

Comments on the Whitchurch Stouffville New By-law and Rationale Document

Submitted by LCCW

Date: August 8, 2014

- Environmentally Sensitive Areas (ESA) and Areas of Natural Significance are prohibited from filling operations as detailed in Section 2 (c) of the proposed new by-law—this prohibition should include Well-head Protection Areas and HAV areas. Natural Core and Natural Linkage Areas of the Moraine should be excluded from for **large filling operations as well**. Also to consider, Landform Conservation Area requirements need to be maintained as per the numerical percentage requirements detailed in the ORMCP. LCCW has already submitted the rationale for including these areas to the Township in our July and August 2013 letters. Also, does ESA correspond to lands zoned ENV? If so this should be made clear in the by-law. If a map of the Areas of Natural Significance can be provided, that would be appreciated. These areas need to be clearly labeled in the appropriate OP or Zoning maps and the terms need to be clearly defined in the By-law.
- Although we agree that Table 1 should be the default soil quality requirement, it was apparent at the meeting that a simple statement to rationalize allowing Table 2 would be permitted. If the Township is incorporating the MOE BMP into the new By-law, **“contaminating up” should not be permitted.** As well, a full risk assessment should be done with reference to the MOE rationale document (Rationale for the Development of the Soil and Groundwater Standards...) if the proponent wishes to go against the recommendation of the MOE BMP and import fill with higher concentrations of contaminants than currently exist in the ambient, **native** soil.
- For the large operations-there should be an appropriate buffer from residential clusters and from single residences—currently 5 metres is proposed (Section 4.6 (j)) -this is not appropriate or acceptable for large fill sites which will go on for years.
- There is no evidence to support various statements in the rationale document regarding the filling in of pits to original grade = usable land or farmland. The Township’s consultant agreed there is no research to support this rationale-filling in of pits to grade, an endeavor which unnecessarily prolongs the rehabilitation of the pit should not be permitted as it is not consistent with the spirit of the ARA or ORMCP or even the Cornerstone Standards requirement of expeditious rehabilitations.
- The current Security Deposit is fair and justified and should not be changed. There was indication by staff that it would be changed as a result of concerns expressed by the proponents. Staffs have provided the rationale for the current requirement which we feel is justified.

- Operating hours and volume of trucks per day should be at the full discretion of the Township with the ability to amend hours and truckloads per day.
- There should be no operations outside of business hours of the Township and no operations on Saturdays
- The By-law along with the Fill Management Plan Template should be more specific. Many critical details are left to the proponent. The Township should have specific non-negotiable requirements in these documents. LCCW has provided a draft of a proposed Fill Management Protocol-this is still a work in progress.
- The Township should provide the public with a comprehensive list of how it will specifically oversee operations. We have provided a very cursory draft of recommendations to include in this list. We agree that the Township retains its own QP for oversight of these operations.
- Regarding RSC-if the intent is to change recently surrendered pits into farmland—the requirements of the RSC should be followed from the outset. This includes the frequency of testing for soils brought the pit, along with the quality of soil permitted. If following the requirements, Table 1 would be the only permitted Table. As well, frequency of testing for imported soils would need to be followed i.e. 1 in every 160 cubic metres for the first 2000 cubic metres than 1 in every 300 cubic metres from the same source site. (Of course, the testing requirements in the CA for soil recycling facilities take precedent over this requirement.)
- Although the opportunity to comment on the by-law is very much appreciated, the time in which to comment is not appropriate if true public consultation is being sought (i.e. summer time and less than a week's notice)