

On April 1, 2024, Ontario Regulation 41/24 came into effect due to changes to the Conservation Authorities Act. This document requires an update to reflect these legislative and regulatory changes. If you are unsure of what sections still apply, please contact GRCA staff.

Grand River Conservation Authority (GRCA) Site Specific Guidelines for Fill Importation in Excess of 1000m³ (Large Fill)

Procedures for Receiving & Processing of Applications to import Fill in Excess of 1000 cubic metres (Large Fill/Soil) within the Regulated Area under Ontario Regulation 150/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation)

When Grand River Conservation Authority (GRCA) staff is first notified that a proposal for large fill importation is being pursued, they will notify the proponent that prior to accepting a permit application, a pre-consultation meeting with the applicant, municipality and GRCA will be required.

Upon receipt of an application submitted under *O. Reg. 150/06* for development activities associated with the importation of fill in excess of 1000m³ (approximately 100 standard dump truck loads), Authority staff will ensure that the application is complete which includes the submission of all necessary supporting documentation. The supporting documentation may be scoped or the need for additional studies or plans considered, in consultation with the municipality at the pre-consultation meeting to ensure that all necessary information to review the application is identified. Supporting documentation will include:

Requirements for a Complete Permit Application

- 1) Completion of GRCA's Schedule "A" - Application for Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Permit and submission of the processing fee.
- 2) Four copies of a plan(s) of survey prepared by a qualified professional (i.e. Land Surveyor, Professional Engineer) showing the subject property and the specific location(s) on the subject property where development activities are being proposed. The certified plan shall show a minimum of the following:
 - a) Key map;
 - b) Drawn to scale;
 - c) Location of the subject property including property lines, north arrow and nearest roadways/intersections;
 - d) Location, dimensions, and use of existing buildings or structures;
 - e) Proposed Lowest Opening / Finished Floor / Top of Foundation (if required);
 - f) Existing and proposed elevations within and adjacent to the area where development (fill) is being proposed at 0.5 metre intervals using geodetic datum;
 - g) Multiple cross sections through each fill area;
 - h) Drainage patterns pre and post development;
 - i) Total fill quantity indicated in cubic meters;
 - j) Location and dimensions of all temporary stockpiles;
 - k) Location and dimensions of all staging areas and access routes;
 - l) Start and finish dates of project including sequencing and re-vegetation;

- m) Location of natural features including floodplain, watercourses, wetlands, top of bank or stable slope line and the required setbacks to these features; and
 - n) The Regulatory limit as prescribed by Ontario Regulation 150/06
- 3) Sediment and Erosion Control Plan prepared by a qualified professional in accordance with the Sediment and Erosion Control Guidelines for Urban Construction.
 - 4) A report and plans incorporating the measures identified in the MOECC “Management of Excess Soil – A Guide for Best Management Practices (January 2014)” (and any future updates)
 - 5) Restoration Plan or Environmental Implementation Report outlining how the Environmental Impact Study is to be implemented¹
 - 6) Report, signed and sealed by a qualified person (i.e. Engineer, Geoscientist) certifying that the fill is appropriate for the prescribed and proposed land use as per MOECC Guidelines, and contains no contaminants within the meaning of the *Environmental Protection Act*, R.S.O. 1990, c.E.19, as amended.
 - 7) A report signed and sealed by a qualified person identifying the source/origin(s) of the fill material, source material owner information, its history and use.

Additional supporting documentation to include (subject to scoping):

- 1) Environmental Impact Study
- 2) Agronomist Report
- 3) Hydrogeological Study
- 4) Geotechnical Study
- 5) Hydraulic Analysis
- 6) Storm Water Management Report
- 7) Written confirmation that a Final Grade Survey will be completed by a qualified person and provided to the GRCA

In addition to the above, the GRCA may identify other studies to be completed during the pre-consultation process. Where proposed fill site locations are regulated by both GRCA and a municipal site alteration or grading by-law or equivalent, the proponent shall prepare comprehensive plans/reports for both agencies. We note that additional supporting information to the above may be required to meet municipal requirements.

Following the issuance of a permit from the Conservation Authority, GRCA staff will conduct routine inspections of the site in order to ensure compliance with the permit plans and conditions. The sediment and erosion controls will be monitored and repaired as necessary and/or improved as per direction of the design engineer or Authority Staff. Inspection reports, signed and sealed by the design engineer, are to be submitted to the GRCA weekly during any fill placement or grading and monthly thereafter until the final site inspection has been completed. The fill operation will be completed/adhere to the approved reports and plans submitted in support of the application. It will be the responsibility of the owner and/or authorized agent to

¹ Environmental Impact Studies will provide guidance on delineation of features and appropriate setback. Environmental Implementation Reports will provide guidance works able to be mitigated within setbacks or buffer treatment (ie. Plantings)

coordinate a final inspection (including the submission of a final grade survey completed by a qualified professional) with Authority staff. A final site inspection and clearance shall be completed prior to the expiration date on the permit.

Site Design Guidelines:

- 1) All sediment and erosion controls will be in place prior to topsoil removal or placement of fill.
- 2) No fill shall be placed on native topsoil. Fill areas shall be stripped of topsoil and stockpiled with locations noted on the site plan.
- 3) Within the designated fill area, all stockpiles shall be located as specified in the plans and reports to ensure no negative impacts on natural features and no sediment delivery offsite or to natural features.
- 4) Stockpiles that will remain in place for more than 30 days shall be stabilized by vegetative cover, erosion mats, or other means. Stockpiles that will be in existence for less than 30 days shall be controlled by heavy duty sediment fence installed around the perimeter of the pile.
- 5) Stripping and filling shall be done in a manner that reduces the amount of un-stabilized area at any given time. Sediment and Erosion control plans should look at phasing, minimizing exposed areas, and minimizing duration of exposure. (ie. Less than 30 days)
- 6) All natural areas shall be protected from sediment deposits using appropriate erosion and sediment control measures.
- 7) Run-off from adjacent areas passing through the site shall be diverted around disturbed areas.

Notes to the applicant:

- Where proposed fill site locations are regulated jointly by both GRCA and a municipal By-Law, the proponent shall prepare comprehensive plans/reports for both agencies.
- GRCA will take into account previous filling activities on the site. The fee will be attributed to the total cumulative amount of filling on the site.
- A new application for development can be submitted prior to the expiry date specific on the permit in the event the proposed work has not been completed. The new application will be subject to the current policies and fee structure in place.
- Following the issuance of a permit from the Authority, GRCA staff will conduct routine site inspections of large fill sites in order to ensure compliance with permit conditions subsequent to this policy.

Exceptions in Accordance with the Conservation Authorities Act

- (10) No regulation made under subsection (1),
- (a) shall limit the use of water for domestic or livestock purposes;
 - (b) shall interfere with any rights or powers conferred upon a municipality in respect of the use of water for municipal purposes;
 - (c) shall interfere with any rights or powers of any board or commission that is performing its functions for or on behalf of the Government of Ontario; or
 - (d) shall interfere with any rights or powers under the *Electricity Act, 1998* or the *Public Utilities Act, 1998*, c. 15, Schedule E, s. 3 (8); 1998, c. 18, Schedule I, s. 12.

Activities under the Aggregate Resources Act

(11) A requirement for permission of an authority in a regulation made under clause (1) (b) or (c) does not apply to an activity approved under the *Aggregate Resources Act* after the *Red Tape Reduction Act, 1998* received Royal Assent. 1998, c. 18, Schedule I, s. 12.

Non - Compliance in Accordance with the Conservation Authorities Act

Offence: contravening regulation

(16) Every person who contravenes a regulation made under subsection (1) or the terms and conditions of a permission of an authority in a regulation made under clause (1) (b) or (c) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to a term of imprisonment of not more than three months. 1998, c. 18, Schedule I, s. 12; 2010, c. 16, Schedule 10, s. 1 (2).

Limitation for proceeding

(16.1) A proceeding with respect to an offence under subsection (16) shall not be commenced more than two years from the earliest of the day on which evidence of the offence is discovered or first comes to the attention of officers appointed under clause (1) (d) or persons appointed under clause (1) (e). 2010, c. 16, Schedule 10, s. 1 (3).

Orders

(17) In addition to any other remedy or penalty provided by law, the court, upon making a conviction under subsection (16), may order the person convicted to,

- (a) remove, at that person's expense, any development within such reasonable time as the court orders; and
- (b) rehabilitate any watercourse or wetland in the manner and within the time the court orders. 1998, c. 18, Schedule I, s. 12.

Non-compliance with order

(18) If a person does not comply with an order made under subsection (17), the authority having jurisdiction may, in the case of a development, have it removed and, in the case of a watercourse or wetland, have it rehabilitated. 1998, c. 18, Schedule I, s. 12.

Liability for certain costs

(19) The person convicted is liable for the cost of a removal or rehabilitation under subsection (18) and the amount is recoverable by the authority by action in a court of competent jurisdiction. 1998, c. 18, Schedule I, s. 12.