

THE CORPORATION OF THE TOWN OF GEORGINA  
IN THE  
REGIONAL MUNICIPALITY OF YORK

**BY-LAW NUMBER 2022-0038 (REG-1)**

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BEING A BY-LAW TO PROHIBIT OR REGULATE THE  
REMOVAL OF TOPSOIL, THE PLACING OR DUMPING OF  
FILL MATERIAL AND THE ALTERATION OF THE GRADE  
OF LAND IN ALL AREAS WITHIN THE TOWN OF  
GEORGINA

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**WHEREAS** the Council of The Corporation of the Town of Georgina may, pursuant to Section 142 of the Municipal Act, 2001, as amended, pass by-laws for prohibiting or regulating the placing or dumping of fill of any kind and for prohibiting or regulating the alteration of the grade of land in any area within the Town of Georgina; and,

**AND WHEREAS** Council deems it in the public interest to regulate the dumping and placing of fill and other site alterations in order to ensure that existing drainage patterns are maintained and that any changes to existing drainage patterns are appropriate to protect environmental features; to prevent the importation of hazardous material; and to keep the disturbance of landform characteristics to a minimum within all areas of the Town of Georgina; and,

**AND WHEREAS** Section 23.2 of the Municipal Act, 2001 authorizes a municipality to delegate its powers to an officer, employee, or agency of a municipality; and,

**AND WHEREAS** Subsection 444(1) of the Municipal Act, 2001 permits a municipality, if satisfied that a contravention of a by-law of the municipality passed under the Municipal Act, 2001 has occurred, to make an order requiring the person who contravened the by-law or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity; and,

**AND WHEREAS** Subsection 446 of the Municipal Act, 2001 gives a municipality the authority to direct or require a person to do a matter or thing. The municipality may also provide that, in default of it being done

by the person directed or required to do it, the matter or thing shall be done at the person's expense by the municipality, and the municipality may recover the costs of doing a matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes; and,

**AND WHEREAS** Section 425 of the Municipal Act, 2001 permits a municipality to pass by-laws providing that any person who contravenes any by-law of the municipality passed under the Municipal Act, 2001 is guilty of an offence; and,

**AND WHEREAS** Section 426 (4) of the of the Municipal Act, 2001 provides that any person that hinders or obstructs, or attempts to hinder or obstruct, any person who is exercising or performing a duty under this by-law created under the Municipal Act, 2001 is guilty of an offence;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GEORGINA ENACTS AS FOLLOWS:**

**PART 1 DEFINITIONS:**

In this by-law:

1. *"AGRICULTURAL LANDS"* includes all lands that are used by a farming business registered under the Farm Registration and Farm Organizations Funding Act, 1993, S.O. 1993, c.21, as amended, for the growing of crops, including nursery and horticultural crops; the raising of livestock; the raising of other animals for food, fur, fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production;
2. *"BODY of WATER"* includes any body of flowing or standing water whether naturally or artificially created;
3. *"CLEARING and GRUBBING"* means the removal of all surface objects, brush, roots and other protruding obstructions, trees and stumps which result in the removal of topsoil or the alteration of the grade of land;
4. *"CONSERVATION AUTHORITY"* means the Lake Simcoe Region Conservation Authority;
5. *"CORPORATION"* means The Corporation of the Town of Georgina;

6. *"DEVELOPMENT"* means the construction of buildings and above or underground services such as roads, parking lots, paved storage areas, watermains, storm and sanitary sewers, general grading works and similar facilities on any lands within the municipality;
7. *"DIRECTOR"* means the Director of Development Services of the Corporation and shall include any person authorized by the Director to carry out any of the powers or duties of the Director pursuant to this by-law;
8. *"DRAINAGE"* means the movement of water to a place of disposal or facilitation of movement, whether by way of the natural characteristics of the ground surface or an aquifer, or by an artificial method;
9. *"DUMP, DUMPED OR DUMPING"* means the movement and depositing of fill in a location other than where the fill was obtained and includes the movement and depositing of fill from one location on a property to another location on the same property;
10. *"FILL"* means any type of material deposited or placed on lands and, without limiting the generality of the foregoing, includes soil and liquid soil as defined by Ontario Regulation 406/19, stone, concrete, construction materials/rubble, asphalt, sod or turf, either singly or in combination thereof;
11. *"GRADE"* shall be defined as follows:
  - a. *"EXISTING GRADE"* means the elevation of the existing ground surface of the lands upon which dumping and/or placing of fill is proposed and of the abutting ground surface up to 3 metres wide surrounding such lands. Except that where placing or dumping of fill or alteration of the grade has occurred in contravention of this by-law, "existing grade" shall mean the ground surface of the land as it existed prior to the placing or dumping of fill or to any site alteration requiring a permit under this by-law;
  - b. *"FINISHED GRADE"* means the approved elevation of ground surface of land upon which fill has been placed in accordance with this by-law;

- c. *"PROPOSED GRADE"* means the proposed elevation of the ground surface of land upon which fill is proposed to be placed;
12. *"INSPECTOR"* means any Town employee authorized to enforce the by-laws of the Town;
13. *"MUNICIPAL SERVICES FEE"* means a fee charged by the Town in order to maintain municipal infrastructure;
14. *"NORMAL AGRICULTURAL PRACTICE"* includes sod-farming, greenhouse operations and nurseries for horticultural products, but does not include the sale, exchange or other disposition of topsoil or peat,
15. *"ONTARIO LAND SURVEYOR"* means the holder of a license issued by the Association of Ontario Land Surveyors;
16. *"OWNER"* includes the person registered as the owner on title to lands upon which fill is proposed to be placed or dumped and any person, firm, or corporation managing or controlling such lands;
17. *"PEAT"* means the non-decayed or partially decayed organic deposits chiefly from sphagnum moss and often accumulated in fens and bogs;
18. *"PERMIT"* means a permit issued by the Department of Development Services, upon review and approval of the Director or person authorized to issue said permit, pursuant to the provisions of this by-law;
19. *"PLACE, PLACED OR PLACING"* means the distribution of fill on lands to establish a Finished Grade different than the Existing Grade;
20. *"PONDING"* means the accumulation of surface water in an area not having drainage therefrom, where the lack of drainage is caused by the Placing or Dumping of Fill or the alteration of the Grade;
21. *"PROFESSIONAL ENGINEER"* means a person who holds a license or a temporary license to engage in the practice of professional engineering issued under the Professional Engineers Act, R.S.O. 1990, c. P.28;

22. *"QUALIFIED TREE CONSULTANT"* means an arborist certified by the International Society of Arboriculture who has a diploma (minimum) in arboriculture or urban forestry;
23. RAINFALL and/or SNOW MELT EVENT means a period of 24 hours during which:
  - a) At least 5 mm of rainfall has fallen on the land upon which a Site Alteration is taking place, or
  - b) The land upon which a Site Alteration is taking place is covered in snow, and the temperature has consistently remained at or above 5 Celsius;
24. *"RETAINING WALL"* means a wall made of concrete, concrete product or other materials designed to contain and support fill which has a Finished Grade higher than that of adjacent lands;
25. *"SECURITY OR SECURITY DEPOSIT"* means an amount given as collateral in the form of cash, certified cheque, or Letter of Credit to ensure the fulfilment of the terms of a Permit or to cover the cost of repairing damage to municipal property caused as a result of work undertaken pursuant to the Permit;
26. *"SITE ALTERATION"* means the Dumping of Fill, the removal of topsoil from land, or the alteration of the Existing Grade of land by any means including Placing Fill, Clearing and Grubbing, the compaction of Soil or the creation of impervious surfaces, or any combination of these activities;
27. *"SOIL"* means material as defined by Ontario Regulation 406/19 and commonly known as earth, topsoil, loam, compost, organics, peat, subsoil, clay, sand or gravel or any combination thereof;
28. *"SWALE"* means a shallow depression in the ground sloping to a place of disposal for the purpose of providing a method of drainage of surface water;
29. *"TOPSOIL"* means those horizons in a soil profile, commonly known as the "O" and "A" horizons, containing organic material and includes deposits of partially decomposed organic matter, such as peat, detritus and humus;
30. *"TOWN"* means The Corporation of the Town of Georgina or the geographic area thereof, as the context may require;

31. "WATERCOURSE" means a natural or man-made channel or Swale in which water flows, either continuously or intermittently with some degree of regularity;
31. "WETLAND" means land such as swamps, marsh, bog or fen not including land that is being used for agricultural purposes and no longer exhibits wetland characteristics that:
- a) Is seasonally or permanently covered by shallow water or has the water table close to or at the surface; and
  - b) Has hydro-soils and vegetation dominated by hydrophilic or water-tolerant plants.

## **PART 2 GENERAL PROHIBITIONS AND REGULATIONS:**

- a) No person shall Place or Dump any Fill, remove any Peat or Topsoil, or otherwise alter the Grade of land by causing, permitting or performing any form of Site Alteration involving the Placing or Dumping of more than 2,000 m<sup>3</sup> of Fill on land within the Town. Site Alterations involving the Placing or Dumping of 2,000 m<sup>3</sup> of Fill or less shall be carried out in accordance with this by-law, and shall not be commenced until the Owner has received a Permit issued by the Director under this by-law;
- b) No person shall Place or Dump any Fill or alter any Grade on any land within the Town for which approval has been issued by Transport Canada for an aerodrome to be constructed or altered in accordance with the provisions of the Canadian Aviation Regulations until a Permit has been issued pursuant to this by-law. Site Alterations as permitted herein shall be carried out in accordance with the said Permit and this by-law, and may, notwithstanding Part 2 a), involve the Placing or Dumping of fill in excess of 2,000 m<sup>3</sup>;
- c) No person shall Place or Dump any Fill or alter any Grade on any land zoned for environmental protection or open space purposes pursuant to applicable zoning by-laws, or within or adjacent to a watercourse, flood plain, wetland or other such regulated areas pursuant to Section 28 of the Conservation Authorities Act unless approval therefore has been issued by the Conservation Authority and a Permit has been issued pursuant to this by-law;
- d) No person shall Place or Dump any Fill or otherwise alter the Grade of land by causing, permitting or performing any form of Site Alteration on land within the Town except in accordance with applicable zoning by-laws, the Greenbelt Plan, and the Lake Simcoe Source Protection Plan;

- e) No person shall fail to comply with an order issued pursuant to this by-law;
- f) No person shall cause, permit or perform a Site Alteration on lands that are subject to an approved site plan, draft plan of subdivision or a consent under Sections 41, 51 or 53 respectively of the Planning Act, as amended, without a site plan agreement, pre-servicing agreement, subdivision agreement or consent agreement entered into under those sections;
- g) No person shall Place or Dump any Fill, remove any Peat or Topsoil, or otherwise alter the Grade of land by causing, permitting or performing any form of Site Alteration which would interfere with the existing drainage pattern of adjacent lands, or cause obstruction to existing drainage flows or obstruct or impede the function or flow of existing drainage Swales or cause additional surface and ground waters to be discharged onto adjacent lands;
- h) No person shall Place or Dump any Fill, remove any Peat or Topsoil, or otherwise alter the Grade of land by causing or permitting or performing any form of Site Alteration which would cause surface drainage to flow, discharge or be directed onto adjacent lands other than directly into a natural Watercourse, or any approved Municipal, Regional, or Provincial drainage system;
- i) No person, in the performance of a Site Alteration, shall injure or destroy a municipal tree or other tree which is subject to tree protection measures as a condition of a Permit issued under this by-law except to the extent that such injury or destruction is specifically authorized in writing in accordance with the provisions of this by-law and any other applicable by-laws of the Town or The Regional Municipality of York for the protection of trees;
- j) Notwithstanding anything else contained in this by-law except for Part 3, no person shall cause, permit or perform a Site Alteration on any lands which were previously licensed or permitted and used as a pit or quarry under the Aggregate Resources Act, R.S.O. 1990, c. A.8, as amended (or any predecessor legislation thereof), or otherwise, whether such lands have been rehabilitated or not;
- k) No person shall Place or Dump fill or cause or permit Fill to be placed or dumped unless such Fill complies with Ministry of the

Environment, Conservation and Parks (MECP) Standards for clean Fill, as described in Part 4.2 g) of this by-law;

- l) No person shall undertake a Site Alteration or cause a Site Alteration to occur on any land for storage purposes unless the outside storage of Fill (where the Site Alteration involves Fill) on the land is permitted by the municipal Zoning By-law and such storage shall not exceed one thousand (1000) cubic metres;
- m) No person shall perform a Site Alteration or permit the performance of a Site Alteration:
  - (i) Between the hours of 8:00 p.m. and 7:00 a.m., Monday to Saturday;
  - (ii) At any time on Sundays and Statutory Holidays;
  - (iii) During or within twenty-four (24) hours of the occurrence of a Rainfall and/or Snow Melt Event.
- n) No person shall Place or Dump any quantity of liquid soil without a Permit, and such Placing or Dumping must be in compliance with O. Reg. 406/19.

### **PART 3 EXEMPTIONS**

3.1 This by-law is not applicable to the following:

- a) The use, operation, establishment, alteration, enlargement or extension of a waste management system or waste disposal site within the meaning of Part V of the Environmental Protection Act, R.S.O. 1990, c. E.19, as amended, or a waste, waste disposal or waste management system that is exempted by regulation from said Part V;
- b) The construction, extension, alteration, maintenance or operation of works under Section 26 of the Public Transportation and Highway Improvement Act, R.S.O. 1990 c. P.50, as amended;
- c) Emergency measures taken by the Town or The Regional Municipality of York or any other Federal, Provincial or



Regional agency, to prevent flooding, erosion, slipping of soil or damage to trees;

- d) The activities of the Town, The Regional Municipality of York or the Conservation Authority related but not limited to the establishment or maintenance of utilities and services, roads, bridges, flood and erosion control facilities, walkways, bicycle paths, fences, retaining walls, steps and lighting;
- e) The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land as a condition to the approval of a site plan, a plan of subdivision or a consent under Sections 41, 51 or 53, respectively of the Planning Act or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
- f) The Placing or Dumping of Fill, removal of topsoil or alteration of the Grade of land as a condition to a development permit authorized by regulation made under Section 70.2 of the Planning Act or as a requirement of an agreement entered into under that regulation;
- g) Aggregate, as defined in the Aggregate Resources Act, brought onto a pit or quarry operating under a license or wayside permit issued under that Act as part of the operations of that pit or quarry;
- h) The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land undertaken on land described in a license for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the Aggregate Resources Act;
- i) Any rehabilitation or filling activity in a pit or quarry licensed under the Aggregate Resources Act, and specifically addressed on the approved site plan when there is insufficient overburden retained to rehabilitate such pit or quarry in accordance with that Act;
- j) The removal of Topsoil from agricultural lands incidental to a Normal Agricultural Practice including such removal as an incidental part of sod-farming, greenhouse operations and nurseries for horticultural products. This exception does not include the removal of Topsoil for sale, exchange or other disposition;

- k) Fill being placed on lands shown in a grading and drainage plan approved by the Town in conjunction with subdivision or site plan approvals, provided the provisions of such approvals relating to Fill are adhered to and all requirements set forth in this by-law concerning said Fill placement and grading are met.

3.2 With the exception of liquid soil, no Permit is required for:

- a) The Placing or Dumping of Soil on lands for the purpose of lawn dressing, landscaping or adding to flower beds or vegetable gardens, provided that the ground elevation of the lands is not increased by more than fifteen (15) centimetres and there is no significant change in the direction or rate of drainage to neighbouring properties. Such alteration shall not take place within sixty (60) centimetres of any property line. Such Placing of Fill shall not exceed twenty (20) cubic metres per year;
- b) The resurfacing or paving of existing driveways where there is no alteration to the existing driveway base and no significant change in the direction or rate of drainage to neighbouring properties. Such Placing of Fill shall not exceed twenty (20) cubic metres per year;
- c) The Placing or Dumping of Fill in an excavation to the elevation of Existing Grade following the demolition or removal of a building or structure for which a building permit has been issued;
- d) Fill being Placed or Dumped on lands for the purpose of flood or erosion control to establish Finished Grade shown on a grading and drainage plan approved by the Conservation Authority or by the Director in conjunction with a subdivision approval;
- e) Site Alteration involving an amount of Soil of less than twenty (20) cubic metres on a lot within any one year period, provided that there is no significant change in the direction or rate of drainage to neighbouring properties, and unless the site includes or is adjacent to a body of water. Such alteration shall not take place within sixty (60) centimetres of any property line;

- f) Replacement of Topsoil for restoration of agricultural lands used for Normal Agricultural Practices as an incidental part of sod-farming, greenhouse operations, and nurseries for horticultural practices which does not exceed 20 centimeters annually, or at the discretion of the Director. Storage of such Topsoil shall not exceed one thousand (1000) cubic metres.

#### **PART 4 REQUIREMENTS FOR ISSUANCE OF A PERMIT**

4.1 An Owner applying for a Permit shall provide the following:

- a) The name and address of the Owner of the land upon which the Fill is to be Dumped or Placed and the name and address of the owner of the land from which the Fill is being removed;
- b) The municipal address of the land upon which the Fill is to be Dumped or Placed;
- c) The legal description of the land upon which the Fill is to be Dumped or Placed;
- d) Payment of the applicable fees calculated in accordance with the rates set out in Schedule 'A' and Schedule 'B' of this by-law;
- e) A scaled drawing of any Retaining Wall that may be required and a description, including dimensions, of any materials to be used in the construction of such Retaining Wall;
- f) Payment of applicable security in the amount prescribed in the fee schedules attached to this by-law as Schedule 'A' and Schedule 'B'. The Owner or Owner's consultant shall provide a detailed breakdown of the cost estimate for the proposed work;
- g) A Site Alteration/grading plan satisfactory to the Director, accurately indicating the following:
  - (i) The property lines of the lands for the Site Alteration with dimensions;

- (ii) For Site Alterations of two hundred and fifty (250) cubic metres or less, existing spot elevations on three (3) metre grids across the lands and three (3) metres beyond the property lines to clearly show the existing drainage patterns on the lands and on the abutting lands; and for Site Alterations greater than two hundred and fifty (250) cubic metres, a site plan including a topographic survey at one metre contour intervals certified by a Professional Engineer or Ontario Land Surveyor defining all material and manmade features, including top and bottom of slopes, drainage patterns, tree lines, buildings, and stockpiles on the lands and within thirty (30) metres on abutting lands and water bodies; and a description of the type, quantity and location of natural land cover features on the site and within thirty (30) metres on adjacent lands;
  - (iii) All existing storm sewers, ditches, Swales, creeks, watercourses and wetlands on the lands and on abutting lands and public highways;
  - (iv) All existing buildings, the species and size in caliper of all trees, the location of all shrubs and driveways on the lands, and the location of all easements and rights-of-way over, under, across or through the lands;
  - (v) Proposed Grades and drainage systems upon completion of the Site Alteration;
  - (vi) Detailed hydro-geological analysis and report, including all design calculations, prepared by a qualified Professional Engineer for the design and construction of soak away pits/dry wells;
  - (vii) All proposed ground covering to be used upon completion of the Site Alteration;
  - (viii) All erosion, sediment and tree protection measures for the Site Alteration;
- h) A description of the proposed Site Alteration, including a description of the source of the Fill and a letter from the party from whom the Fill was acquired attesting that the Fill meets the requirements for clean Fill set out in Parts

4.2 g) and 5.2 of this by-law (if applicable), the quantity of the Fill expressed in cubic metres, and contact information for the party from whom the Fill was acquired;

- i) Copies of all approvals from (including but not limited to) the Lake Simcoe Region Conservation Authority, Ministry of Transportation, Ministry of Natural Resources, and Regional Municipality of York.

4.2 Where more than 250m<sup>3</sup> of Fill is being Dumped or Placed, the Owner shall provide the information set out in Part 4.1 and enter into an agreement with the Town, approved by the Director, wherein the Owner agrees to the following:

- a) To retain a qualified Professional Engineer or environmental consultant approved by the Director who is responsible for ensuring that the Site Alteration is in accordance with reasonable engineering and environmental practices; is in accordance with the protocol attached as Schedule 'C' to this by-law; is in accordance with the plans submitted for the Permit; and is in accordance with Part 5.2 of this by-law;
- b) To undertake the Site Alteration in accordance with sub-section (a) above;
- c) To require the environmental consultant to report in writing on a regular basis that the Placing and Dumping of Fill is in accordance with sub-section (a) above;
- d) To require the environmental consultant to provide a report upon completion of the project or at the expiration of the Permit, which includes a topographic 'as-constructed' survey certified by a Professional Engineer or Ontario Land Surveyor confirming that the volume of Fill material placed on the property is in accordance with the requirements of the Permit;
- e) To require that the Site Alteration be completed by a specified date;
- f) Not to contaminate the natural environment and to abide by all applicable environmental laws and regulations;

- g) To ensure that all Fill used does not contain any putrescible material and meets the following criteria (as applicable):
- (i) Rock, including demolition debris such as domestic brick and concrete that does not contain cement fines, exposed rebar, paint or coatings, decomposable materials, plastic, asphalt, petroleum products, hydrocarbon materials and any putrescible organic materials;
  - (ii) Soil meeting the standards outlined in Ontario Regulation 406/19;
  - (iii) Liquid Soil meeting the standards outlined in Ontario Regulation 406/19;
  - (iv) Topsoil, sod and turf materials to be stockpiled for use as final cover only;
- h) To provide a report from the qualified Professional Engineer or environmental consultant referred to in subsection (a) that he/she is satisfied that the Placing or Dumping will not result in:
- (i) Soil erosion;
  - (ii) Blockage of a watercourse;
  - (iii) Siltation in a watercourse;
  - (iv) Pollution of a watercourse;
  - (v) Flooding or ponding on adjacent lands;
  - (vi) Flooding or ponding caused by a watercourse overflowing its banks;
  - (vii) A detrimental effect on any trees of a caliper of seventy-five (75) millimetres or more located on the lands;
  - (viii) A detrimental effect on matters of inherent biological sensitivity such as aquifer recharge, water quality, unusual plants or wildlife and overwintering habitats;
  - (ix) Unauthorized injury or destruction of municipal trees or other trees protected under by-laws of the Town or The Regional Municipality of York;
  - (x) Injury or destruction of other trees, which in the opinion of the Director could reasonably be avoided;

- i) To provide security to be used to remedy any breach of this by-law or the agreement, and to indemnify the Town from any liability, costs, damages or losses incurred directly or indirectly in connection with the issuance of a Permit;
- j) To notify an inspector in writing within forty-eight (48) hours of commencing any work;
- k) To notify an inspector in writing of the completion of any erosion control measures within fourteen (14) days after their installation;
- l) To obtain the permission of the Director in writing prior to modifying the Site Alteration plan;
- m) To inspect the control measures at least once a week and after each Rainfall and/or Snow Melt Event and to make any necessary repairs;
- n) To install all tree protection measures required by the approved Site Alteration plan prior to commencing any work and to maintain these tree protection measures throughout the entire duration of the work;
- o) To ensure that all Fill meets the standards outlined in Ontario Regulation 406/19 for any current land use and any future land use of the land designated under an Official Plan or amendment to an Official Plan approved by the Council of the Town or The Regional Municipality of York;
- p) To install and maintain the erosion and sediment control measures identified in the approved Site Alteration plan and the latest Conservation Authority guidelines for erosion measures;
- q) To install temporary signage in accordance with Ministry of Transportation Book 7 regulations on all roadways immediately adjacent to the site where Fill is being Dumped or Placed;
- r) To ensure that no mud is tracked onto municipal roadways and that these roadways are not damaged as a result of the Site Alteration.

- 4.3 The Director shall issue a Permit when the applicant has fulfilled all requirements of Part 4.1 of this by-law and, if required by Part 4.2, entered into the agreement referred to in Part 4.2.
- 4.4 Where a Permit has been issued under this by-law authorizing a Site Alteration, no person shall Place or Dump Fill except in accordance with (i) the plans, documents and any other information required for the issuance of the Permit, (ii) the agreement entered into with the Corporation, and (iii) this by-law.
- 4.5 The Town may draw on the security required pursuant to Part 4.1 f) in order to remedy any breach of the provisions of this by-law, the conditions imposed on the Permit by the Director, or any other obligation of the Owner relating to the Permit, and, without limiting the generality of the foregoing, such security may be used to return the land to a condition satisfactory to the Director and to pay any outstanding amounts owed by the Owner that relate to the Permit, including any amounts owed pursuant to Part 4.2 of this by-law.
- 4.6 Where the Director deems it necessary to have Fill inspected or analyzed to ensure compliance with Ontario Regulation 406/19, a third party geotechnical consultant may be hired by the Town at the expense of the Owner to provide all necessary inspections, analysis and reports.

## **PART 5 EXPIRY, RENEWAL, REVOCATION AND TRANSFER OF PERMITS**

- 5.1 a) A Permit issued pursuant to Part 4.3 shall be valid for a period of one (1) year from the date of issuance, but shall expire after six (6) months from the date of issuance if work has not been commenced by that date;
- b) A Permit which is no longer valid or which has expired pursuant to Part 5.1 a) may be renewed within a six (6) month period following the date of expiry upon written application to the Director accompanied by a payment of one half of the original Permit fee, provided that the previously permitted work has not been revised. The written request/application shall include a report prepared by the environmental consultant, including a topographic 'as-built' survey certified by a Professional Engineer or



Ontario Land Surveyor, confirming the volume of Fill placed on the site at the time of renewal;

- c) A Permit may be cancelled upon written request provided by the Owner or a person authorized in writing by the Owner to the Director. A site inspection will be conducted to ensure that no work has commenced and that the site is in an acceptable condition, and at the discretion of the Director, a refund of the deposit less the applicable administration fee may be issued;
- d) Where Fill quantities have been placed which exceed the amount specified in the Permit, the Owner will be deemed to be in contravention of the Permit and will be required to remove all Fill placed in contravention of the Permit unless a revised application is provided pursuant to Part 4 of this by-law and approved by the Director, including payment of all applicable fees as set out in Schedule 'A' and Schedule 'B';
- e) If title to the land for which a Permit has been issued is transferred while the Permit remains in effect, the Permit shall be cancelled, with such cancellation to be effective on the transfer date, unless the new Owner, within thirty (30) days of the transfer:
  - (i) Provides the Town with an undertaking agreeing to comply with all conditions under which the Permit was issued; or
  - (ii) Applies for and obtains a new Permit in accordance with the provisions of this by-law.

5.2 Every person who undertakes a Site Alteration or causes a Site Alteration to occur shall:

- a) Ensure that the Finished Grade surface is protected by sod, turf, seeding for grass, greenery, asphalt, concrete or such other provisions as are shown on the approved plans;
- b) Ensure that no trench in which piping is laid forming part of the drainage system is covered and backfilled until the work has been inspected and approved by the qualified engineer or environmental consultant referred to in Part 4;

- c) Provide such protection for trees on the Site Alteration plan as may be required by the qualified engineer or environmental consultant referred to in Part 4;
- d) Ensure that all Fill used is clean and free of rubbish, glass, garbage, termites, organic materials, liquid and toxic chemicals and other contaminants including in accordance with the standards set out in Ontario Regulation 406/19;
- e) Ensure that Fill is Placed or Dumped, and any Retaining Wall containing such Fill is erected, in such a manner that no ponding is caused on abutting lands and that adequate provision is made to properly manage all surface stormwater drainage.

5.3 The Director may revoke the Permit and require that all work on the site shall cease for any of the following reasons:

- a) The Permit was obtained on mistaken, false or incorrect information;
- b) The Permit was issued in error;
- c) The Owner or Permit holder requests, in writing, that it be revoked;
- d) The terms of an agreement under this by-law have not been complied with;
- e) Work authorized under the Permit has not been commenced prior to its expiry date;
- f) The Owner has failed to comply with the provisions of this bylaw.

5.4 The administration and enforcement of this by-law shall be performed by the Director, by persons authorized by the Director, and by such municipal law enforcement officers of the Corporation as may be appointed by the Council of the Corporation.

## **PART 6 ADMINISTRATION AND ENFORCEMENT**

6.1 Employees of the Town's Department of Development Services and any employees that are otherwise authorized to enforce the

by-laws of the Town are appointed as inspectors for all purposes of this by-law.

- 6.2 Inspectors may, at any reasonable time, enter and inspect any land to determine whether the provisions of this by-law or a condition of a Permit issued under this by-law have been complied with. This power of entry does not allow the inspector to enter any building.
- 6.3 Upon completion of the work pursuant to a Permit, the Owner and/or Permit holder shall so advise the Director.
- 6.4 No person shall obstruct an inspector who is carrying out an inspection pursuant to this by-law.
- 6.5 This by-law shall apply to all Site Alterations, including the Placing and Dumping of Fill, on all lands within the Town, whether such activity occurred prior or subsequent to the date of the passage of this by-law.

## **PART 7 ORDERS**

- 7.1 If after inspection, an inspector is satisfied that a contravention of this bylaw has occurred, the inspector shall notify the Owner and the Permit holder of the particulars by serving each of them with a "Notice of Contravention" and/or an "Order to Comply" pursuant to Section 444(1) or 445(1) of the Municipal Act, 2001, as amended, and shall provide all occupants with a copy of the Notice and/or Order. Such Notice and/or Order shall contain:
  - a) The municipal address and the legal description of the land;
  - b) Reasonable particulars of the contravention;
  - b) The period within which there must be compliance.
- 7.2 The Director or an inspector, by a written Notice of Contravention and/or an Order to Comply pursuant to Section 444(1) or 445(1) of the Municipal Act, 2001, as amended, may require any person who has altered the Grade of land, or who has caused or permitted the Grade to be altered, contrary to the provisions of this by-law, or who has Placed or Dumped Fill, or who has caused or permitted Fill to be Placed or Dumped, or who has caused or

permitted any other form of Site Alteration contrary to the provisions of this by-law:

- a) To cease all work in respect of the Site Alteration;
- b) To remove the Fill;
- c) To fill in any excavations or ponds; and/or
- d) To do all work necessary;
  - (i) to eliminate any hazard resulting from the alteration of the Grade or the Dumping or Placing of Fill and to restore the land to a condition of safety;
  - (ii) to preserve the land pending fulfillment of all requirements outlined in Parts 4.1 and 4.2 of this by-law for the issuance of a Permit;
  - (iii) to restore the land to its former condition prior to the alteration of the Grade of the land, the Placing or Dumping of the Fill on the land, or any other Site Alteration.

7.3 The Notice and/or Order referred to in Parts 7.1 and 7.2 shall also contain:

- a) The time frame in which the work specified thereon must be carried out;
- b) A notice stating that if the work is not done in compliance with the Notice and/or Order within the period it specifies, the Corporation may have the work done at the expense of the Owner.

7.4 An Owner who has received a Notice of Contravention and/or an Order to Comply shall comply with same within the time frame specified in the Notice or Order; otherwise, the Director may draw on the financial security as required in order to achieve such compliance.

7.5 A Notice of Contravention or Order to Comply issued pursuant to this by-law shall be served personally or by prepaid registered mail or in accordance with Part 7.7.

- 7.6 A Notice of Contravention or Order to Comply issued pursuant to this by-law sent by prepaid registered mail shall be sent to the last known address(es) of the Owner and Permit holder.
- 7.7 An inspector who is unable to effect service pursuant to Part 7.1 of this by-law shall place a placard containing the terms of the "Notice of Contravention" or "Order to Comply" in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the "Notice of Contravention" or "Order to Comply" on the Owner and Permit holder.
- 7.8 If the Owner or Permit holder fails to do the work required by the "Notice of Contravention or "Order to Comply" within the period it specifies, the Corporation, in addition to all other remedies it may have, may do the work and for this purpose may enter on the land with its employees and agents. The costs incurred by the Corporation in so doing shall be paid by the Owner and may be recovered by the Corporation in like manner as taxes and/or by drawing on the security provided.

#### **PART 8 WORK UNDERTAKEN BY MUNICIPALITY**

- 8.1 If the work required by a Notice or Order under Part 7 of this by-law is not done within the specified time period, the Town, in addition to all other remedies it may have, may do the work at the Owner's expense and may enter upon the land, at any reasonable time, for this purpose in accordance with the provisions of the Municipal Act, 2001.

#### **PART 9 PENALTY AND OFFENCE**

- 9.1 Any person other than a corporation who contravenes the provisions of this by-law, the terms or conditions of a Permit issued pursuant to this by-law, or an order issued pursuant to this by-law and Section 444(1) or 445(1) of the Municipal Act, 2001, as amended, is guilty of an offence and, upon conviction, is liable:
- (a) On a first conviction, to a fine of not more than \$10,000.00 for each day or part of a day on which the offence occurs or continues to occur;

- (b) On any subsequent conviction to a fine of not more than \$25,000.00 for each day or part of a day on which the offence occurs or continues to occur.

9.2 A corporation that contravenes any provision of this by-law, the terms or conditions of a Permit issued pursuant to this by-law, or an order issued pursuant to this by-law and Section 444(1) or 445(1) of the Municipal Act, 2001, as amended, is guilty of an offence and on conviction is liable:

- (a) On a first conviction, to a fine of not more than \$50,000.00 for each day or part of a day on which the offence occurs or continues to occur;

- (b) On any subsequent conviction to a fine of not more than \$100,000.00 for each day or part of a day on which the offence occurs or continues to occur.

9.3 If a person is convicted of an offence for contravening an order to stop the injury or destruction of trees, the court in which the conviction has been entered, or any court of competent jurisdiction thereafter, may order the person to rehabilitate the land or plant or replant trees in such manner and within such period as the court considers appropriate, including any silvicultural treatment necessary to re-establish the trees.

## **PART 10 SEVERABILITY**

Should a court of competent jurisdiction declare any provision of this by-law to be invalid or of no force and effect, the provision is deemed severable from this by-law and it is the intention of the Council of the Town that the remainder of this by-law shall survive and be applied and enforced in accordance with its terms to the extent possible under the law.

## **PART 11 TRANSITION PROVISION**

This by-law replaces By-laws 2011-0044 (REG-1), 2012-0040 (REG-1) and 2014-0048 (REG-1) and all amendments thereto for any Site Alteration application submitted after the passing of this by-law. For any Site Alteration application submitted, Permit issued or agreement entered into prior to the passage of this by-law, the provisions of By-laws 2011-0044 (REG-1), 2012-0040 (REG-1) and 2014-0048 (REG-1) shall

continue to apply, including to any acts, omissions, occurrences and offences that took place prior to the passing of this by-law.

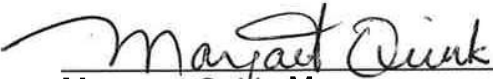
## **PART 12 FEE INDEXING**


- 12.1 On an annual basis, effective January 1st of each year, beginning January 1, 2023, all fees and charges in Schedule 'A' and Schedule 'B' are subject to an automatic increase, and will be indexed and rounded up to the nearest dollar, based on the percentage increase in the annual Ontario Consumer Price Index (All Items) issued in October of the preceding year;
- 12.2 In the event the Consumer Price Index percentage change results in a negative amount, the fee for the calendar year shall remain at the same level as the previous calendar year.

## **PART 13 EFFECTIVE DATE**

- 13.1 This By-law shall come into force and effect upon its passage.

READ AND ENACTED this 11<sup>th</sup> day of May, 2022.

  
Margaret Quirk, Mayor

  
Rachel Dillabough, Town Clerk

## SCHEDULE 'A'

### FEE SCHEDULE – SITE ALTERATION

DESCRIPTION	APPLICATION FEE	SECURITY DEPOSIT
Fill Less than 250 cubic metres	\$500.00	\$2,500.00
Fill greater than 250 cubic metres but less than 2000 cubic metres	\$750.00	\$10,000
Fill placement 2000 cubic metres or greater	\$1,000.00 + \$2.50 per cubic metre of fill to be placed	\$25,000 + \$2.50 per cubic metre of fill to be placed
Extension of Permit for Fill 250 cubic metres or less (Part 5.1 b))	\$250.00	
Extension of Permit for Fill greater than 250 cubic metres but less than 2000 cubic metres (Part 5.1 b))	\$375.00	
Extension of Permit for Fill greater than 2000 cubic metres (Part 5.1 b))	\$500.00	

**The above application fees are non-refundable.**

**\*NOTE: The above fees shall be doubled in the event that the Applicant has performed any site alteration in contravention of this by-law.**

#### OTHER APPLICABLE FEES

Municipal Services Fee (where quantities are 2000 cubic metres or greater)	\$2.50 per cubic metre of fill to be placed
Preparation of Site Alteration Agreement	\$6,150.00
Amendment to Agreement	\$2,050.00

The Corporation may engage legal, engineering, hydrology, environmental, arborists, landscape or any other consultant the Director deems necessary in order to evaluate studies and/or agreements in which case the costs incurred for such evaluations shall be charged back to the applicant plus a 15% administration charge.



**SCHEDULE 'B'**

**FEE SCHEDULE- LOT GRADING AND DRAINAGE (RESIDENTIAL)**

FEEES APPLICABLE TO ALL RESIDENTIAL CONSTRUCTION AS NOTED WHERE NO MORE THAN 50 m3 OF FILL IS IMPORTED (INCLUDING GRANULAR MATERIAL FOR DRIVEWAYS AND SEPTIC SYSTEMS)

DESCRIPTION	APPLICATION FEE	SECURITY DEPOSIT
Construction of principal buildings, septic systems and accessory structures greater than 20 square meters. Construction of additions to accessory structures greater than 20 square metres.	\$300.00	\$2,500.00
Additions to existing principal buildings. Foundation repairs or replacement, house raising and construction of new foundations for same. Construction of in-ground pools. Construction of accessory structures greater than 10 square metres but less than 20 square metres. Additions to existing accessory structures greater than 10 square metres but less than 20 square metres.	\$150.00	\$1,000.00
Extension of permit for principal buildings, septic systems and accessory structures greater than 20 square metres.	\$150.00	
Extension of permit for Additions to existing principal buildings or accessory structures. Foundation repairs or replacement, house raising. Construction of in-ground pools. Construction of accessory structures less than 20 square metres.	\$75.00	

**The above application fees are non-refundable.**

**\*NOTE: The above fees shall be doubled in the event that the Applicant has performed any site alteration in contravention of this by-law.**

## **SCHEDULE 'C'**

### **ENVIRONMENTAL CONTROL PROGRAM**

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#### **Operational Standards:**

The following are proposed standards for the maintenance and operation of the fill area:

1. Site personnel will receive specialized training for their specific work tasks.
2. The placement of clean fill material at the site will be adequately and continually supervised.
3. Clean material will be placed in an orderly manner at the fill area.
4. Procedures will be established, signs posted, and safeguards maintained for the prevention of on-site accidents.
5. Vehicular access to the property will be by roadway closed by a gate capable of being locked.
6. Access roads and on-site roads will be provided so that vehicles hauling clean material to and on the site may travel readily under all normal weather conditions.
7. Access to the site will be limited to times when an attendant is on duty and accessible only to persons authorized to deposit clean material at the fill area.
8. Drainage passing over or through the site will not adversely affect adjoining properties. Natural drainage will not be obstructed.
9. Clean fill material will be placed in such manner that groundwater aquifers will not be impaired.
10. If groundwater contamination in excess of Ontario Regulation 153/04 is encountered, action will be taken to isolate the source of contamination and effectively prevent the egress of contaminants from the Site.
11. Where there is a possibility of groundwater pollution resulting from the operation of the fill area, samples will be taken and tests made by the owner of the site to measure the extent of contamination and, if necessary, measures will be taken for the collection and treatment of contaminants and for the prevention of groundwater pollution.

## SCHEDULE 'C'

### ENVIRONMENTAL CONTROL PROGRAM

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12. When the fill area has reached its limit of fill, a final cover of soil will be designed and constructed to a grade capable of supporting vegetation and that minimizes erosion. All slopes will be designed to drain runoff away from the cover and to prevent water from ponding. No standing water will be allowed anywhere in or on the completed fill area. The fill area will then be seeded with vegetation to minimize wind and water erosion. The vegetation used will be compatible with i.e., grow and survive under the local climatic conditions and will include of a diverse mix of native and introduced species consistent with the post closure land use. Temporary erosion control measures will be undertaken while vegetation is being established.

#### **Fill Screening Procedures:**

The initial inspection of the truck and its load of inert fill will include a review of the chain of custody provided by the transporter and a visual inspection of the fill for signs of contamination. If at any point during the visual inspection there is evidence that the fill may be contaminated it will be rejected.

The attached Fill Inspection Checklist will be used to record and document the chain of custody and all initial and secondary inspections.

The first procedure for the site inspector will be to record the load number, truck number, the name of the company hauling the fill, the driver's name and ensure that the transporter provides a chain of custody (refer to check list). The chain of custody will include a record for the fill being delivered from its place of origin to the site.

The chain of custody will include information concerning the inert fill, the transport of the inert fill, and the truck itself. Information pertaining to the inert fill should include: place of origin; soil constituents; proof that the fill is clean; and copies of analyses to provide evidence that the soil is not contaminated. Records pertaining to the transport should include: a list of all drivers involved in the haulage of the inert fill from its place of origin to the Site; documentation of all stops made from the place of origin to the Site; documentation that ensures the truck is at the proper location. Records of transport cleaning and sanitation procedures for the truck and loading equipment should also be provided upon request to ensure that the fill has not been contaminated by previously transported materials,

An initial visual inspection of the inert fill will occur while the fill is still in the truck and, if the fill is deemed satisfactory, a secondary visual inspection will be performed when the fill is being dumped in the designated fill area, both

initial and secondary inspections will include a firsthand observation of the following:

- Odours
- Unusual clumping
- Hazardous materials (biomedical, flammable, etc.)
- Food, household waste
- Discolouration
- Viscosity (liquid and sludge)
- Putrescible wastes
- Any other unauthorized materials

Initial and secondary inspections will include the raking and probing of the fill in order to agitate the soil and bring underlying soil to the surface so that an accurate representation of the soil may be inspected.

If there is evidence that the soil may be contaminated the site inspector will reject the load,

When either the initial or secondary inspections provide evidence that the soil is not clean the truckload will be refused and directed to the appropriate licensed waste disposal facility, the site supervisor will document what was found, why the load was refused and to which facility the load was directed.

**SCHEDULE 'C'**  
**ENVIRONMENTAL CONTROL PROGRAM**

**Fill Inspection Checklist:**

<u>Fill Site:</u>		<u>Date:</u>		<u>Ticket No.:</u>					
<u>Driver Information:</u> Company: _____ Truck No.: _____ Driver Name.: _____		<u>No. of Loads:</u>		<u>Quantity:</u>					
				m <sup>3</sup>					
<u>Source Information:</u> Address: _____		<u>Report Provided at Source:</u>		<u>Type of Fill:</u> <small>(Check appropriate box)</small>					
		YES      NO		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">RESIDENTIAL</td> <td style="width: 50%;"></td> </tr> <tr> <td style="text-align: center;">INDUSTRIAL</td> <td></td> </tr> <tr> <td style="text-align: center;">AGRICULTURAL</td> <td></td> </tr> </table>		RESIDENTIAL		INDUSTRIAL	
RESIDENTIAL									
INDUSTRIAL									
AGRICULTURAL									
Visual Inspection Report  <div style="text-align: right; margin-right: 50px;">Primary Inspection</div>		Load(s) Contains Clean Fill							
		YES		NO					
If "NO", complete the following:  <div style="text-align: right; margin-right: 50px;">Secondary Inspection</div>		YES		NO					
1	Odours								
2	Unusual Discolouration								
3	Hazardous Materials (Biochemical, Flammable)								
4	Food/ Domestic Waste								
5	Liquid or Sludge								
6	Construction Materials (Wood, Drywall, etc.)								
7	Scrap Metals								
8	Vegetation (Stumps, Sod)								
9	Asphalt								
10	Other (Describe)								
<u>Comments:</u>									

## SCHEDULE 'C'

### ENVIRONMENTAL CONTROL PROGRAM

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#### **Groundwater Monitoring:**

##### Procedures for the Groundwater Monitoring Program

To monitor the quality of groundwater migrating off-site a minimum of three monitor wells will be installed down gradient from the fill area. Periodic analytical testing of the groundwater will be conducted to ensure that the groundwater conditions are in accordance with Ontario Regulation 153/04 and the referenced Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act, MECP, July 2011.

The following is an outline of the items related to the groundwater monitoring program that are addressed in the Environmental Control Program:

The impacts of the seepage of leachate from the fill area will be assessed in a systematic fashion using the techniques described below.

Procedures for performing the groundwater assessment:

1. The concentration of constituents in the leachate will be determined from laboratory analyses of groundwater samples collected down gradient from the fill area.
2. Acceptable groundwater assessment. The groundwater will be considered acceptable if the groundwater quality is in accordance with Ontario Regulation 153/04 and the referenced Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act, MECP, July 2011.

##### Design, Construction and Operation of Groundwater Monitoring Systems

All fill areas, will be identified and studied through a network of monitoring wells operated during the active life of the fill area and for two years after closure. Monitoring wells designed and constructed as part of the monitoring network will be maintained along with records that include, but are not limited to, well location, well size, type of well, the design and construction practice used in its installation and well and screen depths.

1. Standards for the location of monitoring points:
  - (a) Monitoring points will be established at sufficient locations down gradient with respect to groundwater flow to detect discharge of potential contaminants from within the fill area.
  - (b) Monitoring wells will be located in stratigraphic horizons that could serve as contaminant migration pathways.

## SCHEDULE 'C'

### ENVIRONMENTAL CONTROL PROGRAM

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- (c) Monitoring wells will be established as close to the potential source of discharge as possible without interfering with the fill operations, and within half the distance from the edge of the potential source of discharge to property line down gradient with respect to groundwater flow, from the source.
  - (d) A minimum of at least one monitoring well will be established at the property line and will be located down gradient from the fill area with respect to groundwater flow. Such well or wells will be used to monitor any statistically significant increase in the concentration of any constituent, in accordance with the Guideline, and will be used for determining compliance with applicable groundwater quality parameters.
2. Standards for monitoring well design and construction:
- (a) All monitoring wells will be cased in a manner that maintains the integrity of the borehole. The casing material will be inert so as not to affect the water sample. Well casings requiring a solvent-cement type coupling will not be used.
  - (b) Wells will be screened to allow sampling only at the desired interval. Annular space between the borehole wall and well screen section will be packed with gravel or sand sized to avoid clogging by the material in the zone being monitored. The slot size of the screen will be designed to minimize clogging. Screens will be fabricated from material expected to be inert with respect to the constituents of the groundwater to be sampled.
  - (c) Annular space above the well screen section will be sealed with a relatively impermeable, expandable material such as a cement /bentonite grout, which does not react with or in any way affect the sample, in order to prevent contamination of samples and groundwater and avoid interconnections. The seal will extend to the highest known seasonal groundwater level.
  - (d) The annular space will be back-filled from an elevation below the frost line and mounded above the surface and sloped away from the casing so as to divert surface water away.
  - (e) The annular space between the upper and lower seals and in the unsaturated zone may be backfilled with uncontaminated cuttings.
  - (f) All wells will be covered with caps and equipped with devices to protect against tampering and damage.
  - (g) All wells will be developed to allow free entry of water to minimize turbidity of the sample and minimize clogging.

## SCHEDULE 'C'

### ENVIRONMENTAL CONTROL PROGRAM

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- (h) Other sampling methods and well construction techniques may be utilized if they meet Provincial water well construction standards.
3. Standards for Sample Collection and Analysis:
- (a) The groundwater monitoring program will include consistent sampling and analysis procedures to assure that monitoring results can be relied upon to provide data representative of groundwater quality in the zone being monitored.
  - (b) The operator will utilize procedures and techniques to ensure that collected samples are representative of the zone being monitored and that prevent cross contamination of samples from other monitoring wells or from other samples.
  - (d) The operator will establish a quality assurance quality control program for groundwater sample collection.
  - (e) The operator will institute a chain of custody procedure to prevent tampering and contamination of the collected samples prior to completion of analysis.

#### Groundwater Monitoring Program:

1. The operator will implement a monitoring program in accordance with the following requirements:
- (a) Monitoring schedule and frequency:
    - (i) The monitoring period will begin as soon as a fill permit is issued. Monitoring will continue for a minimum period of two years after closure. The operator will sample all monitoring points on a quarterly basis.
    - (ii) The monitoring frequency may change on a well by well basis to an annual schedule if all constituents monitored within the zone of attenuation are less than or equal to Guideline criteria for three consecutive quarters. However, monitoring will return to a quarterly schedule at any well where a statistically significant increase is determined to have occurred in the concentration of any constituent with respect to the previous sample.



## SCHEDULE 'C'

### ENVIRONMENTAL CONTROL PROGRAM

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- (iii) Monitoring will be continued for a minimum period of two years after closure. Monitoring beyond the minimum period may be discontinued if no statistically significant increase is detected in the concentration of any constituent above that measured and recorded during the immediately preceding scheduled sampling for three consecutive quarters.
- (b) Criteria for choosing constituents to be monitored:
  - (i) The operator will monitor each well for constituents that will provide a means for detecting groundwater contamination. Constituents will be chosen for monitoring if the constituent appears in, or is expected to be in, the leachate.
  - (ii) One or more indicator constituents, representative of the transport processes of constituents in the leachate, may be chosen for monitoring in place of the constituents it represents.
- 2. If the analysis of the monitoring data shows that the concentration of one or more constituents is attributable to the fill operations and exceeds Guideline criteria, then the operator will conduct a groundwater impact assessment. The assessment monitoring program will be conducted in accordance with the following requirements:
  - (a) The impact assessment will be conducted to collect additional information to assess the nature and extent of groundwater contamination, which will consist of, but not be limited to, the following steps:
    - (i) More frequent sampling of the wells in which the observation occurred;
    - (ii) More frequent sampling of any surrounding wells;
    - (iii) The placement of additional monitoring wells to determine the source and extent of the contamination; and
    - (iv) Monitoring of additional constituents to determine the source and extent of contamination.

## **SCHEDULE 'C'**

### **ENVIRONMENTAL CONTROL PROGRAM**

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- (b) If the analysis of the assessment monitoring data shows that the concentration of one or more constituents monitored is above the applicable groundwater quality standards and is attributable to the fill operations, the operator will determine the nature and extent of the groundwater contamination, including an assessment of the continued impact on the groundwater should additional fill continue to be accepted at the facility, and will implement remedial action.

#### **Plugging and Sealing of Drill Holes:**

1. All drill holes, including exploration borings that are not converted into monitoring wells, monitoring wells that are no longer necessary to the operation of the site, and other holes that may cause or facilitate contamination of groundwater shall be sealed in accordance Ontario Regulation 903.