Please find enclosed the Agenda and supporting documents for the CLOCA Annual Board of Director’s meeting on Tuesday, January 17, 2017, 4:30 p.m., at the Region of Durham Headquarters, Boardroom LLC, 605 Rossland Road East, Whitby.

The list below outlines upcoming meetings and events for your information.

UPCOMING MEETINGS & EVENTS

<table>
<thead>
<tr>
<th>DATE</th>
<th>TIME</th>
<th>EVENT</th>
<th>LOCATION</th>
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<tbody>
<tr>
<td>Tuesday, January</td>
<td>4:30 p.m.</td>
<td>CLOCA Board of Director’s 60th Anniversary</td>
<td>Region of Durham Headquarters 605 Rossland Road East,</td>
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<td>17/17</td>
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<td>Annual General Meeting</td>
<td>Boardroom LLC, Whitby</td>
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<tr>
<td>Tuesday, January</td>
<td></td>
<td>CLOC Fund Board of Director’s Meeting</td>
<td>Region of Durham Headquarters 605 Rossland Road East,</td>
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<td>17/17</td>
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<td>Boardroom LLC, Whitby</td>
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<tr>
<td>Tuesday, February</td>
<td>5:00 p.m.</td>
<td>CLOCA Board of Director’s Meeting</td>
<td>100 Whiting Avenue Authority’s Office Boardroom</td>
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<td>14/17</td>
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<tr>
<td>Friday, February</td>
<td>7:00 – 9:00</td>
<td>Annual Family Snowshoe</td>
<td>Enniskillen Conservation Area 7274 Holt Road, Clarington</td>
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<tr>
<td>17/17</td>
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<tr>
<td>Tuesday, March</td>
<td>5:00 p.m.</td>
<td>CLOCA Board of Director’s Meeting</td>
<td>100 Whiting Avenue Authority’s Office Boardroom</td>
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<td>21/17</td>
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*Tuesday, February 14/17 meeting date change due to Family Day holiday

Check Out our Website! [www.cloca.com](http://www.cloca.com)
Discover your local Conservation Area.
Register as a Conservation Volunteer Programs & Services
Mobile access to online information with CLOCA’s new mobile website and Free Conservation Areas App

“What we do on the land is mirrored in the water.”
CENTRAL LAKE ONTARIO CONSERVATION AUTHORITY

A G E N D A
ANNUAL AUTHORITY MEETING
Tuesday, January 17, 2017 - 4:30 P.M.

MEETING LOCATION: REGION OF DURHAM HEADQUARTERS
BOARDROOM LLC, 605 ROSSLAND ROAD EAST, WHITBY

CIRCULATION LIST
Authority
Members:
Don Mitchell, Chair
Bob Chapman, Vice Chair
John Aker
Shaun Collier
Joe Drumm
Adrian Foster
Derrick Gleed
Ron Hooper
Joe Neal
John Neal
Gerri Lynn O’Connor
David Pickles
Nester Pidwerbecki
Tom Rowett
Elizabeth Roy
Municipalities:
Town of Ajax, Clerk
Municipality of Clarington, Clerk
City of Oshawa, Planning
City of Pickering, Clerk
Town of Whitby, Public Works
Town of Whitby, Planning
Township of Uxbridge, Clerk
Staff:
C. Darling, Chief Administrative Officer
H. Brooks, Director, Watershed Planning & Natural Heritage
R. Catulli, Director, Corporate Services
G. Geissberger, Marketing & Communications Coordinator
D. Hope, Land Management & Operations Supervisor
C. Jones, Director, Planning & Regulations
P. Lowe, Director, Community Engagement
P. Sisson, Director, Engineering & Field Operations
M. Stauffer, Administrative Assistant/Recording Secretary
Region:
Region of Durham, Clerk
Region of Durham, Planning & Econ Dev.
Ajax Pickering News Advertiser
94.9 The Rock
CKDO
Compton Cable TV
KX-96 Radio
Oshawa Express
Oshawa/Whitby/Clarington This Week
5.0 Rogers Cable TV
The Scugog Standard

4:30 REFRESHMENTS

AGENDA ITEM:

1. WELCOME & INTRODUCTION – 5:00 p.m.
   - Chair Mitchell, welcome guests
   - Board Members, introduce themselves, starting with the municipality they represent
   - Chief Administrative Officer, looking back at the 1st AGM

2. DECLARATIONS of interest by members on any matters herein contained

3. ADOPTION OF MINUTES of November 15, 2016

4. GREETINGS
   Chair Mitchell will call upon guests to bring greetings on behalf of their respective organizations.

5. PRESENTATIONS
   Dianne Saxe, Environmental Commissioner of Ontario

6. 2016 YEAR IN REVIEW – CHAIR MITCHELL

*** 10 MINUTE BREAK ***
7. ELECTION OF OFFICERS

At this point in the proceedings the 2016 elected officers will vacate their positions, and the Chief Administrative Officer will officiate for the 2017 election of Chair.

*Resolution Required:* THAT in the event of a vote by ballot, Patricia Lowe and Perry Sisson be designated as scrutineers; and further that all election ballots be destroyed.

**Authority Chair**

(Three calls will be made for nominations. No seconder is required. Where more than one nominee stands for office, an election by secret ballot will be conducted.)

Nominations:

*Resolution Required:* THAT nominations for the position of Authority Chair be closed.

Election:

The newly elected Chair will assume the Chair to conduct the remainder of the meeting.

**Authority Vice-Chair**

(Three calls will be made for nominations. No seconder is required. Where more than one nominee stands for office, an election by secret ballot will be conducted.)

Nominations:

*Resolution Required:* THAT nominations for the position of Authority Vice-Chair be closed.

Election:

8. SIGNING OFFICERS

*Resolution Required:* THAT the Signing Officers of the Authority be any two of the following: The Chair, Vice-Chair, Chief Administrative Officer/Secretary-Treasurer, and Director of Corporate Services.

9. SOLICITORS

Central Lake Ontario Conservation Authority utilizes the services of five (5) legal firms:

- Beard, Winter – flood plain regulation advice and litigation
- Borden Ladner Gervais – property tax and related matters
- Boychyn & Boychyn – real estate and property transactions
- Gardiner, Roberts – land related matters – planning and regulation matters
- Hicks, Morley – employment and labour related matters
- Littler Canada - legal matters for personnel/human resources

*Resolution Required:* THAT the firms Beard, Winter, Toronto; Borden Ladner Gervais, Toronto; Boychyn & Boychyn, Oshawa; Gardiner, Roberts, Toronto; Hicks Morley, Toronto; and Littler Canada be appointed Solicitors for the Authority, as required.
10. **BORROWING BY-LAW**
   Resolution Required: THAT the Central Lake Ontario Conservation Authority’s signing officers are hereby authorized on behalf of the Central Lake Ontario Conservation Authority to borrow from time to time, from the banking institution under agreement with the Central Lake Ontario Conservation Authority, up to $1,000,000 to meet current expenditures until Provincial grants and/or Regional funding are received, with interest as may be determined by agreement between the bank and the Central Lake Ontario Conservation Authority.

11. **CONSERVATION ONTARIO COUNCIL**
   Resolution Required: THAT the Chair be appointed as the Authority’s representative on the Conservation Ontario Council. Alternative designates are the Vice-Chair and the Chief Administrative Officer.

12. **ENFORCEMENT OFFICERS**
   (i) Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation #42/06
      
      Resolution Required: THAT P. Sisson, T. Aikins, S. Gauley, J. Hetherington, C. Jones, J. Burgess, W. Coulter and M. Guindon be appointed Enforcement Officers under the Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation #42/06.
   
   (ii) Conservation Areas Regulation #101/92
      
      Resolution Required: THAT T. Backus, H. Hirschfeld, J. Maas, B. De Waal and D. Hope be appointed Enforcement Officers under the Conservation Areas Regulation #101/92.

13. **CORRESPONDENCE**
   (1) Correspondence from Glen Murray, Minister of Environment and Climate Change
       Re: Durham Region’s Proposal for Ontario Climate Change Resilience Fund pg. 1
   
   (2) Minutes from Conservation Ontario Council Meeting #4/16
       December 5, 2016 pg. 3

   **RECOMMENDATION:**
   THAT the above correspondence items be received for information.

14. **DEVELOPMENT REVIEW & REGULATION**
   (1) Staff Report #5502-17
       Re: Permits Issued for Development, Interference with Wetlands and Alteration to Shorelines and Watercourses - November 1 to December 31, 2016 pg. 13
   
   (1) Staff Report #5505-17
       Re: Finalized Provincial Excess Soil Management Policy Framework pg. 17
15. DIRECTOR, ENGINEERING AND FIELD OPERATIONS
   (1) Staff Report # 5504-17
       Re: Canada 150 Community Infrastructure Program
          - Heber Down Conservation Area

16. DIRECTOR, CORPORATE SERVICES
   (1) Staff Report #5503-17
       Re: BDO Canada Audit of Financial Statements for the Year Ended
           December 31, 2016

17. CHIEF ADMINISTRATIVE OFFICER
   (1) Staff Report #5501-17
       Re: Common Membership – Different Boards

18. MUNICIPAL AND OTHER BUSINESS

19. ADJOURNMENT
AGENDA

SUPPORTING DOCUMENTS

MEETING OF: Authority - Annual

DATE: Tuesday, January 17, 2017

TIME: 4:30 P.M.

LOCATION: Region of Durham Headquarters
605 Rossland Rd E, Boardroom LLC
Whitby
DEC 20 2016

His Worship Don Mitchell
Chair
Central Lake Ontario Conservation Authority
100 Whiting Avenue
Oshawa ON L1H 3T3

Dear Mayor Mitchell:

I am responding to your May 17, 2016 letter to Premier Wynne regarding Durham Region’s proposal for an Ontario Climate Change Resilience Fund. I apologize for the delayed response.

As noted in our Climate Change Strategy and Five Year Action Plan, building community resilience is a key government priority. The Action Plan includes a commitment to support adaptation and resilience, integrate climate considerations into government decision-making, including land-use planning policies, and position municipalities to be effective climate change solution providers.

With $137 billion in planned infrastructure investments over the next decade, we are interested in making sure that the infrastructure we build, retrofit or manage takes into account current and future climate change impacts. To this end, we have revised our Infrastructure for Jobs and Prosperity Act (2015) to include consideration of climate change risks in infrastructure decisions. We are also examining our procurement practices and operational policies related to major infrastructure projects to ensure alignment with our climate mitigation and adaptation objectives.

As you know, Ontario municipalities have access to a variety of funds, such as the Green Infrastructure Fund, which could be accessed for resilience purposes. Securing federal government support, including sustained funding for adaptation, is a key objective for Ontario in the ongoing discussion at the Pan Canadian Framework on Climate and Clean Growth. Submissions, such as the proposed Ontario Climate Change Resilience Fund, which I understand has already been shared with the Pan Canadian Working Group on Adaptation and Climate Resilience, will help in this conversation.

I note that the proposed Climate Resilience Fund makes reference to our Greenhouse Gas Reduction Account as a potential source of funds. By law, this account can only be used to fund projects that achieve greenhouse-gas emission reductions.
As we seek to update Climate Ready: Ontario's Adaptation Strategy and Action Plan in the coming year, we will look to work with municipalities and the federal government to enable support for adaptation actions. Collaborative approaches, such as outlined in Durham's proposed Climate Resilience Fund, offer interesting possibilities.

Once again, thank you for writing and please accept my best wishes.

Sincerely,

Glen Murray
Minister

C: The Honourable Kathleen Wynne, Premier
(WSU 2132357)
Conservation Ontario Council
Minutes from Meeting #4/16
Monday, December 5, 2016
Black Creek Pioneer Village

Voting Delegates Present:
Dick Hibma (Grey Sauble), Chair
Brian Horner, Ausable Bayfield
Rob McRae, Cataraqui Region
Chris Darling, Central Lake Ontario
Deb Martin-Downs, Credit Valley
Tim Pidduck, Crowe Valley
Richard Wyma, Essex Region
Linda Laliberte, Ganaraska Region
Helen Jowett, Grand River
Joe Farwell, Grand River
Sonya Skinner, Grey Sauble
Rob Messervey, Kawartha Region
Geoffrey Dawe, Lake Simcoe Region
Mike Walters, Lake Simcoe Region
Tammy Cook, Lakehead Region
Michael Columbus, Long Point Region
Cliff Evanitski, Long Point Region
Don Pearson, Lower Thames Valley
Ray Benns, Lower Trent
Glenda Rodgers, Lower Trent
Art Versteeg, Maitland Valley
Mark Burnham, Mississippi Valley
Paul Lehman, Mississippi Valley
Bruce Timms, Niagara Peninsula

James Kaspersetz, Niagara Peninsula
Lin Gibson, Nickel District (Conservation Sudbury)
Brian Tayler, North Bay Mattawa
Doug Lougheed, Nottawasaga Valley
Gayle Wood, Nottawasaga Valley
Dan Marinigh, Otonabee
Terry Murphy, Quinte
Frank Prevost, Raisin Region
Richard Pilon, Raisin Region
Lyle Pederson, Rideau Valley
Sommer Casgrain-Robertson, Rideau Valley
Luke Charbonneau, Saugeen Valley
Dan Gieruszak, Saugeen Valley
Wayne Brohman, Saugeen Valley
Rhonda Bateman, Sault Ste Marie Region
Doug Thompson, South Nation
Angela Coleman, South Nation
Steve Arnold, St. Clair Region
Brian McDougall, St. Clair Region
Maria Augimeri, Toronto and Region
Brian Denney, Toronto and Region
Murray Blackie, Upper Thames River
Ian Wilcox, Upper Thames River

Members Absent:
Catfish Creek
Halton
Hamilton

Kettle Creek
Mattagami Region

Presenting Guests:
Pat Kinch, Manager, Source Protection Implementation, Ministry of the Environment and Climate Change

Guests:
Scott Peck, Hamilton
Phil Beard, Maitland Valley

Duncan Abbott, Mississippi Valley
Peter Graham, Niagara Peninsula

CO Staff:
Kim Gavine, General Manager
Jessica Chan
Jane Dunning
Bonnie Fox
Chitra Gowda
Jane Lewington

Matt Millar
Nekeisha Mohammed
Leslie Rich
Jo-Anne Rzadki
Rick Wilson
1. Comments from the Chair

Chair Dick Hibma called the meeting to order and welcomed everyone in attendance.

He reported that Carmen D’Angelo had resigned his position as CAO of the Niagara Peninsula Conservation Authority to take on the position of CAO for the Regional Municipality of Niagara. Peter Graham is currently acting CAO for the NPCA.

Cataraqui Region CA has announced the hiring of Geoff Rae as the new General Manager/Secretary-Treasurer of the authority. Rob McRae is acting in the position until Mr. Rae starts on December 8, 2016.

Chair Hibma introduced Sonya Skinner, new CAO of Grey Sauble Conservation Authority.

The retirements of 2 General Managers were acknowledged:
Rob Messervey (Kawartha Conservation)
Chris Firth-Eagland (Hamilton)

2. Adoption of the Agenda

#31/16 Moved by: Mark Burnham Seconded by: Doug Thompson

THAT the Agenda be amended by moving the following consent items to discussion items:

- 7 f) Conservation Ontario’s Submission on “Proposed Permit to Take Water Moratorium” (EBR#012-8783)
- 7 n) Conservation Ontario’s Comments on “Schedule 1 of Bill 39 – Aggregate Resources and Mining Modernization Act, 2016”
- 7 t) Gilmor Case

AND THAT the Agenda be adopted as amended. CARRIED

3. Declaration of Conflict of Interest

There was none.

4. Approval of the Minutes of the Previous Meeting

#32/16 Moved by: Lin Gibson Seconded by: Luke Charbonneau

THAT the minutes from the September 26, 2016 meeting be approved. CARRIED

5. Business Arising from the Minutes

There was none that is not addressed in the agenda.
6. Motion to move from Full Council to Committee of the Whole

#33/16 Moved by: Ray Benns Seconded by: Mark Burnham

THAT the meeting now move from Full Council to Committee of the Whole.

CARRIED

7. Consent Agenda

C.W. #31/16 Moved by: Lyle Pedersen Seconded by: Lin Gibson

THAT Council approve a consent agenda and endorse the recommendations accompanying Items 7 a-e, g-m, and o-s, u-y.

a. General Managers Report

THAT Conservation Ontario Council receives this report.

b. Budget Status Report (October 31, 2016)

THAT Conservation Ontario Council receives this report.

c. Conservation Ontario’s Submission on “Guidance Document for Maintaining and Repairing Municipal Drains” and the Membership of the Drains Action Working Group

THAT the comments on the “Guidance Document for Maintaining and Repairing Municipal Drains” submitted to Fisheries and Oceans Canada on September 30th, 2016 be endorsed;

AND THAT Leslie Rich (CO) be endorsed as an additional CO representative on the Drains Action Working Group (DAWG).

d. Conservation Ontario’s Submission on “Guide: Consideration of Climate Change in Environmental Assessments in Ontario (EBR #012-5806)

THAT the comments on the “Guide: Consideration of Climate Change in Environmental Assessment in Ontario” (EBR# 012-5806) submitted to the Ministry of the Environment and Climate Change on October 26, 2016 be endorsed.

e. Conservation Ontario’s Submission on “Amendments to the Technical Guide to Renewable Energy Approvals” (EBR #012-7600)

THAT the comments on the “Amendments to the Technical Guide to Renewable Energy Approvals” (EBR# 012-7600) submitted to the Ministry of the Environment and Climate Change on October 31, 2016 be endorsed.

f. Conservation Ontario’s Submission on “Proposed Permit to Take Water Moratorium” (EBR#012-8783)

Moved to discussion items
g. Conservation Ontario’s Submission on “Updates to Ontario’s Drinking Water Quality Standards and other regulations of the Safe Drinking Water Act, 2002” (EBR#012-8244)

THAT Council endorse the letter, dated October 7, 2016 on the “Updates to Ontario’s Drinking Water Quality Standards and other regulations of the Safe Drinking Water Act, 2002, related to: lead in schools and day nurseries; drinking water systems; drinking water testing services; and drinking water operator certification” (EBR #012-8244) submitted to the Ministry of the Environment and Climate Change.

h. Conservation Ontario’s Submission on “Proposed Amendments to the Technical Rules under the Clean Water Act” (EBR#012-8507)

THAT Council endorse the letter, dated November 4, 2016 on the “Proposed Amendment to the Director’s Technical Rules made under Section 107 of the Clean Water Act, 2006” (EBR #012-8507) submitted to the Ministry of the Environment and Climate Change.

i. Third Party Operator Assist Agreement for use between Ministry of Natural Resources and Forestry and individual Conservation Authorities

THAT Conservation Ontario on behalf of the Conservation Authorities endorse the “Third Party Operator Assist Agreement Template” to be voluntarily used between individual Conservation Authorities and the Ministry of Natural Resources and Forestry.

j. Provincial Groundwater Monitoring Network Partnership Agreement

THAT Conservation Ontario Council endorse the proposed amendment and accompanying memo to the PGMN partnership agreement for signing by the CA PGMN Partners.

k. Conservation Authorities University (CAU) Committee Representative and Update

THAT Don Pearson (Lower Thames Valley Conservation Authority) be endorsed as a member of the Conservation Authorities University Committee.

l. Conservation Ontario’s Proposed Amendments to the Class Environmental Assessment for Remedial Flood and Erosion Control Projects and update on the Five Year Review

THAT the proposed amendments to Conservation Ontario’s Class Environmental Assessment for Remedial Flood and Erosion Control Projects be endorsed.

m. Conservation Ontario’s Input into the Review of the Federal Fisheries Act

THAT the submission on “Conservation Ontario’s Input Into the Review of the Fisheries Act” dated November 25, 2016 be endorsed.

n. Conservation Ontario’s Comments on “Schedule 1 of Bill 39 – Aggregate Resources and Mining Modernization Act, 2016” moved to discussion items

o. Biodiversity Strategy

THAT Conservation Ontario Council receives this report.

THAT the attached comments on the “Discussion Document for Developing an Agricultural Soil Health and Conservation Strategy for Ontario” (EBR#: 012-8468) submitted to the Ministry of Agriculture, Food and Rural Affairs on November 23, 2016 be endorsed.

q. Conservation Ontario Submission on Regulation Proposal Notice titled “Regulation of invasive species under the Ontario Invasive Species Act, 2015” (EBR# 012-8310) and subsequent Regulatory Decision Notice for invasive species under the Ontario Invasive Species Act, 2015 (EBR# 012-8310)

THAT Conservation Ontario Council endorse the comment letter dated October 6th on the Regulation Proposal Notice titled “Regulation of invasive species under the Ontario Invasive Species Act, 2015” (EBR# 012-8310).

r. Drinking Water Source Protection Joint Advisory Committee Membership Renewal

THAT Council endorse the appointment of Sommer Casgrain-Robertson (Rideau Valley Conservation Authority) and Mike Walters (Lake Simcoe Region Conservation Authority) as east and central regional representatives respectively, on the Source Water Protection Joint Advisory Committee as of January 1, 2017.

s. Drinking Water Source Protection Overhead Working Group

THAT Council endorse the appointment of Rhonda Bateman (Sault Ste. Marie Region Conservation Authority), Glenda Rodgers (Lower Trent Conservation Authority), Richard Pilon (South Nation Conservation Authority), Sue Miller (North Bay Mattawa Conservation Authority), Diane Bloomfield (Conservation Halton), Martin Keller (Grand River Conservation Authority), and Chitra Gowda (Conservation Ontario) as members of the Source Water Protection Overhead Working Group.

t. Gilmor Case Moved to discussion items

u. Lake Nearshore Monitoring Protocol – Lake Simcoe South East Georgian Bay Cleanup Fund Project

THAT Conservation Ontario Council endorse the use of the Nearshore Monitoring Protocol by Conservation Authorities.

v. Board of Directors Meeting Minutes to be received: July 20, 2016 and September 26, 2016

THAT Conservation Ontario Council receives the minutes from the Board of Directors meetings held July 20, 2016 and September 26, 2016.

w. Program Updates

i. Source Water Protection
   THAT Conservation Ontario Council receives this report.

ii. Marketing and Communications
   THAT Conservation Ontario Council receives this report.

iii. Business Development and Partnerships
    THAT Conservation Ontario Council receives this report.
iv. Information Management

THAT Conservation Ontario Council receives this report.

x. Project Tracking

y. Correspondence

i. Conservation Ontario Letter to MNRF and OMAFRA Ministers re Guideline for a Guide to CA Permits on Agricultural Lands_2016-10-21


8. Discussion Items

Items brought forward from Items for Consent:

f. Conservation Ontario’s Submission on “Proposed Permit to Take Water Moratorium” (EBR#012-8783)

Bonnie Fox (CO) provided an update to the staff report. The MOECC circulated on Friday (December 2nd) a new EBR posting dealing with proposed new requirements for Permits to Take Water for water bottlers requesting: a renewal of an existing permit or a new permit using groundwater. Some highlights of the proposed new requirements are:

1) Science – cumulative effects study including climate change and watershed considerations;
2) Public Transparency – direct notification of CAs;
3) Operating Rules – mandatory reductions during drought/low water conditions consistent with Ontario Low Water Targets.

CO will be circulating the posting, and comments will be due January 30, 2017.

The Chair reminded members that nothing in the new posting affects the current submission before the members for approval.

C.W. #32/16 Moved by: Rob Messervey Seconded by: Brian Denney

THAT Council endorse the letter, dated November 24, 2016 on the “Regulation establishing a moratorium on the issuance of new or increasing permits to take water for water bottling” (EBR#012-8783)” submitted to the Ministry of the Environment and Climate Change.

CARRIED

n. Conservation Ontario’s Comments on “Schedule 1 of Bill 39 – Aggregate Resources and Mining Modernization Act, 2016”

Cliff Evanitski (LPRCA) provided an update from the Lake Erie Source Protection Region listing concerns and recommended adding language to the submission that takes into account the drinking water threats under the Clean Water Act.
C.W. #33/16 Moved by: Cliff Evanitski Seconded by: Steve Arnold

THAT the draft comments as amended on the “Schedule 1 of Bill 39 – Aggregate Resources and Mining Modernization Act, 2016” (EBR# 012-8443) be endorsed for submission to the Ministry of Natural Resources and Forestry on December 5, 2016.

That the ARA should result in avoiding the creation of significant drinking water threats under the Clean Water Act, that pose a risk to sources of drinking water.

CARRIED

Gilmor Case

Gayle Wood (NVCA) advised Council that the Court of Appeal expressed an interest in having another lawyer act as amicus in the Gilmor case given that there was no counsel for the respondent and directed the NVCA to contact Pro Bono Ontario on the Gilmor’s behalf to see if Pro Bono Ontario would have an interest in acting as amicus.

A lawyer has been retained through Pro Bono Ontario and NVCA’s lawyer, John Olah recently received the factum of the Amicus Curiae. NVCA’s lawyer is concerned that Pro Bono Ontario’s position implies that Conservation Authorities do not have regulatory responsibility for safe access and egress and that it is the purview of the Ontario Building Code. NVCA believes that the factum is stretching the responsibility of the Building Code and that the reference to access and egress relates to the access and egress to and from buildings rather than the property itself.

NVCA is currently undertaking research on the Building Code Act and is in discussions with Chief Building Officials.

C.W. #34/16 Moved by: Doug Lougheed Seconded by: Lyle Pederson

THAT Council receive the report and the subsequent update.

CARRIED

Proposed Council Meeting Dates for 2017

It was noted that the May General Managers Meeting date may change, but that the Council meetings only were being approved at this time.

C.W. #35/16 Moved by: Mark Burnham Seconded by: Lin Gibson

THAT the 2017 Conservation Ontario Council meeting schedule be adopted.

CARRIED

Conservation Ontario’s submission on “A Wetland Conservation Strategy for Ontario 2016-2030” (EBR#: 012-7675)

Some members expressed concern that priority should be placed on identifying the Province’s wetlands in advance of committing to conserve all of them. Other members felt that CO’s proposed letter did not address invasive species adequately.

A recorded vote was requested:
THAT the comments dated November 16, 2016 and submitted to the Ministry of Natural Resources and Forestry re: “A Wetland Conservation Strategy for Ontario 2016-2030” (EBR# 012-7675) be endorsed.

Recorded vote:

26 voted in support of the recommendation: Ausable Bayfield, Cataraqui Region, Central Lake Ontario, Crowe Valley, Essex Region, Ganaraska Region, Grand River, Grey Sauble, Kawartha, Lake Simcoe Region, Lakehead Region, Lower Thames Valley, Maitland Valley, Mississippi Valley, Conservation Sudbury (Nickel District), North Bay-Mattawa, Nottawasaga Valley, Otonabee, Quinte, Raisin Region, Rideau Valley, Saugeen Valley, Sault Ste Marie, South Nation, Toronto and Region, Upper Thames River

4 voted against the recommendation: Long Point Region, Lower Trent, Niagara Peninsula, St. Clair Region

CARRIED

c. Great Lakes Water Quality Agreement Executive Committee and Annex Sub-Committees Updates and Decision Items

Jo-Anne’s presentation is attached.

Ian Wilcox (UTRCA) commended the Team of CA staff and Jo-Anne Rzadki for their work on developing the response. He noted the increased attention and interest of “non-traditional” and current government and ENGO partners in working with CAs in the Lake Erie Basin, which requires enhanced resources.

C.W. #37/16 Moved by: Doug Thompson Seconded by: Mark Burnham

i. Conservation Ontario Representative for Nearshore/Baseline Assessment Advisory Panel

THAT Kate Hayes (Credit Valley Conservation) be endorsed as Conservation Ontario’s representative on the Nearshore/Baseline Assessment Advisory Panel.

ii. Conservation Ontario’s Submission on Reducing Phosphorous to Minimize Algal Blooms in Lake Erie (EBR #012-8760)

THAT Conservation Ontario’s submission dated Nov 20, 2016 on Reducing Phosphorous to Minimize Algal Blooms in Lake Erie (EBR #012-8760) be endorsed.

iii. Conservation Ontario Representative for Groundwater Annex

THAT Kristina Anderson (Toronto and Region CA) be endorsed as Conservation Ontario’s representative on the Groundwater Annex.

CARRIED

d. General Insurance and Benefits Plan Changes

The following were available to receive questions arising from the report provided in the agenda: Insurance & Benefits Committee representatives - Denise Landry and Niall Lobely
Don Pearson (LTVCA) announced that he will be leaving the Group Insurance and Benefits Committee committee. Carl Jorgensen (Conservation Sudbury) has expressed interest in joining the committee and will also bring geographic balance to the committee.

C.W. #38/16 Moved by: Joe Farwell Seconded by: Mark Burnham

THAT Council receives for information, and endorses for the affected CAs, the report ‘General Insurance and Benefit Plan Changes’ from the Insurance and Benefit Committee.

AND THAT Carl Jorgensen (Conservation Sudbury) be endorsed for participation in the Insurance and Benefit Committee.

CARRIED

e. Workplace Safety and Insurance Board (WSIB) Rate Changes

Leon Matrosov (TRCA) highlighted staff report regarding upcoming WSIB rate increases provided in the Council agenda package.

C.W. #39/16 Moved by: Mark Burnham Seconded by: Doug Lougheed

THAT Council approve the allocation of up to $8,000 from Conservation Ontario’s unrestricted reserve to pay for the retention of Michael Arblaster of Windley Ely.

CARRIED

f. Esri Canada Proposed Enterprise Licence Agreement Extension Amendment

Rick Wilson’s (CO) presentation is attached to the minutes of the meeting. He noted that the edits appearing on the marked up copy of the agreement attached to his report have been approved by ESRI Canada.

C.W. #40/16 Moved by: Rhonda Bateman Seconded by: Terry Murphy

THAT Council endorse the Esri Canada Enterprise Licence Agreement Extension Amendment in principle, pending Esri Canada’s formal approval of the changes, as proposed by CO on behalf of CAs.

CARRIED

9. Regional Presentation

Members were asked to consider if they would like to make a presentation at the April AGM.

10. Presentation

Pat Kinch (MOECC) provided a Source Protection Program Update (attached) and Chitra Gowda (CO) provided a Joint Advisory Committee Activities 2016 presentation (attached).
11. Motion to Move from Committee of the Whole to Full Council

#34/16 Moved by: Lyle Pedersen Seconded by: Bruce Timms

THAT the meeting now move from Committee of the Whole to Full Council.

CARRIED

12. Council Business

- Council Adoption of Recommendations

#35/16 Moved by: Doug Thompson Seconded by: Don Pearson

THAT Conservation Ontario Council adopt Committee of the Whole (C.W.) Recommendations: C.W. #31/16 to C.W. #40/16

CARRIED

13. New Business

There was none.

14. Adjourn

Chair Hibma adjourned the meeting.
DATE: January 17, 2017
FILE: RPRG3974
S.R.: 5502-17

MEMO TO: Chair and Members, CLOCA Board of Directors
FROM: Chris Jones, Director, Planning & Regulation
SUBJECT: Permits Issued for Development, Interference with Wetlands and Alteration to Shorelines and Watercourses – November 1 to December 31, 2016

Attached are Development, Interference with Wetlands and Alterations to Shorelines and Watercourses applications, pursuant to Ontario Regulation 42/06, as approved by staff and presented for the members’ information.

RECOMMENDATION:
THAT Staff Report #5502-17 be received for information.
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<td>AJAX</td>
<td>PROPERTY OWNER</td>
<td>2 ONTORO BLVD / LOT 01 / CON RANGE 2</td>
<td>A16-327-GBHS</td>
<td>DEVELOPMENT ACTIVITIES ASSOCIATED WITH THE REPAIRS TO EXISTING CONCRETE BLOCK WALL.</td>
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<td>2</td>
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<td>1690 HWY 2 / LOT 30 / CON 02</td>
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<td>DEVELOPMENT ACTIVITIES ASSOCIATED WITH ADDING A SECOND LEVEL TO EXISTING DWELLING AND A SEPTIC SYSTEM.</td>
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<td>72 EAST BEACH ROAD / LOT 09 / CON BFC</td>
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<td>DEVELOPMENT ACTIVITIES ASSOCIATED WITH SHORE PROTECTION IMPROVEMENTS, CONSTRUCTION OF AN ARMOUR STONE REVETMENT.</td>
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<td>MUNICIPALITY OF CLARINGTON</td>
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<td>C16-325G</td>
<td>DEVELOPMENT ACTIVITIES ASSOCIATED WITH CONSTRUCTION OF A CATCH BASIN IN BOULEVARD ON EAST SIDE OF OLD SCUGOG ROAD AND OUTLET PIPE AT PARK ON WEST SIDE OF OLD SCUGOG ROAD.</td>
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<td>JEFFERY HOMES</td>
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<td>TRIBUTE GRANDVIEW LIMITED</td>
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<td>AND WEST OF SIMCOE STREET NORTH / LOT 11 / CON 05</td>
<td>O16-341-G</td>
<td>ROUGH GRADING AND SEDIMENT AND EROSION CONTROLS FOR FUTURE DEVELOPMENT.</td>
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<td>18</td>
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<td>2285136 ONTARIO LIMITED/MMM GROUP LIMITED</td>
<td>LANDS SOUTH OF WINCHESTER ROAD, EAST AND WEST OF SIMCOE STREET NORTH / LOT 11 / CON 05</td>
<td>O16-342-GAW</td>
<td>ROUGH GRADING INCLUDING CUTTING AND FILLING WITH ASSOCIATED SEDIMENT AND EROSION CONTROLS AND TEMPORARY OUTLET TO WATERCOURSE.</td>
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<td>CONLIN RD. E AND WILSON RD. N / LOT 06 / CON 04</td>
<td>O16-345-GBH</td>
<td>DEVELOPMENT ACTIVITIES ASSOCIATED WITH DRILLING 2 BOREHOLES TO DEPTHS OF 15 FT AND 20 FT .</td>
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<td>WHITBY HARBOUR / LOT 27 / CON BFC</td>
<td>W15-229-GFH</td>
<td>DEVELOPMENT ACTIVITIES ASSOCIATED WITH THE MAINTENANCE DREDGING OF WHITBY HARBOUR AND PLACEMENT OF FILL IN THE GORDON STREET CONFINED DISPOSAL FACILITY.</td>
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<td>DEVELOPMENT ACTIVITIES ASSOCIATED WITH THE PLACEMENT OF FILL AND FOR ROAD GRADING, VICTORIA STREET (REGIONAL ROAD 22) REALIGNMENT FROM 500 M WEST OF HOPKINS STREET TO 400 M EAST OF HOPKINS STREET, WHITBY.</td>
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<td>WHITBY</td>
<td>REGION OF DURHAM/COLE ENGINEERING</td>
<td>500 VICTORIA STREET EAST / LOT 25 / CON 01</td>
<td>W16-183-G</td>
<td>DEVELOPMENT ACTIVITIES ASSOCIATED WITH 500 VICTORIA STREET EAST, WHITBY.</td>
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<td>WHITBY</td>
<td>HEATHWOOD HOMES (COUNTRY LANE) LTD. / CANDEVCON LIMITED</td>
<td>TAUNTON ROAD AND COUNTRY LANE / LOT 30 / CON 04</td>
<td>W16-317-GBFHA</td>
<td>DEVELOPMENT ACTIVITIES ASSOCIATED WITH REPLACEMENT OF A CULVERT UNDER COUNTRY LANE ROAD, RELOCATION OF A LYNDE CREEK TRIBUTARY AND CREATION OF A NEW RIPARIAN CORRIDOR ALONGSIDE THE NEW CHANNEL.</td>
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<td>WHITBY</td>
<td>TOWN OF WHITBY</td>
<td>3700 ANDERSON STREET / LOT 23 / CON 03</td>
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<td>DEVELOPMENT ACTIVITIES ASSOCIATED WITH THE TEAR DOWN AND REBUILD OF A SINGLE DETACHED DWELLING, REMOVAL OF SEPTIC SYSTEM AND HOOKING UP TO SERVICES AS WELL AS ASSOCIATED LANDSCAPING.</td>
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<td>W16-328-GBH</td>
<td>DEVELOPMENT ACTIVITIES ASSOCIATED WITH RESTORING A HOUSE DUE TO FIRE DAMAGE.</td>
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<tr>
<td>27</td>
<td>WHITBY</td>
<td>BROOKNORTH HOLDINGS INC./ GUS BROWN PONTIAC BUICK/MERIT CONTRACTING</td>
<td>445 WINCHESTER ROAD EAST / LOT 21 / CON 05</td>
<td>W16-340-G</td>
<td>DEVELOPMENT ACTIVITIES ASSOCIATED WITH THE STRIPPING OF TOPSOIL IN PREPARATION FOR FUTURE DEVELOPMENT.</td>
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<td>W16-344-GF</td>
<td>DEVELOPMENT ACTIVITIES ASSOCIATED WITH CONSTRUCTION OF A SANITARY SEWER TO DIVERT FLOW FROM THE PRINGLE CREEK PLANT TO THE CORBETT CREEK PLANT, INCLUDING A STREAM CROSSING.</td>
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<td>589 CONSUMER PROPERTIES/GHD</td>
<td>250 THICKSON ROAD SOUTH / LOT 21 / CON 01</td>
<td>W16-346-GBFH</td>
<td>DEVELOPMENT ACTIVITIES RELATING TO CONSTRUCTION OF A NEW CAR INVENTORY PARKING LOT AND INSTALLATION OF STORM SERVICES AND LIGHT STANDARDS.</td>
</tr>
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MEMO TO: Chair and Members, CLOCA Board of Directors
FROM: Chris Jones, Director, Planning and Regulation
SUBJECT: Finalized Provincial Excess Soil Management Policy Framework

Purpose:
This report introduces the final provincial Excess Soil Management Policy Framework and provides an analysis with respect to CLOCA’s interests.

Background:
On December 16, 2016, the Ministry of the Environment and Climate Change (MOECC) posted a “Policy Decision Notice” containing a finalized Excess Soil Management Policy Framework (the framework) on Ontario’s Environmental Bill of Rights Registry. Staff had previously reported to the CLOCA Board of Directors on the proposed framework in Staff Report #5343-16. The recommendations of that report, including specific comments sent to the province were endorsed by the Board through Resolution No. 25/16 on February 23, 2016. The finalized framework provides a provincial-level response to the ongoing issues related to large-scale commercial fill operations. Attachment No. 1 to this report contains the complete document.

Framework Structure and Content
The framework provides the following 2 goals along with a set of eleven (11) principles:

1. Protect human health and the environment from the inappropriate relocation of excess soil; and,
2. Enhance opportunities for the beneficial re-use of excess soil and reduce greenhouse gas emissions associated with the movement of excess soil.

The framework provides commentary on “policy needs and actions” related to the following six subject areas:

1. Source Sites;
2. Interim Sites;
3. Receiving Sites;
4. Technical Standards;
5. Planning for Re-use Opportunities; and,
6. Integration and Implementation.

A set of 21 specific actions are set out in the consultation document associated with the 6 subject areas listed above along with a potential time frame for implementation indicated. See Section 6 in the complete framework document in Attachment No. 1.

New Regulation of Source Sites of Excess Soil
The actions in the framework seek to shift more responsibility for excess soil onto the generators of it, called “source sites.” At a briefing provided by MOECC and attended by CLOCA staff on December 12, 2016, the ministry advised that there will be new regulatory requirements for source sites that meet a quantitative...
threshold of 1000 cubic meters (approximately 100 truck loads) and/or a qualitative threshold related to “past activities of environmental concern”. Owners of source sites meeting these criteria will be required to implement an Excess Soil Management Plans, prepared and certified by a Qualified Person. The Excess Soil Management Plans would include the following components “at a minimum”:

- Characterization of excess soil in-situ (including quality, type and volume);
- Requirements for testing excess soil, which could be based on past land use and potential contamination;
- Identify and ensure receiving sites are authorized to accept excess soil including confirmation that the receiving site has the necessary municipal and conservation authority permits;
- Confirmation that the quality of excess soil is appropriate for the receiving site and that testing results are made available to prospective receiving sites;
- Haul routes;
- Contingency measures;
- Tracking plan to ensure and verify the excess soil arrives at the receiving site; and
- Standard record keeping requirements.

Using Existing Regulations, Municipalities and Conservation Authorities to Implement Provincial Framework

Under the framework the province intends to rely on municipalities and conservation authorities to provide management, oversight and enforcement of receiving sites through municipal By-laws and conservation authority Section 28 regulations. The province will provide technical guidance to help municipalities and conservation authorities impose appropriate conditions on sites that receive excess soil. The framework sets out the following roles for municipalities and conservation authorities:

- Provide oversight, review, assessment and permitting of receiving sites and integrating provincial guidance into municipal by-laws, as appropriate; coordinate with conservation authority permissions where applicable.
- Integrate sustainable excess soil management, as appropriate, into planning and development decisions and infrastructure decisions and contracts.

Compliance and Enforcement Approach

During the consultation phase of the development of the framework, CLOCA had commented that effective legislated tools and capacity building for public sector regulators to collaboratively undertake enforcement and compliance actions to address illegal activities would be required. The framework identifies the following “Key enforceable policy tools” following implementation:

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<td>New proposed provincial regulation under the Environmental Protection Act for excess soil management.</td>
<td>Municipal Act, 2001 By-laws.</td>
<td>Municipal Act, 2001 By-laws (i.e. fill and site alteration By-laws).</td>
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<td>MOECC Regulation 347, if the site is subject to the “waste requirements” of that regulation.</td>
<td>MOECC Environmental Compliance Approvals for soil processing sites and temporary storage sites, if applicable, to be defined by future MOECC regulation.</td>
<td>Conservation Authorities Act Section 28 regulations.</td>
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<td>O.Reg. 153/04 (records of site condition).</td>
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<td>Aggregate Resources Act licenses and permits.</td>
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<td>MOECC Environmental Compliance Approvals for waste disposal sites.</td>
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<td>Environmental Protection Act general prohibitions.</td>
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Cont’d
Action No. 9 in the Framework indicates that the Ministry of Municipal Affairs and the Ministry of Natural Resources and Forestry are to “explore, with partners, legislative and non-legislative ways to improve compliance and enforcement with Municipal Act, 2001 and Conservation Authorities Act requirements.” This could include changes to legislation, procedures or consequences along with updated guidance documents.

Amendments to Municipal Act, 2001 to Expand Jurisdiction of Municipal Fill and Site Alteration By-laws
Action No. 7 in the Framework states that the Ministry of Municipal Affairs and the Ministry of Natural Resources and Forestry are to “consider bringing forward proposed amendments to legislation to enable Section 142 of the Municipal Act, 2001 regarding site alteration by-laws, to apply in conservation authority regulated areas.” On November 16th, Bill 68, Modernizing Ontario’s Municipal Legislation Act, 2016 was introduced into the Ontario Legislature by the Minister of Municipal Affairs. The legislation, which is currently at Second Reading stage of consideration, contains a provision which, if enacted, would repeal Subsection 142 (8) of the Municipal Act, 2001. The repeal of this section would remove any restrictions on the application of municipal fill and site alteration By-laws within a municipality and create a shared jurisdiction with conservation authorities on regulating filling and site alteration within conservation authority regulated areas.

Anticipated Provincial Actions Towards Implementation of the Framework
Based on the MOECC briefing attended by CLOCA staff on December 12, 2016, it is understood that the ministry will be bring the proposed source site regulation and associated regulatory changes to the provincial Cabinet for approval in spring 2017, and, if approved, the regulation would be filed in July 2017 to take effect in 2018.

Section 6 of the Framework contains a table identifying each of the 21 Key Actions along with a time line of Currently Underway, Short-term (Year One) and Longer-term.

Discussion and Analysis
CLOCA made several specific comments on the draft Framework, which are summarized below along with an assessment of how the finalized Framework responds:

- An active and responsible role for the Provincial Government in Regulating excess fill, including stand-alone legislation is warranted. (Response in the final Framework: the province has focused on establishing an improved legislative and policy framework where most operational roles and site-specific regulation would be the responsibility of municipalities and conservation authorities.)

- The scope of the framework needs to encompass excess fill material, not only excess soil. (Response in the Framework: it is understood that the province will clarify in regulation that excess soil materials transported off-site from a project would be designated as a waste under the Environmental Protection Act. CLOCA staff will need to review the proposed regulations, once released, to determine the precise scope in terms of dealing with all types of excess fill material.)

- The interface between municipal site alteration or fill By-laws and conservation authority regulations must be carefully considered to enhance collaboration and avoid unintended consequences for public health and safety. (Response in the Framework: the proposed repeal of Subsection 142 (8) of the Municipal Act, 2001 achieves the goal of enhancing municipal regulatory power, but not in a thoughtful way that would facilitate and compel collaboration between municipalities and conservation authorities. Instead, two concurrent jurisdictions (or silos) have been created that could create unhelpful jurisdictional overlap. CLOCA staff and municipal staff will need to work closely to develop formal and informal working relationships to avoid this potentially negative outcome.)

- Legislative amendments are needed to the Conservation Authorities Act to align with provincial policy and facilitate collaborative compliance and enforcement efforts. (Response in the Framework: Action No. 18 in the Framework does call for an alignment of provincial policy. However, no specific changes Cont’d
to the Conservation Authorities Act have arisen from the Framework. In order to effectively regulate receiving sites, amendments should be pursued as part of the Conservation Authorities Act Review. As requested in other CLOCA comments, the proposed Provincial Plans need to be strengthened to facilitate both municipal and conservation authority regulation of receiving sites, as contemplated by the Framework.)

**Conclusion**

The release of the final *Excess Soil Management Policy Framework* is welcome given the ongoing operational challenges under the current patchwork of policy gaps, uncoordinated or missing regulation and transboundary shipping of excess fill. The proposed emphasis on source sites is appropriate and necessary. The Framework places unfunded burdens on municipalities and conservation authorities through continued local regulation of receiving sites. Continued operational commitment from MOECC and further changes to the Conservation Authorities Act and the provincial land use plans is required. The proposed changes to the Municipal Act, 2001 contained in Bill 68 will change the nature of municipal fill and site alteration by-laws and will require CLOCA consultation with watershed municipalities to ensure that proper collaboration occurs prior to approval of receiving sites.

CLOCA staff intend to remain engaged on this issue and will report back to the Board once the proposed source site regulations are published and if and when Bill 68 receive Royal Assent in order to identify the implications to CLOCA’s Large Fill Policy and related operational processes.

**RECOMMENDATION:**

* THAT Staff Report #5505-17 be received for information.
* THAT Staff Report #5505-17 be circulated to the Region of Durham, watershed municipalities, neighbouring conservation authorities, and Conservation Ontario.

CJ/md

Attach.
EXCESS SOIL MANAGEMENT POLICY FRAMEWORK

December 2016
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1.0 INTRODUCTION

1.1 CONTEXT

*Excess soil* is a result of intensive land development across the province. While cities continue to grow, proper *excess soil management* is necessary to protect human health and the environment.

Managing excess soil in a responsible way is integral to building sustainable communities. Improper management can result in impacts to ground or surface water quality and/or quantity, natural areas and agricultural lands, and cause a number of local issues including concerns regarding noise, dust, truck traffic, road damage, erosion, drainage and other social, health and environmental concerns. Proper management of excess soil can result in a number of benefits to the environment and economy.

The Growth Plan for the Greater Golden Horseshoe, under the Places to Grow Act, 2005, and the Provincial Policy Statement, 2014 under the Planning Act encourages the redevelopment of brownfield sites and intensification of urban areas. Redevelopment of brownfield sites (those with former industrial or commercial activities) can also generate *excess soil*, potentially with elevated levels of contaminants. As urban areas intensify, opportunities to reuse soil on-site become limited which results in *excess soils* needing to be transported from the development sites. Development of infrastructure, such as transit systems, may also generate *excess soil*.

Management of *excess soil* is a growing concern in the Greater Toronto Area (GTA) and rural municipalities surrounding the GTA. The issue has received media attention with a focus on illegal dumping of soil, site alteration by-laws, commercial *fill* operations, tracking *excess soil*, concern over the quality of *excess soil*, and protection of the environment, water, and agriculture.

The manner in which *excess soil* is managed and disposed of also has implications for greenhouse gas emissions. Annually, thousands of trucks move *excess soil* around the province emitting greenhouse gases which contribute to climate change. Local reuse of...
Excess soil can reduce these greenhouse gas emissions by reducing the distance excess soil is required to be transported for reuse or disposal.

While existing legislation, regulation, control documents, by-laws and policies address different aspects of excess soil management such as environmental compliance approvals (ECAs) for soil processing sites, records of site condition for brownfields redevelopment sites, and municipal permits under site alteration by-laws (see Appendix 7.1 for more information), there is no overall policy framework for the management of excess soil.

In January 2014, the Ministry of the Environment and Climate Change (MOECC) released a guide titled “Management of Excess Soil – A Guide for Best Management Practices” (BMP). This BMP sets out the province’s expectations for all those managing soil and encourages the beneficial reuse of excess soil in a manner that promotes sustainability and the protection of the environment. It assists those managing excess soil, particularly when the excess soil may be impacted by contamination, and in preventing and mitigating the potential for adverse effects. The BMP encourages reuse of soil and provides guidance on managing excess soil at the site where it is excavated, during its transportation and where it is received.

Many organizations in Ontario are working to improve the management of excess soil through their own activities (including industry best management practices, conservation authority guidelines, municipal pilot projects, qualified person guidance and soil matching programs). The province developed the proposed Excess Soil Policy Framework to protect human health and the environment from inappropriate relocation of excess soil and to enhance opportunities for the beneficial reuse of excess soil.

1.2 ENVIRONMENTAL BILL OF RIGHTS REVIEW

In January 2014, the Ministry of the Environment and Climate Change agreed to undertake a review of excess soil management in response to an application for review submitted under the Environmental Bill of Rights, 1993 (EBR) in November 2013.

The application for review requested “a review of the need to establish a new comprehensive, province-wide policy to address the problem of compromised soil”. The applicants stated that they were concerned about the impacts of what they termed “compromised soil” from urban development to health and safety and the environment. They also stated that current rules related to excess soil were a “patchwork” with a lack of oversight and called for leadership to ensure “compromised soil is disposed of properly.” They also asked for a multi-ministry approach, including involvement from the Ministry of Municipal Affairs.

The EBR review supports a provincial commitment made in Ontario’s Great Lakes Strategy to “develop a policy framework for soil management, including encouragement
of best management practices to support the reuse of excess soil for beneficial uses, as long as it can be done in a way that protects human health and the environment.”

Further, this issue was recognized in the Ontario legislature. In December, 2014, a motion received all party support for the government to “…consider the development of a strategy for disposing of [excess soil] in a sustainable and environmentally conscious fashion”.

The EBR review also assessed whether certain aspects of MOECC’s BMP required additional policy to support its implementation and address any policy gaps.

As part of undertaking the review, the MOECC convened a multi-ministry working group, consisting of Ministries of Municipal Affairs; Natural Resources and Forestry; Agriculture, Food and Rural Affairs; Transportation; Infrastructure; and Tourism, Culture and Sport. This group helped inform the findings of the review and will continue to work together to develop the solutions needed to implement the recommendations of the review.

Listening sessions on the application for review were held in the fall 2014, including:
- Two sessions with a wide range of municipalities
- Agricultural and rural community sectors
- Select conservation authorities and Conservation Ontario
- Ontario Environment Industry Association
- Residential and Civil Construction Alliance of Ontario
- Ontario Sand, Stone and Gravel Association
- Municipal Engineers Association
- Association of Professional Geoscientists / Professional Engineers Ontario
- Ontario Waste Management Association
- Brownfield stakeholders, the development sector, and government agencies including Infrastructure Ontario and Metrolinx
- Local community and environmental groups

First Nations communities and organizations were informed about the review and a meeting was held with those that expressed interest.

The MOECC and other ministries re-engaged select representatives in fall 2015 to validate and discuss preliminary findings and outline the general elements of the
framework (see Appendix 7.3 for a list of what was heard in these sessions). The conclusion from these sessions was that there is wide support for the approach.

2.0 NEED FOR A REVISED POLICY FRAMEWORK

The province consistently heard that the current system for oversight and management of excess soil requires stronger direction and clear and enforceable rules which clearly identify the roles and responsibilities as excess soil is generated and then moved from a source site to a final receiving site.

2.1 SUMMARY OF FINDINGS FROM ENGAGEMENT

Through engagement undertaken, it was assessed that excess soil management policy should be clarified and improved, and that some new policies may be warranted, including a need for:

- **greater responsibility by owners of source sites** that generate excess soil to ensure that their excess soil reaches appropriate receiving sites
- **clearer roles and responsibilities** amongst all who manage or provide an oversight role in the management of excess soil
- **filling specific gaps in receiving site oversight and new guidance to promote better oversight at receiving sites**, including to inform municipal by-laws
- **greater clarity of existing regulations** such as brownfields-related requirements and inert fill provisions clarifying when excess soil must be managed as a waste
- **enhanced enforcement mechanisms and tools** to address illegal activities
- **clearer technical guidance and direction** with respect to excess soil reuse standards and testing procedures, to assist technical professionals, to integrate into oversight policies, and to help ensure excess soil management is protective of human health and the environment
- **better tracking and record keeping** of excess soil movements to confirm that excess soil reaches intended receiving sites and to facilitate oversight
- **protection of sensitive areas of provincial and local interest**, including natural heritage and hydrologic features and functions, farmland, archaeological resources and areas of archaeological potential, significant built heritage resources and significant cultural heritage landscapes
- **greater consideration of excess soil management when planning** for development and infrastructure projects, to better plan for appropriate excess soil reuse and to identify and promote local reuse opportunities for excess soil
By improving these areas, the province would further strengthen environmental protection and provide greater confidence in the proper management of excess soil.

2.2 SUMMARY OF FINDINGS FROM RESEARCH

Further reviews and assessments have informed the need for policy. Key research findings indicate:

- **Ontario could learn from approaches in other leading jurisdictions:** Other jurisdictions including the United Kingdom (CL:AIRE), Quebec, the Netherlands and some US states, such as Massachusetts, employ a range of approaches and a variety of tools to provide oversight to the management of excess soil. These approaches range from extensive government oversight through regulation, tracking, and planning for reuse to more flexible and voluntary approaches allowing industry to self-regulate and agreed upon codes of practice (see Appendix 7.2, page 35 for more information).

  Key lessons learned from these jurisdictions include the need for:
  - Clearly articulated goals and principles to guide governments, local authorities and industry
  - Rules around tracking of excess soil to improve compliance, garner public confidence and allow for transparency
  - Clear roles and responsibilities for those who manage excess soil, whether it be industry, government or qualified persons
  - Standards to allow for the beneficial reuse of excess soil as a resource, while protecting sensitive areas and clearly articulating when excess soil is a waste
  - Greater source site responsibility, including better planning early on in the development planning process to encourage excess soil reuse and minimize the need to move excess soil.

- **Existing policy tools do not provide adequate oversight over the life cycle of excess soil:** The current oversight for managing excess soil focuses on receiving sites. Municipalities and conservation authorities are the main permitting bodies for these receiving sites through site alteration by-laws under section 142 of the Municipal Act and regulations made under section 28 of the Conservation Authorities Act. Excess soil may also be received at sites overseen by other legislation such as pits and quarries regulated under the Aggregates Resources Act or waste disposal sites regulated under Part V of the Environmental Protection Act. Generally, the MOECC may respond to incidents of mismanagement of excess soil if there are complaints of illegal dumping of waste or of potential adverse effects under the Environmental Protection Act.
Existing policy tools are not clear regarding source site responsibility, and the policy tools providing authority for oversight of receiving sites leave some gaps in authority.

- **Excess soil** from “brownfield” sites could be better tracked: Under the Environmental Protection Act and O. Reg. 153/04, made under that Act, a Record of Site Condition is required to be filed on the Environmental Site Registry before a property use changes to a more sensitive use (such as a change from commercial or industrial use to residential). In its analysis of previously filed Records of Site Condition, the MOECC found that many Record of Site Condition properties generate excess soil that is disposed of off-site. While the O. Reg. 153/04 Record of Site Condition framework requires information on soil moving on to these properties, it does not regulate the transport and disposal of excess soil material that leaves these properties. Since this excess soil may be leaving properties which once had industrial or commercial uses, it is important for it to be managed properly and tracked.

- Municipal site alteration by-laws could benefit from additional guidance to promote better oversight: Many municipalities have recently updated their by-laws to assist in the management of excess soil. These by-laws often vary in scope based on local challenges, with some adopting strong municipal control and restrictions and others allowing for fill placement under differing degrees of oversight. Some of these by-laws incorporate MOECC soil quality standards for Records of Site Condition and others do not. Similarly, some allow for recovery of costs of oversight through revenue and others do not. They also incorporate a variety of rules to provide oversight to other matters associated with the management of excess soil, including noise, truck traffic and dust. The varying approaches have resulted in the movement of excess soil to those jurisdictions with limited capacity to deal with the issue and/or less stringent requirements.

- There is confusion about what standards should apply to the movement of excess soil and when excess soil is “inert fill”: In the absence of provincial
direction on standards for excess soil movement, brownfields standards are being applied. However, these standards were not developed to be used in relation to excess soil movement. The models used to develop these standards are based on potential spill scenarios that may have occurred at a property where a Record of Site Condition is to be filed and were not designed to deal with large amounts of fill from many locations being deposited at a particular property.

“Inert fill” is defined as “earth or rock fill or waste of a similar nature that contains no putrescible materials or soluble or decomposable chemical substances” in Regulation 347 (General - Waste Management) under the Environmental Protection Act. “Inert fill” is designated as a waste in the regulation and it is exempted from the waste management requirements under Part V of the Environmental Protection Act and Regulation 347. Currently there is uncertainty whether or not excess soil is a designated waste under Part V of the Environmental Protection Act, as such generators of excess soil must decide whether their excess soil can meet the definition of inert fill but there are no clear means to make this determination.

- **Approvals for processing sites could be clarified**: The MOECC reviewed environmental compliance approvals for soil processing sites and mobile soil processors and found that since 1993 approximately eight applications for soil processing sites and over a hundred applications for mobile soil processors have been approved to date. The MOECC found that older approvals had differing approaches related to the management of excess soil, with newer ones being more consistent and taking into account the MOECC’s January 2014 BMP.

- **There is a general lack of information about the amount and quality of excess soil being managed in Ontario**: The Residential and Civil Construction Alliance of Ontario (RCCAO) estimates that approximately 20 million cubic metres of excess soil is excavated annually from construction sites from 2008 to 2010. However these figures are based on broad assumptions and the actual movement of excess soil is largely unknown. Similarly the quality of the excess soil moving in Ontario is largely unknown.

### 3.0 POLICY FRAMEWORK APPROACH

This document outlines the policy framework that will guide policy development and actions under this framework.

The policy framework embraces an approach that puts materials, like excess soil, back into the system so that they can be reused, when safe to do so. To achieve this, it is necessary to move toward a system that better provides for life-cycle management, with greater responsibility placed on the source sites of excess soil. This approach
recognizes that the generators of excess soil are in the best position to support its reuse.

The current oversight for managing excess soil focuses on receiving sites. The province heard about the need for generators of excess soil to be more responsible for proper management, including ensuring that soil reaches an appropriate receiving site. Greater source site responsibility may also enable proper planning for reuse of excess soil; better tracking, reporting and record keeping of excess soil movements; and matching of excess soil with appropriate receiving sites.

Under the framework source sites would be responsible for characterizing their excess soil, tracking it, and verifying that their excess soil reaches an appropriate destination. This provides greater certainty for those who manage soil at receiving sites. They would also be encouraged to reuse excess soil wherever appropriate, minimizing the need to move excess soil in the first place. Together, these requirements would help enhance due-diligence at both source sites and receiving sites.

**Building on and Enhancing Existing Tools**

Under the framework, excess soil management and oversight will continue to be provided at receiving sites through existing permitting authorities, including municipalities and conservation authorities. This approach recognizes the local knowledge of public bodies, the value of these tools and bodies to address local concerns and the efforts they have put in to date to deal with the issue. Under this
framework, the province will provide technical guidance to help municipalities and others impose appropriate conditions on sites that receive excess soil.

The approach will include a combination of a few critical new policy tools; consider potential amendments to enhance and clarify existing policy tools; and provide guidance to clarify application of existing tools under the framework.

Key enforceable policy tools that are part of the framework are noted in the table below:

<table>
<thead>
<tr>
<th>SOURCE SITES</th>
<th>INTERIM SITES</th>
<th>RECEIVING SITES</th>
</tr>
</thead>
<tbody>
<tr>
<td>• NEW proposed regulation on excess soil management</td>
<td>• Municipal Act (by-laws)</td>
<td>• Municipal Act (by-laws)</td>
</tr>
<tr>
<td>• Regulation 347, if subject to the waste requirements</td>
<td>• Environmental compliance approvals for soil processing sites and temporary storage sites</td>
<td>• Conservation Authorities Act (Section 28 Regulations)</td>
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<tr>
<td></td>
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<td>• O. Reg. 153/04 (records of site condition)</td>
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<td></td>
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<td>• Aggregate Resources Act licenses and permits</td>
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<td>• Environmental compliance approvals for waste disposal sites</td>
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<td></td>
<td></td>
<td>• Environmental Protection Act – general prohibitions</td>
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<td></td>
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<td>• Environmental Protection Act – general prohibitions</td>
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</tbody>
</table>

Other potential requirements would be set out in other regulatory tools, such as the Building Code (applicable law) or promoted through application requirements under the Planning Act where relevant.

Many existing guidance documents will be updated to ensure they are aligned with the Excess Soil Management Policy Framework, in order to help inform use of these regulatory tools, such as Ontario provincial standards (OPSS180 / 1010) and other guidance documents, as required.

Clarifying Roles and Responsibilities

This framework clarifies roles and responsibilities. The provincial role will be established through a multi-ministry approach. Ministries will enable and facilitate, and in some cases provide oversight and implement, sustainable excess soil management. All ministries will facilitate engagement with interested parties, including First Nation and Métis communities in relation to their mandate. Many public agencies own properties or serve as proponents for development projects that either generate significant amounts of excess soil that require disposal off-site or that receive excess soil materials from other properties for final disposal.
The province recognizes that municipalities, conservation authorities and other public bodies may have multiple responsibilities with roles in oversight, planning for reuse and implementation.

Industry and non-governmental organizations will help in the development of programs to facilitate innovative approaches to soil reuse, use of best practices, compliance and raising awareness, as illustrated in the diagram below:

Key roles are described below:

**Ministry of the Environment and Climate Change**
- regulatory requirements for generators of excess soil
- clarification of existing provisions as appropriate, e.g. “inert fill” in Regulation 347, alignment with O. Reg. 153/04
- technical guidance to facilitate consistency in oversight, management and reuse, and general excess soil best practices
- enforcement of Environmental Protection Act and associated regulations, including source site enforcement
- integration of excess soil management requirements into relevant approvals, as appropriate, e.g. processing sites

**Ministry of Municipal Affairs**
- guidance and educational materials to support municipalities, e.g. use of municipal by-laws, land use planning and development approvals
- authority for municipal by-laws; provide for integration with other planning and development regulatory tools, as appropriate
Ministry of Natural Resources and Forestry
- legislative authority for conservation authorities and associated regulations
- integration of excess soil management requirements into relevant approvals, as appropriate, e.g. aggregate resource licenses and permits

Ministry of Transportation
- implement best practices for highway construction

Ministry of Agriculture, Food and Rural Affairs
- promotion of best practices for farmers

Ministry of Infrastructure
- promotion of best practices for infrastructure development and standards and fostering innovation

Municipalities
- oversight, review, assessment and permitting of receiving sites, and integrating provincial guidance into municipal by-laws, as appropriate; coordinate with conservation authority permissions where applicable
- integrate sustainable excess soil management as appropriate into planning and development decisions and infrastructure decisions and contracts

Conservation Authorities
- oversight, review, assessment and permitting of receiving sites with conservation authority permissions, as appropriate; coordinate with municipal permits where applicable
- integrate sustainable excess soil management as appropriate into infrastructure decisions and contracts (e.g., flood and erosion control infrastructure)

Qualified Persons
- provide accountability and credible advice consistent with provincial direction and professional practice on technical matters
- provide quality assurance and consistency in advice

Industry, Property Owners and Non-Governmental Organizations
- owners of source sites are responsible for the management of excess soil from their properties, including development of excess soil management plans, identification of appropriate receiving sites and appropriate contractual arrangements, registration and tracking of excess soil to the receiving sites
- owners of receiving sites are responsible for the management of excess soil at their properties, including development of fill management plans
- transporters of excess soil are responsible for using identified haul routes and receiving sites and to ensure adequate records are kept for excess soil movements offsite
- support implementation through development of programs to facilitate due diligence (e.g. best practices, matching and tracking programs which could include a registry, professional standards, education) potentially through non-governmental organizations
- education of the industry community, public awareness and education

The figure below provides an illustration of roles and responsibilities:
4.0 GOALS AND PRINCIPLES

The following goals will guide the implementation of a provincial framework:

<table>
<thead>
<tr>
<th>GOALS</th>
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<tbody>
<tr>
<td>1. Protect human health and the environment from inappropriate relocation of excess soil</td>
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<tr>
<td>2. Enhance opportunities for the beneficial reuse of excess soil and reduce greenhouse gas emissions associated with the movement of excess soil</td>
</tr>
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The following principles will further guide decision making with respect to the provincial excess soil framework:

1. The public should have confidence in the management of excess soil.
2. Generally, generators of excess soil should be responsible for appropriate management of excess soil until it is accepted at appropriate receiving site(s).
3. Greenhouse gas emissions should be reduced through beneficial local reuse.
4. Excess soil management should ensure that farmland, environmentally sensitive areas and ecological and hydrological functions are protected, and that the future uses of land are considered.
5. Excess soil should be treated as a resource, where it can be appropriately reused, disposal as a waste should be avoided, where possible.
6. Clear and concise rules for the management of excess soil should be established.
7. Generation of excess soil should be minimized first through onsite reuse, remaining excess soil should then be reused locally if possible, and planning for reuse should be undertaken early to maximize opportunities for reuse.
8. Movement of excess soil should be traceable to provide for transparency, accountability and support for compliance.
9. Approaches should be consistent, flexible, fair and enforceable, using modern regulatory and compliance approaches.
10. Approaches should consider and integrate with existing business practices of the public and private sectors, and should support development of industry-led programs for sustainable reuse of excess soil.
11. Approaches should be science and evidence-based.

The principles of the Ministry of the Environment and Climate Change’s Statement of Environmental Values will also be considered (e.g. precautionary principle, polluter pays, etc.).
5.0 POLICY NEEDS AND ACTIONS

The figure below is an illustration of the provincial framework – including its overarching goals and actions to strengthen oversight of excess soil management. Actions are described in greater detail in the next sections of the document.
1. SOURCE SITES

1.1 Policy Needs

- Clear responsibility on the owner of the source site to provide better planning, tracking, and management from “source to reuse” to increase due diligence.
- Ensure early characterization of excess soil and planning for beneficial reuse, where feasible.
- Verify that excess soil is received at an appropriate location for reuse.
- Ensure relevant information is recorded and registered on excess soil movement (e.g. quality, quantity, source site, hauler, interim site, receiving site).

1.2 Actions to be Taken

The province proposes the following policy actions related to source sites:

1. MOECC to work with partner ministries to develop a new regulation under the Environmental Protection Act requiring larger and riskier source sites to develop and implement excess soil management plans certified by a Qualified Person and made available to MOECC and local authorities.

The proposed regulation could apply to the following:

- Larger sites, defined by a volume threshold to capture larger infrastructure projects and larger developments (e.g., buildings with underground parking, larger sub-divisions). They would not include smaller projects and excess soil from development of small residential properties.
• **Risk-based sites**, including industrial or commercial properties, or other properties that have had a potentially contaminating activity or sites with greater chance of having impacted *excess soil*.

The proposed new regulation would require the owner of the *source site* to hire a qualified person and ensure that an *excess soil management* plan is prepared and certified. The regulation and requirement for a plan would not apply to soil remaining at a site. The plan would be required, at a minimum, to include the following:

- characterization of *excess soil* in-situ (including quality, type and volume)
- sampling and testing of *excess soil* based on past land use and potential contamination
- identification of *receiving sites* and confirmation that they are authorized to accept *excess soil* (e.g. site is regulated by municipal permit and authorized to accept specific quality of *excess soil*)
- confirmation that the quality of *excess soil* is appropriate for the *receiving site* and that testing results are made available to prospective *receiving sites*
- development of tracking plan to ensure and verify the *excess soil* arrives at the *receiving site*
- registration of soil movements from source to receiving site(s) through an online registry to ensure transparency and to support accountability
- standard record keeping requirements
- consideration of archaeological resources and areas of archaeological potential, significant built heritage resources, significant cultural heritage landscapes, and areas with known invasive and endangered species at source and receiving sites

The proposed new regulation would require the owner of the *source site* and any person with whom the owner contracts to manage *excess soil* from that property to implement the *excess soil management* plan. The owner would also be required to retain a copy of the *excess soil management* plan at the property for inspection on request of the MOECC. If there is a failure to develop an *excess soil management* plan or a failure to comply with a provision of the plan by any person, and *excess soil* from a *source site* is deposited at another property unlawfully, in addition to any enforcement action under the Environmental Protection Act that can be taken to deal with such non-compliance and subsequent prosecutions for high level offenses, the owner of the *source site* may be required to remove the *excess soil* material from the site where it has been deposited and transport it to an appropriate receiving site.
The proposed new regulation would define who is and the role of a Qualified Person and may build upon on the definition of Qualified Person in O. Reg. 153/04.

Some ministries, such as the Ministry of Transportation (MTO) have developed best practices for the management of excess soil and related materials that are generated from infrastructure projects such as highways. MOECC will seek to ensure that the requirements developed for soil management plans take into account these best management practices, where applicable, and may consider methods to recognize equivalencies of practices. To achieve this, it may be appropriate in certain instances for the regulation to adopt by reference a government document such as a best management practice guideline, thus ensuring the enforceability of that guideline.

Consideration will be given to a phased-in approach for implementing the proposed regulation, as well as for projects that are already underway and for those projects that are classified as emergencies.

2. **MMA and MOECC, could require the preparation of an *Excess Soil Management* Plan for issuance of certain building permits.**

   Explore the potential of including the preparation of an excess soil management plan as a matter to be listed as applicable law in the Building Code when a permit is issued before excavation. The requirement could be met by showing the building official a letter issued from a Qualified Person certifying an excess soil management plan has been developed or through reference of the proposed registry. This would help to ensure that those who manage excess soil consider implications early in a project, including the need to minimize excess soil and maximize excess soil reuse, where appropriate. It would also help to ensure that excess soil is characterized and appropriate receiving sites are located before excavation of the soil.

3. **MMA, MOECC and partner ministries to promote through policy, guidance and information sharing linking requirements for *excess soil management* to applicable Planning Act approvals including development applications, planning for interim storage sites and long-term beneficial reuse when planning for growth.**

   As a best practice, the province would promote linking planning for excess soil management under any new regulatory requirements, such as the new regulatory requirements outlined above, to applicable Planning Act approvals and develop appropriate guidance to support implementation.
4. MOECC to work with Qualified Persons on *excess soil management* guidance.

Guidance will be developed in partnership with professional bodies to help achieve consistency and enhance public confidence in Qualified Persons work and opinions. The guidance will assist in bringing together information to help inform the opinions of Qualified Persons on such matters as implementation of regulatory requirements; approaches to and direction on the use of standards; testing and sampling frequency; direction on storage, remediation and other *receiving sites*; best practices for record keeping; and other related matters. It could also serve as a repository linking information from other sources of guidance.

2. INTERIM SITES

2.1 Policy Needs

- Encourage and allow for temporary *excess soil* storage where it supports *beneficial reuse* at an appropriate location.
- Define and encourage appropriate temporary storage sites for *excess soil* and encourage storage close to *source/receiving site* to reduce transportation and environmental impacts (i.e., to reduce greenhouse gas emissions).
- Clarify requirements for *excess soil* storage and *soil processing sites*.
- Distinguish between interim storage and processing sites governed by waste approvals.
- Promote widespread remediation of contaminated soils to enable reuse and to help minimize the quantity sent to waste disposal sites for ultimate disposal.

2.2 Actions to be Taken

The province proposes the following policy actions related to *interim sites*:

5. MOECC to clarify when waste approvals apply to *excess soil processing sites* and for temporary storage sites.

MOECC will continue to issue environmental compliance approvals for excess *soil processing sites* to promote remediation while helping to ensure the environment and human health are protected.

The proposed new regulation would clarify when approvals are required to permit the temporary storage of *excess soil*. The regulation would establish the permissible duration for temporary storage and specify minimum controls to
ensure the temporary storage does not become permanent and does not result in unacceptable impacts.

6. **MMA with MOECC to consider approaches that would encourage municipalities to identify appropriate areas (e.g. industrial) for excess soil storage and processing to encourage local reuse.**

MMA working with MOECC will encourage municipalities to allow for off-site excess soil storage and soil processing sites where appropriate. This is to be considered through updates to the provincial land use planning framework, through the coordinated review of provincial plans and the development of the municipal by-law language tool.

### 3. RECEIVING SITES

#### 3.1 Policy Needs

- Improve rules for receiving sites, including improved oversight with specified minimum environmental and technical requirements, and record keeping related to received soil.
- Provide guidance to support local (e.g. municipal or conservation authority) oversight for receiving site management.
- Help address “nuisance effects” related to excess soil movement and placement on the receiving site, such as noise, dust, odour, and truck traffic as well as wear and tear of roads.
- Help address impacts related to climate change, including greenhouse gas emissions from transporting excess soil over long distances.

#### 3.2 Actions to be Taken

The province proposes the following policy actions related to receiving sites:

7. **MMA and MNRF to consider bringing forward proposed amendments to legislation to enable section 142 of the Municipal Act regarding site alteration by-laws, to apply in conservation authority regulated areas.**

Changes would consider whether municipalities and conservation authorities have the appropriate tools to address issues related to the management of excess soil within their authority and that those tools work together effectively and reflect policy developed under this framework.
Municipalities currently have little control over the establishment and operations of commercial fill operations within municipal boundaries if it is located in an area regulated by the conservation authority. Under the Conservation Authorities Act, conservation authorities consider specific matters appropriate to that Act which do not include many matters that could be considered under a municipal by-law. Section 142 of the Municipal Act, 2001, provides municipalities with specific powers to prohibit or regulate the placing or dumping of fill, removal of topsoil, and the alteration of the grade of the land, subject to certain limits, such as subsection 142(8).

Subsection 142(8) provides that municipal site alteration by-laws have no effect in areas that are regulated by the conservation authority under the Conservation Authorities Act (Section 28 regulations: Development, Interference with Wetlands and Alterations to Shorelines and Watercourses).

Changes would allow municipalities to regulate site alteration and placement of fill within their municipality, and enable conservation authorities to continue to fulfill their mandate. This would also allow both conservation authorities and municipalities to continue to work collaboratively to regulate the placement of fill.

8. MMA to coordinate development of a by-law language tool to support municipalities in developing or updating fill and site alteration by-laws. MMA, MOECC, and other ministries to consider ways to promote the municipal role in effective and consistent management of excess soil at receiving sites, including larger (commercial) sites.

A by-law language tool is under development with an initial version expected in the fall of 2016. This tool could be used by municipalities to inform development of by-laws and fill management plans. MMA, MOECC and other ministries will consider tool updates and additional ways to promote the municipal role in effective and consistent management of excess soil to reflect policy developed under this framework.
The by-law language tool and potential future educational materials could include information about:

- Guidance on fill quality standards;
- Use of Qualified Persons;
- Testing requirements (audit sampling, frequency);
- Record keeping and documentation (e.g. source sites, volumes and quality);
- Verification of source site;
- Contents of Fill Management Plans;
- Considerations for:
  - filling in relation to natural features and maintenance of ecological processes (e.g. infiltration);
  - consultation, notification;
  - traffic, transportation (trucking and haul routes);
  - invasive and endangered species;
  - odour, noise and dust; (during transport and during fill placement at the receiving site)
  - site security and signage;
  - stormwater considerations and erosion controls;
  - complaint receipt and handling;
  - maintenance and protection of hydrological features/processes including groundwater protection considerations; and
  - protecting archaeological resources and areas of archaeological potential, significant built heritage resources and significant cultural heritage landscapes.
- Requirements for management of interim sites.

9. MMA and MNRF to explore, with partners, legislative and non-legislative ways to improve compliance and enforcement with Municipal Act and Conservation Authorities Act requirements.

Consider whether there is a need for changes to legislation, procedures or consequences to provide better management and oversight of excess soil matters. As required, update relevant guidance documents to align with any changes made to these legislative frameworks.

10. MNRF to consider requiring record keeping for fill being brought to licensed and permitted aggregate sites, through the current review of the Aggregate Resources Act.
The importation of fill for the rehabilitation of aggregate sites has been a growing concern over the past few years. To ensure that all sites that are authorized to import fill for rehabilitation are maintaining minimum records, changes are being considered to the Aggregate Resources Act that would require existing sites to keep records of fill (e.g., source, shipper, deposit location) where it is brought onto a site for rehabilitation purposes. These changes would address requirements related to fill now and will provide power to improve record keeping and reporting on activities that could impact the environment in the future. As necessary, update relevant requirements to align with any changes made to this legislative framework.

11. OMAFRA and MOECC, to develop best-practice guidance for farmers to limit impacts of the importation of soil onto farmland.

Guidance will help clarify the issues that farmers should consider when making decisions on importing excess soil onto their properties for use in their agricultural operations. The intent will be to limit negative impacts on farmland.

This guidance will include information on:
- beneficial uses of imported excess soil;
- potential issues associated with bringing excess soil onto an agricultural property (such as environmental impacts, drainage alteration, stockpile runoff/dust, impacts on neighbouring properties, municipal considerations, insurance coverage, legal considerations); and
- the regulatory provisions, requirements and approvals that may apply (provincial legislation, municipal by-laws, Farming and Food Production Protection Act, Conservation Authorities Act).

The intended outcome is for farmers to be better informed of the benefits and risks of accepting excess soil. Farmers will become more aware of regulatory requirements and approvals for importing excess soil onto their agricultural operations and will become familiar with best management practices for handling and using excess soil in their agricultural operations.

4. TECHNICAL STANDARDS

4.1 Policy Needs

- Provide direction on technical matters such as standards for reuse and testing requirements that:
  - Ensures the protection of human and ecological health
  - Reflects quality of excess soil appropriate for beneficial reuse at a variety of receiving sites
Support characterization, and support tracking, matching, and reuse, including remediation
Can be used to support a variety of policy tools (e.g. provincial regulations, municipal by-laws) in a consistent and transparent way
Are science and evidence based
Are flexible and practical, but also provide for consistency in application
Help identify when excess soil is subject to the waste requirements, including potential use following treatment at a processing site

4.2 Actions to be Taken

The province proposes the following policy actions related to technical matters:

12. MOECC to develop approaches and standards for reuse of excess soil that provide for environmental protection and sustainable reuse of excess soil.

MOECC will work with stakeholders to develop approaches which could consider the following:

- **Protection of Sensitive Sites** – There could be recognition that certain types of areas have particular features, resources or sensitivities and should not be areas where excess soil is deposited (e.g. natural areas such as wetlands) unless for a specific beneficial reuse (e.g. restoration). Excess soil brought to such sites could be required to meet certain stringent standards.

- **Use of local background conditions** – For some sites, the use of excess soil that meets background levels may be preferred. We have also heard the need to better enable use of local background conditions rather than current provincial background levels (i.e. Table 1 in O. Reg. 153/04). Feasible approaches to enable this could be considered.

- **Use of generic risk based approaches** – It is proposed that generic risk based standards based on land use could be used for the deposit of excess soil in some circumstances. This could allow for the reuse of marginally impacted soils in specific circumstances, particularly in areas already impacted and areas where future uses will be less sensitive.

- **Specific risk based approaches** – Risk-based standards could also be developed in relation to specific uses or circumstances. It may also be possible to incorporate predictable risk management measures into these standards. Examples of these specific uses may include infrastructure projects, sound and sight berms, flood control structures, certain former aggregate sites undergoing rehabilitation, certain brownfields sites, or mines. Specific circumstances with specific rules could also be considered, for example specific rules associated with salt-impacted excess soil. Site specific risk assessments and risk management approaches requiring technical
review and ongoing requirements or restrictions would generally be limited to circumstances involving an appropriate site specific legal instrument, e.g. where a record of site condition is required by regulations.

13. MOECC to develop clear guidance to inform requirements on sampling and analyses of excess soil.

MOECC will work with industry, consultants and experts to develop clear rules and guidance for testing and sampling excess soils in a variety of circumstances to support regulatory requirements and guidance for by-laws and other policy.

These requirements will be pragmatic and will consider the costs of testing and risks to human and ecological health. They would be developed in close collaboration with experts including the Qualified Persons who would be expected to use them.

14. MOECC to develop guidance for smaller, lower risk source or receiving projects or sites.

The province will work with industry to develop guidance to support management of materials from projects that do not trigger the requirement for an excess soil management plan because they fall below the volume- or risk-based threshold (as described in Action 1). This could include testing protocols at source and/or receiving sites and the development of an inspection protocol for these sites.

5. PLANNING FOR REUSE OPPORTUNITIES

5.1 Policy Needs

- Encourage municipalities to consider excess soil reuse opportunities when planning for growth and intensification
- Integrate identification of reuse opportunities into design and management of large projects
- Facilitate identification of viable reuses and management protocols
5.2 Actions to be Taken

The province proposes the following policy actions related to planning for reuse:

15. **MMA, MOECC and partner ministries to encourage municipalities to develop soil reuse strategies as part of planning for growth and development** (e.g. official plans, master planning) **through proposed plan amendments as part of the coordinated review of provincial plans.**

Encourage municipalities to help ensure that future growth and planning includes an assessment of *excess soil* that may be generated and considers opportunities for reuse. This direction could help inform future updates to official plans and ensure consideration is given to large scale developments which require the management of *excess soil*, and also the location of future *receiving sites* and temporary sites for *excess soil*.

16. **MOECC to develop guidance for the consideration of excess soil in the environmental assessment processes that govern large scale infrastructure and other development projects.**

MOECC will develop guidance to encourage proponents of relevant projects to consider *excess soil management*. This approach is intended to help integrate *excess soil management* planning into Environmental Assessments for large projects, including consideration of opportunities for reuse within the project, reuse locally, and for use of other local *excess soils* within a project.

Guidance will also be developed to help ensure proponents consider integrating *excess soil management* as part of the overall project planning process, as applicable.

17. **Province to support pilot projects identifying opportunities and procedures for excess soil reuse.**

The province will continue to support pilot projects with partners to help promote opportunities for *excess soil* reuse. These types of projects will also help to identify areas for improvements in the framework delivery and will inform proposed future policy, guidance and regulatory development.
6. INTEGRATION AND IMPLEMENTATION

6.1 Policy Needs

- Integrate and align provincial legislation, regulations, guidelines, processes and other policy related to *excess soil* to ensure consistency and alignment with this framework. Including alignment related to:
  - Environmental Protection Act
    - Regulation 347 (General – Waste Management)
    - O. Reg. 153/04 (Records of Site Condition)
  - Aggregate Resources Act
  - Provincial plans
  - Municipal Act and Tools (by-laws, policies)
  - Conservation Authorities Act
  - Environmental Assessment Act

The province will also ensure consistency with existing legislative frameworks such as the Clean Water Act, Invasive Species Act and Endangered Species Act.

- Draw upon the expertise outside of the MOECC to ensure effective and practical policies
- Education to facilitate alignment of policies and implementation

6.2 Actions to be Taken

The province proposes the following policy actions related to integration and implementation:

18. MOECC to bring forward proposed regulatory amendments to integrate and align various aspects of provincial policy including Regulation 347 and O. Reg. 153/04.

MOECC will bring forward proposed regulatory amendments in order to help ensure that current regulations and policy are aligned with this framework. This would include:

- Clarifying in Regulation 347 under the Environmental Protection Act (EPA) when excess soil must be managed in accordance with Part V of the EPA. MOECC will consider an approach in which excess soil materials transported off-site from a project would be designated as a waste but not be subject to Part V requirements if:
a. The excess soil is managed and disposed of in accordance with an excess soil management plan required for the project by the excess soil regulation;

b. The excess soil is disposed of at an appropriate site that is governed by a site specific instrument (other than a Part V EPA approval) such as a municipal permit issued pursuant to a section 142 Municipal Act site alteration by-law; or

c. The excess soil material from a project that is transported off-site is disposed of in accordance with MOECC standards for the reuse of excess soil materials or other acceptable risk-based standards.

MOECC will also investigate opportunities associated with new resource recovery legislation, including the potential use of policy statements, in order to help achieve integration of excess soil best management practices into various processes involving soil movement.

- Make amendments to O. Reg. 153/04 (Records of Site Condition) under the Environmental Protection Act to ensure that the requirements governing the management of excess soil materials at RSC properties, including circumstances where RSC properties generate excess soil materials for disposal off-site or receive excess soil materials for deposition at the RSC property, align where appropriate with the new Environmental Protection Act regulation on excess soil management.

19. The province, including MOECC, MTO and MOI, to review and update existing guidance for provincial projects (e.g. transportation and infrastructure) to ensure alignment.

The province, including MOECC, MTO and MOI, will review existing guidance, practices and rules for provincial infrastructure projects and expenditures to align with new requirements and incorporate best practices for the management of excess soil. Guidance will provide for greater consistency in the management of excess soil with consideration for the goals and principles laid out within this framework. This approach will respond to stakeholders who have indicated that there are gaps in current tendering processes. This approach could further be promoted to municipalities, in particular those who may have large source sites for projects producing excess soil.

Procurement practices will be formalized through education and outreach efforts with agencies responsible for large scale projects, but also by working to ensure
that standardized tendering requirements incorporate considerations for sustainable management of excess soil.

20. **MOECC to develop an engagement group and sub-working groups composed of key interests to provide input on proposed policies, technical matters, guidance and implementation, including coordination with external programs.**

MOECC will establish an **Excess Soil Engagement Group** to help inform and validate approaches (already underway). This working group will consist of provincial ministries, the development and construction industry, qualified persons, municipal representatives, conservation authority representatives (both urban and rural), community and environmental representatives, the aggregate industry, the agricultural and rural community sectors, infrastructure, transit and the waste sector, and others as appropriate. First Nation and Métis representatives will be invited to participate and will also be invited to engage in policy development.

This group will also support implementation e.g., to help ensure education and outreach is undertaken.

This group will provide a critical role in informing the development of industry-led innovations including support for excess soil matching programs that facilitate and encourage matching and better tracking of excess soil between source sites and appropriate receiving sites.

The Excess Soil Engagement Group will further be supported by sub-working groups which will focus more closely on specific areas of interest. These will include:

1. Technical Teams to provide input on technical matters, including the **Standards Development Support Team** and the **Sampling Guidance Support Team**.
2. **Market Support Team** to act as a sounding board for market-based programs developed to support Framework implementation.

These sub groups will consist of experts from municipalities, industry, qualified persons, environmental representatives and scientists, and other interest groups where appropriate.

These groups will include membership from other ministries, including the Ministry of Municipal Affairs, Ministry of Transportation, Ministry of Natural Resources and Forestry, and the Ministry of Agriculture, Food and Rural Affairs, wherever appropriate.
21. MOECC will work with industry, municipalities and non-government organizations on market-based approaches and tools to encourage the reuse of excess soil which will draw upon the United Kingdom’s CL:AIRE model and upon the expertise and collaboration of a number of jurisdictions including the Netherlands and Quebec. The market-based tools developed will include a registry related to excess soil movement.

Industry and MOECC will work together, through the working group and sub-working group, to consider program delivery approaches led by industry or through a non-government organization or enterprise. This type of enterprise could raise awareness, encourage reuse, and facilitate better matching and tracking (e.g. through a registration system) of excess soil between source sites and appropriate receiving sites. This approach could help identify innovative and practical solutions for planning, management and reuse of excess soil.

Work under this action could be supported by pilot projects (Action 17).

6.0 PRIORITIES AND TIMELINE

The actions outlined in the framework have been prioritized based on feedback heard through consultation. MOECC will continue to work with its partner ministries, industry, qualified persons, interested organizations, and First Nation and Métis communities to follow through on a number of actions over the next year and into the future, including the following actions which are either already underway or are planned to be initiated in the near future:

<table>
<thead>
<tr>
<th>KEY ACTIONS</th>
<th>Currently Underway</th>
<th>Short-term (Year One)</th>
<th>Longer-term</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. MOECC to work with partner ministries to develop a new regulation under the Environmental Protection Act requiring larger and riskier source sites to develop and implement excess soil management plans certified by a Qualified Person and made available to MOECC and local authorities.</td>
<td>X</td>
<td>X</td>
<td></td>
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<tr>
<td>2. MMA and MOECC, could require the preparation of an Excess Soil Management Plan for issuance of certain building permits.</td>
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<td>X</td>
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</tr>
<tr>
<td>3. MMA, MOECC and partner ministries to promote through policy, guidance and information sharing linking requirements for excess soil management to applicable Planning Act approvals including development applications, planning for interim storage sites and long-term beneficial reuse when planning for growth.</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>4. MOECC to work with Qualified Persons on excess soil management guidance.</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>5. MOECC to clarify when waste approvals apply to excess soil processing sites and for temporary storage sites.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
6. **MMA with MOECC** to consider approaches that would encourage municipalities to identify appropriate areas (e.g. industrial) for excess soil storage and processing to encourage local reuse.

7. **MMA and MNRF** to consider bringing forward proposed amendments to legislation to enable section 142 of the Municipal Act regarding site alteration by-laws, to apply in conservation authority regulated areas.

8. **MMA to coordinate development of a by-law language tool to support municipalities in developing or updating fill and site alteration by-laws. MMA, MOECC, and other ministries to consider ways to promote the municipal role in effective and consistent management of excess soil at receiving sites, including larger (commercial) sites, to inform municipalities in the development or updating of by-laws.

9. **MMA and MNRF** to explore, with partners, legislative and non-legislative ways to improve compliance and enforcement with Municipal Act and Conservation Authorities Act requirements.

10. **MNRF to consider requiring record keeping for fill being brought to licensed and permitted aggregate sites, through the current review of the Aggregate Resources Act.**

11. **OMAFRA and MOECC, to develop best-practice guidance for farmers to limit impacts of the importation of soil onto farmland.**

12. **MOECC to develop approaches and standards for reuse of excess soil that provide for environmental protection and sustainable reuse of excess soil.**

13. **MOECC to develop clear guidance to inform requirements on sampling and analyses of excess soil.**

14. **MOECC to develop guidance for smaller, lower risk source or receiving projects or sites.**

15. **MMA, MOECC and partner ministries to encourage municipalities to develop soil reuse strategies as part of planning for growth and development (e.g. official plans, master planning) through the coordinated review of provincial plans.**

16. **MOECC to develop guidance for the consideration of excess soil in the environmental assessment processes that govern large scale infrastructure and other development projects.**

17. **Province to support pilot projects identifying opportunities and procedures for excess soil reuse.**

18. **MOECC to bring forward proposed regulatory amendments to integrate and align various aspects of provincial policy including Regulation 347 and O. Reg. 153/04.**

19. **The province, including MOECC, MTO and MOI, to review and update existing guidance for provincial projects (e.g. transportation and infrastructure) to ensure alignment.**

20. **MOECC to develop an engagement group and sub-working groups composed of key interests to provide input on proposed policies, technical matters, guidance and implementation, including coordination with external programs.**

21. **MOECC will work with industry, municipalities and non-government organizations on market-based approaches and tools to encourage the reuse of excess soil which will draw upon the United Kingdom’s CL:AIRE model and upon the expertise and collaboration of a number of jurisdictions including the Netherlands and Quebec. The market-based tools developed will include a registry related to excess soil movement.**
While several pieces of legislation and regulations apply to specific aspects of excess soil management, the majority of excess soil moved in Ontario is, for the most part, not directly regulated by MOECC. Ontario’s January 2014 Best Management Practices for excess soil though provides guidance on excess soil management, including at the site where it is excavated, during its transportation and at the receiving site.

Different levels of government and various agencies regulate certain aspects of excess soil movement, particularly the province, municipalities and conservation authorities. The table below outlines specific legislation, regulation, policy and other instruments and their roles in the management of excess soil.

**Environmental Protection Act and Ontario Water Resources Act**

Broad provisions prohibiting discharges that cause or may cause adverse effect, and providing authority for MOECC to issue orders requiring measures to prevent, stop or remediate adverse effects.

Provides authority to address impairment of waters, and measures to prevent impairment of waters.

Weblinks for more information:
- [Environmental Protection Act](#)
- [Ontario Water Resources Act](#)

**Records of Site Condition (RSC) – Environmental Protection Act and O. Reg. 153/04**

A Record of Site Condition (RSC) is required before certain changes in property use take place, where the property use goes from a less sensitive to more sensitive use (e.g. from industrial to residential).

The regulation ensures the quality of soil brought to an RSC property meets certain standards, depending on a number of factors including historical uses, as well as environmental site assessment requirements.

Weblink for more information:
- [Records of Site Condition (RSC) – Environmental Protection Act and O. Reg. 153/04](#)

**Management of Excess soil – A Guide for Best Management Practices**

- A best practices document that provides guidance on how to handle excess soil generated from large-scale projects. It provides guidance for: soil source sites; soil receiving sites; temporary soil storage sites; traffic and transportation management; and procurement practices for projects that include soil management. It also provides guidance that could be used to inform municipal by-laws.

Weblink for more information:

**Reg. 347 (General-Waste Management) under the Environmental Protection Act**
Transportation, storage, deposit and disposal of soil that is subject to the waste requirements must be authorized by an environmental compliance approval, except where the waste soil is “inert fill” as defined in Reg. 347.

Inert fill is designated as waste, but exempted from both the need for an ECA and the requirements in Regulation 347. Inert fill may or may not be soil.

Weblink for more information:
- Reg. 347 (General-Waste Management) under the Environmental Protection Act

**Municipal Act, 2001 - By-laws**

S. 142 provides authority for municipalities to establish by-laws to prohibit or regulate the placing or dumping of fill, removal of topsoil, or alteration of the grade of land, and establish a requirement for permits for these activities. Municipalities may also enact by-laws to manage other aspects of site alteration and filling (e.g. noise and dust control). Municipal site alteration by-laws are of no effect in certain conservation authority regulated areas.

Weblink for more information:
- Municipal Act, 2001 - By-laws

**Conservation Authorities Act - Regulations**

Enables municipalities with the province to establish conservation authorities and defines regulation-making authority for purposes of public safety and natural hazard management. The placement, dumping or removal of any material in areas affected by the regulations made under the Conservation Authorities Act requires a conservation authority permit. All conservation authorities have programs in flood and erosion control within their jurisdictions.

Weblink for more information:
- Conservation Authorities Act - Regulations

**Provincial Policy Statement and Provincial Plans**

Include a range of policies affecting development and site alteration. Policies do not generally apply to excess soil, as commercial filling is not considered a land use.

Weblinks for more information:
- Provincial Policy Statement
- Provincial Plans

**Aggregate Resources Act**

Supplementary guidance to the legislation provides conditions for placing of fill on aggregate sites (e.g. for rehabilitation purposes).

Weblink for more information:
- Aggregate Resources Act

**Farming and Food Production Protection Act**

The Act continues the Normal Farm Practices Protection Board and provides a procedure to apply to the Board to determine what constitutes a “normal farm practice” in a particular case. The Act protects farmers from liability in nuisance resulting from a normal farm practice. It further provides that certain
municipal by-laws may not restrict a normal farm practice that is carried on as part of an agricultural operation. The Act provides the Minister with authority to issue directives, guidelines or policy statements and Board decisions are required to be consistent with those documents.

Weblink for more information:
- Farming and Food Production Protection Act

**Environmental Assessment Act**

Sets framework for individual environmental assessments (EAs), Class EAs, and streamlined EAs under regulation.

Weblink for more information:
- Environmental Assessment Act

**OPSS (180 and 1010)**

Provides guidance for management of excess earth, aggregate, rock, and various other materials for consideration in provincial transportation and infrastructure contracts.

Weblinks for more information:
- OPSS180
- OPSS1010

### 7.2 SUMMARY OF SELECT OTHER JURISDICTIONS

Below is a summary of findings from key jurisdictions.

**UNITED KINGDOM**

**Implementation Approach:**
- Voluntary best practices approach, when following code of practice provides exemption from government approvals
- Contaminated Land: Applications in Real Environments (CL:AIRE) is an independent not-for-profit organization in the UK which encourages the regeneration of contaminated land
- Primarily industry-led

**Key Elements:**
- CL:AIRE developed a Code of Practice (COP) which allows users to determine if excavated materials are a waste or not
- If deemed not to be a waste the material can be used without an Environmental Permit or Waste Exemption from the UK Department of the Environment, and requires some self-regulation
- The COP is applicable to those who commission earthworks and a range of other parties. It is also of interest to land owners and developers
- The three basic steps of the process are
  1. Ensuring that a **Materials Management Plan** (MMP) is in place for the use of materials on a specific site
  2. Ensuring that the MMP is based on risk assessment, that underpins the Remediation Strategy (for contaminated sites) or Design Statement (for uncontaminated sites)
  3. Auditing the process in a Verification Plan
- Standards and exceedances for reuse based on direction for UK Environment Agency; COP has additional technical direction, e.g. testing strategies
• A Qualified Person must review evidence related to a proposed use of materials and if it is acceptable sign a Declaration. This is submitted to the UK Environment Agency
• CL:AIRE has also developed a Register of Materials website, that helps link source sites (donor sites) with receiver sites

QUEBEC

Implementation Approach:
• Over-arching soil management policy supported by regulations and incentives
• Primarily led by province
• Also has guidance for sampling

Key Elements:
• Approach strongly based on reuse; Quebec has a variety of regulations affecting the landfilling of soil
• Quebec has developed a Soil Management Grid, which provides management options for excavated soils depending on their level of contamination
• Province provides grants to foster contaminated sites clean up and revitalisation
• Regulation Respecting Contaminated Soil Storage and Contaminated Soil Transfer Stations determines the conditions for the operation of transfer stations and temporary storage sites for contaminated soils

BRITISH COLUMBIA

Implementation Approach:
• Primarily led by ministry and industry
• Uses Environmental Protection Act, Contaminated Sites regulation, and a range of guidance

Key Elements:
• Uses Contaminated Soil Relocation Agreements (CSRAs) for applicable soil movements based on size and quality standards; the focus is on contaminated soil and the size threshold is small (5 cubic metres)
• A CSRA is an agreement between the owner of a source site, the receiving site, and the Director of Waste Management, authorizing the relocation of soils from a contaminated site to a suitable deposit site
• Soils to be relocated need to be adequately characterized to determine reuse options and if the soils will meet the numerical or risk-based environmental quality standards for the receiving site

NETHERLANDS

Implementation Approach:
• Development of the regulation is done intensively by government and private market working together and recognizing the need for facilitation of suitable approaches
• Based on 15 years’ experience and policy evaluations, implementation of soil management (including excavation) is fully accepted by the private market (operational, administrative and financial aspects)
• To make the system of soil management enforceable and acceptable, quality control and quality assurance are a main consideration in the Dutch system
• Implemented through the federal government, as well as municipal partners who require assurances about the matching between soil quality and application

Key Elements:
• Has a balanced (pragmatic) Soil Quality Decree, containing regulations and protocols to address soil management
• Practical balanced protocols outline sampling requirements and strategies
• Soil is a valuable resource; legislation and policies are tied to ensuring the sustainable use (including reuse) of soils at all levels of government
• Has national registry for soil matching for use by the private market and municipalities and which provides for traceability of materials. The registry is also available to the public for most information relating to soil movement
• The private market has substantial investment in soil banking systems
• To enable reuse, adopts principles such as the “standstill principle”, which requires that the excess soil to be placed at the receiving site should be of equal or better quality than the soil that is present at the receiving site, and uses soil quality maps of zones with varying sampling and reuse requirements

MASSACHUSETTS

Implementation Approach:
• Requirements largely self-regulated by Licensed Site Professionals (LSPs)

Key Elements:
• Regulatory approach for sites falling under the Massachusetts Oil and Hazardous Material Release Prevention Act (Chapter 21E sites)
• Has a Similar Soils Provision outlined in a guidance document which intended to prevent the degradation of sites by ensuring that the relocated soil does not increase the risk at the receiving site, since it will be similar to what is already there.
• In May 2015, The Massachusetts Department of Environmental Protection (DEP) released a new Draft Interim Policy on the ReUse of Soil for Large Reclamation Projects, describing an approach for obtaining site-specific approval from the DEP for the reclamation of quarries, sand pits and gravel pits using more than a threshold amount. The policy states the type of information to be submitted to support the issuance of an approval for such projects (e.g. soil management plan)

7.3 SUMMARY OF KEY ISSUES HEARD

Below is a list of some of the broader key issues heard through engagement on the EBR review related to excess soil management policy. This list is not a reflection of provincial opinion, but rather a listing of some of the broader themes heard through engagement sessions with various stakeholders.

1. Improved oversight – issues raised related to general perception that current system is fragmented and requires stronger provincial direction

2. Standards and direction – issues raised related to need for clear standards to provide direction on where excess soil can be reused and where it may be subject to the waste requirements

3. Testing – issues raised related to scope of testing needed, costs and timing

4. Source site responsibility – issues raised related to need for generator of excess soil (source sites) to be more responsible for its end use
5. **By-laws** – issues raised related to difference in approaches being taken in by-laws and need for guidance

6. **Education and outreach** – issues raised related to need for additional technical guidance and education for others (e.g. farmers, public)

7. **Traceability and tracking** – issues raised related to need for mechanisms to ensure *excess soil* is better tracked

8. **Municipal by-laws in conservation authority regulated areas** – issues raised related to the need to remove restriction on by-laws in conservation authority regulated areas

9. **Protecting agriculture** – issues raised related to need to protect agricultural land from potential contamination so as to limit potential impacts on crops and/or livestock

10. **Need to protect sensitive areas and limit environmental impacts** – issues raised related to the need to protect sensitive areas (e.g. Greenbelt, Oak Ridges Moraine, groundwater, source protection, soil erosion and climate change)

11. **Temporary storage** – issues raised related to need for clearer direction on temporary storage of *excess soil*

12. **Planning process** – issues raised related to perception that *excess soil* should be managed early on in the development and planning process

13. **Identification of appropriate receiving sites** – issues raised related to need to identify appropriate sites which could be appropriate for *excess soil* reuse

14. **Enforcement** – issues related to the perception that there is a lack of ability to enforce current requirements due to limited capacity and scope of powers

15. **Pilots** – support for pilot projects to incent change and garner buy-in

16. **Information gaps** – issues raised related to the lack of information with respect to the movement of *excess soil* (e.g. quantity, quality, impacts)

17. **Traffic, air, dust, noise, and other social impacts** – issues raised related to the need to minimize impacts like traffic, noise, air, dust, etc.

18. **Liability** – issues raised related to the need to consider financial insurance, security, and monetary penalties

19. **Restrictions on aggregate licenses** – issues raised related to perception that requirement for rehabilitation of aggregate sites are too restrictive
20. Aerodromes – issues raised related to whether excess soil is being inappropriately brought on to properties who are operating as an aerodrome under federal jurisdiction and as a result are avoiding municipal permits

21. Normal farm practices – issues raised about whether some farmers may not be following certain municipal by-laws because they are under the misconception that the by-law does not apply to them

22. Soil remediation – support for the need to promote remediation

23. Flexibility and costs – support for the need for flexibility in approaches and need to consider costs of excess soil management in any future approaches

24. Smaller projects – need to recognize that smaller sites have a cumulative impact, but need to be handled differently from larger sites

25. Municipal capacity – issues raised related to lack of capacity amongst some municipalities to deal with issues, both technically and financially

26. Cultural heritage resources – issues raised related to need to assess impacts to and protect sites of cultural heritage value or interest (e.g. significant cultural heritage landscapes and areas of archaeological potential)

27. Need to better consider excess soil management in government projects – issues related to the need to better consider excess soil management in government-funded projects

28. Need to align provincial policy – issue related to the need to better align on excess soil related management across ministries

29. Protection of rural areas and rural lens – issues raised related to the perception that there are policies allowing for the contamination of rural areas at the expense of development and intensification in urban centres

30. Qualified persons – issues raised related to skills, credibility, consistency in opinion, conflict of interest and public confidence
7.4 GLOSSARY OF FREQUENTLY USED TERMS

Below are general definitions for terms used more frequently throughout this document. For the purposes of any future policy or regulation, the province would develop and consult on appropriate definitions for these terms.

**Beneficial reuse**: The placement of *excess soil* at a site that is not a waste disposal site, in a manner that complies with applicable legislation and is environmentally responsible.

**Excess soil**: Soil that has been excavated, typically as a result of construction activities that cannot or will not be reused at the site where the soil was excavated and must be moved off site. In some cases, *excess soil* may be temporarily stored at another location before the *excess soil* is brought back to be used for a *beneficial reuse* at the site where the soil was originally excavated. It could include naturally occurring materials commonly known as earth, topsoil, loam, subsoil, clay, sand or gravel, or any combination thereof. *Excess soil* does not refer to such materials as compost, engineered fill products, asphalt, concrete, reused or recycled aggregate product, mine tailings or other products, including soil mixed with debris such as garbage, shingles, painted wood, ashes, or other waste.

**Excess soil management**: The management of *excess soil*, including its excavation, placement, hauling, tracking, record keeping, reporting and registration, characterization, and disposal.

**Fill**: Any type of material deposited or placed on land.

**Interim site**: Sites owned or controlled by the owner/operator of a *Source site* or *Receiving site*, at which *excess soil* is temporarily stored. The term can also refer to sites that treat, remediate and transfer *excess soil* to other sites for final placement or disposal (defined below as “*soil processing sites*”).

**Receiving site**: Sites that accept and receive *excess soil* and constitute the *excess soil*’s final resting place. The term also includes larger commercial fill operations as well as other sites like agricultural operations or aggregate operations.

**Soil processing site**: Are subsets of *interim sites*, such as a waste disposal site that processes poorer-quality soil to remove or reduce the concentrations of contaminants, such that the soil can be reused. These sites are subject to approval requirements under Part V of the Environmental Protection Act and are subject to inspections by the Ministry of the Environment and Climate Change.

**Source site**: Sites that generate *excess soil*. They are often construction or development sites or projects where *excess soil* is excavated and must be managed.
MEMO TO: The Chairman and Members, CLOCA Board of Directors

FROM: R. Perry Sisson, Director – Engineering and Field Operations

SUBJECT: Canada 150 Community Infrastructure Program – Heber Down Conservation Area

In June 2016, the CLOCA Board of Directors endorsed an application to the Canada 150 Community Infrastructure Program for funding to advance public use components of the Heber Down Conservation Area Master Plan (refer to Staff Report #5475-16 – Attachment 1).

On December 16, staff received a telephone communication from Whitby MP Celina Caesar-Chavannes indicating that the CLOCA funding proposal had been accepted, and the attached letter (Attachment 2) from the Federal Economic Development Agency for Southern Ontario was received on December 28, 2016.

The federal funding will be utilized to develop the Cochrane Street entrance of the Heber Down Conservation Area with a new accessible trail, picnic areas, and washroom. Staff will develop detailed designs for the work through the winter, prepare tender packages in the spring, and contract construction for the summer. The grant funding is to be utilized between April 1, 2017 and March 31, 2018. CLOCA will also work with the Town of Whitby staff to investigate the expansion of the Cochrane Street parking lot to accommodate the anticipated increase of visitors to the conservation area and the Whitby off-leash dog park.

Also at Heber Down Conservation Area this year, stream improvements will be completed, pedestrian bridges improved, and the Devil’s Den pond will be rehabilitated. These works will be completed through funding from the Ontario Ministry of Transportation (MTO) and their commitment to improve habitat for Species at Risk (Redside dace). Staff completed a site walk with MTO staff in late November to confirm the components of the work. The recently completed restoration of the valley slope and development of an access road to the Devil’s Den pond by The Ontario Aggregate Resources Corporation will greatly assist with the pond restoration work.

With the completion of the works outlined above, many of our management objectives will be accomplished. The new Cochrane Street entrance facilities will provide new accessible trail and picnic opportunities to meet increasing demand from the growing community. The new facilities will allow for the phase out of aged facilities, and restoration of Lynde Creek riparian zones and floodplains to more natural conditions, and enhancements to aquatic habitat throughout Heber Down Conservation Area. These works will also reduce our reliance on the Lyndebrook Road access, and reduce the considerable costs associated with maintenance of the existing entrance road and parking lot.

**RECOMMENDATION:**

**THAT Staff Report #5504-17 be received for information.**

Attach.
The Canada 150 Community Infrastructure Program is a Government of Canada funding program providing $150 million over two years to renovate, expand or improve existing community and cultural infrastructure across the country to celebrate Canada's 150th anniversary of Confederation in 2017. Projects eligible for funding include the renovation, expansion or improvement of existing parks, recreational trails, fitness trails, bike paths and other types of trails. The grant program requires a minimum of 50 percent of funding from other sources, and priority may be given to projects that leverage 66.6 percent or more of the project cost from other sources. Proposals will received until June 24th, 2016, and projects must be completed between April 1, 2017 and March 31st, 2018.

The Heber Down Conservation Area Master Plan (CLOCA 2010) contained a plan to develop the Cochrane Street entrance of Heber Down with an accessible trail loop, an expanded parking lot, picnic areas, and washroom. A preliminary concept plan is attached. To date, CLOCA has been unable to advance these works due to funding restrictions. The Canada 150 Community Infrastructure Program could allow for the advancement of the Master Plan works.

As previously reported (staff report 5338-16), CLOCA also has a commitment from MTO to undertake works within Heber Down CA, including pedestrian bridge work, the Devil’s Den pond rehabilitation, and stream restoration works. These works will be complimentary to the current proposal, and together will complete a large portion of the works from the Master Plan. The preliminary budget for the project is summarized in the following table:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Project Component</th>
<th>COST</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>CLOCA/Municipality</td>
<td>parking lot expansion</td>
<td>$ 70,000</td>
<td>12%</td>
</tr>
<tr>
<td>MTO</td>
<td>Pedestrian bridges, pond retrofit and stream work</td>
<td>$ 298,750</td>
<td>53%</td>
</tr>
<tr>
<td>Canada 150</td>
<td>accessible trail, picnic areas/shelter, comfort station, viewing mound</td>
<td>$ 196,000</td>
<td>35%</td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td><strong>$ 564,750</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

The proposed works will improve natural amenities, have long term benefits to the community, and is a fitting celebration of Canada’s 150th anniversary.

If endorsed by the Authority Board, CLOCA staff will submit the Canada 150 funding application, and continue to work with our municipal partners to develop detailed plans and budgets for the proposed work.

**RECOMMENDATION:**

* THAT Staff Report #5475-16 be received for information; and,
* THAT the Board of Directors endorse the submission of a proposal for funding Conservation Area improvements under the Canada 150 Community Infrastructure Program.
Heber Down Conservation Area New Entrance Concept Plan

This plan incorporates parking for 100 vehicles, a Canada 150 Garden, a 500 metre accessible trail, a covered picnic shelter, a washroom facility, a raised earthen lookout area to facilitate the annual raptor monitoring program, 10 provincial nodes and 2 territory nodes of native trees and shrubs, a series of berms and open meadow planted with native grasses and forbes. All trail, parking and walking surfaces will use porous pavers and or granular materials. The parking area will be serviced with a bioswale to collect runoff and washrooms will incorporate a solar operated composting system. The picnic shelter will incorporate a green roof and collect and store water for maintaining the gardens.

Central Lake Ontario Conservation
100 Whiting Avenue
Oshawa ON L1H 3T3

Drawn by: Patricia Lowe, OALA, CSLA
Scale NTS
Mr. Perry Sisson  
Director, Engineering and Field Operations  
Central Lake Ontario Conservation Authority  
100 Whiting Avenue  
Oshawa, ON L1H 3T3

Re: Canada 150 Community Infrastructure Program Project Application  
#809694 - Improvement of Heber Down Conservation Area

Dear Mr. Sisson:

I am pleased to inform you that the Federal Economic Development Agency for Southern Ontario (FedDev Ontario) has approved your application for project funding under the Canada 150 Community Infrastructure Program (CIP 150).

Your CIP 150 project has been approved for a non-repayable contribution of up to $221,000, representing 36% of total eligible project costs for the above-noted project.

You will be contacted in the near future to complete the CIP 150 contribution agreement for your project. This agreement will outline the contracting details, claims information, and communication opportunities for your funded project.

Also, if you have not already submitted one with your application, a resolution of your Board duly authorizing or endorsing your CIP 150 project must be provided along with the signed contribution agreement. Please ensure that the resolution demonstrates that it has been passed and references FedDev Ontario, the CIP 150 contribution agreement, the CIP 150 project title, and the approved CIP 150 funding amount.

Should you have any immediate questions, please feel free to contact FedDev Ontario toll-free at 1-866-593-5505.

The FedDev Ontario team is looking forward to working with you on your project.

Regards,

Frank Lofranco  
Vice President  
Business Innovation and Community Development  
Federal Economic Development Agency for Southern Ontario
MEMO TO: Chair and Members, CLOCA Board of Directors

FROM: Rose Catulli, Director of Corporate Services


The attached audit plan letter from the audit firm of BDO Canada LLP is being sent to the Board in advance of the annual audit. Having gone through a number of significant reporting requirements in prior audit years, staff does not anticipate any change in format for the 2016 statements. The letter provides the Board of Directors an opportunity to provide information about anything that may affect the audit especially as it relates to risk in the organization or suspected or alleged fraud.

RECOMMENDATION:

THAT the letter from Nigel A.C. Allen, BDO Dunwoody Canada LLP be received; and,

THAT Nigel A.C. Allen be advised that the Board of Directors is not aware of any matters related to increased risk, fraud or errors on behalf of management processes.

RC/ms
Attach.
January 3, 2017

Members of the Board of Directors
Central Lake Ontario Conservation Authority
100 Whiting Avenue
Oshawa, Ontario
L1H 3T3

Dear Board of Director Members:

We are pleased to present our audit plan for the audit of the financial statements of Central Lake Ontario Conservation Authority (the "Authority") for the year ended December 31, 2016.

Our report is designed to highlight and explain key issues which we believe to be relevant to the audit including audit risks, the nature, extent and timing of our audit work and the terms of our engagement. The audit planning report forms a significant part of our overall communication strategy with the Board of Directors and is designed to promote effective two-way communication throughout the audit process. It is important that we maintain effective two-way communication with the Board of Directors throughout the entire audit process so that we may both share timely information. The audit process will conclude with a Board of Directors meeting and the preparation of our final report to the Board of Directors.

This report has been prepared solely for the use of the Board of Directors and should not be distributed without our prior consent. Consequently, we accept no responsibility to a third party that uses this communication.

The Board of Directors plays an important part in the audit planning process and we are available to meet with you to discuss our audit plan as well as any other matters that you consider appropriate.

Yours truly,

Nigel A. C. Allen, CPA, CA
Partner
BDO Canada LLP
Chartered Professional Accountants, Licensed Public Accountants
Central Lake Ontario Conservation Authority
Planning Report to the Board of Directors

January 3, 2017
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<td>Responsibilities</td>
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<td>Audit Strategy</td>
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<td>Appendix A - Independence Letter</td>
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</table>
TERMS OF REFERENCE

Our overall responsibility is to form and express an opinion on the financial statements. These financial statements are prepared by management, with oversight by those charged with governance. The audit of the financial statements does not relieve management or those charged with governance of their responsibilities. The scope of our work, as confirmed in our engagement letter, is set out below.

ENGAGEMENT OBJECTIVES

- Form and express an audit opinion on the financial statements.
- Present significant findings to the Board of Directors including key audit and accounting issues, any significant deficiencies in internal control and any other significant matters arising from our work.
- Provide timely and constructive management letter. This will include deficiencies in internal control identified during our audit.
- Consult regarding accounting, excise tax and other reporting matters as requested throughout the year.
- Prepare applicable information returns for the year ending December 31, 2016.
- Work with management towards the timely issuance of financial statements, and information returns.

INDEPENDENCE

At the core of the provision of external audit services is the concept of independence. Canadian generally accepted auditing standards require us to communicate to the Board of Directors at least annually, all relationships between BDO Canada LLP and its related entities and Central Lake Ontario Conservation Authority and its related entities, that, in our professional judgment, may reasonably be thought to bear on our independence for the forthcoming audit of the Authority. Please refer to Appendix A.
RESPONSIBILITIES

It is important for the Board of Directors to understand the responsibilities that rest with the Authority and its management, those that rest with the external auditor and the responsibilities of those charged with governance. BDO's responsibilities are outlined within the engagement letter. The oversight and financial reporting responsibilities of management and the Board of Directors are summarized below.

MANAGEMENT’S RESPONSIBILITIES

- Maintain adequate accounting records and maintain an appropriate system of internal control for the Authority.
- Select and consistently apply appropriate accounting policies.
- Prepare the annual financial statements.
- Safeguard the Authority's assets and take reasonable steps for the prevention and detection of fraud and other irregularities.
- Make available to us, as and when required, all of the Authority’s accounting records and related financial information.

BOARD OF DIRECTORS’ RESPONSIBILITIES

- Oversee the work of the external auditor engaged for the purpose of issuing an independent auditor’s report.
- Facilitate the resolution of disagreements (if any) between management and the external auditor regarding financial reporting matters.
- Pre-approve all non-audit services to be provided to the Authority by the external auditor.
- Review the financial statements and Annual Report before the Authority publicly discloses this information.
AUDIT STRATEGY

Our overall audit strategy involves extensive partner and manager involvement in all aspects of the planning and execution of the audit and is based on our overall understanding of the Authority.

We will perform a risk based audit which allows us to focus our audit effort on higher risk areas and other areas of concern for management and the Board of Directors.

To assess risk accurately, we need to gain a detailed understanding of the Authority's business and the environment it operates in. This allows us to identify, assess and respond to the risks of material misstatement.

To identify, assess and respond to risk, we obtain an understanding of the system of internal control in place in order to consider the adequacy of these controls as a basis for the preparation of the financial statements, to determine whether adequate accounting records have been maintained and to assess the adequacy of these controls and records as a basis upon which to design and undertake our audit testing.

Based on our risk assessment, we design an appropriate audit strategy to obtain sufficient assurance to enable us to report on the financial statements.

We choose audit procedures that we believe are the most effective and efficient to reduce audit risk to an acceptable low level. The procedures are a combination of testing the operating effectiveness of internal controls, substantive analytical procedures and other tests of detailed transactions.

Having planned our audit, we will perform audit procedures, maintaining an appropriate degree of professional skepticism, in order to collect evidence to support our audit opinion.
MATERIALITY

Misstatements, including omitted financial statement disclosures, are considered to be material if they, individually or in aggregate, could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

Judgments about materiality are made in light of surrounding circumstances and include an assessment of both quantitative and qualitative factors and can be affected by the size or nature of a misstatement, or a combination of both.

We have concluded that a materiality level based on 2% of expenses is appropriate for the purposes of planning the audit. We have set preliminary materiality at $119,000 for the Authority. Our materiality calculation is based on the Authority’s preliminary results. In the event that actual results vary significantly from those used to calculate preliminary materiality, we will communicate these changes to the Board as part of our year end communication.

We will communicate all corrected and uncorrected misstatements identified during our audit to the Board of Directors, other than those which we determine to be “clearly trivial”. Misstatements are considered to be clearly trivial for purposes of the audit when they are inconsequential both individually and in aggregate.

We encourage management to correct any misstatements identified throughout the audit process.

RISKS AND PLANNED AUDIT RESPONSES

Based on our knowledge of the Authority’s business, our past experience, and knowledge gained from management and the Board, we have identified the following significant risks; those risks of material misstatement that, in our judgment, require special consideration.

Significant risks arise mainly because of the complexity of the accounting rules, the extent of estimation and judgment involved in the valuation of these financial statement areas, and the existence of new accounting pronouncements that affect them. We request your input on the following significant risks and whether there are any other areas of concern that the Board has identified. We have also provided a brief summary of how we plan to audit these significant risks.
### Revenue Recognition

<table>
<thead>
<tr>
<th>Significant Risk</th>
<th>Proposed Audit Approach</th>
</tr>
</thead>
</table>
| There is an inherent risk on the completeness of revenue. | - For each revenue stream, tests are performed on a sample of source documents to trace to the final general ledger.  
- Analytical procedures are performed to compare each revenue stream against budget and investigate significant variances from expectations. |

### Risk of Management Override

<table>
<thead>
<tr>
<th>Significant Risk</th>
<th>Proposed Audit Approach</th>
</tr>
</thead>
</table>
| Management is in a unique position to perpetrate fraud because of management's ability to directly or indirectly manipulate accounting records and prepare fraudulent financial statements by overriding controls that otherwise appear to be operating effectively. | - Our planned audit procedures test the appropriateness of journal entries recorded in the general ledger and other adjustments made in the preparation of the financial statements.  
- We will also obtain an understanding of the business rationale for significant transactions that we become aware of that are outside the normal course of operations for the Authority, or that otherwise appear to be unusual given our understanding of the Authority and its environment. We will review accounting estimates for biases and evaluate whether the circumstances producing the bias, if any, represented a risk of material misstatement due to fraud. |
OTHER AREAS OF AUDIT INTEREST

In addition to the significant risks noted above, we have also noted certain areas which are of interest to us or the Board and will be considered in the planning of our audit approach and procedures.

<table>
<thead>
<tr>
<th>Area of Interest</th>
<th>Approach</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Asset Completeness</td>
<td>Our planned audit procedures include testing a sample of capital asset additions and ensuring that the accounting records reconcile with the database.</td>
</tr>
<tr>
<td>Capital assets are recorded in a database that is not integrated with the accounting system.</td>
<td></td>
</tr>
<tr>
<td>Employee Future Benefits Liability</td>
<td>Our planned audit procedures include the audit of the assumptions used in the employee future benefits liability calculation. This includes communication with the actuary used by the Authority and reviewing backup for inflation and discount rates used.</td>
</tr>
<tr>
<td>Changes in the assumptions used in the calculation could lead to a material change in the liability.</td>
<td></td>
</tr>
</tbody>
</table>

RELIANCE ON AN EXPERT

In order for us to perform adequate audit procedures on certain financial statement areas, we will be relying on the work of, and the report prepared by, Mondelis Actuarial Services Corp. Canadian generally accepted auditing standards require us to communicate with the expert. We propose to discuss the following with Mondelis Actuarial Services Corp:

- The objective and nature of our audit engagement and how we intend to use the expert’s findings and report.
- Our assessment of the significance and risk aspects of the engagement that will affect the expert’s work.
- The requirement to advise us if they have any relationship with the Authority which could impair their judgment or objectivity in the conduct of their engagement.
- The nature, timing and extent of the expert’s work and our planned review of it, possibly including review of their working papers.
- Confirmation that the assumptions used in their calculations are consistent with those used in the prior periods and with industry standards.
- Their obligation to advise BDO Canada LLP of any matters up to the estimated audit report date that may affect their calculations and their report.
We ask that the appropriate level of management review the data provided to Mondelis Actuarial Services Corp and that they also review the assumptions used and results reported by the expert for reasonableness.

AUDIT TEAM

In order to ensure effective communication between the Board and BDO Canada LLP, we briefly outline below the key members of our audit team and the role they will play:

<table>
<thead>
<tr>
<th>Name</th>
<th>Role</th>
<th>Phone number</th>
<th>Email address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nigel Allen, CPA, CA</td>
<td>Partner</td>
<td>(905) 576 3430 ext 5215</td>
<td><a href="mailto:Nallen@bdo.ca">Nallen@bdo.ca</a></td>
</tr>
<tr>
<td>Heather Allison, CPA, CA</td>
<td>Senior Manager</td>
<td>(905) 852 9714 ext 5173</td>
<td><a href="mailto:Hallison@bdo.ca">Hallison@bdo.ca</a></td>
</tr>
<tr>
<td>Daniel Eddu</td>
<td>Senior Accountant</td>
<td>(905) 576 3430 ext 5239</td>
<td><a href="mailto:Deddu@bdo.ca">Deddu@bdo.ca</a></td>
</tr>
</tbody>
</table>

TIMING OF THE AUDIT

We anticipate the following schedule for the conduct of the audit:

<table>
<thead>
<tr>
<th>Audit tasks and deliverables</th>
<th>Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interim audit planning fieldwork</td>
<td>December 5, 2016</td>
</tr>
<tr>
<td>Interim testing</td>
<td>December 6-7, 2016</td>
</tr>
<tr>
<td>Year-end audit fieldwork - tentative start date</td>
<td>March 20, 2017</td>
</tr>
<tr>
<td>Review of draft financial statements with Board</td>
<td>To be determined</td>
</tr>
<tr>
<td>Finalization of financial statements</td>
<td>To be determined</td>
</tr>
<tr>
<td>Release of financial statements and letters</td>
<td>To be determined</td>
</tr>
</tbody>
</table>

As part of the year-end Board meeting, we will provide the Board with a copy of our draft audit opinion, discuss our findings, including significant estimates utilized by management, accounting policies, financial statement disclosures and significant transactions completed during the year. We will also report any significant internal control deficiencies identified during our audit and reconfirm our independence.
FRAUD DISCUSSION

Canadian generally accepted auditing standards require us to communicate with the Board of Directors regarding fraud risk on an annual basis. We have prepared the following comments to facilitate this communication and ask that you contact us if you have any knowledge regarding actual, suspected or alleged fraud affecting the organization.

**Required Discussion**

Details of existing oversight processes with regards to fraud.

Knowledge of actual, suspected or alleged fraud.

**BDO Response**

Through our planning process, and based on prior years' audits, we have developed an understanding of your oversight processes including:

- Discussions at Board of Directors meetings and our review of minutes of those meetings;
- Review of related party transactions; and
- Consideration of tone at the top

Currently, we are not aware of any fraud.

**Question to Board of Directors**

Are there any new processes or changes in existing processes relating to fraud that we should be aware of?

Are you aware of any instances of actual, suspected or alleged fraud affecting the Authority?

AUDITORS' RESPONSIBILITIES FOR DETECTING FRAUD

We are responsible for planning and performing the audit to obtain reasonable assurance that the financial statements are free of material misstatements, whether caused by error or fraud, by:

- Identifying and assessing the risks of material misstatement due to fraud;
- Obtaining sufficient and appropriate audit evidence regarding the assessed risks of material misstatement due to fraud, through designing and implementing appropriate responses; and
- Responding appropriately to fraud or suspected fraud identified during the audit.

The likelihood of not detecting a material misstatement resulting from fraud is higher than the likelihood of not detecting a material misstatement resulting from error because fraud may involve collusion as well as sophisticated and carefully organized schemes designed to conceal it.

During the audit, we will perform risk assessment procedures and related activities to obtain an understanding of the entity and its environment, including the entity's internal control, to obtain information for use in identifying the risks of material misstatement due to fraud and will make inquiries of management regarding:
Management’s assessment of the risk that the financial statements may be materially misstated due to fraud, including the nature, extent and frequency of such assessments;
Management’s process for identifying and responding to the risks of fraud in the entity, including any specific risks of fraud that management has identified or that have been brought to its attention, or classes of transactions, account balances, or disclosures for which a risk of fraud is likely to exist;
Management’s communication, if any, to those charged with governance regarding its processes for identifying and responding to the risks of fraud in the entity; and
Management’s communication, if any, to employees regarding its view on business practices and ethical behaviour.

In response to our risk assessment and our inquiries of management, we will perform procedures to address the assessed risks, which may include:

- Inquire of management, the Board of Directors, and others related to any knowledge of fraud, suspected fraud or alleged fraud;
- Perform disaggregated analytical procedures and consider unusual or unexpected relationships identified in the planning of our audit;
- Incorporate an element of unpredictability in the selection of the nature, timing and extent of our audit procedures; and
- Perform additional required procedures to address the risk of management’s override of controls including:
  - Testing internal controls designed to prevent and detect fraud;
  - Testing the appropriateness of a sample of adjusting journal entries and other adjustments for evidence of the possibility of material misstatement due to fraud;
  - Reviewing accounting estimates for biases that could result in material misstatements due to fraud, including a retrospective review of significant prior years’ estimates; and
  - Evaluating the business rational for significant unusual transactions.

BDO RESOURCES

BDO is one of Canada’s largest accounting services firms providing assurance and accounting, taxation, financial advisory, risk advisory, financial recovery and consulting services to a variety of publicly traded and privately held companies.

BDO serves its clients through 105 offices across Canada. As a member firm of BDO International Limited, BDO serves its multinational clients through a global network of over 1,000 offices in more than 100 countries. Commitment to knowledge and best practice sharing ensures that expertise is easily shared across our global network and common methodologies and information technology ensures efficient and effective service delivery to our clients.

ACCOUNTING STANDARDS

BDO National is pleased to provide a series of publications relevant to public sector entities. Each publication provides a high level overview of different PSAB standards. These publications can be found on the bdo.ca website under Home/Services/Assurance & Accounting/ABA Knowledge Centre/PSAS.
APPENDIX A
Independence Letter

January 3, 2017

Members of the Board of Directors
Central Lake Ontario Conservation Authority
100 Whiting Avenue
Oshawa, Ontario
L1H 3T3

Dear Board of Directors Members:

We have been engaged to audit the financial statements of Central Lake Ontario Conservation Authority (the “Authority) for the year ending December 31, 2016.

Canadian generally accepted auditing standards (GAAS) require that we communicate at least annually with you regarding all relationships between the Authority and our Firm that, in our professional judgment, may reasonably be thought to bear on our independence.

In determining which relationships to report, we have considered the applicable legislation and relevant rules of professional conduct and related interpretations prescribed by the appropriate provincial institute/ordre covering such matters as:

• Holding a financial interest, either directly or indirectly in a client;
• Holding a position, either directly or indirectly, that gives the right or responsibility to exert significant influence over the financial or accounting policies of a client;
• Personal or business relationships of immediate family, close relatives, partners or retired partners, either directly or indirectly, with a client;
• Economic dependence on a client; and
• Provision of services in addition to the audit engagement.

We have prepared the following comments to facilitate our discussion with you regarding independence matters arising since May 17, 2016, the date of our last letter.

We are not aware of any relationships between the Authority and us that, in our professional judgment, may reasonably be thought to bear on our independence to date.

We hereby confirm that we are independent with respect to the Authority within the meaning of the Rules of Professional Conduct of the Chartered Professional Accountants of Ontario as of January 3, 2017.
This letter is intended solely for the use of the Board of Directors, Management and others within the Authority and should not be used for any other purposes.

Yours truly,

Nigel A.C. Allen, CPA, CA
Partner
BDO Canada LLP
Chartered Professional Accountants, Licensed Public Accountants
MEMO TO: Chair and Members, CLOCA Board of Directors

FROM: Chris Darling, Chief Administrative Officer

SUBJECT: Common Membership – Different Boards

We currently have three boards that require the officers and members to be established in common – Central Lake Ontario Conservation Authority (CLOCA), Central Lake Ontario Conservation Fund (CLOCF) and Central Lake Ontario Source Protection Authority (CLOSPA).

The Conservation Authorities Act requires the Chair and Vice Chair of CLOCA be elected annually from the members appointed by the Region of Durham. To deal with the CLOCF and the CLOSPA respective requirements, it is recommended the following motion be adopted at the CLOCA annual meeting immediately following its election of officers.

RECOMMENDATION:

THAT the Chair, Vice Chair and members of the Central Lake Ontario Conservation Authority for 2017 be the Chair, Vice Chair and members of the Central Lake Ontario Conservation Fund for 2017 and the Chair, Vice Chair and members of the Central Lake Ontario Source Protection Authority for 2017.