



FILL AND SITE ALTERATION BY-LAW MONDAY, April 22, 2013

Consideration of the proposed new Fill & Site Alteration
By-law and Town Operational Guideline



Town of
East Gwillimbury



Draft Fill & Site Alteration By-law History

2006 – First Fill and Site Alteration By-law

- Two large Commercial Fill operations approved under this by-law

April 2010 – New By-law approved noting experience from previous operations

June 2011 – Zoning By-law 2011-091 passed by Council

- Within the Oak Ridges Moraine, By-law permits Commercial Fill Operations ***only in aggregate post extraction sites***

Jan. 2012 – Public Information Centre asking for input on draft By-law

- Relevant public and industry comments incorporated

June 2012 – Proposed By-law presented to Council and additional public input sought

- 45 Day review period and relevant public comments incorporated

Sept. 2012 – Proposed By-law presented for Council adoption, additional questions were asked

Nov. 2012 – Additional information was brought back to Council and direction was given to have another evening PIC

Jan. 14, 2013 – Public Information Centre asking for input on draft By-law

Today – Council report for adoption of new By-law and Operational Guideline



Objectives

- Maintain an acceptable level of confidence that Commercial Fill Operations can operate at minimal risk to the environment and the public
- Minimize public disruption
- Environmentally responsive
- Land use compliance (Planning)
- Operational compliance (Engineering)



Proposed Fill & Site Alteration By-law

High level strategic document, same for any application

Under the authority of the Municipal Act

- Re-structured fee schedule
- Enhanced application screening process
- Hours of operation (7am-7pm Monday through Friday)
- Re-structured project delineations
 - Commercial Fill Operations
 - Site Alteration Projects
- Overall references to O. Reg.153/04 as amended as a guiding principle supporting the Operational Guideline & By-law



Proposed Fill & SA By-law Continued

- Enhanced specifics pertaining to Oak Ridges Moraine Conservation Plan (ORMCP)
- Post Extraction sites only in ORM
- Securities and penalties delineated

New Definitions

- Commercial Fill Operation
- Site Alteration Projects
- Site Restoration
- Small and large material source sites
- Qualified Person
- Fill and Soil



Operational Guideline

Detailed controls outlining specific operational protocols

- Developed in cooperation with Town consultant, the public, the industry and following MOE Best Management Practices
- Designed to provide generalized guidance for proponents
- Outlines factors that must be addressed in the application and detailed in the agreement/permit
- Requires a Fill Management Plan to be completed and approved
- Dual Qualified Persons (one for proponent, one for Town)



Operational Guideline Continued

- Addresses the following:
 - Governing regulations and responsibilities
 - Site Characteristics
 - Receiving site hydrogeologic characterization
 - Well Water Monitoring Program
 - Source material testing
 - Peer Review by Town Qualified Person
 - Quality control during importation of material
 - Quantity control and stockpiling
 - Financial assurance and securities



Agreement-Typically for Projects <10,000m³

- Operational Guideline and Fill Management Plan approval
- Tipping Fees
- Total Securities
- Town's Costs Covered (Administration, Consultants, inspections by dedicated contract employee)
- Operations
 - haul routes (utilize Provincial and Regional roads)
 - maximum daily volume average,
 - road cleaning,
 - Material logistics and placement
 - dust etc.
- Logistics for specific fines/shut down for major operational violations
- How long to maintain and test monitoring wells after project
- Site restoration protocol
- Agreements are public



Securities and Enforcement

- Town has authority to order cessation of all operations & revoke Permit
- Set fines and Securities are in place along with contingency plans in By-law AND Agreement
- Types of Offences:
 - Operational issues
 - Repeated minor offences
 - Noise complaints
 - Working beyond approved hours
 - Using non-approved haul routes
 - “Site Operations Co-ordinator” - compliance
 - Site remediation or restoration
 - Material deposited on site without prior approval
 - Works beyond approved boundaries
 - Non-compliance with approved drawings
 - Soil quality and other environmental infractions
 - “Qualified Person Co-ordinator” - compliance

APPROVAL OF THE BY-LAW DOES NOT APPROVE APPLICATIONS

- Both current Commercial Fill applications have been presented to Council by the proponents during individual Public Meetings
- Once the proposed By-law has been passed, staff will re-evaluate the applications based on the updated criteria and if accepted by staff, a report will be presented to Council for their consideration of each Commercial or large scale Site Alteration application that requires a formal Agreement. **It is at that time that approval may be granted or denied by Council**



Town of
East Gwillimbury

Thanks

THANK YOU