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Town of Amherstburg

Guideline for Application for a Site Alteration Permit

Purpose

This Guideline for Application for a Site Alteration Permit document (hereinafter referred to as the “Guidelines document”) was developed to provide further information on application for a Site Alteration Permit within the Town of Amherstburg. The Guidelines document is intended to act as a “living document” and may be amended from time to time by the Director to reflect updates in provincial policy changes, regulatory agency regulatory and best practices updates, and input from stakeholders. The Guideline does not constitute legal advice.

Introduction

A Site Alteration Permit is required for any activity not covered under Section 3.0 Exclusions. Site Alteration Permit categories are:

1. Minor Site Alteration (placement, removal, relocation, or movement of Fill <350 cubic metres (m³), not including placement of any volume of Liquid Soils);
2. Large Site Alteration (placement, removal, relocation, or movement of Fill >350 m³); and
3. Large Site Alteration involving >10,000 m³ or placement of Liquid soils >100 m³.

Application

The Permit applicant shall submit a completed Application for Site Alteration with all required supporting information in the form outlined by the Director.

Application Fee

The Permit Applicant must calculate and submit the appropriate amounts of the following items in accordance with the Town’s User Fee Schedule:

- i. Application fee in cash at the time of Application submission;
 - a. The Application fee is used to cover the costs of the Town’s administrative and technical staff to administer the application and permitting process.
- ii. Cash deposit in cash at the time of Application submission;
 - a. The cash deposit is used to cover the costs of reviewing support documents and oversight of Site Alteration activities by the Town’s technical staff, By-law Enforcement Officers, Peer Review Consultant, and other technical experts the Town may retain. The cash deposit must be refreshed when requested by the Director or the application process may stop and/or the Permit may be revoked.
- iii. Security deposit in the form of a Letter of Credit or cash prior to issuance of a Permit;

- a. The security deposit is used to address issues of non-compliance with an Order. The security deposit will be used by the Town to retain professional services and/or contractors to conduct Site Alteration related work when the Owner/operator is unwilling or unable to carry out the conditions of an Order.
- iv. Permit renewal fee (if required) in cash payable at the time of Permit renewal Application submission;
 - a. The permit renewal fee is used to cover the costs of the Town's administrative and technical staff to administer the Permit renewal process when there is no significant change to a Site Alteration other than updating the work in progress and extending the approved period of activity. The Director will determine if a Permit renewal Application has significant changes warranting a new Site Alteration Permit Application.
- v. Retroactive Application fee(s) and deposit(s) (if applicable) in cash payable at the time of Application submission as determined by the Director; and
 - a. The retroactive Application fee(s) and deposit(s) is used to cover additional work required to bring Site Alteration activities conducted without a valid Permit into compliance with the By-law.
- vi. Other fees and charges as appropriate.

Insurance

For Large Site Alterations and/or as required by the Director, comprehensive insurance may be required to cover liability in an amount not less than \$XXXXXXXX per occurrence against all claims including personal injury, death, property damage and environmental damage resulting directly or indirectly from Site Alteration activities, in which the policy shall include the Town as named additional insured or insure as required by the Director based on site specific conditions. The insurance shall remain in place until the termination of all Permits and Orders related to the Site Alteration. Provision of a copy of such certificate of insurance is required prior to issuance of the Permit.

Background Studies and Documents

The following background studies and documents are to be provided in support of the Permit application process, where applicable. The studies and documents must be prepared by an appropriately qualified technical specialist(s):

- i. Where the subject Property is within or immediately adjacent or shares a common boundary to an Essex Region Conservation Authority (ERCA) Limit of Regulated Area, provide confirmation from ERCA that the Site Alteration meets their requirements, and all site-specific conditions imposed by ERCA;
- ii. Where the site has previously been licensed by the Ministry of Natural Resources and Forestry (MNRF) for aggregate extraction, provide confirmation of the surrender of the license;
- iii. Where the Site Alteration involves traffic and access via roads under the jurisdiction of the County, provide confirmation from the County that the proposed

- traffic and road access components of the Site Alteration meets their requirements and provide any site-specific conditions imposed by the County;
- iv. Where the Site Alteration has the potential to discharge a contaminant into any part of the natural environment, provide a copy of the Environmental Compliance Approval (ECA) from the Ministry of the Environment, Conservation and Parks (MECP) or confirmation that an ECA is not required;
 - v. Where the Site Alteration has the potential to generate noise, complete the Noise Screening Process for ECA applications and evaluate the potential for noise per NPC-300. Provide a copy of the ECA or confirmation through an Acoustic Assessment that one is not required;
 - vi. Where the site alteration has the potential to result in unstable geotechnical conditions, provide a geotechnical assessment;
 - vii. Where the Site Alteration has the potential to disturb archaeological resources, conduct an Archaeological Assessment as required by the Ministry of Tourism, Culture and Sport (MTCS);
 - viii. Where the Site Alteration is on protected heritage property or adjacent lands, conduct a Heritage Impact Assessment as required by MTCS;
 - ix. Where the Site Alteration is on or within 120 metre (m) of lands designated “Natural Environment”, conduct an Environmental Impact Assessment in accordance with the County of Essex Official Plan Guidelines for Environmental Impact Assessments and as per the requirements of the MNRF, as applicable;
 - x. Where the Site Alteration will result in a change to a more sensitive land use as defined by Ontario Regulation (O.Reg.) 153/04, as amended, provide a description prepared by a Qualified Person (QP) of how a Record of Site Condition will be obtained, as it will be a Permit condition for the completion of the Site Alteration;
 - xi. Where the Site Alteration involves import of greater than 10,000 m³ of excess soil, confirmation that a notice will be filed on the Excess Soil Registry administered by the Resource Productivity & Recovery Authority in accordance with O.Reg. 406/19 prior to the import of excess soil;
 - xii. Provide a legal plan of the property and specify the location of the Site Alteration activities; and
 - xiii. Provide other background reports and documentation as required to support the application.

Fill Management Plan

A Site Alteration Permit Application shall be accompanied by a Fill Management Plan (FMP) for Large Site Alterations., or where required at the discretion of the Director. The FMP outlines the existing and final condition of the subject Property, Site Alteration operations, and mitigation measures to be employed. A FMP is dependent on the size and nature of the site alteration to be undertaken and the scope of this plan will vary depending on the sensitivity of the site and potential receptors and size of the Site Alteration. There are various elements of an FMP that require input from various

appropriately qualified technical specialists. The following are key considerations for a FMP:

- i. Description of the purpose of the Site Alteration and its conformance with good engineering and scientific practices and how the Site Alteration will not result in an adverse condition
- ii. Proposed schedule of works including start date, end date, and timing of major activities
- iii. Hours of operation and timeframes where no activity will occur in accordance with local by-laws
- iv. Contact details
- v. A description of roles and responsibilities for the implementation of the operations, plans/protocols/procedures, and monitoring
- vi. Site design and layout including engineering drawings and cross-sections:
 - a. Site access, security, and signage
 - b. Site design layout and phasing plans
 - c. Existing topography and conditions
 - d. Existing surface water flow on and around the subject Property
 - e. Proposed interim grades prior to topsoil placement
 - f. Proposed final grades and conditions
 - g. Proposed final surface water flow on and around the Property
 - h. Geotechnical controls
- vii. Filling details
 - a. Current and intended use of the subject Property
 - b. Applicable soil quality standard(s) and rationale as determined by a Qualified Person (QP) as defined in O.Reg. 406/19
 - c. Cut-fill volumes, locations and cross-sections showing Fill for on-site reuse, Fill for import, and Fill for export
 - d. Geotechnical requirements as determined by a geotechnical engineer
- viii. Health and safety plan
- ix. Erosion and sediment control plan
- x. Stormwater management plan
- xi. Noise and vibration control plan
- xii. Traffic management plan including alternate routes
- xiii. Invasive species management plan
- xiv. Identification of environmentally sensitive areas as defined in Section A of the Soil Rules associated with O.Reg. 406/19
- xv. Evaluation of existing groundwater conditions and potential impacts to groundwater, sensitive groundwater features and groundwater users, and mitigation measures developed by a hydrogeologist
- xvi. Complaint response protocol
- xvii. Site Operations
 - a. A methodology of how any imported Fill will be evaluated to ensure it meets the applicable soil quality requirements established for the subject Property

- b. Procedure to account for each load of excess soil deposited or exported
- c. Procedures to ensure that the storage of excess soil for final placement does not cause an adverse effect
- d. Mud and dust management and mitigation procedures
- e. Procedures regarding filling around existing trees, developed by a qualified environmental specialist
- f. Procedure in the event hazardous or contaminated soil is identified
- xviii. Monitoring and contingency plans, as required, for:
 - a. Groundwater quality
 - b. Surface water quality
 - c. Ongoing confirmation of grade and soil volume
 - d. Soil inspection and audit/verification samples
 - e. Erosion and sediment control monitoring and maintenance
 - f. Air, noise, and vibration impacts
 - g. Ecological impacts
 - h. Spill prevention and response plan
- xix. Documentation and record keeping procedures for:
 - a. Source site assessment and soil quality results
 - b. Presence of salt related parameters
 - c. Soil movement tracking (on Property, off Property, and interim and final placement on Property)
 - d. Written confirmation of acceptance of Fill
 - e. Hauling records
 - f. Inspection and auditing
 - g. Monitoring results

Permit Conditions

Each Site Alteration Permit will be issued with mandatory conditions for compliance including:

- a) General Conditions
- b) Property Specific Conditions as outlined in the:
 - a. Fill Management Plan
 - b. Additional documentation (if applicable)
 - c. Additional Conditions (if applicable) to address specific issues
- c) The requirement for the Owner to sign the Permit to abide by all Terms and Conditions of the Permit and provide an indemnity to the Town.
- d) The requirement that Large Site Alteration Permits involving greater than 10,000 m³ or deposit of any liquid soils only be issued after Council has approved a Permit.

Indemnification

The Owner will, both during and following the term of the Permit, indemnify and save harmless the Town from all costs, losses, damages, judgements, claims, demands,

suits, actions, complaints or other proceedings in any manner based upon, occasioned by or attributable to anything done or omitted to be done by the Owner, its directors, officers, employees, agents, sub-contractors or volunteers in connection with site alteration and fill activities conducted pursuant to the Permit.