CONSERVATION HALTON
LARGE FILL POLICY AND PROCEDURAL GUIDELINES

Preamble

The *Conservation Authorities Act* (Section 28) enables Conservation Authorities to enact regulations to restrict development in specific areas where public health and safety would be at risk because of naturally-occurring processes (e.g., flooding, erosion) or where development could aggravate existing natural hazards or create new ones. In 2006, the Ontario Minister of Natural Resources and Forestry approved Conservation Halton's most recent regulation, the *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation* (Ontario Regulation 162/06). This regulation specifies that permission from the Halton Region Conservation Authority (Conservation Halton) is required to:

- develop in river or stream valleys, wetlands and adjacent lands (i.e., other areas where development could interfere with the hydrologic function of a wetland), shorelines or hazardous lands;
- alter a river, creek, stream or watercourse; or
- interfere with a wetland.

The administration of the regulation is guided by Conservation Halton (CH) Board-approved policies (*Conservation Halton Policies and Guidelines for the Administration of Ontario Regulation 162/06 and Land Use Planning Policy Document*, *April 27, 2006, amended November 26, 2015*). These policies complement the Ontario Provincial Policy Statement, Section 3.0 – Protecting Public Health and Safety and were developed with input from watershed municipalities and other stakeholders before they were approved. If it can be demonstrated that the proposed work meets Board-approved policies and will not affect the control of flooding, erosion, dynamic beaches or pollution or the conservation of land, CH may grant permission for the proposed work.

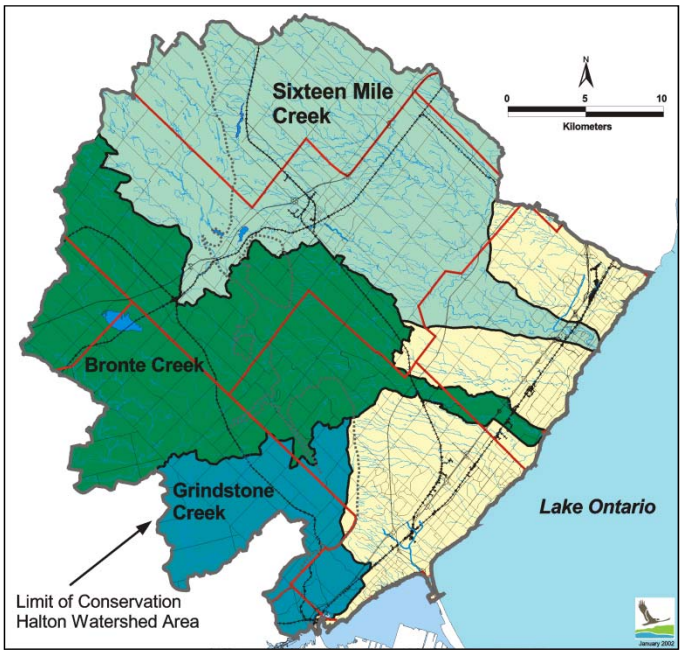

Figure 1. Conservation Halton Jurisdiction and Watersheds

Although not a new phenomenon, the movement and placement of large quantities of fill, including soil, is increasing across the Greater Golden Horseshoe and throughout Ontario. To address this emerging issue, CH has developed new policies which apply specifically to the placement, dumping and grading of large fill within regulated areas in CH watersheds.

Purpose

CH's Large Fill Policy and Procedural Guideline (Policy and Procedural Guideline) applies to lands that are regulated by Conservaton Halton, as specified under the *Conservation Authorities Act* and *Ontario Regulation 162/06*. In accordance with *Ontario Regulation 162/06*, any proposed development within a regulated area requires permission from CH. Development includes "site grading" or "the temporary or permanent placing, dumping or removal of any material, originating onsite or elsewhere" (*Conservation Authorities Act*, *Section. 28, (25 c and d))*. The definition of *development* under the Conservation Authorities Act therefore includes "fill". Fill includes any material, that can be placed, dumped or removed originating on the site or elsewhere, including soils. Permission may be granted if in the opinion of the Conservation Authority, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be affected by the development.

Large fill as defined by CH, refers to 200 cubic metres (m^3) or more of fill (greater than 15-20 standard dump truck loads). Fill includes excess soil. *Excess soil* is a term used by the province which means "soil that has been excavated, mainly during construction activities, that cannot or will not be reused at the site where the soil was excavated and must be moved off site" (Ontario Ministry of the Environment and Climate Change, 2014). Under the *Ontario Regulation 153/04* (Records of Site Condition – Part XV.1), soil is defined as "unconsolidated naturally occurring mineral particles and other naturally occurring material resulting from the natural breakdown of rock or organic matter by physical, chemical or biological processes that are smaller than 2 millimetres in size or that pass the US #10 sieve."

Agricultural Soil Enrichment

The importation of clean soil (e.g., those soils that meet Table 1 or Table 2 of the S*oil, Ground Water and Sediment Standards, Ontario Regulation 153/04*) solely for the purpose of agricultural soil enrichment will be considered exempt from portions of the Policy and Procedural Guideline provided that the following can be demonstrated to the satisfaction of CH: 1) the depth of the soil placement is minimal (generally less than 20cm in depth); 2) soil is not placed within 30 metres of Provincially Significant Wetlands or wetlands equal to or greater than 2 hectares and lands within 15 metres of a non-provinicially significant wetland, 3) the soil quality and permeability meets or exceeds in-situ soils and serves to equal or better the soil conditions on the subject lands; and, 4) the activity has no *negative impact* on the control of flooding, *erosion*, *dynamic beaches*, *pollution* or the *conservation of land*.

CH supports soil conservation and the beneficial re-use of excess soil in a manner which promotes sustainability and the protection of the environment within certain regulated areas. Landowners considering the use of excess soils for the purpose of agricultural enrichment are encouraged to contact CH to discuss their plans in greater detail. A Letter of Permission may be required for soil enrichment of lands within 120 metres of Provincially Significant Wetlands or wetlands equal to or greater than 2 hectares and lands within 30 metres of non-provinicially significant wetlands (i.e.,

other areas as defined in *Ontario Regulation 162/06*). Agricultural soil enrichment within wetlands, valley lands, shorelines adjacent or close to lake Ontairo or other hazardous lands will not be supported.

Application of the Policy and Procedural Guideline

This Policy and Procedural Guideline applies to the placement and dumping and site grading of fill equal to or greater than 200 cubic metres (m^3) in areas regulated by CH not associated with:

a) development applications under the *Planning Act;*
b) fill activities proposed in accordance with a site licence under the *Aggregate Resources Act*; *or*
c) projects under the *Ontario Environmental Assessment Act*.

Other CH policies and procedures may apply if *large fill* placement in regulated areas is associated with other development activities not associated with a), b) or c) above.

Where CH's regulated lands fall within the Niagara Escarpment Development Control Area, large fill placement may also require a Niagara Escarpment Commission Development Permit. Consultation with the Niagara Escarpment Commission early in the application process is advised.

Activities for which permission is required from CH may also be subject to other legislation, policies and standards that are administered by other agencies and muncipalities. It is the responsibilty of the proponent to ensure that all other necessary approvals are obtained prior to undertaking any works for which a permit under *Ontario Regulation 162/06* has been issued.

This Policy and Procedural Guideline should be read in conjunction with other applicable CH policies, procedures and guidelines.

Site Alterations Under the *Municipal Act*

The placement of fill adjacent to areas regulated by CH under Ontario Regulation 162/06 may be subject to a site alteration by-law approved through the Municipal Act. Municipal site alteration by-laws are not applicable on lands that are regulated by the CH as the Municipal Act 2001 c.25 s.142 (8) specifically provides an exemption to municipal grading by-laws for areas subject to regulations made under the *Conservation Authorities Act.*

Specifically, Chapter 25, section 142 (8) of the *Municipal Act* states:
If a regulation is made under section 28 of the Conservation Authorities Act respecting the placing or dumping of fill, removal of topsoil or alteration of the grade of land in any area of the municipality, a by-law passed under this section is of no effect in respect of that area. 2001, c. 25, s. 142 (8).

In some cases, the receiving site is located within and/or adjacent to areas regulated by CH. Where a property is subject of earthworks, regardless of whether or not the fill placement is entirely within the regulated area or straddles jurisdictions, CH will work closely with the municipality. Coordination is required as planning matters such as noise, dust, and the placement, handling, hauling and storage on the receiving site or in-transit to the receiving site outside of regulated areas are currently beyond the scope of the *Conservation Authorities Act* and *Ontario Regulation 162/06.*

Future Direction

The provincial government is reviewing the issue of excess soil. CH's Large Fill Policy and Procedural Guideline will be reviewed when a provincial framework has been finalized to assess whether amendments are required.

Commencing in 2017, CH will be updating and consolidating it's *Policies and Guidelines for the Administration of Ontario Regulation 162/06 and Land Use Planning Document*. The Large Fill Policy and Procedural Guideline will be updated and incorporated into the revised policy document during this review.

Conservation Halton

LARGE FILL POLICY

The following policies apply to the placement of large fill within areas regulated by CH:

1. The placement of *large fill* will not be permitted within *wetlands*, *valley lands*, *watercourses*, *dynamic beaches* or other *hazardous lands* or their allowances.

2. The placement of large fill and grading and associated development such as staging areas and access routes, may be permitted within *other areas*, as defined under *Ontario Regulations 162/06, Section 2 (1) (e),* where it can be demonstrated to the satisfaction of CH that:
   a) the control of flooding, erosion, dynamic beaches, pollution or the conservation of land is not negatively impacted during and post-development;
   b) the risk to public safety is not increased;
   c) there are no adverse environmental impacts on the natural shoreline processes of Lake Ontario;
   d) pollution, sedimentation and erosion during and post-development are avoided;
   e) the proposed receiving site is appropriate for the placement of excess soil and the excess soil proposed to be placed on-site meets the Ministry of the Environment and Climate Change (MOECC) Table 1 and 2 standards as outlined in the *Soil Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act (Soil Standards);*
   f) intrusions on natural features are avoided and no negative impacts to natural features or hydrologic or ecological functions will occur;
   g) there are no negative impacts on groundwater quality, quantity, flow or functions (recharge or discharge);
   h) a minimum setback of 30 metres from Provincially Significant Wetlands and wetlands larger that 2 hectares and a minimum setback of 15 metres from all other wetlands is maintained;
   i) the site is graded during the fill operation and stabilized as soon as possible subsequent to fill placement and final grading;
   j) the risk of contaminated soils being deposited on the site is minimized and addressed in a contingency action plan, as part of a *Fill Management Plan* or equivalent plan;
   k) permission has been obtained from the Niagara Escarpment Commission, if applicable; and,
   l) a *qualified professional* has carried out weekly compliance monitoring during the active fill placement or grading period and monthly compliance monitoring thereafter until the final site inspection is completed.

3. The importation of clean soil solely for the purpose of agricultural soil enrichment will be considered exempt from portions of the Policy and Procedural Guideline provided that the following can be demonstrated to the satisfaction of CH:
   a) the depth of the soil placement is minimal (generally less than 20cm in depth);
   b) soil is not placed within 30 metres of Provincially Significant Wetlands or wetlands equal to or greater than 2 hectares and lands within 15 metres of a non-provinicially significant wetland
   c) the soil quality and permeability meets or exceeds in-situ soils and serves to equal or better the soil conditions on the subject lands; and,
   d) the activity has no *negative impact* on the control of flooding, *erosion*, *dynamic beaches*, *pollution* or the *conservation of land*.

Conservation Halton

LARGE FILL PROCEDURAL GUIDELINE

The following procedural guideline will be used for receiving and processing applications to place soil in excess of 200m^3 within CH's regulated areas.

Upon notification that a proposal for the placement of large fill and any associated grading is being pursued, CH staff will advise the proponent that prior to accepting a permit application, a pre-consultation meeting is required. The pre-consultation meeting will include the applicant, affected municipalities, and other relevant agencies along with CH. The pre-consultation meeting is intended to scope and clarify the information and technical studies required by approval authorities.

At the pre-consultation meeting, CH staff will determine whether wetland features and/or the physical top-of-bank along valleys need to be staked or verified and/or if technical studies to determine floodplain limits, meander belt limits and/or the stable top of bank or other natural features or processes are required.

Upon receipt of an application submitted under *Ontario Regulation 162/06*, CH staff will ensure that the application is complete, including the submission of all necessary supporting documentation. The proponent will be contacted if additional technical information or studies are required. The permit application cannot be reviewed until all required documentation has been submitted.

Requirements for a Complete Application

Supporting documentation may include, but is not limited to:

1) A completed **Permit Application Form** under *Ontario Regulation 162/06* and submission of the appropriate processing fee, as per the current approved fee schedule.

2) Four copies of a **Plan(s) of Survey** prepared by a *qualified professional* (e.g., Land Surveyor, Professional Engineer) showing the subject property, topography and the specific location(s) on the subject property where fill placement or removal is being proposed. The certified plan shall show a minimum of the following:
   a) Key map drawn to scale;
   b) Location of the subject property including property lines, north arrow and nearest roadways/intersections;
   c) Existing and proposed elevations at 0.25 metre intervals using geodetic datum within and adjacent to the area where fill is being proposed and along property lines. (NOTE: different intervals may be requested by CH staff during the pre-consultation meeting. Side slopes should not exceed a 3 (horizontal): 1 (vertical) gradient);
   d) Multiple cross sections through each fill area;
   e) Total quantity of imported fill indicated in cubic metres;
   f) Location and dimensions of all temporary stockpiles;
   g) Location and dimensions of all staging areas and access routes;
   h) Other known site features and structures such as culverts, utilities, poles, pavement, curbs, etc.;
   i) Start and finish dates of the project including sequencing;
   j) Re-vegetation/restoration plans;

k) Location of natural features including floodplains, watercourses, wetlands, top of bank and stable slope line and the required setbacks to these features identified through an Environmental Impact Study, where required;
l) Location of other natural features as delineated by the affected regional and/or local municipality; and
m) The Regulatory limits as prescribed by *Ontario Regulation 162/06*.

3) A **Sediment and Erosion Control Plan** prepared by a *qualified professional* in accordance with the *Erosion and Sediment Control Guideline for Urban Construction*, December 2006 prepared by the Greater Golden Horseshoe Conservation Authorities.

4) **Pre and Post Development Drainage Plans, where required,** and confirmation from a *qualified professional* that the placement of soil will not alter drainage patterns and volumes in such a way as to have an negative impact on flooding and erosion of downstream or upstream properties or on nearby regulated natural features such as wetlands. Requirements for pre and post drainage plans will be determined at the pre-consultation meeting.

5) A **Fill Management Plan** for the receiving site prepared by a *qualified person* or an equivalent plan prepared by a *qualified professional* in accordance with the document, *Management of Excess Soil – A Guide for Best Management Practices* developed by the Ministry of the Environment and Climate Change, January 2014. In addition, the following will be required:
   - **A Record of Site Condition,** or equivalent documentation completed by a *qualified professional* using a risk-based approach, assessing the appropriateness of the receiving site for the placement of excess soil. The analysis should be based on the specific conditions at the receiving site, including the history of the site. The analysis should verify that the placement of soil will not degrade existing conditions, soil permeability, or increase any contaminant concentrations.
   - **Representative Baseline Sampling Results.** The sampling must be carried out by a *qualified professional* and provide information on soil and surface and groundwater water conditions. Sampling must confirm that the placement of soil will not result in a negative impact on the control of pollution and/or hydrologic functions associated with nearby wetlands, watercourses or other hydrological features.
   - **Qualified On-site Manager(s).** The qualified on-site manager will confirm the state of erosion and sedimentation control measures and site drainage and keep accurate records of incoming fill material. Qualification of the on-site manager shall be reflective of the expertise required for each receiving site based on considerations such as soil volumes and site characteristics.

6) A **Soil Management Plan,** for the source site prepared by a *qualified person* or an equivalent plan prepared by a *qualified professional,* in accordance with the document, *Management of Excess Soil – A Guide for Best Management Practices* developed by the Ministry of the Environment and Climate Change, January 2014. At a minimum, the following will be required:
   - An **Origin of Fill Report** signed and sealed by a *qualified professional* identifying the source/origin(s) of the fill material, source material owner information, its history and use. The report shall include a clear and definitive conclusion that the soil quality meets MOECC Soil Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act (Soil Standards). The documentation shall also include a description of the

sampling procedure and rationale. Sampling and frequency requirements should match or exceed those outlined in Ontario Regulation 153/04. Sampling must be based on distributed samples across the source site with a focus in the areas of highest risk. At a minimum, all sampling should be accompanied by chain of custody documentation as described in *the Soil Management Plan* section of the *Management of Excess Soil – A Guide for Best Management Practices* developed by the Ministry of the Environment and Climate Change, 2014.

- A **Soil Quality Report** signed and sealed by a *qualified professional* (e.g., professional engineer, geoscientist) certifying that the fill is appropriate for the prescribed and proposed land use as per the **Record of Site Condition**, or equivalent and MOECC Soil Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act (Soil Standards).

7) An **Environmental Impact Study, where required,** prepared by a *qualified professional* verifying that the proposed placement of fill will not have a negative impact on the natural features and functions on the site and will not create or worsen natural hazards. The study shall delineate natural features and appropriate setbacks. The study shall assess potential impacts and provide recommendations on the appropriateness of placing fill on the subject lands and any setbacks or mitigation measures to the satisfaction of CH. The requirement for an Environmental Impact Study will be determined at the pre-consultation meeting.

8) A **Restoration Plan or Environmental Implementation Report, where required,** prepared by a *qualified professional* outlining how the Environmental Impact Study or Environmental Implementation Report is to be implemented and how potential impacts are to be mitigated. The plan/report shall include at a minimum: 1) details related to site stabilization measures such as topsoil, plantings, seed, , hydro seed and associated timing, etc.; 2) staging of restoration such that any exposed soil is vegetated as soon as possible; and, 3) invasive species management. The need for a Restoration Plan or Environmental Implementation will identified at the pre-consultation meeting, or during the review of the application.

9) A **Site Security Report** which outlines how the site will be monitored and secured.

10) **Additional supporting documentation** may be required. The need will be identified at the pre-consultation meeting, or during the review of the application. Additional supporting documentation requests may include:
    - Agronomist Report
    - Hydrogeological Study
    - Geotechnical Study
    - Hydraulic Analysis
    - Storm Water Management Report
    - Tree/Vegetation Assessments
    - Written confirmation that a Final Grade Survey will be completed by a *qualified professional* and provided to CH

    In addition to the above, CH may identify other studies to be completed during the pre-consultation process.

11) Where proposed excess fill locations fall within the jurisdiction of multiple agencies and where multiple approvals are required, the proponent shall prepare **Comprehensive Plans/Reports** for all appropriate agencies, where applicable. Review of the application will be coordinated among

relevant agencies, where possible.

Conservation Halton Application Administration

1. An application in writing must be signed by the property owner, however an authorized agent acting on behalf of the property owner, may be the primary contact for the application, provided that the authorized agent has been granted permission in writing by the property owner and has signed the application. The permit will not be issued until the application is signed by the registered property owner(s) and the authorized agent, if applicable.

2. An application will not be deemed complete until all information requirements and applicable fees have been submitted. If information is missing from the application submission, it will be the responsibility of the owner and/or authorized agent to ensure that the information is provided.

3. Applicants are advised to consult with the respective municipality in which the proposed fill site is located regarding any approvals required under the municipal site alteration or site grading by-law.

4. Where a proposed fill location is regulated by CH and the municipality, CH staff will coordinate the CH review of the application with municipal staff.

5. Only one active CH large fill permit per municipal address can exist at any one time.

6. Written permission from CH consenting to a large fill operation will be granted to a maximum of two (2) years. A new application for development can be submitted, if needed. The new application will be subject to the requirements, stipulations and fees in place at the time.

7. A new application for development can be submitted prior to the expiry date specific on the existing permit. The new application will be subject to the current policies in place and the same fee structure will apply.

8. CH 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.

9. Following the issuance of a permit, CH staff will conduct routine site inspections of large fill sites in order to ensure compliance with permit conditions subsequent to this policy. If the property or an adjacent property has a Site Alteration Permit, coordination of the final site inspection will include a municipal inspector. In cases where Niagara Escarpment Commission development permits have been issued, coordination of the final site inspection will occur with Niagara Escarpment Commission staff.

Issuance of a Conservation Halton Permit

1. Prior to the issuance of a CH Permit, staff will advise the municipality that the permit application meets the requirements of the CH Large Fill Policy. A permit will not be issued until applicable NEC permits have been granted and written comments have been provided by the municipality.

2. Conditions of the permit may include, but are not limited to:
   - the specified limit of the volume of fill that is permitted;
   - the specified limit of the depth of fill that is permitted;
   - adherence to the requirements of the *Fill Management Plan* or equivalent plan;
   - the submission of a weekly monitoring report undertaken by a qualified on-site manager to ensure that drainage patterns are maintained, all erosion and sediment control measures are working satisfactorily, and any installed groundwater monitoring wells are working properly;
   - the provision of access to the receiving site to CH staff to undertake compliance inspections;
   - the submission of weekly soil records by a qualified on-site manager in accordance with protocol in the *Fill Management Plan* or equivalent plan. The records will demonstrate that all incoming soil is from an originating site with a *Soil Management Plan*, where one is available, and a Record of Site Condition, where one applies, and will verify the location on the site where site alteration activities have occurred;
   - the submission of a daily summary log, on a weekly basis, in accordance with protocol in *the Fill Management Plan* or equivalent;
   - a requirement that the site be gated and signed to prohibit access to unauthorized personnel/trucks;
   - the submission of a post-elevation and drainage plan report prior to the expiry of the permit. The report, prepared by a certified Ontario Land Surveyor and confirmed by a *qualified professional*, will demonstrate that all final elevations and drainage patterns are in accordance with the approved plans; and,
   - post fill monitoring of the site by the owner/operator to confirm adherence to any approved restoration, drainage and environmental implementation plans, for the term of the permit.

Permit Monitoring and Compliance

Following the issuance of a permit from CH, 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 by the owner as necessary and/or improved as per direction of the *qualified professional* or CH staff. Inspection reports, signed and sealed by the *qualified professional*, are to be submitted to CH on a weekly basis during any fill placement or grading and monthly thereafter until the final site inspection has been completed.

The fill operation will 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 coordinate a final inspection (including the submission of a final grade survey completed by a *qualified professional*) with CH staff. A final site inspection and review of permit conditions shall be completed prior to the expiration date on the permit to ensure compliance with the terms of the permission. Within 30 days of the final inspection, the applicant shall submit a report to CH, that confirms permit terms and conditions and post restoration activities have been completed, including but not limited to the following: an as-built survey completed by a certified Ontario Land Surveyor, reconciliation of the final

fill volume, status of erosion control measures, stabilization/restoration plans and recommendations for ongoing monitoring requirements.

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 include soil preservation measures and be stabilized by vegetative cover, erosion mats, or other means, as per the Toronto Regional Conservation Authority, *Preserving and Restoring Healthy Soils: Best Practices for Urban Construction* (2012). 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 (i.e., 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.

Applications That Do Not Meet Policy

Should a fill proposal not conform to the Policy and Procedural Guideline, CH staff cannot support the application. Where this is the case, the applicant has the right to a hearing before CH's Hearing Board as prescribed by the *Conservation Authorities Act*, Section 28 (12).

Conservation Halton

Definitions

Adverse Environmental Impacts means, as it pertains to shorelines, those physical, biological and environmental changes which are of long-term duration, where the rate of recovery is low, where there is a high potential for direct and/or indirect effects and/or where the area is considered to be critical habitat or of critical significance to the protection, management and enhancement of the shoreline ecosystem (*Conservation Halton Policies and Guidelines for the Administration of Ontario Regulation 162/06 and Land Use Planning Policy Document*, *April 27, 2006, amended November 26, 2015*).

Conservation of Land means the protection, management, or restoration of lands within the watershed ecosystem for the purpose of maintaining or enhancing the natural features and hydrologic and ecological functions within the watershed (Conservation Ontario Section 28 Peer Review and Implementation Committee, *Draft Guidelines to Support Conservation Authority Administration of the "Development, Interference with Wetlands and Alterations to Shorelines and Watercourse Regulation"*, 2008).

Development means

a) the construction, reconstruction, erection or placing of a building or structure of any kind,
b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
c) site grading, or
d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere (*Conservation Authorities Act*, Section 28 (25)).

Dynamic Beaches means areas of inherently unstable accumulations of shoreline sediments along the Great Lakes – St. Lawrence River System and large inland lakes, as identified by Provincial standards, as amended from time to time. The dynamic beach hazard limit consists of the flooding hazard limit plus a dynamic beach allowance (*Conservation Halton Policies and Guidelines for the Administration of Ontario Regulation 162/06 and Land Use Planning Policy Document, April 27, 2006, amended November 26, 2015*).

Erosion means the loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, and an erosion access allowance (*Conservation Halton Policies and Guidelines for the Administration of Ontario Regulation 162/06 and Land Use Planning Policy Document*, *April 27, 2006, amended November 26, 2015*).

Excess Soil means soil that has been excavated, mainly during construction activities, that cannot or will not be reused at the site where the soil was excavated and must be moved off site (Ontario Ministry of Environment and Climate Change, *Management of Excess Soil - A Guide for Best Management Practices*, 2014).

Fill Management Plan means a Management Plan as outlined in the Ministry of Environment and Climate Change's*, Management of Excess Soil – A Guide for Best Management Practices*, 2014.

Hazardous Land means land that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches or unstable soil or bedrock (*Conservation Authorities Act*, Section 28 (25)).

Large Fill means fill equal to or greater than 200 cubic metres (m^3).

Negative Impact means

a) in regard to policy 2.2 of the PPS, degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features and their related hydrologic functions, due to single, multiple or successive *development* or *site alteration* activities;
b) in regard to *fish habitat*, the harmful alteration, disruption or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the *Fisheries Act*, using the guiding principle of no net loss of productive capacity; and
c) in regard to other *natural heritage features and areas*, degradation that threatens the health and integrity of the natural features or *ecological functions* for which an area is identified due to single, multiple or successive development or site alteration activities (*Conservation Halton Policies and Guidelines for the Administration of Ontario Regulation 162/06 and Land Use Planning Policy Document, April 27, 2006, amended November 26, 2015).*

Other Areas means areas where development could interfere with the hydrologic function of a wetland, including areas within 120 metres of all provincially significant wetlands and wetlands greater than or equal to 2 hectares in size, and areas within 30 metres of wetlands less than 2 hectares in size (*Ontario Regulation 162/06, Section 2(1)).*

Pollution means any deleterious physical substance or other contaminant that has the potential to be generated by development in an area to which a regulation made under clause (1) (c) applies; ("pollution") (*Conservation Authorities Act, Section 28 (25)).*

Qualified professional means a person with specific qualifications, training, and experience authorized to undertake work in accordance with the policies in accepted engineering or scientific principles, provincial standards, criteria and guidelines, and/or to the satisfaction of CH (Ministry of Natural Resources and Forestry and Conservation Ontario Section 28 Peer Review and Implementation Committee, *Draft Guidelines to Support Conservation Authority Administration of the "Development, Interference with Wetlands and Alterations to Shorelines and Watercourse Regulation",* 2008).

Qualified Person means a person who meets the qualifications defined by *Ontario Regulation 153/04, Section 5 & 6*.

Record of Site Condition means a document which summarizes the environmental condition of a property, based on the completion of environmental site assessments by a qualified person as required by the *Environmental Protection Act* (*Ontario Regulation 153/04)*.

Soil Management Plan is a Management Plan for a source or originating site of excess soil as outlined in the Ministry of Environment and Climate Change document*, Management of Excess Soil – A Guide for Best Management Practices*, 2014.

Valley Lands means depressional features associated with a river or stream, whether or not they contain a watercourse (*Conservation Halton Policies and Guidelines for the Administration of Ontario Regulation 162/06 and Land Use Planning Policy Document*, *April 27, 2006, amended November 26, 2015*).

Wetland means land that,

a) is seasonally or permanently covered by shallow water or has a water table close to or at its surface,

b) directly contributes to the hydrological function of a watershed through connection with a surface watercourse,

c) has hydric soils, the formation of which has been caused by the presence of abundant water, and

d) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which has been favoured by the presence of abundant water,

but does not include periodically soaked or wet land that is used for agricultural purposes and no longer exhibits a wetland characteristic referred to in clause (c) or (d). ("terre marécageuse") 1998, c. 18, Sched. I, s.12 (*Conservation Authorities Act*, Section 28 (25)).

Watercourse means an identifiable depression in the ground in which a flow of water regularly or continuously occurs; ("cours d'eau") (*Conservation Authorities Act, Section 28 (25)*).

References

Ministry of Natural Resources and Forestry. (1990). *Conservation Authorities Act, R.S.O. (1990, c. C.27)*. URL: https://www.ontario.ca/laws/statute/90c27

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