



Large Fill Procedural Guideline

A Procedural Guideline for Receiving & Processing Applications for Large Scale Fill Placement within Areas Regulated under Ontario Regulation 182/06 (Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses), effective February 1st, 2012 and revised February, 22nd, 2012.

The provisions of this protocol only apply to those lands that are situated within the regulatory jurisdiction of Kawartha Region Conservation Authority (KRCA), as specified within the Conservation Authorities Act (CA Act) and Ontario Regulation (O. Reg. 182/06). The guideline outlines the requirements necessary to ensure that the placement of fill will not negatively affect the control of flooding, erosion, pollution or the conservation of land and to ensure that there are clear and consistent information requirements.

Large-scale fill placement are classified by the Authority as those that meet the definition of development under S. 28 of the CA Act and involve the importation of fill associated with infrastructure projects, commercial, industrial or multiple residential developments. This procedural guideline will always apply to any project involving a fill volume greater than 500 cubic metres. However, some or all aspects of this procedural guideline may apply to lesser volumes depending on the location of the fill site and where there are equivalent respective municipal standards/requirements (e.g. municipal site-alteration by-laws).

In general, large-scale fill operations shall be directed away from KRCA regulated areas (i.e., areas subject to O. Reg. 182/06) except where provided for in the KRCA Watershed Plan Review & Regulation Policies (in prep).

Pre-Consultation

Prior to submitting an application for large scale fill placement, the property owner is encouraged to consult with KRCA and the appropriate municipality to determine who has jurisdictional control.

Prior to submitting an application for permission to KRCA, the property owner is required to attend a pre-consultation meeting with staff from the Authority, the municipality, and, provincial and federal agencies that may have an interest in the fill application. The meeting will be coordinated by the Authority. The purpose of the meeting is to identify issues, outline review and approval requirements of various government bodies, determine the permit process, review this procedural guideline and establish contacts for the applicant.

Application Information Requirements

- 1) Upon receipt of an application submitted under O. Reg. 182/06 for development activities associated with a large-scale fill operation, KRCA staff will ensure that the application is complete and all necessary supporting documentation has been submitted. Supporting documentation will include:
 - An application in writing may be provided by the property owner or an authorized agent acting on behalf of the property owner provided that the authorized agent has been granted permission in writing by the property owner (copy of permission shall be provided with application). The permit will not be issued until it is signed by the registered property owner(s) and/or principle of the numbered company.
 - Four copies of a plan of survey of the subject property prepared by a certified Ontario Land Surveyor illustrating a minimum of the following:

- i. Location of subject property including property lines, north arrow and nearest roadways/intersections;
 - ii. Location, dimensions and use of existing and proposed buildings or structures;
 - iii. Topography – existing and proposed elevations (in 0.5 metre contours) within and adjacent to the area where development is being proposed. The plan must show the locations of each fill envelope being proposed on the property;
 - iv. Cross sections through each fill envelope;
 - v. Location and dimensions of all temporary fill stockpiles, staging areas and access routes;
 - vi. A total fill quantity must be shown on the plans in cubic metres. No filled slopes are to exceed a gradient of 3 (horizontal): 1 (vertical);
 - vii. Sediment and erosion control measures – the type and location of all measures and sequencing if applicable;
 - viii. Drainage patterns pre and post development that verifies the fill will not alter drainage patterns and volume in such a way to have an adverse affect on upstream, downstream and adjacent properties;
 - ix. Location of all environmentally sensitive features that may include, but not be limited to the following: watercourses, wetlands, valleylands (including extent of associated floodplain and/or erosion hazard), unstable soil or unstable bedrock, areas of natural and scientific interest, significant woodlands, significant wildlife habitat, threatened or endangered species habitat, sensitive hydrogeological features (e.g., aquifers, intake protection zones, springs, seeps, etc);
 - x. The Authority’s regulatory limit as prescribed by O. Reg. 182/06;
 - xi. The regulatory flood plain of any watercourse;
 - xii. Other known site features and structures such as access roads, culverts, utilities, poles, pavement, curbs, etc.; and,
 - xiii. Restoration details (i.e., detail of site stabilization measures such as topsoil, seed, sod, hydroseed and associated timing, monitoring etc.).
- Completion in full of an application form including Schedule A, and a “Large Fill Site Contamination Screening Questionnaire”, copy attached, to provide a description of the origin(s) of the fill and its history, past and present uses of the land including any processes involved in its generation to identify if there are any potential concerns with fill quality and possible contamination.
 - Prior to the placement of any fill, KRCA requires background baseline information that describes the existing soil and water conditions (surface and subsurface) at the receiving site that is of sufficient quality to determine if the control of pollution is being affected by the proposed activities.
 - Description of the address(s) and property owner(s) of the origin(s) of all fill material.
 - If there is any indication of a past or current use on the originating site(s) that may have had the potential to cause contamination or the owner cannot verify the fill material is inert or KRCA staff has the reason to believe that there is potential for contamination or pollution of the fill material, the applicant must also submit a soil report prepared by a qualified environmental/geotechnical engineer and/or Professional Geoscientist for each originating location where fill is being imported from. The soil report(s) shall verify that the fill material is inert based on distributed samples across the site with a focus in areas of highest risk. A detailed description of the sampling procedure and rationale shall be provided. Upon receipt of such a report, the KRCA reserves the right to retain a qualified peer consultant, at the applicant’s expense, to review the report to determine if it satisfactorily ensures that the fill material is inert. Inert is defined as: meeting either Table 1 Site Condition Standards referenced in the EPA or, if it can be demonstrated by the applicant that the existing ambient soil quality of the receiving site does not meet Table 1 standards, the applicable Table 2 Standard representative of the existing use of the

receiving site. In some circumstances KRCA may require additional on-site soil testing of imported fill material prior to fill placement (e.g., temporary stockpile testing) to ensure standards as described above.

- Where site specific conditions/concerns are warranted, KRCA may require submission of studies and reports as deemed necessary to ensure that the proposed fill site will not result in an adverse impact on the control of flooding, erosion, pollution or the conservation of land. These may include Environmental Impact Study (EIS), hydrogeological study, geotechnical study, hydraulic analysis, and/or stormwater management report. Once an application is submitted by the authorized agent/owner, KRCA staff will confirm study/report requirements as necessary. It will be the sole responsibility of the authorized agent/owner to pay for and complete the study/report. Site specific issues may include, but not be limited to, proximity to or presence of one or more of the following:
 - i. River or stream valley
 - ii. Wetland
 - iii. Watercourse
 - iv. Features identified by the Clean Water Act (2006) (i.e., intake protection zones, wellhead protection areas, significant groundwater recharge areas, and the highly vulnerable aquifers)
 - v. High water tables
 - vi. Other hydrogeologically (i.e., significant discharge areas, springs, seeps etc.) and/or environmentally sensitive features
- KRCA will require a plan outlining how the site will be supervised and controlled to ensure the origin and quality of the fill material arriving is acceptable. In some cases, e.g. multiple suppliers/origin of the fill, where site supervision and control cannot be assured it may be necessary, at the applicant's expense to acquire the services of a qualified third party.

Application Administration

- 2) **An application will not be deemed complete until all information has been submitted in support of the application.** If information is missing from the application submission, it will be the responsibility of the owner and/or authorized agent to ensure that the information is provided. The fee based on the fee schedule for large fill placement is payable to KRCA once the application is deemed complete. As the fee payable is based on the estimated fill volume, the applicant will be required to reconcile the fill volume at the completion of fill placement and make a final fee payment if necessary for fill **placement in addition** to that initially estimated.

If it is determined that a soil report (s) is required as part of a complete application, a deposit of \$3,000 (*amount TBC through fee schedule review*) will also be required for the costs of the peer review. The deposit will be required before the application is deemed complete.

- 3) Applicants are required to consult with respective municipality and other government agencies as may be identified during pre-consultation. It is the responsibility of the authorized agent/owner to provide written authorization/consent from the respective municipality in which the proposed fill site is located (i.e., City of Kawartha Lakes, Township of Scugog, Township of Brock, Municipality of Clarington, Township of Galway-Cavendish & Harvey, Township of Cavan-Monaghan) and/or provincial/federal agencies where required, prior to permit issuance. Municipalities and agencies may be concerned with issues such as the following:
- i. Oak Ridges Moraine Conservation Plan, Greenbelt Plan, Lake Simcoe Protection Plan, Official Plan and Zoning
 - ii. Condition and damage of roadways/highways and access point(s)
 - iii. Haul route and truck traffic volumes from fill removal location to proposed fill site location

- iv. Mud and dust control measures at the fill site, at fill removal locations and on haul routes and at access points
 - v. Sanitary facilities on site
 - vi. Noise
 - vii. Origin and quality of fill
- 4) Where proposed fill site locations are subject to O. Reg. 182/06 and municipal fill by-laws under the Municipal Act., the proponent shall prepare comprehensive plans/reports for both KRCA and the respective municipality.
- 5) Only one active KRCA permit per municipal address can exist at any one time.
- 6) Term of written permission from the KRCA consenting to a large fill operation may vary in length up to the maximum provided for in O. Reg. 182/06.
- 7) In accordance with the CA Act and O. Reg. 182/06, there will be no extensions.
- 8) A new application for development can be submitted prior to the expiry date specified on the permit. The new application will be subject to the requirements and stipulations of this procedural guideline including any updates and/or amendments and any additional requirements as may be deemed necessary by KRCA.
- 9) Following the issuance of a permit from the Authority, KRCA staff will conduct site inspections of large-scale fill operations in order to ensure compliance with permit conditions subsequent to this procedural guideline.
- 10) It will be the responsibility of the owner and/or authorized agent to ensure that a final inspection with KRCA staff is coordinated. A final site inspection and review of permit conditions shall be completed prior to the expiration date on the permit to ensure compliance with the terms of the permission. Within 30 days of the final inspection, the applicant shall submit a report to KRCA including but not limited to the following: an as-built survey completed by a certified Ontario Land Surveyor, reconciliation of the final fill volume, status of erosion control measures, stabilization/restoration plans and recommendations for ongoing monitoring requirements.
- 11) Where the fill proposal does not conform to the policies contained in the Watershed Plan Review & Regulation Policies manual, KRCA staff shall prepare reports for the KRCA Board of Directors to review the application and:
 - Approve the application; or,
 - Indicate that KRCA staff do not support the application and schedule a date for a hearing (see KRCA Administrative By-Law #3 – Hearing Procedures available on KRCA's website (www.kawarthaconservation.com) or at the administrative office).
- 12) With the submission of the final report to KRCA, the applicant is responsible to reconcile outstanding fees and to make payment for additional fill placement.

Conditions of the Permit

- 13) The KRCA may apply conditions to the permit to ensure that there is no adverse effect on the control of flooding, erosion, pollution or the conservation of land. The conditions may include, but are not limited to, the following:
- i. The submission of a post development plan (as built) prepared by a certified Ontario Land Surveyor;
 - ii. A specified limit on the volume of fill that is permitted and the applicable fill quality standards that apply;
 - iii. The location of temporary fill stockpiles, access routes and landing areas;
 - iv. A specified limit of the depth of fill material that is permitted and any grading and compaction requirements;
 - v. Monitoring requirements for on-site testing of fill, surface and/or groundwater to ensure that the material is inert and meets specified contaminant quality standard (sampling procedures should be provided to KRCA for review and KRCA may retain a qualified peer review consultant at the permit holder's expense to review the sampling procedures and/or any testing results);
 - vi. Access to the receiving site to KRCA staff and peer review consultants;
 - vii. On a daily basis, the permit holder shall record the location on the site where filling activities will occur. The location of the loads shall be tracked and recorded on a daily basis through the development of a locational grid tracking system for the property. Records shall be retained and made available to KRCA on a monthly basis;
 - viii. A daily summary log shall be maintained for loads shipped to the site, including:
 1. Date
 2. Daily total number of trucks entering the site
 3. The location from where the fill was loaded into each truck
 4. For each origin location, the location where fill was placed on the locational tracking grid
 - ix. The site shall be gated and sign prohibiting access to unauthorized personal/trucks, and other such measures that may be necessary to ensure effective site supervision/control (e.g. independent third party);
 - x. Identify a 24 hour contact person who would be in a position of responsibility and could respond to public inquiries and complaints; and communicate the contact information through appropriate means;
 - xi. Measures related to the implementation of erosion and sedimentation controls applicable to the placement of the fill and/or temporary stockpiles (if necessary) including: type, location and timing;
 - xii. Measures related to site stabilization and/or revegetation at the conclusion of fill placement;
 - xiii. Requirements of a final report at the conclusion of fill placement including such items, for example, as a final as-built survey, a determination of final fill volume placement, recommendations for ongoing monitoring of the site etc.

Exceptions

In accordance with the CA Act:

- (10) No regulation made under subsection (1),
- (a) shall limit the use of water for domestic or livestock purposes;
 - (b) shall interfere with any rights or powers conferred upon a municipality in respect of the use of water for municipal purposes;
 - (c) shall interfere with any rights or powers of any board or commission that is performing its functions for or on behalf of the Government of Ontario; or
 - (d) shall interfere with any rights or powers under the *Electricity Act*, 1998 or the *Public Utilities Act*, 1998, c. 15, Sched. E, s. 3 (8); 1998, c. 18, Sched. I, s. 12.
- (11) A requirement for permission of an authority in a regulation made under clause (1) (b) or (c) does not apply to an activity approved under the *Aggregate Resources Act* after the *Red Tape Reduction Act*, 1998 received Royal Assent. 1998, c. 18, Sched. I, s. 12.

Denial of Permit Application

- If, in the opinion of Authority staff the application would result in a negative and/or adverse impact on the control of flooding, erosion, pollution, or the conservation of land, the permit may not be supported by Authority staff.
- If the application is not supported by staff, the applicant will have the right to a hearing before the Authority Board. The Authority Board may refuse the permission; or grant the permission with or without conditions (see KRCA Administrative By-Law #3 – Hearing Procedures available on KRCA's website (www.kawarthaconservation.com) or at the administrative office).
- In accordance with the CA Act S.15, "A Person who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons under subsection (14), appeal to the Minister who may,
 - i. Refuse the permission; or
 - ii. Grant the permission, with or without conditions

Cancellation of Permission

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

Fee for Large Fill Placement

The fee structure for large-scale fill placement associated with infrastructure projects, commercial, industrial or multiple residential developments is as follows:

Fill Volume(s)	Fee Amount
< 500 cubic metres (m ³)	(TBC through fee schedule review)
>500 cubic metres (m ³)	\$1000 PLUS \$0.75 per cubic metre (m ³)

KRCA may require the applicant to provide a letter of credit which could extend up to \$500,000.00 depending on the circumstances of each individual application, to ensure the implementation of permit conditions. A letter of credit will NOT be required when the fill placement is part of a project subject to Planning Act approvals e.g. residential/commercial developments, or part of a project subject to site plan approval of a municipality, or part of a municipal or provincial government project.

Furthermore, where a peer review of soil testing report(s) is required, KRCA will require a deposit of \$3,000 (amount TBC through fee schedule review).

Schedule "A"
Placement of Fill Over 500 meters/cubed (30 tandem truckloads)

Location where fill is being placed:

Owner: _____

Phone: _____

Address: _____

Lot: _____ Concession: _____ Municipality: _____

Watershed: _____

Attach a legal survey and a map showing location, lengths, widths and depths of proposed fill area in meters: Length: _____ Width: _____ Depth: _____

Total volume of fill to be placed in area shown $T=$ _____ meters/cubed

Approximate number of tandem truckloads $=T$ divided by 15 _____

Proposed start date: _____ Proposed Completion Date: _____

Proposed use of lands where fill placed: _____

If not for agriculture: type and date of re-vegetation: _____

Name of trucking company: _____

Contact Person: _____

Phone: _____

Approx. Number of trucks hauling: _____

Excavating company completing the final grading of fill: _____

Contact Person: _____

Phone: _____

Location where fill is coming from:

Owner: _____

Phone: _____

Address: _____

Lot: _____ Conc: _____ Municipality: _____

Watershed: _____

Attach a map showing location of fill being removed.

Comments: _____

Please Note: Any and all information provided in support of this application may be shared with local Municipalities, and/or Provincial/Federal Authorities for the purposes of review, in conjunction with any approvals required under their legislated/legal responsibilities for this project

LARGE FILL SITE CONTAMINATION SCREENING QUESTIONNAIRE

Kawartha Conservation
 277 Kenrei Rd.
 Lindsay, ON K9V 4R1
 Telephone: 705.328.2271 Fax: 705.328.2286

This form must be completed for all large fill applications unless a geotechnical/ environmental site assessment is provided verifying that the fill material is suitable for placement on the subject lands, in accordance with the “Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act. This form must be completed and signed by the application and property owner.

Location of Subject Lands:

Lot:	Conc:	Municipality:	Former Township:

Is the fill material coming from lands, or adjacent to lands, that was previously used for the following:

	Yes	No
Industrial use?		
Commercial uses where there is potential for site contamination (i.e. a garage, a bulk liquid dispensing facility, including a gasoline outlet or a dry-cleaning equipment operation)		
Where filling has occurred?		
Underground storage tanks or buried waste on the property?		
Where chemical spills, or hazardous chemical uses, or where cyanide products may have been used as pesticides (i.e. an orchard)?		
A weapons firing range?		
Is the nearest boundary of the application within 500 meters (1,640 feet) of the fill area of an operation or former landfill or dump, or a waste transfer station or PCB storage site?		
If there are existing or previously existing buildings, are there any building materials remaining on the site which are potentially hazardous to public health (i.e. asbestos, PCBs, etc)?		
Is there any reason to believe that the lands may have been contaminated based on previous land use?		

If the answer to any of the questions was yes, a geotechnical/environmental site assessment must be provided verifying that the fill material is suitable for placement on the subject lands, in accordance with the “Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act.

Declaration

To the best of my knowledge, the information provided in this questionnaire is true, and I have no reason to believe that the fill material to be placed on the subject site contains contaminants that is NOT suitable for placement on the subject lands, in accordance with the "Soil, Ground Water and Sediment Standards for Use Part XV.1 of the Environmental Protection Act.

I am a qualified person with the required liability Insurance Stated in O. Reg. 153/04.
(Please Print)

Qualified Person:			Property Owner or Authorized Officer:		
Name:			Name:		
Name of Firm(if applicable)			Name of Company(if applicable)		
Address:			Address:		
Tel:	Fax:	Cell:	Tel:	Fax:	Cell:
Signature:			Signature:		
Date:			Date:		