

**To the Mayor and Members of Council
Town of Minto
Atten: The Clerk**

2017/03/29

A Model Site Alteration By-law

A site alteration by-law is intended to protect the environment and neighbouring properties from any alterations to the land on a property, typically excavations and fill for buildings and driveways. However, some municipalities are finding that their by-law is inadequate when large amounts of fill are being brought in to a property for disposal. This excess soil comes from construction projects and some comes from the remediation of contaminated sites. The Ontario Soil Regulation Task Force (OSRTF) is a not-for-profit volunteer organization whose members have been involved with this issue for several years. Through our involvement with municipalities that had revised their site alteration by-laws to deal with the disposal of excess soil, we have developed a model site alteration by-law that we are making available to you. If your municipality has already revised their by-law, we applaud you.

20 million cubic metres of excess soil are disposed of each year in Ontario, as estimated by the Residential and Civil Construction Alliance of Ontario. Much of it is excavated for the basements of condo towers or subways and some of it is from the redevelopment of contaminated properties. The impact of the dumping of excess soil and contaminated soil has been felt in many communities. The noise, dust, and traffic from hundreds of trucks a day in and out of a single site can be very disruptive. There were placard-waving protesters at one disposal site. A disposal site near drinking water wells has been found to have cyanide in its soil at 3000 times the allowable limit. A homeowner who took a few loads of supposedly clean fill found carcinogenic dry cleaning fluid in his well water. Fill brought in for a sheep farmer's barnyard turned out to be toxic to the sheep. Issues with soil

disposal sites have been on the front page of local papers and were a factor in several municipal elections. There are strong incentives to dump contaminated soil improperly. A presentation by a Toronto legal firm to a conference of municipal lawyers stated that "every load of hazardous soil dumped illegally is worth as much as \$6000 in saved tipping fees" to those dumping it improperly. Any cleanup costs can be in the millions of dollars. The same presentation said "municipalities run the risk of being sued in cases where contaminated or even clean soil may be deposited on private or public lands if they fail to use their enforcement powers available to them."

The Ministry of the Environment and Climate Change (MOECC) has responded to this problem with a guideline document "Management of Excess Soil - A Guide for Best Management Practices" and last year with a "Excess Soil Management Policy Framework" that is being implemented. The guideline document and the framework put a lot of the soil management responsibility on municipalities and their site alteration by-laws. The Ministry of Municipal Affairs funded an on-line excess soil by-law tool at <http://www.excesssoils.com/>, which OSRTF contributed material to. OSRTF has taken an active part in workshops and conferences over the past few years including the 2015 AMO conference. Our researcher, Carmela Marshall, has given many deputations to municipal councils on the issue of fill sites and site alteration by-laws based on our experiences, research, and involvement with officials at all levels of government. Case studies and reference information can be found at <http://osrtf.ca> and <http://lakeridgecitizens.ca>. The model by-law which has been developed incorporates guidance from MOECC and has been peer reviewed by professionals. Elements of the model have been incorporated into several updated site alteration by-laws.

The model by-law and the companion documents of a rational document, a model fill agreement, and a model fill management plan are available on our website at <http://osrtf.ca/osrtf/model-fill-by-law-project/>. Upon request, we could provide them

as printed documents or on a USB memory stick. An OSRTF representative can be made available to discuss this issue with council or staff. Please contact OSRTF at info@osrtf.ca if your council would like our assistance in improving the management of excess soil.

With regards,

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