

LCCW Recommendations for Municipal Site-Alteration By-laws

Note: This is a “living document” and will be added to and amended as needed. This is not a complete list.

(To consider: commercial fill operations=land use and should be dealt with through zoning with site-alteration by-law requirements applied)

- **Prohibit large fill sites/commercial fill operations in sensitive areas-**(i.e. Areas of High Aquifer Vulnerability, Significant Recharge Areas, Environmental Protection Areas, Natural Core or Natural Linkage Areas (ORMCP), Areas within or adjacent to Key Hydrologic Features of Key Natural Heritage Features, etc. As well, they should be prohibited in “Environmentally Sensitive Areas” according to the MOE definition in O. Reg. 153/04.
- **Request detailed environmental assessments and hydrogeological assessments** of proposed fill dump sites **before** permits are issued and ensure they are peer reviewed by your consultants.
- **Request detailed pre and post site-alteration site-plans by an Ontario Land Surveyor** indicating all regulated areas, sensitive features, land elevations etc.
- **Stipulate that source site soil reports are to be current** (identify acceptable time frame) and written specifically for use of the receiving site (and accompanied by signed confirmation from source site QP that material in trucks reconciles with results of soil testing reports submitted)
- **Peer Review all documents and reports provided for incoming soils**
- **Allow for respectful public consultation** as you would for a minor variance or zoning by-law amendments, for example.

- **Abide by CCME guidelines-Tables are “clean down to tables, not pollute up to tables”.** For Greenfield sites, this will most likely result in the acceptance of Table 1 soils only-however “like-to-like is preferred. (Refer to the **MOE Fact Sheet, “Bringing Soil to an RSC Property, April 2011”** for applied usage of Tables. Also, consider Rationale Document, “**RATIONALE FOR THE DEVELOPMENT OF SOIL AND GROUND WATER STANDARDS FOR USE AT CONTAMINATED SITES IN ONTARIO December 22, 2009**” if applying MOE Reg. 153 Tables outside of their prescribed use.)
- **Stipulate minimum testing requirements of the incoming fill** as per MOE’s minimal testing frequency rules for RSC sites (i.e. 1 test for every 160 cubic metres or 10-15 truckloads of fill coming in) *Refer to the MOE Fact Sheet, “Bringing Soil to an RSC property, April 2011.”*
- **Include sections regarding proponent paid audit testing of fill by Township/CA and frequent inspections.**
- **Understand Compliance Approvals for soil remediation facilities** as some limitations preclude certain facilities from exporting treated fill to certain sites. As well, understand which contaminants are treated and which are not.
- **Request that the owner complete a RSC (Record of Site Condition) for the property.** (See the Environmental Protection Act Section XV.1 and O. Reg. 153/04.) This would allow the regulations under the Ministry of the Environment to kick in. In terms of the commercial fill operation, this would stipulate which “MOE Table” of soils would be allowed to be brought to the site, testing frequency etc. (This point needs to be further investigated.)
- **Include ability to further restrict hours of operation, haule routes and truck volume** in order to address some of the social impacts