

## ***LCCW , Earthroots, On Nature and STORM - Commercial Fill : By-Law Gap Study : Draft Study Excerpt***

### **1.0 – Summary (As of June 2012)**

This report is a product of a fill and site alteration by-law review of 56 bylaws in Ontario. The review was undertaken in order to identify regulatory gaps concerning large fill sites. The by-laws were passed at different times. The range is between 1995 to 2012 with the year 2005 being the average. (Regions presently included: **Durham, Halton, York, Hamilton, Niagara, Peel, Waterloo, Dufferin, Peterborough, Wellington, Brantford, Northumberland**)

#### ***2.1 - Does the bylaw mention O. Reg. 153/04 and Soil Quality (Table 1 and/or 2)?***

8 percent (N=5) reference Ontario regulation 153/04.

#### ***2.2 Does the bylaw define commercial fill?***

5 percent (N=3) of the bylaws included a definition of commercial fill.

#### ***2.3 - Is commercial fill prohibited?***

91 percent (N=51) of bylaws prohibit **fill without having first obtained a permit**. “Commercial fill” isn’t specifically indicated in **those** prohibitions.....however, Uxbridge prohibits “Commercial Fill Operations” in the township....(more to follow here) .....New (As of November 2012) \_New Tecumseth is prohibiting all fill in the Township aside from those regular exemptions in the Municipal Act.....In 2011, East Gwillimbury zoned specific sites as a “commercial fill” land-use.....

#### ***2.4 - Is public consultation required for a large fill site?***

12.5 percent (N=7) of the bylaws require public consultation when applying for a large fill site permission.

#### ***2.5 - Is there a “special agreement” required between the municipality and the proponent for a large fill site?***

Only 3.5 percent of bylaws (N=2) require a special agreement with the town or municipality for a large fill site.

#### ***2.6 - Is a qualified person required to be on site to manage incoming fill and assess soil reports?***

64 percent of the bylaws (N=36) state that there should be a qualified person on site.

#### ***2.7 - Does the bylaw stipulate that all material be peer-reviewed by the township at the proponent’s expense?***

23 percent (N=13) required materials to be reviewed by the township at the proponent’s expense

#### ***2.8 - Does the bylaw stipulate testing frequency for incoming fill?***

17 percent (N=10) mentioned frequency of testing in their bylaw.

#### ***2.9 - Does the by-law stipulate the need for well-monitoring?***

14 percent (N=8) include well-monitoring information.

#### ***2.10 - Does the bylaw indicate the necessity for in depth hydrogeology reports before filling begins?***

35 percent (N=20) mentioned the requirement to have testing done but **only three** mentioned hydro-geological reports.

**2.11 - Does the bylaw stipulate the need to assess the quality of the soil and groundwater before any filling begins? Only 8 percent (N=5) mention groundwater condition.**