



CORPORATION OF THE TOWNSHIP OF MELANCTHON

ADDENDUM TO AGENDA

THURSDAY, JUNE 15, 2017 - 5:00 P.M.

9. Road Business

2. Letter from Town of Shelburne regarding the Fiddle Contest Parade - Correction in the date of Parade

14. General Business

2. New/Other Business/Additions
 - 2.3 - Comments from Bret Lemieux, Bluewater Geoscience Consultants Inc., Re. Excess Soil Management Regulatory Proposal



A People Place, A Change of Pace
SHELburne
ONTARIO, CANADA

June 12, 2017

Township of Melancthon
157101 Highway 10
Melancthon ON
L9V 2E6

To Whom It May Concern:

Re: Fiddle Contest Parade – August 12th, 2017

The Town of Shelburne is hereby requesting the Township of Melancthon's permission to detour traffic along Township roads for this year's annual Fiddle Parade on August 12th, 2017.

The detour route (as show in the attached sketch) will be in effect for approximately three hours. The Town of Shelburne will be responsible for the signing of the above stated detour.

Your assistance in this matter is greatly appreciated.

Yours truly,

John Telfer
CAO/Clerk
Town of Shelburne

ADDENDUM
9.2

BLUEWATER GEOSCIENCE CONSULTANTS INC.

42 Shadyridge Place
Kitchener, Ontario
N2N 3J1

Tel: (519) 744-4123
Fax: (519) 744-1863
E-mail: blmieux@rogers.com

June 13, 2017

The Township of Melancthon
R.R. #6
Shelburne, Ontario
L0N 1S9

Attn.: Ms. Denise Holmes, A.M.C.T., Clerk-Treasurer

Re: Review of Letter from Sylvia Jones, MP dated May 18, 2017 and MOECC Proposed Excess Soil Regulatory Package – New Proposed Regulation and Amendments to Existing Regulations, 2017

Denise:

Bluewater Geoscience Consultants Inc. (Bluewater) was requested by the Council of the Corporation of the Township of Melancthon (Township) to review the above-captioned documents and provide feedback on how these may affect the Township. The issue of importation of fill soil into the Township from outside sources has become a concern for the Township of Melancthon. On May 4, 2016, Bluewater provided an email outlining of the then-proposed Management of Excess Soil – A Guide for Best Management Practices (BMP) dated January 2014 (PIBS 9603e) document. The currently-reviewed documents build upon the earlier document and is considered the next step towards legislation on the matter.

The new documents details requirements for the movement of fill from generating sites. In general, the proposed changes place the responsibility for fill management on the owner of the generating site. In the case of Melancthon, most of the concern for the Township lies in the placement of imported fill on properties within the Township. As such, most of the concern for the Township would be limited to reviewing prepared fill management materials prior to authorizing fill placement on properties within the Township. This would be completed by requiring property owners considering accepting fill placement to submit the prepared Excess Soil Management Plan for the generating site to the Township for review and approval. The preparation of this document must include characterization of the receiving site and confirmation that the fill placement is completed in accordance with applicable legislation and Best Practices.

The new MOECC Proposed Excess Soil Regulatory Package – New Proposed Regulation and Amendments to Existing Regulations provides a regulatory framework for the assessment, and characterization of potential excess soil, guidance on the handling and placement of excess soil and the requirements for the receiving site. In general, the requirements are similar to those of the January 2014 MOECC document reviewed previously. The proposed legislation is only applicable to generating sites that: 1. will generate >1,000 m³ of excess soil, or, 2. if a Potentially Contaminating Activity (PCA) as defined under Ont. Reg. 153/04 has been undertaken on the generating site.

BLUEWATER GEOSCIENCE

ADDENDUM
14.2.2.3

One of the requirements for properties subject to the proposed legislation is the completion of an 'Excess Soil Management Plan' (ESMP) and the registration of that plan on the MOECC Environmental Site Registry. There are additions, related to sites seeking a Record of Site Condition (RSC) under Ontario Regulation 153/04 (as amended) however these are unlikely to form many of the concerns for the Township which will mainly be affected by possible importation of fill from excess soil generating properties outside of the Township. The proposal also involves a change to the Ontario Building Code (Ont. Reg. 332/12) that will require the implementation of the requirements of the ESMP before a building permit can be issued (it seems that this is only applicable to a building permit for the generating site). For sites generating $>1,000 \text{ m}^3$, this would involve the building official checking that the ESMP has been registered with MOECC and for sites below $1,000 \text{ m}^3$ it would involve the building official seeking written confirmation from the QP that $<1,000 \text{ m}^3$ would be generated by the project.

It should be understood that this document is a 'proposal' at this time and changes to the document may be made before it reaches the legislative stage.

Based on our review of the available documents and proposed legislation, the Township should require that any proposed fill placement be completed as required by the proposed MOECC protocols, where they apply and once the legislation is enacted. For potential receiving of fill amounts less than those covered by the proposed legislation, requirements should be as per our suggestions from May 2016, and completed in consultation with the Township.

The issue of excess soil management may continue to evolve through time and the Township should review any further proposed alterations to the legislation to ensure that the requirements of the Township remain in accordance with any Regulations and in the interest of the residents of the Township.

Sincerely,
BLUEWATER GEOSCIENCE CONSULTANTS INC.



Breton J. Lemieux, P.Eng., P. Geo., QP
President, Senior Geoscientist
Cell 519-502-8947

Date: June 13, 2017

Denise Holmes

From: Bluewater Geoscience <blemieux@rogers.com>
Sent: Wednesday, May 04, 2016 10:22 AM
To: 'Denise Holmes'
Subject: Fill Management
Attachments: BG-576-Fill Requirements.doc

Morning, Denise: I have completed a review of the fill importation and management issue as requested. As you may have become aware of by now, this is a developing area for regulatory considerations and changes to the applicable legislation may occur within the coming years. If this should occur, this material may have to be revisited to keep up with the evolving legislation. I have provided this in Word format so you can make changes or cut and paste to your requirements.

Please note the areas highlighted in yellow in the attached document. These are areas where I have made somewhat arbitrary delineations of requirements based on planned fill volumes. The stated volumes can be changed by yourself or Council based on your considerations. For this document, I have provided three separate sets of requirements based on fill volumes planned for importation into the Township as follows:

- For fill placement of soils derived from a licensed gravel pit within the Township I have provided an exemption from these requirements;
- For volumes of fill of less than 20 m³ (~40 tonnes or 2 normal dump truck loads) I have not placed any sampling or analysis requirements, but have suggested that site owners understand the quality of the fill and the affect placement on their property may have. This range of volumes may be incorporated into the second area below should you feel it is warranted and want to require some amount of lab analysis of the fill soil regardless of quantity;
- For volumes of 20 – 50 m³ (~40 – 100 tonnes or 2 – 5 dump truck loads) I have required that the proponent complete soil sampling and analysis in accordance with the requirements of Ont. Reg. 153/04 be undertaken and the results submitted to the Township for review, comment and acceptance. This range of fill volumes must also include a review for the potential for introduction of invasive species given the agricultural nature of Melancthon;
- For fill volumes greater than 50 m³, I have required the development of a full Soil Management Plan in accordance with the MOECC Best Management Practices (BMP – which I believe I emailed you) document. This is a fairly onerous undertaking and may lead to the complete cessation of fill importation of these quantities. Alternately, it may drive the situation to where only very large volumes of fill are considered to make it economically feasible.

Of course I have required that all fill importation/placement be completed in accordance with all provincial and federal legislation and with consultation with the Conservation Authorities and the NEC,

Denise, please review the material I have supplied and provide any comments/suggestions you may have

Bret

Total Control Panel

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To: dholmes@melancthontownship.ca [Remove this sender from my allow list](#)
From: blemieux@rogers.com

You received this message because the sender is on your allow list.

The Corporation of the Township of Melancthon (Township) has concerns regarding the importation and placement of fill from outside of the Township on properties located within the Township. These concerns are with the potential importation and placement of fill of unknown environmental quality as well as potential impacts on site grading and drainage and surface water impacts. In order to monitor the importation and placement of fill within the Township, we are offering guidance and consultation with township property owners considering placing fill on their properties.

This by-law does not include the placement of fill obtained from licensed gravel pits located within the Township but rather deals with native fill soils originating outside the Township. We encourage residents considering importing and placing fill on their properties to consult with the Township at the initial planning stages so requirements for the testing of fill can be discussed and reviewed.

The issue of excess soils is currently under review by the Ontario Ministry of the Environment and Climate Change (MOECC) and is an area of developing science. The Record of Site Condition Act, Ontario Regulation 153/04 (as amended) provides guidance on the sampling and analysis of soil being moved from site to site. Further, the MOECC document Management of Excess Soil – A Guide for Best Management Practices (BMP) dated January 2014 (PIBS 9603e) provides more specific guidance and sampling and analysis protocols for the management of excess fill soils. This document also provides a framework for the development of a Soil Management Plan regarding the importation and placement of excess fill soils relating to both ‘source’ and ‘receiving’ sites. The Township recommends that proponents follow the procedures laid out in these documents after initial consultation with the Township at the planning stages. The Township further requires the proponent to consult with local Conservation Authorities (CA’s) as well as the Niagara Escarpment Commission (NEC) to ensure any concerns they may have are adequately addressed. All fill importation and placement of fill must also meet all applicable legal requirements, including current provincial and federal regulatory requirements, such as: site alteration, traffic and noise by-laws and permitting regimes established by municipalities and Conservation Authorities; the soil management provisions in Ont. Reg. 153/04 that relate to the submission and filing of a Record of Site Condition (RSC); and, when excavated soil and other excavated materials are being managed as a waste, the Environmental Protection Act (EPA) and waster regulations.

Recognizing that the importation and placement of fill may range from small to large volumes of material, the Township has provided various required sampling, analysis and documentation requirements based on the volumes of fill being received at properties located within the

Township. All fill and site assessment, analysis and reporting must be completed by a designated Qualified Person (QP) in accordance with Ont. Reg. 153/04 (as amended). Laboratory analysis of soil samples must be completed by a laboratory with an internationally recognized accreditation body (eg. Standards Council of Canada (SCC) or Canadian Association for Laboratory Accreditation (CALA)) and in accordance with the International Standard ISO/IEC – 17025 General Requirements for the Competence of Testing and Calibration Laboratories. It is recommended that analytical procedures should be conducted as outlined in Section 47 of Ontario Regulation 153/04 and in the Protocol for Analytical Methods used in the Assessment of Properties under Part XV.1 of the Environmental Protection Act, July 2011.

For fill volumes of less than 20 m³ (~40 tonnes), no sampling and analysis are required for Township purposes however the proponent is encouraged to satisfy themselves that the fill is suitable for placement on their particular property.

For fill volumes of 20 – 50 m³ (40 – 100 tonnes), sampling and analysis of representative soil samples of the fill materials must be undertaken at the frequencies specified in Ont. Reg. 153/04. Further, a thorough review of source and receiving site histories (including determining the applicable SCS for each site) and soil conditions must also be undertaken, reported on and submitted to the Township for review.

For fill volumes >50 m³ (~100 tonnes) a Soil Management Plan (SMP) in accordance with the BMP document must be completed and submitted to the Township for review, comment and acceptance.

The minimum laboratory analysis requirements for samples of the fill (for volumes greater than 20 m³) planned for importation must include volatile organic compounds (VOC), F1 – F4 fraction Petroleum Hydrocarbons (PHC), polycyclic aromatic hydrocarbons (PAH), Metals, pH, Electrical Conductivity (EC) and Sodium Adsorption Ratio (SAR). Based on the proponents review of the source property other potential parameters may also be required.

The SMP must be submitted to the Township for review, comment and acceptance prior to the importation of any fill into the Township. Where a receiving site located in the Township will serve as a Temporary Soil Storage site, an SMP must be developed in accordance with the BMP regardless of soil quantity being considered.

It is preferable that fill soil analysis results meet the Ont. Reg. 153/04 (as amended) Table 1: Full Depth Background Site Condition Standard (SCS). Where the analysis results indicate that soil does not meet the Table 1 SCS, a thorough review and determination of the appropriate SCS applicable to the receiving site may be undertaken and if the results meet the applicable SCS, consideration to the acceptance of the soil may be undertaken by the Township. Under no circumstances may fill with parameter concentrations in excess of the SCS applicable to the receiving site be imported or placed within the Township.

Invasive Species Considerations

As agricultural land uses are predominant within the Township, the consideration of the potential for the introduction of invasive species during fill importation is a prime concern. For sites considering the importation of fill volumes of over 50 m³, an evaluation of the potential for the introduction of invasive species in accordance with the BMP must be undertaken. For this reason, the importation of primarily organic soils (topsoil, peat etc.) is not encouraged.