credit or cash. The potential fiscal liabilities include such things as:

- Operational Liabilities:
 - Dirt on roads
 - 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.

The Fees By-law outlines the rate the Security Deposit.

The Security Deposit is for situations when the owner / operator is unwilling or unable (due to financial, business or other reasons) to comply with Orders issued by the Township. It is designed to cover the costs of such things as:

- Securing an uncontrolled or abandoned site out of compliance with Township Orders
- Clean up or remediation of contaminated soil, surface water and groundwater
- Interim or final closure of a site in accordance with the Site Alteration and Fill Management Plan

The Security Deposit must be able to sustain the owner / operators financial and business resources. It would only be accessed if the site is out of compliance with a Township Order and the Cash Deposit was depleted.

6.3.1 Use of Cash Deposit and Security Deposit

The Cash Deposit will provide the Township with the resources to retain appropriately qualified Peer Review Consultants to oversee all aspects of the Site Alteration including:

- 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 such as Engineering Technician and By-law Officer with inspections and make recommendations to the Director.

The Peer Review Consultant would 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 portions of the Cash Deposit and Security Deposit. The Applicant would be responsible to reimburse the Township for any peer review costs incurred by the Township.

6.4 Application Submission

The Application for a Site Alteration and Movement of Fill Permit require 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. Typically, given the nature of a site alteration involving the management of Excess Soil the qualifications would include being a

Qualified Person in accordance with Ontario Regulation 153/04 and referenced by Ontario Regulation 406/19.

The Site Alteration and Movement of Fill Permit Application form requires the Applicant to provide technical details regarding the Site and proposed site alteration. Depending on the amount of fill, the form outlines the Application Fees and Cash Deposit and items to be submitted with the Application.

The Application is received by Township's administrative staff, reviewed for completeness and if complete, logged into the system and forwarded to the Director.

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

6.5 Permit Application Review Process

Upon receipt of a complete application to the Director it will be briefly reviewed by the 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.

The comments and recommendations will be forwarded to the Applicant. The Applicant would respond to the comments and address any outstanding issues.

6.6 Preparation of a Permit

6.6.1 Public Consultation

Once the Township is satisfied with the Application and supporting documents, the need for public consultation will be determined. All Large Site Alterations (1,000 m³ and greater) will require a Public Open House to give the public the opportunity to comment.

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

6.6.2 Council Approval

All Large Site Alterations require the Permit to be approved by the Director and / or Council. Prior to the Council meeting, a Public Open House will be hosted by the Applicant at the Township.

Once staff have considered the application and comments from the public and agencies, a report will be prepared by Township staff outlining the application, comments from the

public and will prepare a recommendation for Council for approval. During the Council meeting presentations may be made by the following:

- Applicant
- Township staff
- Peer Review Consultant
- Public

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

6.7 Permit Approval and Conditions

Township staff (following Council and/or Director 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.

6.8 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

6.9 Orders, Fines and Compelling Compliance

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

- Fees – for application administration cost recovery.
- Cash Deposit for Peer Reviewer, oversight monitoring and inspection 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 and Deposits 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 were not obtained.

They are outlined in the Fees By-law.

6.10 Permit Renewal

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

An application for renewal must be made to the Director in writing at least three (3) months prior to the Permit expiry date to allow sufficient time to process prior to the expiry date.

A Permit Renewal may be processed up to six (6) months following the expiry date of a Permit. After six (6) months a completely new application is required. All conditions of the previous Permit must comply prior to receiving a new Permit. The Permit Renewal Fee is outlined in the Fees and Charges By-law.

6.11 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 Cash Deposit and Security Deposit will be returned.

6.12 Township Council - Approvals and Updates

All Large Site Alterations require approval of Council.

6.13 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_{ESA}) 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-centimeter accuracy

The Peer Review Consultant can assist the Township with all aspects of the oversight of site alteration and fill activities including:

- 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 Scugog the data provided against site inspection and audit findings
- Assistance with technical training of Township staff

All peer review costs incurred by the Township are required to be paid for by the Applicant.

6.14 Auditing and Inspections

6.14.1 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 C for an example template of 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, Cash Deposit and Security Deposit.

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

6.14.2 Site Inspections

To supplement the auditing, a site inspection will be conducted as often as required to provide oversight. The site inspection will be conducted by Township staff with the assistance of specialised equipment (survey drone) and 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 randomly and 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 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:

- Mud and dust on the road
- Truck traffic
- Road conditions
- Dust, noise and impacts to public and local landowners
- Sampling protocols and records
- In coming 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)
- 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 the weekly 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 Cash Deposit.

6.15 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 Cash Deposit and Security Deposit provide 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.

6.16 Annual Reviews

As a Condition of each Large Site Alteration, the Site Alteration and Fill Management Plan (SA&FMP) must 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 annually 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.) should be conducted annually as well.

7.0 Requirements for Issuance of a Permit

A Site Alteration and Movement of Fill Permit is required for any activity not covered under Section 3.0 Exclusions that will alter the grade (topography) of land through the movement, removal or placement of topsoil, soil or fill.

Section 4.1 of the By-law identifies when the By-law applies but the requirement for a Permit is waived.

Site alterations with a total cut and fill volume of 1,000 m³ 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 Open House and approval by Council.

7.1 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.

7.2 Application Fee, Cash Deposit, Security Deposit and Municipal Services Fees

1. Anyone applying for a Permit must calculate and submit the appropriate amounts of the following items in accordance with the Townships Fee By-law, including:
 - a) Application Fee in cash at the time of application submission.
 - b) Cash Deposit in cash at the time of application submission.
 - c) Security Deposit in the form of a Letter of Credit or cash prior to the issuance of a Permit.
 - d) Permit Renewal Fee (if required) in cash payable at the time of the request to the Director for a Permit renewal.
 - e) Retroactive Application Fees and Deposits (if applicable) in cash payable at the time of application submission as determined by the Director.
 - f) Other fees and charges are as appropriate.

2. By submitting an Application for a Site Alteration and Movement of Fill Permit, the Applicant agrees to the Township using the provided fees and deposits in the following manner:
 - a) Application Fee covers the costs of the Township's administrative and technical staff to administer the application and permitting process.
 - b) Cash Deposit to cover the costs of reviewing support documents and oversight of site alteration activities by the Township's engineering and technical staff, By-law Enforcement Officer(s), Peer Review Consultant, and other technical experts the Township may retain. The Cash Deposit must be refreshed when requested by the Director or the application process may stop and/or the Permit may be revoked.
 - c) Security Deposit (in the form of a Letter of Credit or cash) to cover the costs incurred by the Township to address any issues of non-compliance with an Order. The Security Deposit will be used by the Township to retain professional services and / or contractors to conduct site alteration related work when the Owner / Operator is unwilling or unable to carry out the Conditions of an Order.
 - d) Permit Renewal Fee to cover the costs of the Township's administrative and technical staff to administer the renewal application and permitting process when there are no significant changes to a site alteration other than updating the work in progress and extending the approved period of activity. The Director will determine if a renewal application has significant changes from the initial application that would warrant a new application rather than a renewal.
 - e) Retroactive Application Fees and Deposits to cover the additional work required to bring into compliance with the By-law site alteration activities conducted without a valid Permit.

7.3 Insurance

For Large Site Alterations and / or as required by the Director comprehensive insurance may be required to cover liability in an amount not less than \$1,000,000 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.

7.4 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 Oak Ridges Moraine Conservation Plan, provide all necessary documentation to demonstrate compliance with the Oak Ridges Moraine Conservation Plan.
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 the Provincial Policy Statement 2020.
5. Where the site is within Durham Region and in a Wellhead Protection Area, Significant Groundwater Recharge Area or Highly Vulnerable Aquifer, as defined by the Region and Province, provide confirmation from the Region that the proposed site alteration meets their requirements and provides any site-specific conditions imposed by the Region.
6. Where the site alteration involves traffic and access via roads under the jurisdiction of Durham Region provide confirmation from the Region that the proposed traffic and road access components of the site alteration meet their requirements and provide any site-specific conditions imposed by the Region.
7. Where the site alteration has the potential to injure or destroy trees as outlined in the Durham Region By-law to prohibit or regulate the destruction or injury of trees, provide confirmation from the Region that the proposed site alteration meets their requirements and provide any site-specific conditions imposed by the Region.
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 and/or cultural 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) or Natural Heritage Evaluation as per the requirements of the Township and Conservation Authority. Township mapping would provide an initial screening review.
13. Where the site alteration will result in a change to a more sensitive land use as defined by Ontario Regulation 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.

7.5 Site Alteration and Fill Management Plan

7.5.1 Preparation of a Plan

Anyone applying for a Permit shall provide a Site Alteration and Fill Management Plan (SA&FMP). The level of detail required in the SA&FMP will be directly proportional to the size and complexity of the work proposed. For a small simple site alteration, a very simple abbreviated SA&FMP will be required.

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 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 off-site 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 C.

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. No Person shall perform a Site Alteration or permit the performance of a Site Alteration:
 - a) Between the hours of 7:00 p.m. and 7:00 a.m. Monday to Friday
 - b) Anytime on a Saturday, Sunday or 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 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 (and in the case of all Large Site Alterations).
 - b) 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 Ontario Regulation 903.
 - c) Maintain drainage away from the well as required by Ontario Regulation 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 (and in the case of all Large Site Alterations).
 - b) 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.
 - c) 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 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 structure and/or (in the case of all Large Site Alterations).
 - b) A report from an appropriately qualified professional that the site alteration will not 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.
 - c) Maintain grading, drainage and geotechnical conditions in vicinity of all buildings and structures in accordance to 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 off-site:
- 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 off-site. All of the imported material must meet this criterion; or

- b) Provide rationale in accordance with Ontario Regulation 153/04 and/or Ontario Regulation 406/19 and / or good engineering and scientific practices for the application of alternative soil quality criteria for consideration by the Director. Any deviation from the default soil quality criteria must be approved by the Director; and
 - c) Provide rationale in accordance with the relevant Ministry of Environment Regulations (Ontario Regulation 153/04, Ontario Regulation 406/19, Ontario Regulation 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.
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 and Region 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 tracking 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
20. For site alterations that will result in a change to the surface cover provides:
- a) Existing grade and surface cover conditions.
 - b) Final grade and surface cover conditions.
 - c) Mitigation methods are 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 Ontario Regulation 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 Oak Ridges Moraine Plan, Ontario Regulation 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 Ontario Regulation 153/04, as amended.

7.5.2 Fill Quality Control, Environmental Protection, Monitoring and Oversight

7.5.3 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 outlines the management of excess soil 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 (QPESA) 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. Durham Region and other agencies with jurisdiction to provide oversight of specific areas of their mandate such as groundwater protection.

7.5.4 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 (MNR)
 - 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 excess soil (Ontario Regulation 406/19)
 - Waste management (Ontario Regulation 347)
 - Environmental protection (soil, air, groundwater and surface water)
 - Contaminated sites and Brownfields Management (Ontario Regulation 153/04, as amended)
 - Land use controls and designations
- Durham Region
 - Region 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

The Township has jurisdiction for such things as:

- By-laws
- Fire and Emergency Services Building Code
- Municipal Roads
- 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&FMP. 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 is subject to an annual review.

7.6 Sampling Frequency and Protocol for Imported Fill

7.6.1 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 Ontario Regulation 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 Ontario Regulation 406/19 and the referenced Rules for Soil Management and Excess Soil Standards.

The actual numbers of samples and the parameters analyzed will be developed by the QP_{ESA} in accordance with the regulations, MECP guidance documents and as a minimum, as well as good engineering and scientific practices.

Source site sampling frequency will be based on the requirements of Ontario Regulation 406/19, the Rules for Soil Management and Excess Soil Standards and the MECP guidance documents, as well as any additional due diligence sampling as determined by the Qualified Person.

7.6.2 In Transit Sampling

Random sampling of material leaving the source site and in transit to the receiving site will be determined by the QP_{ESA} 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.

7.6.3 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 One ESA and / or Assessment of Past Uses 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 at source sites is based on the long established and MECP regulated process of Phase One ESA, Phase Two ESA and remedial action if necessary

(followed by Phase II ESA confirmation report). Under Ontario Regulation 406/19 and the Soil Rules this has been refined to:

- Assessment of Past Uses (APU)
- Sampling and Analysis Plan (SAP)
- Soil Characterization Study (SCR)
- Excess Soil Destination Report (ESDAR)

The QP_{ESA} 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 Qualified Person and include typical contaminant suites such as metals, in 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_{ESA} is of critical importance. In some situations, the Qualified Person 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 regulations require the Qualified Person 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_{RA} (Risk Assessment) may be the appropriate regulatory compliant method to develop Site Specific Standards

7.6.4 In-Situ Audit Sampling

Audit sampling must be conducted at a frequency and for parameters selected by the QP_{ESA} of the emplaced fill at the receiving site to supplement receiving site soil assessment protocols. This will provide another layer at due diligence to the soil assessment protocols of the receiving site. Fill Quality Centre, Environmental Protection, Monitoring and Oversight

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

7.7 Soil Quality Criteria Selection

7.7.1 Overview

The most applicable soil quality comparative criteria for use during site alterations and filling are outlined in the Rules for Soil Management and Excess Soil Quality Standards (Soil Rules) as referenced by Ontario Regulation 406/19.

Soil management as part of remediation may refer to the the Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act, MECP, April 15, 2011. These are the Standards referenced in Ontario Regulation 153/04, as amended.

The Standards in the Soil Rules were created to be conservative and to be generic for a variety of environmental conditions (i.e., potable or non-potable ground water), and Property Uses (Agricultural, Residential, Industrial, etc.). The Standards were developed based on using a risk-based approach. In addition to the Generic Standards Site-Specific Standards can be derived through the Tier 2 and Tier 3 Risk Assessment approaches.

In any situation, the Qualified Person evaluates the actual site conditions and determines the applicable Generic Standards or, with the assistance of a QP_{RA} (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 Ontario Regulation 153/04 and Ontario Regulation 406/19 and will consider on a case by case basis rationale to use Standards other than the Default Standards.

7.7.2 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 also been adopted in Table 1 in the Soil Rules of Ontario Regulation 406/19.

In the absence of any site-specific studies and site specific rationale developed by a QP_{ESA} and/or QP_{RA} in accordance with Ontario Regulation 153/04 and Ontario Regulation 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 Ontario Regulation 153/04 and Ontario Regulation 406/19 the Default Standards 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.

7.7.3 Tables of Generic Site Condition Standards

In accordance with Ontario Regulation 406/19 and the Soil Rules, the Qualified Person 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 Ontario Regulation 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.

7.7.4 Potable and Non-Potable Standards

In the Township of Scugog 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 approved by the Region in accordance with Ontario Regulation 153/04 and the Clean Water Act for source water protection.

7.7.5 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_{ESA} based on the concepts outlined in Ontario Regulation 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).

7.7.6 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 Ontario Regulation 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.

7.7.7 Filling in Water

Where filling into a water body such as a pond in the base of a former aggregate pit the soil quality criteria may consider the Fill Guidelines for Lake Filling in Ontario, MECP, March 2003.

7.8 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. The requirement that Permits for Major of 1,000 m³ and greater only be issued after Council has approved a Permit.

8.0 Remediation and Enforced Compliance

In a situation where an owner is unwilling or unable to fulfill the Conditions of a Permit the Township may issue an Order for Remediation. This could include restoration of the original conditions or the completion of the Conditions of the Permit.

In a situation where an owner is unwilling or unable to fulfill the Requirements of an Order the Township may intervene and take on the remediation of the property as outlined in the Order.

The costs of the remediation including legal, third-party environmental expertise, third party contractor and other associated costs will be drawn from the Deposits. In the case where the deposits have been exhausted the Township may add these costs to the municipal taxes owing on the property.

9.0 Retroactive Permits

In situations where the requirement of the By-law to obtain a Permit was not followed prior to undertaking the site alteration activities the Township has the following options at the discretion of the Director:

- Stop work Order
- Fines and Penalties
- Requirements to obtain a Permit and all requirements of the By-law
- Fees and Charges as outlined in the Fees and Charges By-law
- Remedial or other actions as per Orders
- Compliance timelines as set out in Orders
- Other requirements as deemed appropriate by the Director

10.0 Indemnification

The Owner (applicant) 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.

11.0 Transition for By-law Updates

A transition of By-law requirements exists between By-law updates and changes.

The By-law version in force at the time of Permit issuance remains in force while the Permit and related legal approvals are in place. This allows for consistency until an approval process is completed. Once all Permits, Orders and approvals have been completed, any new applications or approvals will be in accordance with the By-law in force at the time.

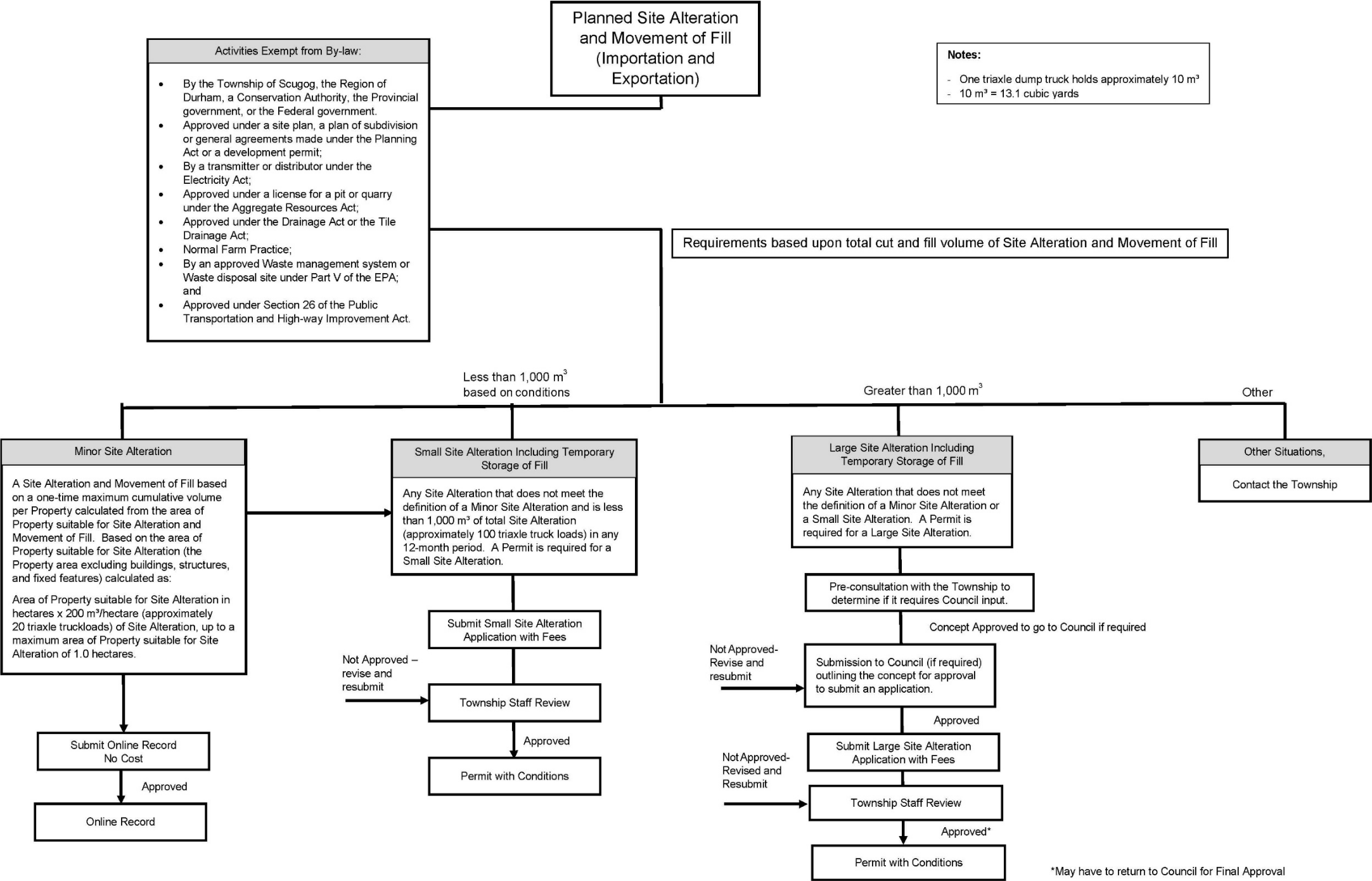
12.0 Application Forms

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

A template draft Site Alteration and Fill Management Plan (SA&FMP) is included in Appendix C. 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.

13.0 Guidelines Manual Reviews and Updates

This Guidelines Manual has been prepared as a “living document” to be updated on a regular basis (annually) 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 / or filling activities.





Minor Site Alteration Application

For use by Township	
Application Received:	Application Number:
Date:	
Comments:	

A. Site Information				
Building number, street name			Unit number	Lot/Con
Municipality	Postal Code	Plan number/other description		
B. Applicant Information				
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		
C. Owner (if different from applicant)				
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 at 181 Perry Street, Port Perry, Ontario, L9L 1A7, by phone at 905.985.7346 or by email at mail@scugog.ca.

D. Additional Information Required

- Has a Minor Site Alteration Permit been obtained for this property within this calendar year:
☐ Yes ☐ No (If "Yes", a Site Alteration Permit must be obtained)
- Property size _____ hectares
- Area of property available for site alteration (property size excluding buildings and hardscaping) ha
- Site alteration cut/fill balance _____ m³
- Amount of fill being imported _____ m³
- Total amount of fill imported per hectare (200 m³/hectare maximum) _____ m³/hectare
- Work Schedule: Start/End Dates: _____ Hours: _____

E. Declaration of applicant

I _____ agree to
(print name)

abide by By-Law 27-26, 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 Scugog.

I hereby grant the officers of the Township of Scugog 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

Authorization of Property Owner for Agent to Make the Application:

If the Applicant/Agent is NOT the Owner(s) of the property that is the subject of this application, the written authorization of the Owner(s) that the Applicant/Agent is authorized to make the application, must be included with this application, or the Authorization set out below must be completed.

I/We _____ am/are the Owner(s) of the property that is the subject of this Site Alteration Application, and I/we _____ authorize _____ to make this application on my/our behalf.

Signature _____ Date _____

Signature _____ Date _____

Affidavit to be Signed in the Present of a Commissioner:

I/We _____ of the _____ of _____ in the _____ of _____, do solemnly declare that:

I/We enclose herewith the non-refundable fees for this application and agree to pay any further costs which may be determined by the Council of the Township of Scugog (i.e. legal, planning engineering, etc.). In addition, depending on the nature of the application, a Financial Agreement with the municipality may be required to cover the cost of consulting services rendered to the Township in conjunction with the processing

of this application. I/We also agree to reimburse the Township of Scugog for any costs which may be incurred before the Ontario Court of Justice or awarded by the Court arising as a result of this application; and

All above statements contained within and any information submitted with this application are true and I/We make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of "*The Canada Evidence Act*".

Declared before me at the

_____ of _____.

in the _____ of _____.

this ____ day of _____, 20__.

Signature of Applicant or Agent

Signature of Applicant or Agent

INFORMATION:

Approval of this application for Site Alteration shall be based on conformance to the Township of Scugog's By-law 27-26, as amended.

This application shall be considered approved and shall act as the Site Alteration Permit only when signed by an authorized member of the Development Services Department 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 Development Services Department staff 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 27-26, 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 of Public Works 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 cost of the applicant/owner.

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.

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For use by Township		Application Number:
Application Received:		Letter of Credit Amount:
Approved by:	Date:	
Permit Period: Issue Date: Expiry Date:		
Comments:		

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

Guidelines Manual

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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 $\leq 1,000 \text{ m}^3$ per 12-month period)
- Area of site alteration _____ hectares
- Total alteration cut/fill balance _____ m^3
- Amount of fill being imported _____ m^3 (maximum 1000 m^3 per permit)
- Source of fill _____
- Work Schedule: Start/End Dates: _____ Hours: _____
- Farm Business Registration Number -documentation required (if applicable): _____
- Submission Requirements Checklist:
 - ☐ Imported fill quality documentation (as per O. Reg. 406/19)
 - ☐ Site Plan Drawing/Grading and Drainage Plan
 - ☐ Haul Route
 - ☐ Approval of other agencies with jurisdiction (ie Conservation Authority)

Additional Requirements as determined by Director:

- ☐ Road Cleaning
- ☐ Letter of Credit/Security Deposit

E. Declaration of applicant

I _____ (print name) agree to abide by By-Law 27-26, 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 Scugog. I hereby grant the officers of the Township of Scugog 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

Authorization of Property Owner for Agent to Make the Application:

If the Applicant/Agent is NOT the Owner(s) of the property that is the subject of this application, the written authorization of the Owner(s) that the Applicant/Agent is authorized to make the application, must be included with this application, or the Authorization set out below must be completed.

I/We _____ am/are the Owner(s) of the property that is the subject of this Site Alteration Application, and I/we _____ authorize _____ to make this application on my/our behalf.

Signature

Date

Signature

Date

Affidavit to be Signed in the Present of a Commissioner:

I/We _____ of the _____ of _____ in the _____ of _____, do solemnly declare that:

I/We enclose herewith the non-refundable fees for this application and agree to pay any further costs which may be determined by the Council of the Township of Scugog (i.e. legal, planning engineering, etc.). In addition, depending on the nature of the application, a Financial Agreement with the municipality may be required to cover the cost of consulting services rendered to the Township in conjunction with the processing of this application.

I/We also agree to reimburse the Township of Scugog for any costs which may be incurred before the Ontario Court of Justice or awarded by the Court arising as a result of this application; and

All above statements contained within and any information submitted with this application are true and I/We make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of "*The Canada Evidence Act*".

Declared before me at the

_____ of _____.

in the _____ of _____.

this ____ day of _____, 20__.

Signature of Applicant or Agent

Signature of Applicant or Agent

INFORMATION:

Approval of this application for Site Alteration shall be based on conformance to the Township of Scugog's By-law 27-26, as amended.

Township of Scugog 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 an authorized member of the Development Services Department 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 Development Services Department staff 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 27-26, 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 of Public Works 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 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.



Large Site Alteration Permit Application

For use by Township		Application Number:	
Application Received:		Letter of Credit Amount:	
Approved by:		Date:	
Permit Period: Issue Date:		Expiry Date:	
Comments:			
A. Site Information			
Building number, street name		Unit number	Lot/Con
Municipality	Postal Code	Plan number/other description _____	
B. Applicant Information			
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	
C. Owner (if different from applicant)			
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 at 181 Perry Street, Port Perry, Ontario, L9L 1A7, by phone at 905.985.7346 or by email at mail@scugog.ca.

D. Additional Information Required

- Has a Site Alteration Permit been obtained for this property within this calendar year:
☐ Yes ☐ No
- Area being altered _____ hectares
- Total site alteration cut/fill _____ m³
- Amount of fill being imported _____ m³
- Source of fill being imported _____
- Work Schedule: Start/End Dates: _____
- Land Use: ☐ Agricultural ☐ Residential ☐ Commercial/Industrial ☐
- Other: _____
- Farm Business Registration Number (if applicable): _____

Submission Requirements Checklist:

- ☐ Site Alteration & Fill Management Plan
- ☐ Environmental Impact Study (if applicable)
- ☐ Grading and Drainage Plan
- ☐ Traffic Management Plan
- ☐ Source Site Soil Quality Testing Results
- ☐ At-Gate & In-Transit Testing Protocol (if applicable)
- ☐ Application Fee (as per fees and charges By-law)
- ☐ Proof of Insurance
- ☐ Approval of other agencies with jurisdiction (ie Conservation Authority)
- ☐ Site Plan Drawing
- ☐ Haul Route

Additional Requirements as determined by Director:

- ☐ Road Cleaning
- ☐ Letter of Credit/Security Deposit
- ☐ Public Information Centre
- ☐ Peer Review Deposit
- ☐ On-Site Signage Posting During Activity

E. Declaration of applicant

I _____ agree to
(print name)

abide by By-Law 27-26, 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 Scugog.

I hereby grant the officers of the Township of Scugog 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

Authorization of Property Owner for Agent to Make the Application:

If the Applicant/Agent is NOT the Owner(s) of the property that is the subject of this application, the written authorization of the Owner(s) that the Applicant/Agent is authorized to make the application, must be included with this application, or the Authorization set out below must be completed.

I/We _____ am/are the Owner(s) of the property that is the subject of this Site Alteration Application, and I/we _____ authorize _____ to make this application on my/our behalf.

Signature _____ Date _____

Signature _____ Date _____

Affidavit to be Signed in the Present of a Commissioner:

I/We _____ of the _____ of _____ in the _____ of _____, do solemnly declare that:

I/We enclose herewith the non-refundable fees for this application and agree to pay any further costs which may be determined by the Council of the Township of Scugog (i.e. legal, planning engineering, etc.). In addition, depending on the nature of the application, a Financial Agreement with the municipality may be required to cover the cost of consulting services rendered to the Township in conjunction with the processing of this application. I/We also agree to reimburse the Township of Scugog for any costs which may be incurred before the Ontario Court of Justice or awarded by the Court arising as a result of this application; and

All above statements contained within and any information submitted with this application are true and I/We make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of "*The Canada Evidence Act*".

Declared before me at the

_____ of _____.

in the _____ of _____.

this ____ day of _____, 20__.

Signature of Applicant or Agent

Signature of Applicant or Agent

INFORMATION:

Approval of this application for Site Alteration shall be based on conformance to the Township of Scugog's By-law 27-26, as amended.

This application shall be considered approved and shall act as the Site Alteration Permit only when signed by an authorized member of the Development Services Department 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 Development Services Department staff prior to implementation.

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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.

INFORMATION:

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

This application shall be considered approved and shall act as the Site Alteration Permit only when signed by an authorized member of the Development Services Department 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 Development Services Department staff prior to implementation.

Any physical modifications made to the approved elements deemed to be significantly different from the approved application or which contravene By-law 27-26, as amended, shall invalidate this permit.

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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.

Appendix C

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

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.

All site alterations must conform with all other regulatory agencies with jurisdiction including Ontario Regulation 406/19 Onsite and Excess Soil Management and the referenced Rules for Soil Management and Excess Soil Quality Standards.

2.0 Who Should Prepare a Site Alteration and Fill Management Plan

A SA&FMP should be prepared by a 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
- Ministry of Natural Resources and Forestry (MNRF);
- Regional Municipality of Durham;
- Ministry of Environment, Conservation and Parks (MECP);
- Other provincial and federal agencies.

Conformance with provincial plans including the Oak Ridges Moraine Conservation Plan and Greenbelt Plan 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 (in accordance with the Noise By-law), as a minimum:

- Between the hours of 7:00p.m. and 7:00a.m. Monday to Saturday;
- Anytime on a Sunday or 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 flow on and around the site;
- Site alteration process;
- Proposed final grades and conditions; and
- Proposed final surface water flow 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 impact 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

4.11 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 impact 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.

4.12 Fill Quality Criteria

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

- i. Apply Table 1: Full Depth Background Site Condition Standards for Agricultural or Other Property Use from the Rules for Soil Management and Excess Soil Quality Standards, as the default comparative criteria to evaluate the soil being imported from off-site. All of the imported material must meet this criteria; or
- ii. Provide rationale in accordance with O.Reg. 406/19 and good engineering and scientific practices for the application of alternative soil quality criteria for consideration by the Director. Any deviation from the default soil quality criteria must be approved by the Director; and
- iii. Provide rationale, in accordance with relevant Ministry of Environment Regulations (O. Reg. 406/19 and the Soil Rules, 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.

4.13 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.

4.15 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 and Region 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

4.16 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.

4.17 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.).

4.18 Retaining Walls

For site alterations requiring retaining walls provide:

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

4.19 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.

4.20 Protection of Trees

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

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

4.21 Final Surface Cover and Grades

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, maximize infiltration and enhance natural vegetation and conditions; and
- Demonstrate that existing downstream conditions will be maintained or improved.

4.22 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

4.23 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

4.24 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.

4.25 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.

4.26 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.

4.27 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 Oak Ridges Moraine Plan, 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 straight forward document and significant changes or deviations from the plan would not be expected. Should a situation arise that requires a 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 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 should be prepared by a Qualified Person (QP)(an Engineer or Geoscientist with specific expertise in the work being performed). Reporting and document preparation in accordance with Ontario Regulation 406/19 and the Rules for Soil Management and Excess Soil Standards include specific declarations that are required to be included by a QP.

The following items should 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
- 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)

2. 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

3. Hours of Operation

- 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