



The Regional Municipality of Durham

COUNCIL INFORMATION PACKAGE

June 2, 2017

Information Reports

- [2017-INFO-60](#) Commissioner of Planning and Economic Development – re: Region of Durham Joins the Ontario Food Cluster
- [2017-INFO-61](#) Commissioner of Planning and Economic Development – re: Durham Environmental Advisory Committee (DEAC) Environmental Achievement Awards
- [2017-INFO-62](#) Commissioner of Planning and Economic Development – re: Investment Attraction Statistics - First Quarter: January 1, 2017 to March 31, 2017
- [2017-INFO-63](#) Commissioner of Planning and Economic Development – re: Co-ordinated Review of Ontario Land Use Plans

Early Release Reports

There are no Early Release Reports

Staff Correspondence

1. Memorandum from [S. Siopis, Commissioner of Works](#), re: Rainbow Pedestrian Crosswalks

Durham Municipalities Correspondence

1. [Township of Scugog](#) – re: Resolution passed at their Planning and Community Affairs Committee meeting held on May 15, 2017, regarding Fiscal Impact Assessment of the Great Blue Heron Casino

Other Municipalities Correspondence/Resolutions

1. [Town of Amherstburg](#) – re: Motions passed at their Council meeting held on April 10, 2017, regarding the funding of EMS Services

Miscellaneous Correspondence

1. [Central Lake Ontario Conservation Authority](#) – re: Staff Report #5522-17, Proposed Provincial Excess Soil Regulations
2. [Municipality of East Ferris](#) – re: Resolution passed at their Council meeting held on May 23, 2017, regarding their support of the letter from Cheryl Gallant, Member of Parliament, regarding the Trudeau Liberals removing the tax-exempt portion of the remuneration paid to local officials from their 2017 Federal Deficit Budget
3. [Ministry of Energy](#) – re: Letter to Regional Chair Anderson regarding their discussion on the electricity sector including Ontario's Fair Hydro Plan
4. [Central Lake Ontario Conservation Authority](#) – re: Advising that as a result of the passing of Bill 68, municipal fill and site alteration by-laws may now have effect within conservation authority regulated areas. Therefore, staff have been given the direction to begin consultations with watershed municipal staff to efficiently and effectively operationalize the new Excess Soil Management Framework in a collaborative fashion

Advisory Committee Minutes

There are no Advisory Committee Minutes

Action Items from Council (For Information Only)

[Action Items](#) from Committee of the Whole and Regional Council meetings

Members of Council – Please advise the Regional Clerk at clerks@durham.ca by 9:00 AM on the Monday one week prior to the next regular Committee of the Whole meeting, if you wish to add an item from this CIP to the Committee of the Whole agenda.



The Regional Municipality of Durham Information Report

From: Commissioner of Planning and Economic Development
Report: #2017-INFO-60
Date: May 29, 2017

Subject:

Region of Durham Joins the Ontario Food Cluster

Recommendation:

Receive for information

Report:

1. Purpose

1.1 The purpose of this report is to inform Council that the Region of Durham has joined the Ontario Food Cluster (OFC) to further enhance investment attraction efforts of the Agri-food Sector.

2. Background

2.1 In March of 2017, the Region of Durham, through its Economic Development and Tourism Division, joined the Ontario Food Cluster, a cost-sharing partnership aimed at attracting Agri-food Sector investment to OFC member communities.

2.2 The OFC represents Southern Ontario based government and economic development organizations which meet specified participant criteria including, but not limited to:

- Located within the existing geography of OFC;
- Represent a large enough jurisdiction to enhance the OFC value proposition;
- Demonstrate an ability to provide appropriate funding over the long-term;

- Demonstrate an ability to attend investment missions on a regular basis; and
- Represent a long-term partner member opportunity.

b. Current participating members in the OFC include:

- Durham Region
- County of Elgin
- Grow Guelph (City of Guelph and University of Guelph)
- City of Hamilton
- London Economic Development Corporation
- County of Middlesex
- Niagara Economic Development
- Norfolk County
- Ontario East Economic Development
- Southwestern Ontario Marketing Alliance
- Sarnia-Lambton Economic Partnership
- Waterloo Region Economic Development
- Wellington County
- Windsor-Essex
- Ontario Ministry of Agriculture, Food and Rural Affairs
- Agriculture and Agri-Food Canada Ontario Regional Office
- Global Affairs Canada

3. 2017 OFC FDI Mission Activity

3.1 In 2017, the OFC will lead business missions to the United States and Europe including:

- a. Private Label Manufacturers Association (PLMA) tradeshow, Chicago, Illinois, November 12-14, 2017.
- b. Anuga Food Fair, Cologne, Germany, October 7-11, 2017.

3.2 For each of these investment missions, the OFC retained two consultants to identify food processing investment leads not only focusing on the above trade shows, but on an on-going basis for leads that can come to the OFC at any time. The OFC will conduct lead generation activity to promote Southern Ontario as the preferred location for investment in the food and beverage sector.

3.3 A representative from Durham Region Economic Development will attend the Anuga Food Fair in Germany in October 2017.

4. Financial Overview

4.1 The OFC is funded by the federal Invest Canada Communities Initiative (ICCI), and each OFC member contributes \$4,000 per year. The OFC's total annual budget of \$121,000 supports lead generation activities towards foreign direct investment business missions and marketing initiatives including marketing collateral, website updates, hosting, and events.

4.2 The Region of Durham's 2017 contribution of \$9,000 includes the membership fee of \$4,000 and a one-time entry contribution of \$5,000. The Region's contribution is included in the 2017 Economic Development and Tourism's budget.

5. Conclusion

5.1 The Ontario Food Cluster is a key strategic partnership that will benefit the Region of Durham's commitment to growing the Agri-food and agriculture sector.

Respectfully submitted,

Original signed by

B.E. Bridgeman, MCIP, RPP
Commissioner of Planning and
Economic Development



The Regional Municipality of Durham Information Report

From: Commissioner of Planning and Economic Development
Report: #2017-INFO-61
Date: May 23, 2017

Subject:

Durham Environmental Advisory Committee (DEAC) Environmental Achievement Awards

Recommendation:

Receive for information

Report:

1. Purpose

1.1 The purpose of this report is to inform the Committee of the Whole of the Durham Environmental Advisory Committee's (DEAC) 2017 Environmental Achievement Awards reception held on Thursday, May 11th, 2017 at Regional Headquarters.

2. Awards Reception

2.1 The DEAC Environmental Achievement Awards program recognizes environmental achievements of individuals and organizations in the public, private and non-profit sectors within Durham Region. The Awards program is intended to recognize efforts to promote, preserve, and enhance the Region's environment. This year marked the 15th year of the Awards (Refer to Attachment 1 – Event Program).

2.2 Chief Administrative Officer, Dr. Gary Cubitt and Planning and Economic Development Committee Chair, Councillor Gerri Lynn O'Connor presented the certificates to the nominees and award recipients. Among those in attendance were Councillors Adrian Foster and John Henry.

2.3 In addition to award certificates from the DEAC, each winner was presented with a certificate of congratulations from MP Caesar-Chavannes.

2.4 All nominees were honoured at the reception, where the following awards were presented:

- **George A. Scott Stewardship Award** to David Hogg, for his commitment to maintaining local greenspaces through the “Adopt a Park” Program.
- **Dr. J. Murray Speirs Restoration Award** to Ducks Unlimited Canada, Ontario Office, for their restoration work on three Provincially Significant Wetlands in Durham.
- **Irene Kock Education/Communication Award** to Shadyway Farms, for hosting “Crop Technology Day” to encourage others to adopt innovative and environmentally conscious farm practices.
- **Eric Krause Innovative Plans/Policies/Initiatives Award** to Port Granby Nature Reserve Proposal for its “ecology first vision” for a former low level radioactive waste site; and the Town of Ajax, for establishing various initiatives to reduce the Town’s carbon footprint through the promotion and adoption of active and sustainable transportation practices.
- **Jessica Markland Partnerships Award** to Habitat for Humanity Durham, for their leadership in the planning and delivery of “Reuse Days,” diverting reusable construction and household materials from landfill.
- **Evylin Stroud Lifetime Achievement Award** to Carolyn Gray, for introducing and maintaining a composting program (for over ten years) at Durham Alternative Secondary School.

3. Conclusion

3.1 Hosting the annual Environmental Achievement Awards is DEAC’s most prominent initiative to fulfill its mandate to implement community outreach programs. Initiatives such as the awards support the growth of environmental awareness and appreciation in the Region.

3.2 A copy of this report will be forwarded to the DEAC and the area municipalities.

4. Attachments

Attachment #1: 2017 DEAC Environmental Achievement Awards Event Program

Respectfully submitted,

Original signed by

B.E. Bridgeman, MCIP, RPP
Commissioner of Planning and
Economic Development

George A. Scott Stewardship Award

Given to the individual, group or organization whose efforts have helped maintain, protect and preserve our natural environment.

Dr. J. Murray Speirs Restoration Award

Commends the work of individuals, groups or organization whose efforts have helped to restore degraded natural environments.

Irene Kock Education / Communication Award

Presented to those who foster effective communications, share knowledge, and exhibit leadership in helping others learn about the natural environment.

Eric Krause Innovative Plans/Policies/ Initiatives Award

Presented for “out-of-the-box” thinking and innovative efforts to encourage positive change with respect to the environment.

Jessica Markland Partnership Award

Recognizes the co-operative efforts of those who strive to enhance the environment by building partnership with public, community and private interests.

Evylin Stroud Lifetime Achievement Award

Recognizes individuals who continually promote the protection of the environment, through small, but meaningful ways.

2017 DEAC Environmental Achievement Awards

May 11th, 2017

Durham Region Headquarters

Rm. LL-C

6:30-8 p.m.



Durham
Environmental
Advisory Committee

2017 DEAC Environmental Achievement Awards Program

- 6:30 p.m. Networking and refreshments
- 7:00 p.m. Presentation of awards:
Emcee — Hida Manns, DEAC Chair
Presenters — Mayor Gerri Lynn O'Connor,
Planning and Economic Development
Committee Chair and
Dr. Garry Cubitt, Regional CAO
- 8:00 p.m. DEAC meeting—open to public
(Room I-B)



George A. Scott Stewardship Award Nominees

Township of Scugog
Town of Whitby, Public Works Department
David Hogg

Dr. J. Murray Speirs Restoration Award Nominees

Township of Uxbridge Trails Committee
Ducks Unlimited Canada, Ontario Office

Irene Kock Education/Communication Award Nominees

Town of Ajax Environmental Advisory Committee
Cental Lake Ontario Conservation Authority
Shadyway Farms

Eric Krause Innovative Plans/Policies/Initiatives Award Nominees

Port Granby Nature Reserve Proposal
Town of Ajax

Jessica Markland Partnership Award Nominees

Pat Higgins
General Motors Canada
John Fisher and Durham Mountain Bike Association
Habitat for Humanity Durham

Eylyn Stroud Lifetime Achievement Award Nominees

Carolyn Gray



Durham
Environmental
Advisory Committee



The Regional Municipality of Durham Information Report

From: Commissioner of Planning and Economic Development
Report: #2017-INFO-62
Date: May 26, 2017

Subject:

Investment Attraction Statistics - First Quarter: January 1, 2017 to March 31, 2017

Recommendation:

Receive for information

Report:

1. Purpose

1.1 This report summarizes the investment attraction activity handled by the Economic Development and Tourism Division in the first quarter of 2017 (Q1).

2. Background

2.1 The Economic Development and Tourism Division's investment attraction activities are focused on five areas: secured investments, investment inquiries; global investment missions; investor visits; and in-bound delegations.

2.2 The Investment Attraction team secured two new investments (i.e. wins) in the Region. Details of these can be found in Appendix 1 of this report.

2.3 The Investment Attraction team handled nine investment leads, eight of these investment leads came directly to the Region or through the Region's global investment missions. One of the investment leads was through Toronto Global. Details of these leads can be found in Appendix 2 of this report.

2.4 The inquiries came from a number of different sectors, the largest number coming from Technology Information (4); Professional Services (1); Manufacturing (2);

Agriculture (1) and Consumer Goods Producer (1).

- 2.5 Eight investment leads from Q1 are currently “Open” and still considering their investment plans. The lead from Toronto Global is closed.
- 2.6 One investment mission in Q1 was undertaken to Brazil (Porto Alegre, Rio de Janeiro) to identify new investment leads and create partnerships with intermediaries that will assist the Region in identifying potential investment projects in the future. Details of this mission can be found in Appendix 3 of this report.
- 2.7 Economic Development and Tourism staff hosted two investors from Brazil for Familiarization (FAM) tours in the Region. As a result, both of these companies are intending to invest in Durham by the end of 2017. Details of these investor visits can be found in Appendix 4 of this report.
- 2.8 Economic Development and Tourism staff also hosted three in-bound delegations. Details of these in-bound missions can be found in Appendix 5 of this report.

3. Conclusion

- 3.1 In the first quarter of 2017, the Investment Attraction team secured two new investments, responded to nine investment inquiries, undertook one investment mission, hosted two company tours and hosted three in-bound delegations.
- 3.2 The Investment Attraction team is continuing to deliver its 2017 work plan to promote the Region in international markets as a municipality that is “open for business”.

Respectfully submitted,

Original signed by

B.E. Bridgeman, MCIP, RPP
Commissioner of Planning and
Economic Development

Appendix 1: Secured Investments (Q1 2017)

Project Name	Date of Inquiry	Status	Source	Project Description
Nucleom – Quebec Company Expansion	13/Jan/17	WIN	Direct	Company offers a range of services in non-destructive testing (NDT) on materials. They have leased 2,800 sq. ft. for office and lab space. There will be approximately 15 employees.
BRIC Engineering Systems (Cleeve Technology) – Aerospace Laser Technology	06/Feb/17	WIN	China	BRIC Robotic Coating Removal System (RCRS) is a fully automated robotic technology, software intelligence and integration know-how. As a result of the \$10m Chinese investment, BRIC's world headquarters will be located in Oshawa. Building planning is underway with the plan to hire 25 new employees to start.

Appendix 2: Investment Inquiries (Q1 2017)

Project Name	Date of Inquiry	Status	Source	Project Description
Restaurant Expansion	16/Mar/17	OPEN	Cushman & Wakefield	The company is looking for properties between 4,000 to 10,000 sq. ft. for sale or lease that would be restaurant ready or can be potentially converted.
Brazil Technology Solutions	20/Mar/17	OPEN	Direct - Brazil	An e-commerce and app development T software company are in the process of developing products for global markets for 2018. Interested in Durham's labour force skills, specifically developers and IT professionals.

Brazilian Security Solutions	20/Mar/17	OPEN	Direct - Brazil	Specialists in cloud computing and interactive simulations. Currently working with homicide division of the Rio de Janeiro police using photogrammetry, virtual reality, and spectral light scanning to create a mesh of a crime scene. Interested in UOIT forensic training program.
Brazilian Automation and Industrial Process Control	20/Mar/17	OPEN	Direct – Brazil	They develop, manufacture, and supply innovative equipment and solutions for industrial automation and process control. They are very active in Sweden and are looking for a distributor in Canada; preferably in power generation, transmission, sanitation, and/or food industries
Chocolate Mold Factory	21/Mar/17	OPEN	Direct – Brazil	The company designs and produces the forms and molds for chocolate factories. All other molds in North America are currently imported from Europe. They would like to start their internationalization in Canada by identifying small chocolate manufacturers who they could work with to get established in the market.
Mobile Technology Applications	21/Mar/17	OPEN	Direct – Brazil	The company develops mobile technology for iOS and Android that creates solutions for people and companies to be more connected. Very much interested in soft landing program being offered by Spark in Fall 2017.

Brazilian Import/Export Business	21/Mar/17	OPEN	Direct - Brazil	The company imports/exports a wide range of products, specifically leather. They are interested in Canadian products and establishing a Canadian office.
Brazilian Think Tank	21/Mar/17	OPEN	Direct – Brazil	The company is headquartered in Rio de Janeiro and generates and co-designs solutions with public and private partners in the areas of: drug policy, citizen security, building peace, safer cities, and cyber security. The company is organizing a “hackathon” in Rio for IT/security start-ups focused on public security and safety innovation. The winner of the competition will be offered a trip to Canada, including a short-term soft landing program (1 week). Durham is being considered as the location for the soft landing program.
Indoor Farming Solutions	28/Mar/17	CLOSED	Toronto Global	The company was looking for regional/municipal owned and serviced lands with access to power grid and municipal water to house six 40 foot containers for farming without the use of soil. Requires customers who can commit to significant quantities of produce, not able to secure in Durham.

Appendix 3: Investment Missions (Q1 2017)

Mission	Purpose	Partner	Leads	Prospects
Investment Mission to Brazil (Porto Alegre, Rio de Janeiro)	Investment	None	22	7

Appendix 4: Investor Visits (Q1 2017)

Company	Month	Outline Program	Outcome
Brazilian Technology Services Company	January	Spark Centre, Coldwell Banker real estate agent, Meridian representative, Ball Packaging, Shandex Retail Distribution, Durham College, Aspect Retail Logistics, UOIT	The company will be coming in the fall to work out of the Spark Centre to establish their business in Durham and eventually immigrate to Canada.
Professional Services Company headquartered in Quebec City	January	Site visits to 2 properties in Pickering and 1 property in Whitby.	The company chose Pickering as location for company expansion.

Appendix 5: Inbound Delegations (Q1 2017)

Delegation	Month	Purpose	Outcome
Toronto Global FAM Tour	January	Toronto Global staff tour to showcase landmarks in Pickering, Ajax, Whitby, Oshawa, and Clarington. North Durham is scheduled for early summer.	The tour provided an overview of Durham's diverse economy and competitive advantage for businesses to set up shop.
Ice Fishing	February	Chinese Consul General and employees from Toronto, and other Chinese businesses and investors were invited to experience ice fishing in Lake Scugog.	The annual event brings awareness to the Northern areas in Durham and enhances economic growth through the acquisition of group travel and leisure tourism.
South African Consul General	March	Consul General requested a meeting to learn more about Durham Region after meeting Durham staff at a networking event in Toronto.	Development of closer relationship with Durham and possible collaboration of post-graduate degree with UOIT.



The Regional Municipality of Durham Report

From: Commissioner of Planning and Economic Development
Report: #2017-INFO-63
Date: June 2, 2017

Subject:

Co-ordinated Review of Ontario Land Use Plans, File L35-03

Growth Plan for the Greater Golden Horseshoe (2017) – Environmental Bill of Rights Registry No. 012-7194 (Policy Decision) and No. 013-0426 (Regulation Proposal)

Greenbelt Plan (2017) – Environmental Bill of Rights Registry No. 012-7195 (Policy Decision)

Amendments to the Greenbelt Area Boundary – Environmental Bill of Rights Registry No. 012-9247 (Regulation Decision)

Oak Ridges Moraine Conservation Plan (2017) – Environmental Bill of Rights Registry No. 012-7197 (Regulation Decision)

Recommendation:

Receive for information

Report:

1. Purpose

- 1.1 The purpose of this report is to advise Committee that the Province has completed its co-ordinated review of Ontario's land use plans, including: the Growth Plan for the Greater Golden Horseshoe (Growth Plan); Greenbelt Plan; Oak Ridges Moraine Conservation Plan (ORMCP); and Niagara Escarpment Plan.
- 1.2 On May 18, 2017, the Province issued updated editions of the four Provincial Plans

(copies of the amended plans may be downloaded at www.ontario.ca/landuseplanningreview). The 2017 Growth Plan, Greenbelt Plan and ORMCP come into effect on July 1, 2017. Along with the Plans, the Province released accompanying regulations related to the Growth Plan, Greenbelt Area boundary and ORMCP. This report provides an overview of the key highlights of the amended Plans.

2. Background

2.1 In February 2015, the Province initiated the co-ordinated review of the four Provincial land use plans (the Review). The Region has been engaged in the Review since its inception. Key commenting milestones have included the following:

- Initial comments on Phase 1 of the Review were submitted to the Province on May 27, 2015 (Commissioner's Report #2015-P-37) in response to the Provincial Discussion Paper entitled "Our Region, Our Community, Our Home"; and
- Comments on Phase 2 of the Review were submitted to the Province on October 14, 2016 (Commissioner's Report #2016-COW-34) in response to the proposed amendments to the Provincial Plans.

2.2 Updates to the Provincial Plans are based on input received during the two-year Review, which involved three rounds of public consultation across the Greater Golden Horseshoe (GGH) from February 2015 to February 2017. On December 7, 2015, the expert advisory panel, chaired by former Toronto mayor David Crombie, put forward 87 recommendations for changes to the Provincial Plans. There were 29 open houses and town hall meetings, attended by more than 4,600 people over the last two years. The Province received more than 42,000 submissions throughout the process.

3. Key Highlights of the Amended Growth Plan (2017)

Intensification and Density Targets

3.1 The amended Growth Plan introduces increased intensification targets and densities in designated greenfield areas while introducing flexibility to recognize unique circumstances in some communities. The updates to intensification and density targets include:

- Increasing the residential intensification target within the designated built boundary from 40 per cent to 50 per cent at the time of the next Regional

municipal comprehensive review (MCR) as of 2031, then raising the intensification target to 60 per cent post 2031. The Proposed Growth Plan indicated a residential intensification target of 60 per cent from 2017-2041. Therefore, the amendment introduces a phased-in approach;

- Maintaining the original delineated built boundary from 2006;
- Increasing the minimum density target for designated greenfield areas (i.e. urban lands outside of the built boundary) from 50 residents and jobs combined per hectare to 80 residents and jobs combined per hectare for any **new lands** designated in the upper-tier plan after the Growth Plan comes into effect on July 1, 2017. This provision does not apply to designated greenfield areas that are approved and in effect as of July 1, 2017 (e.g. lands that were the subject of ROPA 128). The current density target (i.e. 50 residents and jobs per hectare) continues to apply until the next MCR and at that time, the density target is to increase to 60 residents and jobs per hectare, until 2031. The accompanying amendment proposed to the Growth Plan transition regulation (i.e. O. Reg. 311/06) also provides for Official Plan Amendments that were adopted prior to May 18, 2017 to be approved as though the Growth Plan (2017) had not come into effect. Therefore, the areas subject to ROP Policy 14.13.7 in Columbus and Brooklin may proceed as intended by ROPA 128.

- 3.2 The Growth Plan added features/areas that can be netted-out from the calculation of density targets in designated greenfield areas, such as cemeteries and employment areas. Employment areas are to have minimum job density targets developed by upper-tier municipalities through an Employment Strategy, in consultation with lower-tier municipalities.
- 3.3 The Proposed Growth Plan, released in 2016 indicated at all transit stops along a priority transit corridor would need to be planned to a density of 160 residents and jobs per hectare. The amended Growth Plan only requires minimum density targets for “major transit station areas” along priority transit corridors. These minimum targets are:
- 150 residents and jobs combined per hectare for GO Train service; and
 - 160 residents and jobs combined per hectare for light rail transit (LRT) and bus rapid transit (BRT).
- 3.4 The Region, in consultation with lower-tier municipalities, is to delineate the boundaries of “major transit station areas”. Upper- and single-tier Councils may also request that alternative targets be established through a MCR where it is

demonstrated that a target cannot be achieved. However, if an alternative target is used, where there are four or more major transit station areas along the same priority transit corridor, the average density across that entire corridor must meet or exceed the established Growth Plan minimum density targets.

Settlement Area Boundary Expansions within the Greenbelt

- 3.5 Policy requirements for settlement area expansions within the Greenbelt (e.g. Port Perry, Uxbridge, Cannington, Sunderland, Beaverton) are now included in the Growth Plan. These types of boundary changes may only be considered as part of a MCR. New policies allow expansions to settlement areas within the Greenbelt, provided the proposed expansion is modest in size. “Modest” represents no more than a 5 per cent increase in the geographic size of the settlement area based on the settlement area boundary delineated in the applicable official plan as of July 1, 2017, up to a maximum size of 10 hectares. Residential development would not be permitted on more than 50 per cent of the lands that would be added to the settlement area.
- 3.6 A municipality must also demonstrate that an expansion will support complete communities and the local agricultural system, where applicable, and that these uses cannot be reasonably accommodated within the current settlement area boundary.

Employment Areas

- 3.7 The amended Growth Plan introduces a new "prime employment area" definition to protect areas for employment uses that are land extensive or have low employment densities and require locations near or adjacent to areas such as freight corridors or airports, including manufacturing, warehousing and logistics. Retail, residential and other sensitive land uses not associated with the employment use cannot be located in these areas. In addition, major retail cannot be located in these areas and will be directed to mixed-use areas accessible by transit.
- 3.8 The Region, in consultation with lower-tier municipalities, is expected to designate all employment areas, including any “prime employment areas”, in official plans and protect them for appropriate employment uses over the long-term. For greater certainty, Provincial policy now states that the re-designation of an employment area to a designation that permits non-employment uses is considered a conversion and may only occur through a MCR.
- 3.9 Existing employment areas outside of settlement areas on rural lands (i.e. Rural Employment Areas within the Greenbelt Area) that were designated in an official

plan prior to the original Growth Plan, 2006 may continue to be permitted. Expansions to these existing rural employment areas may be permitted if necessary to support the immediate needs of existing businesses and if compatible with surrounding uses.

Standard Land Needs Assessment Methodology

- 3.10 The Minister is to establish a standard land needs assessment methodology for upper- and single-tier municipalities to follow when determining urban land needs at the time of the next MCR. It is anticipated that this methodology will be released by the end of 2017.

Housing for Complete Communities

- 3.11 There is additional direction in the Growth Plan on the objectives of a complete community, such as supporting health and well-being, access to local food and a mix of housing options for all incomes and household sizes.
- 3.12 New provisions in the Growth Plan will require municipalities to consider the appropriate range of unit sizes (i.e. in apartments, condominiums and townhouses) to accommodate a diverse range of household sizes and incomes.
- 3.13 In addition, to provide clarification on how certain Provincial Policy Statement, 2014 (PPS) provisions apply in the GGH, new provisions will require municipalities to maintain land with servicing capacity sufficient to provide at least a three-year supply of residential units. This supply will include, and may exclusively consist of, lands suitably zoned for intensification and redevelopment.

Watershed Planning

- 3.14 The Growth Plan now requires municipalities to complete watershed planning before planning settlement area expansions, infrastructure or major developments that could affect those watersheds. Additional guidance on watershed planning is forthcoming from the Province.

Implementation

- 3.15 The Growth Plan introduces new “lapsing provisions” consistent with the *Planning Act*. Where a plan of subdivision or part thereof has been registered for eight years or more and does not meet the growth management objectives of the Growth Plan, municipalities are encouraged to amend the plan’s status. Municipalities may deem the plan not to be a registered plan of subdivision and, where appropriate, amend

site-specific designations and zoning accordingly.

- 3.16 The Growth Plan will now require that draft plans of subdivision include a lapsing date of not less than three years. When determining whether a lapsing draft approval should be extended, the policies of the Growth Plan must be considered in the development review process.

4. Key Highlights of the Amended Greenbelt Plan (2017)

Minor Boundary Adjustments to the Greenbelt

- 4.1 Minor adjustments were made to the Greenbelt boundary to address mapping accuracy, align with municipal official plans and existing urban area boundaries, and respond to landowner requests. Within Durham, the Greenbelt Area boundaries have been amended in Pickering, Whitby, Oshawa and Clarington (Bowmanville) (refer to maps 2 – 6 at www.mah.gov.on.ca/Page15340.aspx). A separate consultation process was undertaken through Environmental Bill of Rights Posting No. 012-9247 that concluded earlier this year. As outlined in Commissioner's Report #2017-COW-33, the Region had no concerns with these minor Greenbelt Area boundary changes, although concerns were raised that the Province had not developed a clearly defined process to consider site specific requests, and did not complete this process in a fully transparent and consultative manner.

Growing the Greenbelt

- 4.2 The amended Greenbelt Plan adds lands associated with 21 major urban river valleys and associated coastal wetlands to the Greenbelt Plan Area. Within Durham, this applies to publicly owned lands adjacent to the following:

- Pickering – Duffin Creek;
- Ajax – Duffin and Carruthers Creeks;
- Whitby – Lynde Creek;
- Oshawa – Oshawa, Harmony, Black and Farewell Creeks; and
- Clarington – Black, Farewell, Bowmanville, Soper, Wilmot and Graham Creeks.

(Refer to maps 2 – 12 at www.mah.gov.on.ca/Page13786.aspx)

- 4.3 The amended Greenbelt Plan includes a new policy that speaks to the potential for the Province to consider further opportunities to grow the Greenbelt. The Province will undertake a process, including public consultation, to expand the Greenbelt on the outer edge in the near future.

- 4.4 The Provincial “Growing the Greenbelt” initiative is intended to consider possible additional expansions to the Greenbelt outside of the Greater Toronto and Hamilton Area. New Policy 5.6.1 (Growing the Greenbelt) states that the Province shall continue to explore opportunities to grow the Greenbelt to uphold and strengthen the Province’s growth management strategy and provide additional protection to sensitive areas from development pressures.

Mitigating Rural Land Use Conflicts

- 4.5 The amended Greenbelt Plan provides direction on how to mitigate impacts between agricultural and non-agricultural uses. Where land use compatibility cannot be achieved by avoidance or minimized by Provincial guidance (i.e. Minimum Distance Separation), policies now require that when mitigation measures are required, these measures should be applied to the non-agricultural use.

Rouge National Urban Park

- 4.6 The amended Greenbelt Plan identifies the Rouge watershed and the Little Rouge River as serving as a vital ecological corridor linking the Oak Ridges Moraine to Lake Ontario. The Plan recognizes the importance of the Rouge Urban National Park Management Plan meeting or exceeding the policy requirements of the Greenbelt Plan.
- 4.7 New Policy 3.2.7 (The Rouge River Watershed and Rouge National Urban Park) states that, once the remaining Park lands are transferred to the Federal government, the Rouge National Urban Park will become federally administered. *The Rouge National Urban Park Act* and Management Plan will be the guiding documents and the Greenbelt Plan or other Provincial Plans/policies will not apply. Until such transfers occur, Provincial Plans and policies continue to apply.

5. Key Highlights of the Amended Oak Ridges Moraine Conservation Plan (2017)

- 5.1 Very few changes have been made to the ORMCP. The majority of amendments consist of minor editing or wording to revise and align terms, definitions and policies with the other Provincial Plans and the PPS.

Waste Disposal Sites

- 5.2 In response to stakeholder concerns with the revisions to the definition for “infrastructure”, the amended ORMCP clarifies that new waste disposal sites and facilities are prohibited within Natural Core or Linkage Areas, key natural heritage

and hydrologic features and their related minimum buffer zones.

6. Additional Matters Affecting Multiple Provincial Plans

Agricultural System

- 6.1 Both the Growth Plan and Greenbelt Plan introduce policies to further support the agricultural sector. The Province will identify an agricultural system across the entire GGH to support the viability of the agri-food sector and consistently protect farmlands.
- 6.2 All of the Plans align policies with the PPS to provide for greater flexibility in the types of agricultural, agriculture-related and on-farm diversified uses permitted on farmlands.
- 6.3 The requirements for agricultural uses in natural heritage systems are clarified across the Plans to reduce the burden on the agricultural sector and support farm operations and the effective use of productive farmland. For example, the Greenbelt Plan provides an exemption from study requirements where, in key hydrologic areas, the total impervious surface area of agricultural buildings does not exceed 10 per cent of the lot. In addition, agricultural buildings are exempt from study requirements where a 30 metre buffer is provided to key hydrologic and key natural heritage features.

Natural Heritage System

- 6.4 The amended Growth Plan establishes similar protections as the Greenbelt Plan for natural heritage systems, such as wetlands, woodlands and rivers beyond the Greenbelt Plan Area. The Province is in the process of mapping those areas. Municipalities will then be required to plan for and protect these systems in their municipal official plans. The proposed Provincially-led natural heritage systems mapping exercise is for lands outside of the Greenbelt Area. In Durham, this mapping will only apply to the Region's "Whitebelt" (i.e. lands between the existing urban area boundary and the Greenbelt boundary) comprised primarily of lands designated Prime Agricultural Areas and Major Open Space Areas within the ROP.

Excess Soil Management

- 6.5 New policy requirements have been introduced for excess soil and fill in the Growth Plan, Greenbelt Plan and ORMCP. The new policies require municipalities to utilize best management practices to ensure that excess soil is reused on-site or locally,

and to avoid adverse impacts for fill receiving sites. Updated policies also include requirements to ensure that:

- Excess soil reuse planning is undertaken concurrently with development planning and design, where feasible;
- Appropriate sites for excess soil storage and processing are permitted in close proximity to concentrated areas of development or potential soil reuse; and
- That fill quality received and fill placement will not cause adverse effects to current, proposed or adjacent land uses.

Infrastructure Planning

- 6.6 The amended Plans provide clearer direction for municipalities to take an integrated approach to land use and infrastructure planning. For example, the Growth Plan provides specific direction to municipalities to better protect planned corridor lands reserved for future goods movement (rail or road) and the co-location of other future linear infrastructure (e.g. hydro lines), where appropriate.
- 6.7 The Greenbelt Plan clarifies that some naturalized components of stormwater management systems may be permitted within the minimum buffers of significant valleylands in the Greenbelt “fingers” adjacent to settlement areas, subject to being located outside of all other features and their minimum buffers. It also clarifies that cemeteries will continue to be a permitted use on rural lands.

Climate Change

- 6.8 The Growth Plan will now require municipalities in the GGH to include climate change policies in their official plans. Municipalities are also encouraged to develop greenhouse gas inventories, emission reduction strategies, and related targets and performance measures. The Province has indicated that additional guidance to addressing these climate change matters is forthcoming.
- 6.9 Municipalities will also be expected to develop storm water management plans and conduct climate change vulnerability risk assessments when planning or replacing infrastructure.

7. Conclusion and Next Steps

- 7.1 The Growth Plan (2017), Greenbelt Plan (2017) and ORMCP (2017) will come into effect on July 1, 2017.

7.2 Once in effect, all decisions on planning matters must conform or not conflict with the Provincial Plans. Municipalities are expected to review and update their official plans to conform to the amended Plans by 2022, as part of the next MCR exercise. These matters will be the subject of future reports to Committee. The Planning Division intends to launch the next MCR as soon as the land needs methodology is released, which is expected in late 2017.

7.3 On-going initiatives include the following:

- Providing information sessions for municipal staff and information sessions for stakeholders to familiarize them with the Plans and explain how they will be implemented. There is a Ministry-led municipal staff training session scheduled in Oshawa for June 28, 2017;
- Identifying and mapping a region-wide natural heritage system;
- Collaborating with stakeholders to develop an agricultural system that supports the viability of the agri-food sector and consistently protects farmland across the GGH;
- Developing a standard land needs assessment methodology; and
- Developing guidance on watershed planning and climate change.

7.4 Regional staff will continue to monitor and report back to Committee on the progress of these initiatives, as necessary.

Respectfully submitted,

Original signed by

B. E. Bridgeman, MCIP, RPP
Commissioner of Planning and
Economic Development



Interoffice Memorandum

Date: May 29, 2017

To: Roger Anderson, Regional Chair and Chief Executive Officer and All Members of Regional Council

From: Susan Siopis, P.Eng., Commissioner of Works

Copy: Garry Cubitt, Chief Administrative Officer, and Department Heads

Subject: Rainbow Pedestrian Crosswalks

Works Department

Further to an April 23, 2017, email request from Councillor McQuaid-England, we are providing the following information with respect to the use of Rainbow Pedestrian Crosswalks to celebrate lesbian, gay, bisexual, transgender, queer (LGBTQ) awareness and rights within Durham Region.

A number of jurisdictions across North America have implemented Rainbow Crosswalks in order to celebrate LGBTQ awareness and rights. In Ontario, the City of Toronto, City of Hamilton, and City of London have implemented Rainbow Crosswalks at a select number of locations. Outside of Ontario, we are aware of similar installations completed in Vancouver and Kelowna, British Columbia, Halifax, Nova Scotia, and Calgary, Alberta. Attachment 1 provides photographs of some typical installations in other jurisdictions.

Of note, the examples available (Attachment 1) all appear to be at low volume, two lane roadway intersections – not typical to Regional road intersections.

There are no design standards for Rainbow Crosswalks so installations across North America have been inconsistent. Some municipalities have installed coloured markings within the crosswalk parallel to the crosswalk lines. Others have installed multi-coloured ladder markings. Others have painted the entire intersection in a rainbow design.

Some municipalities have acknowledged LGBTQ awareness and rights in other ways including flags, banners, and sidewalk stencils. These methods present

If this information is required in an accessible format, please contact 1-800-372-1102 extension 3540.

opportunities to celebrate LGBTQ awareness and rights in the public realm with less risk at a lower cost.

Regional staff have responded to requests for consideration of Rainbow Crosswalks on Regional roads from the City of Oshawa and Town of Ajax stating that the proposed designs do not comply with established standards and guidelines.

After further review, Regional staff continue to be of the view that Rainbow Crosswalk markings at Regional intersections have potential liability and financial impacts.

Regional staff do not recommend implementing any alternative pedestrian crosswalk designs that are inconsistent with design guidance and best practices as established in the Ontario Traffic Manual, Transportation Association of Canada – Manual of Uniform Traffic Control Devices, and Region of Durham engineering standards. Although these guideline documents are not law and do not specifically prohibit the use of Rainbow Crosswalk markings, staff consider any deviation from these guidelines as a potential liability risk in the event of collisions that may occur at these sites.

The cost of initial installation and ongoing maintenance will vary based on the number of intersections, number of crosswalks, and the length of the crosswalks being considered. For a typical intersection with four 30-metre crosswalks, the estimated installation and maintenance cost is \$43,000 annually.

The Works Department currently does not have available funds within its annual pavement marking maintenance budget to undertake this work.

Sincerely,

Original signed by:

Susan Siopis, P.Eng.
Commissioner of Works

Encl. (Attachment 1: Sample Rainbow Pedestrian Crosswalk Installations)

Attachment 1: Sample Rainbow Pedestrian Crosswalk Installations

Image 1: City of Toronto
Church Street at Isabella Street



Image 2: City of Toronto
Church Street at Alexander Street



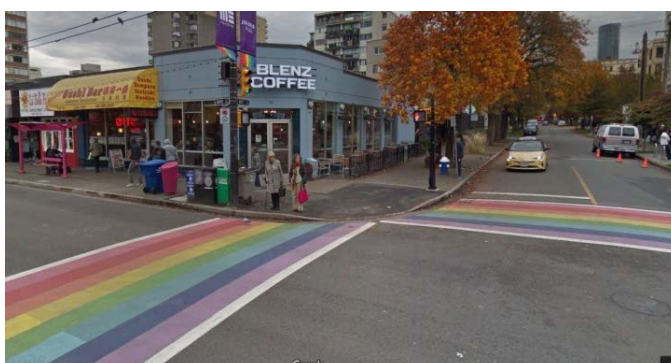
Image 3: City of London
Ontario Street at Dundas Street



Image 4: City of Halifax
Spring Garden Road at Barrington Street



Image 5: City of Vancouver
Davie Street at Bute Street





TOWNSHIP OF
Scugog

Original	CIP
To:	TOWNSHIP OF
Copy	
to:	
J. Clapp	
C.C. S.C.C. File	
Take Appr. Action	

CC & DRPS
#498L 17/00150

May 25, 2017

Regional Chair Roger Anderson
Region of Durham
Sent via Region Courier

REGION OF DURHAM
RECEIVED
MAY 29 2017
OF THE
REGIONAL CHAIR & CEO

Re: Fiscal Impact Assessment of the Great Blue Heron Casino Revenue

Dear Regional Chair Anderson:

At the last regular Planning & Community Affairs Committee meeting of the Township of Scugog held May 15, 2017, the above captioned matter was discussed.

I wish to advise that the following resolution was passed which will be going forward for ratification at the May 29, 2017 Township of Scugog Council meeting:

“THAT Report CAO-2017-003, Fiscal Impact Assessment of the Great Blue Heron Casino Revenue, be received;

THAT the Mayor and CAO continue discussions with the Ontario Lottery and Gaming Corporation (OLG) and the Mississaugas of Scugog Island First Nations (MSIFN) to establish a municipal service agreement for the Great Blue Heron Casino and the MSIFN Reserve lands in accordance with the Fiscal Impact Assessment of the Great Blue Heron Casino Revenue Report, prepared by Watson & Associates Economists Ltd., dated March 20, 2017;

THAT Premier Kathleen Wynne and the Honourable Minister Charles Sousa be requested to review and reinstate the revenue sharing agreement between the Township of Scugog, OLG and the MSIFN for the Great Blue Heron Casino that existed for the past 16 years (2000 – 2016) which is in keeping with revenue sharing agreements in other municipalities where casinos operate; and

.../2

THAT the report be circulated to Premier Kathleen Wynne, the Honourable Charles Sousa, Minister of Finance, MPP Granville Anderson, Provincial Opposition Leaders (Patrick Brown and Andrea Horvath), Chief Kelly LaRocca (Mississaugas of Scugog Island First Nation), Regional Chair Roger Anderson, and John MacFarlane, Vice President – Portfolio Management, Gaming, OLG.”

A copy of the Fiscal Impact Assessment of the Great Blue Heron Casino Revenue Report is attached for reference.

Should you require any further information in regard to this matter, please do not hesitate to contact Paul Allore, Chief Administration Officer at 905.985.7346 ext. 117.

Yours Sincerely,

John Paul Newman
Director of Corporate Services/Clerk

cc: Mr. Paul Allore, Chief Administrative Officer

Encl.



The Corporation of The Town of Amherstburg

May 26, 2017

VIA EMAIL

Corporation of the County of Essex
360 Fairview Ave W
Suite 202
Essex, ON N8M 1Y6

Dear Essex County Council,

On April 10th, 2017, Amherstburg Town Council received a presentation from Bruce Krauter, Chief, Essex Windsor EMS, regarding an overview of EMS Services.

Following the presentation, Council passed (2) motions as listed below:

Resolution # 20170410-637 - *"That Administration BE DIRECTED to request a report from Essex County to see if there is a way to alleviate the differences municipalities pay for EMS services."*

Resolution # 20170410-638 - *"That Administration BE DIRECTED to send a letter to Essex County Council to review the current EMS services and provide the funding necessary to improve the areas that are in need and that the letter be sent to all municipalities and local members of Parliament."*

C.S. - LEGISLATIVE SERVICES

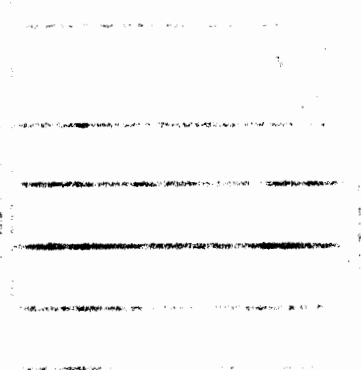
Original
To: CIP ✓
Copy
To: G. Cebitt
Dr. Kyle
C.C. S.C.C. File
Take Appr. Action

Regards,

Tammy Fowkes
Deputy Clerk

cc: Bruce Krauter – Chief, Essex Windsor EMS
Taras Natyshak – MPP, Essex
Tracey Ramsey – MP, Essex
Ontario Municipalities

Attached: EMS Presentation to Amherstburg Town Council





Member of Conservation Ontario

May 25, 2017

Mr. Ralph Walton
Clerk
Regional Municipality of Durham
605 Rossland Road East
Whitby ON L1N 6A3

Dear Mr. Walton:

**Subject: Central Lake Ontario Conservation Ontario Staff Report #5522-17 Re:
Proposed Provincial Excess Soil Regulations
CLOCA IMS File: ACAD7**

At their meeting of January 17, 2017, the Board of Directors of the Central Lake Ontario Conservation Authority endorsed the staff report captioned above and resolved:

That Staff Report #5522-17 be circulated to the Region of Durham, watershed municipalities, neighbouring conservation authorities and Conservation Ontario.

Accordingly, please find Staff Report #5522-17 enclosed with this letter. A copy of the proposed regulatory package is available on the internet at www.ebr.gov.on.ca and searching registry number "013-0299".

Yours truly,

Chris Jones, MCIP, RPP,
Director of Planning and Regulation

Attach: Staff Report #5522-17, Proposed Provincial Excess Soil Regulations

cc: Area Municipal Clerks and Planning Officials
Neighbouring conservation authorities and Conservation Ontario
Chris Darling, CLOCA

g:\planning\planning\comments\2017\proposed excess soil regulation transmittal.doc

C.S. - LEGIS

Original
To: CIP ✓
E. Bridgman
S
Lake Appr. Action

100 Whiting Avenue
Oshawa, Ontario
L1H 3T3
Phone (905) 579-0411
Fax (905) 579-0994

Web: www.cloca.com
Email: mail@cloca.com

VIA EMAIL ONLY

What we do on the land is mirrored in the water



REPORT

CENTRAL LAKE ONTARIO CONSERVATION AUTHORITY

DATE: May 16, 2017

FILE: ACAD7

S.R.: 5522-17

MEMO TO: Chair and Members, CLOCA Board of Directors

FROM: Chris Jones, Director, Planning and Regulation

SUBJECT: Proposed Provincial Excess Soil Regulations

APPROVED BY C.A.O. 

Purpose:

This report introduces and summarizes the proposed provincial excess soil regulations and provides an analysis with respect to CLOCA's interests.

Background:

CLOCA staff last reported to the Board of Directors on this matter at its January 17, 2017 meeting via Staff Report #5507-17, which addressed the final provincial *Excess Soil Management Policy Framework* (the framework). The framework provides a provincial level response, lead by the Ministry of the Environment and Climate Change (MOECC), with respect to the ongoing issues associated with large-scale commercial fill operations. The goals of the framework are to: (1) Protect human health and the environment from 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. A set of 21 specific actions are set out in the framework. Addressing several of these actions, MOECC released a *Proposed Excess Soil Regulatory Package* on Ontario's Environmental Bill of Rights Registry on April 24, 2017 for 60 days of public review and comment, which will conclude on June 23, 2017.

Proposed Excess Soil Regulations:

The *Proposed Excess Soil Regulatory Package* is a technical document that articulates the specific regulatory measures the province is proposing to enact through regulations. While the exact legal text of the regulations has not been released for review and comment, the proposed measures and supporting technical guidance have been identified, which include the following:

- A new **Excess Soil Reuse Regulation** and complimentary changes to associated regulations under the *Environmental Protection Act* and *Building Code Act, 1992*;
- New excess soil **Reuse Standards** and **Sampling Guidance** to support the implementation of the new excess soil reuse regulation.

New Excess Soil Reuse Regulation

This new regulation, to be enacted by MOECC under the existing provisions of the *Environmental Protection Act* (EPA), is the largest and most significant action the province is taking under the framework. In summary, and based on the information released by the province, the regulation would contain the following six (6) major elements:

1. Define Excess soil as a "Waste."

Cont'd

A waste designation has specific meaning under the EPA, allowing for legal obligations related to tracking and hauling to apply. Excess soil would be designated as a waste from the time it leaves the property from which it is excavated. This designation would apply regardless of the quality or quantity of excess soil that is destined for deposit at a receiving site. The waste designation on excess soil would cease where it is deposited in accordance with a site specific instrument (i.e. local permit) that authorizes the deposition of soil at that receiving site.

2. Require Excess Soil Management Plans (ESMP) for Source Sites of excess soil.

A proponent would be required to prepare an ESMP if either of the following criteria is met: 1. if 1000m³ or more of excess soil (about 100 truckloads) is being removed from a project area; or 2. if excess soil is being removed from an area associated with a potentially contaminating activity (PCA). A plan would be required to be prepared, certified by a qualified person (QP) and registered on an online excess soil reuse registry prior to excess soil leaving a project area; moving excess soil from a project area would be prohibited unless this is completed. The characterization of the excess soil, the determination of appropriate receiving sites, and the requirement to track excess soil movements from the time of excavation to the time of deposit at a receiving site are key components of the ESMP to be enacted through the regulation.

3. Establish Rules for Receiving Sites of excess soil.

A QP would be required to identify receiving sites for excess soil in the ESMP. For sites subject to site specific instruments (i.e. local by-laws and conservation authority permit requirements), the quantity and quality of excess soil that may be taken to that receiving site must be in compliance with the local by-law or conservation authority permit.

4. Establish an Excess Soil Tracking System and associated Rules.

The regulation would require an excess soil tracking system to be developed by a QP on behalf of the proponent. Amongst other information, the tracking system would be able to produce a record of the source(s) of excess soil, excess soil quality details and intended receiving site(s). In order to help ensure that excess soil is tracked from a project area to a receiving site, a driver transporting a load of excess soil would be required to produce an excess soil hauling record upon request. A cumulative record of excess soil movement would be required to record the total amount of excess soil and the quality of the soil that has been moved to each receiving site at any point in time. An ESMP would be registered on the public Environmental Site Registry prior to any excess soil being moved from a project area. The registration would be updated as excess soil is moved to include information related to soil movements. Finally, excavated soil would be designated as a waste if it is 'liquid waste.' This is intended to include soil excavated by way of a vacuum truck and mixed with liquid.

5. Miscellaneous Items and Detailed Technical Rules.

The regulation would address several other related items associated with excess soil including: temporary excess soil storage sites; operational requirements for excess soil processing sites; exempting excess soil haulers from needing an Environmental Compliance Approval; managing excavated soil that is liquid waste; managing materials other than excess soil (these would be subject to the standard EPA waste regulation); and, record keeping (records required by the regulation would need to be kept for a minimum of 5 years).

6. Transition Provisions for Existing Projects.

Transition rules are proposed that would take into consideration “projects that are substantially planned, approved or underway.” Tracking and record keeping requirements may be more practical to implement even if a project’s planning is well-underway and may be imposed by the transition rules.

New excess soil quality Reuse Standards and Sampling Guidance

New soil quality reuse standards and sampling guidance are proposed to support the implementation of the new excess soil reuse regulation. Generic excess soil reuse standards have been developed incorporating three factors: (1) types of land use on the receiving site, (2) ground water potability, and (3) total volume of excess soil to be deposited. Special rules have been drafted, which must be adhered to, which also define when a QP may be required to determine which soil reuse quality standards apply to a receiving site. For example, within an Environmentally Sensitive Area¹, excess soil may only be used subject to the traditional Table 1 Soil, Ground Water and Sediment Standards. Agricultural Lands², may only be used as a receiving site for excess soil if no excess soil is to be placed on top of existing topsoil (unless the soil is topsoil) and the soil meets the traditional Table 1 quality standard.

Discussion and Analysis

The release of the *Proposed Excess Soil Regulatory Package* for public review and comment prior to the enactment of the actual regulations is welcome and indicates that the province intends to take regulatory action in order to close a significant policy gap in relation to excess soil. CLOCA staff continues to support the proposed emphasis on source site regulation as appropriate and necessary. The proposed excess soil reuse regulation will provide detailed requirements and obligations on the producers of excess soil to file Excess Soil Management Plans with a prescribed contents and level of analysis, specifically with respect to soil quantity and quality. The proposed tracking system and hauling requirements appear to be well integrated with source sites through the use of the ESMP documents, tracking systems and hauling records.

Areas for Improvement

CLOCA’s direct regulatory interests are confined primarily to the receiving sites and the operationalization of the soil reuse regulation in this regard. Based upon our review, we have identified the following areas for improvement to be considered by MOECC as the regulations are finalized and drafted into law. Specific amendments are proposed in Appendix 1 to this report.

- Directly reference Section 28 Regulations made under the *Conservation Authorities Act*, as a site specific instrument.

While the proposed regulation would provide for the application of conservation authority regulations and permit requirements to receiving sites, the definition provides three specific examples, excluding conservation authority regulations. In CLOCA’s watershed, for example, our regulation covers approximately 42% of the landscape. The importance of these regulations for the protection of public health and safety and environmental protection, necessitates that the proposed soil reuse regulation specifically make reference to them.

- Strengthen integration of Site Specific Instruments for Receiving Sites.

Cont’d

¹ An Environmentally Sensitive Area is to be defined as lands within 30m of a wetland, stream, area of ground water recharge, an environmentally significant area identified in an Official Plan, Natural Core or Natural Linkage areas within the *Oak Ridges Moraine Conservation Plan*, amongst other areas, which include many areas in the CLOCA watershed.

² Agricultural Lands are to be defined as lands planned to be used for growing crops or pasturing livestock.

It is vital that the proposed soil reuse regulation provide a strong linkage and support to local site specific instruments (i.e municipal by-laws and conservation authority regulations) to ensure that excess soil is only deposited on receiving sites that are appropriate.

- Clarify why Haulers of Excess Soil would be Exempt from Environmental Compliance Approvals

Under current rules, waste haulers are required to obtain Environmental Compliance Approvals (ECA) from MOECC. The proposal would remove this requirement in relation to haulers transporting excess soil to receiving sites, for example. It is understood that haulers would still be subject to the operating standards for waste management systems and would also be required to be able to produce an *excess soil hauling record*. Haulers are an important linkage in the excess soil management process and have new responsibilities under the proposed regulation in relation to tracking. Given this, it is not clear why the ministry would not want to use the ECA as a tool to ensure hauler compliance with the proposed regulation. Further explanation is desired.

- Reconsider Exemption and Threshold for Stormwater Management Ponds

The proposed soil reuse regulation provides that an ESMP is not required for the regular maintenance or repair of stormwater systems. However, some excess soil movements would be required to be registered to the Environmental Site Registry despite the exemption from the requirement to prepare an ESMP, including movements of 1000m³ or more of excess soil resulting from maintenance of stormwater ponds. Given the soil quality concerns with sediment in stormwater management ponds, CLOCA staff suggest that it would be appropriate for the maintenance or repair exemption to not apply specifically to the maintenance of stormwater management ponds and that the ESMP process apply to these facilities based on the quality thresholds established for other projects subject to the ESMP requirement.

Update Regarding Bill 68 Amendments to Municipal Act, 2001 to Expand Jurisdiction of Municipal Fill and Site Alteration By-laws

Bill 68, *Modernizing Ontario's Municipal Legislation Act, 2017* contains a provision which, if enacted, 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 and implementing the proposed excess soil reuse regulation on receiving sites within conservation authority regulated areas. As of the preparation of this report, the bill is at Third Reading and is expected to pass and receive Royal Assent before the Legislature rises on June 1st. CLOCA staff assisted Conservation Ontario in their presentation on this issue when the bill was at committee stage of consideration. As the current restrictions on municipal by-laws will be removed upon Royal Assent, CLOCA will need to work very closely with our municipal colleagues to re-confirm or establish new operational protocols with watershed municipalities this year. CLOCA's *Large Fill Policy, May 2014* will also need to be updated with respect to the new jurisdictional landscape.

Conclusion

CLOCA staff recommends that MOECC carefully consider and respond to the detailed commentary on the proposed soil reuse regulation contained in the Appendix to this report. The *Proposed Excess Soil Regulatory Package* indicates that the long period of a provincial regulatory gap in relation to excess soil is about to end, however the new regulation and guidance could be severely undermined if MOECC does not have the operational capacity or inclination to rigorously administer the new provisions. MOECC needs to support local regulators of receiving sites, especially municipalities and conservation authorities, as they will carry a new

Appendix 1

CLOCA Recommended Amendments and Comments for Proposed Excess Soil Regulatory Package

Integration and Support to Conservation Authorities

1. The proposed regulatory package should include additional responses to the *Excess Soil Management Policy Framework* in order to provide needed integration and support to conservation authorities.
2. Directly reference Section 28 Regulations made under the *Conservation Authorities Act*, as a site specific instrument in the proposed soil reuse regulation.

Rationale

Specific amendments to the *Conservation Authorities Act* are needed in order to; enhance collaborative enforcement actions in partnership with provincial ministries, municipalities and conservation authorities; increase applicable fines for violations; provide stop work orders for violations in progress; and ensure that financing and funding tools match capacity needs.

While the proposed regulation would provide for the application of conservation authority regulations and permit requirements to receiving sites, the definition provides three specific examples, excluding conservation authority regulations. In CLOCA's watershed, for example, our regulation covers approximately 42% of the landscape. The importance of these regulations for the protection of public health and safety and environmental protection necessitates that the proposed soil reuse regulation specifically make reference to them.

Receiving Sites Identification and Rules

3. Strengthen integration of Site Specific Instruments for Receiving Sites;

It is vital that the proposed soil reuse regulation provide a strong linkage and support to local site specific instruments (i.e municipal by-laws and conservation authority regulations) to ensure that excess soil is only deposited on receiving sites that are appropriate. The following amendment is proposed:

A QP shall identify receiving sites in an ESMP in accordance with the following rules:

- a) If the receiving site is subject to a site specific instrument or by-law, the quantity and quality of excess soil that may be taken to that receiving site will be in compliance with that site specific instrument or by-law. For greater certainty, the placement of the excess soil shall conform to the requirements of that site specific instrument or by-law along with any other general or specific requirement or condition established by the instrument or by-law including the precise location of placement of excess soil and any other associated site alteration.
- b) ...
- c) If the receiving site is within an area subject to a Provincial Plan, the placement of the excess soil and any associated site alteration shall conform to the site alteration provisions of that Plan.

“Provincial Plan” means, (a) the Greenbelt Plan established under section 3 of the Greenbelt Act, 2005, (b) the Niagara Escarpment Plan established under section 3 of the Niagara Escarpment Planning and Development Act, (c) the Oak Ridges Moraine Conservation Plan established under section 3 of the Oak Ridges Moraine Conservation Act, 2001, (d) a development plan approved under the Ontario Planning and Development Act, 1994, (e) a growth plan approved under the Places to Grow Act, 2005, (f) the Lake Simcoe Protection Plan established under section 3 of the Lake Simcoe Protection Act, 2008.

- d) A QP shall update an ESMP with the approval information associated with the site specific instrument 14 days after approval has been provided by the approval authority of the site specific instrument.

Rationale

The proposed rule only establishes that a QP identify a suitable receiving site based on two factors: 1) quantity and 2) quality. In the frame of receiving sites, there are many more factors to be considered beyond these two. Chiefly, the permanent location of the excess soil is of significant concern in the receiving site context. This is especially so with respect to the long-term protection of natural heritage features and areas, hydrologic features and areas, and natural hazards. Specific language is therefore proposed with respect to the location of placement of excess soil.

Site specific instruments have general and specific requirements and conditions to approval that all must be adhered to. For example, the need to undertake maintenance and monitoring of sediment and erosion control measures. The receiving site rules should reference these obligations.

Provincial Plans have detailed policy directions that are applicable at the site scale with respect to site alteration in order to protect the ecological and hydrological integrity of various landscapes including the Oak Ridges Moraine. The receiving site rules should make specific reference to these plans and the need to conform to them.

Finally, it is important for transparency, accountability, and those who administer site specific instruments for receiving sites that ESMP records incorporate and make reference to the site specific instrument approvals that apply to each receiving site considered in the ESMP and that this information be updated to the public registry.

Exemption for Haulers of Excess Soil

4. Clarify why Haulers of Excess Soil would be Exempt from Environmental Compliance Approvals

Rationale

Under current rules, waste haulers are required to obtain Environmental Compliance Approvals (ECA) from MOECC. The proposal would remove this requirement in relation to haulers transporting excess soil to receiving sites, for example. It is understood that haulers would still be subject to the operating standards for waste management systems and would also be required to be able to produce an excess soil hauling record. Haulers are an important linkage in the excess soil management process and have new responsibilities under the proposed regulation in relation to tracking. Given this, it is not clear why the ministry would not want to use the ECA as a tool to ensure hauler compliance with the proposed regulation. Further explanation is desired.

Exemption and Threshold for Stormwater Management Ponds

5. Reconsider Exemption and Threshold for Stormwater Management Ponds

Rationale

The proposed soil reuse regulation provides that an ESMP is not required for the regular maintenance or repair of stormwater systems. However, some excess soil movements would be required to be registered to the Environmental Site Registry despite the exemption from the requirement to prepare an ESMP, including movements of 1000m³ or more of excess soil resulting from maintenance of stormwater ponds. Given the soil quality concerns with sediment in stormwater management ponds, CLOCA staff suggest that it would be appropriate for the maintenance or repair exemption to not apply to the maintenance of stormwater management ponds and that the ESMP process apply to these facilities based on the quality thresholds established for other projects subject to the ESMP requirement.

FILE: ACAD7
S.R.: 5522-17

May 16, 2017

unfunded mandate to work within the proposed regulatory framework. As discussed above, the proposed changes, including Bill 68, will have implications to CLOCA's Large Fill Policy and related operational processes. CLOCA staff will need to work very closely with our municipal colleagues to re-confirm or establish new operational protocols with watershed municipalities including amendments or replacement of CLOCA's *Large Fill Policy, May 2014*.

RECOMMENDATIONS:

THAT Staff be directed to begin consultations with watershed municipal staff to efficiently and effectively operationalize the new Excess Soil Management Framework in a collaborative fashion;

THAT Staff Report 5522-17 and the specific amendments and comments in Appendix 1 be endorsed as CLOCA's comments on the Proposed Excess Soil Regulatory Package (EBR Registry No. 013-0299); and, THAT Staff Report 5522-17 be circulated to the Region of Durham, watershed municipalities, neighbouring conservation authorities, and Conservation Ontario.

ATTACH.
CJ/bb

s:\reports\2017\sr5522_17.docx

MUNICIPALITÉ · EAST FERRIS · MUNICIPALITY

390 HIGHWAY 94, CORBEIL, ONTARIO P0H 1K0
TEL.: (705) 752-2740 FAX.: (705) 752-2452
Email: municipality@eastferris.ca

REGULAR COUNCIL MEETING

HELD
May 23rd, 2017

No. 2017-174

Moved by Councillor Champagne

Seconded by Councillor Rochefort

THAT Council for the Municipality of East Ferris supports the letter from Cheryl Gallant, Member of Parliament regarding the Trudeau Liberals removing the tax-exempt portion of remuneration paid to local officials from their 2017 Federal Deficit Budget;

AND FURTHER that copies of this resolution be forwarded to Premier of Ontario, Kathleen Wynne, Local MP, Anthony Rota and Ontario municipalities.

Carried Mayor Vrebosch

CERTIFIED to be a true copy of
Resolution No. 2017-174 passed by the
Council of the Municipality of East Ferris
on the 23rd day of May, 2017.

Mónica L. Hawkins, AMCT
Clerk



**CHERYL
GALLANT** 

MUNICIPALITY OF EAST FERRIS
MAY 02 2017
RECEIVED

YOUR MEMBER OF PARLIAMENT
RENFREW-NIPISSING-PEMBROKE
www.cherylgallant.com

434 281 7460

April 12th, 2017

Clerk-Treasurer
East Ferris Township
390 Highway 94
Corbeil, Ontario, POH 1K0

Dear Clerk-Treasurer,

As you may be aware, the 2017 Federal Deficit Budget raises personal taxes by targeting all municipal politicians, school board trustees, and elected members of municipal utilities boards, commissions, and corporations.

On Page 208 of the budget, the Trudeau Liberals removed the tax-exempt portion of remuneration paid to local officials.

Introduced in 1947 under the federal *Income Tax Act*, the purpose of the one-third tax-free expense allowance was to provide "an allowance for expenses incidental to the discharge of the person's duties as an elected officer."

Unlike some elected officials in cities who receive office budgets, car and expense allowances as well as six-digit salaries, this is not the case with most municipal politicians I know, with a majority of our councillors receiving a base salary of less than \$20,000.

As it was described to me by a local Mayor about this tax grab:

"Most municipal Council members in rural areas are already very poorly compensated for the work they do in their communities. As Mayor my hourly compensation is well below minimum wage. I make far less than any other municipal staff person working similar hours on behalf of the municipality. It is extremely difficult to attract good candidates into municipal politics now. Removing the 1/3 tax exemption on Council remuneration without compensating for that loss will make it nigh on impossible."

It is the expectation of debt-obsessed Ottawa that remuneration will be "grossed-up" (increasing the salary to offset the increased tax payment) so as not to impact the take-home pay received by a mayor and councillors. This in turn will boost individual tax bills for elected officials as well as costs to ratepayers, who are already struggling with increasing property taxes.

Rather than curbing the abuse of taxpayer money this tax grab claims to stop, by eliminating the tax-free provision, Municipalities will no longer be required to review their remuneration by law at a public meeting once during their four-year term.

Municipalities will now be forced to divert funds which would be spent on roads, bridges or clean water to reimbursing elected officials. This, along with the increased borrowing costs associated with the federal government's infrastructure bank scheme, will place increased pressure to raise property taxes, making home ownership more unaffordable.

This tax grab is an unfair burden on Canadian Municipalities and local ratepayers. The Trudeau Liberals need to be told their spending problem cannot be solved on the backs of home owners struggling to make ends meet.

Sincerely,

Cheryl Gallant, M.P.
Renfrew—Nipissing—Pembroke
CG:sf

C.S. - LEGISLATIVE SERVICES

Original
To: CIP ✓
Copy
To: J. Clapp
C.C. S.C.C. File
Take Appr. Action

Cheryl Gallant, M.P.
Constituency Office
84 Isabella St.
Pembroke, ON, K8A 5S5
(Tel) 613-732-4404
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Ministère de l'Énergie

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**REGION OF DURHAM
RECEIVED**
MAY 26 2017
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REGIONAL CHAIR & CEO - LEGISLATIVE SERVICES

MC-2017-831

MAY 23 2017

Mr. Roger Anderson
Chair, Regional and Single Tier Caucus
Association of Municipalities of Ontario
Regional Chair
Region of Durham
605 Rossland Road East
Whitby ON L1N 6A3

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Dear Mr. Anderson:

It was a pleasure meeting with you at the Association of Municipalities of Ontario's MOU Table on April 6, 2017. I appreciated the opportunity to discuss the electricity sector including Ontario's Fair Hydro Plan.

Ontario's Fair Hydro Plan

We have heard from Ontarians across the province that the price of electricity has risen too quickly, which is why we are moving forward with a plan that would ensure the costs are shared more evenly over the years ahead.

Ontario's Fair Hydro Plan proposes new measures to lower electricity bills by 25 per cent on average for residential consumers and hold increases to the rate of inflation for the next four years, as well as initiatives to reduce costs for businesses. These measures include the eight per cent rebate introduced in January and build on previously announced initiatives to deliver broad-based rate relief on all electricity bills.

As part of the plan, the government has committed to shifting cost recovery for Rural or Remote Rate Protection and the Ontario Electricity Support Program from electricity bills to provincial revenues, lowering regulatory charges for everyone, including municipalities, by approximately \$3/MWh or 2-4 per cent, depending on the consumer.

.../cont'd

Ontario's Fair Hydro Plan includes new measures to reduce costs for businesses. The Industrial Conservation Initiative (ICI) has been expanded to include greenhouses and smaller manufacturers (i.e., NAICs codes commencing "31", "32", "33" and "1114") with average peak demand greater than 500 kW and less than 1 MW.

In addition, effective January 1, 2017, we lowered the threshold for ICI participation from 3 MW to 1 MW and removed sector restrictions so that more consumers can benefit, including municipal buildings. The ICI lowers costs for eligible large electricity consumers that reduce consumption during peak periods. Participants can reduce their electricity costs by up to one third. Newly eligible consumers that opt-in to the ICI will see the impact beginning in July 2017.

Ontario's Fair Hydro Plan also works towards lowering electricity costs over the longer term by improving sector efficiency and modernizing Ontario's electricity market, working in collaboration with the Independent Electricity System Operator (IESO) and the Ontario Energy Board.

Energy Manager Program

I encourage you to investigate the Energy Manager program through the IESO's Save on Energy business portal. The program funds Energy Manager positions within businesses and organizations that are trained to find energy savings, identify smart energy investments, secure financial incentives and unleash competitive advantage. Visit www.saveonenergy.ca/Business/Program-Overviews/Energy-Managers.aspx or contact your local electricity utility for more information.

Further, the IESO has developed a new Sector Based Energy Manager program to be launched later this year. This program will fund energy managers that will target customers within specific market sectors. Funding will be provided through an open, competitive procurement process. Visit www.ieso.ca for the latest information on the Sector Based Energy Manager program.

Local Distribution Company (LDC) Consolidations

Our government has been clear that we will not be forcing the consolidation of LDCs, but will work to create incentives for voluntary consolidation. We will not interfere with the ability of municipal shareholders to exercise their rights and make decisions in the interest of the communities they serve.

As announced in the 2015 Ontario Budget, the province has provided time-limited relief on taxes pertaining to transfers of electricity assets for all municipal electricity utilities (MEUs), including transfers to the private sector. This includes:


- Reducing the transfer tax rate from 33 to 22 per cent;
- Exempting MEUs with fewer than 30,000 customers from the transfer tax; and
- Exempting capital gains arising under the PIL Deemed Disposition Rules.

.../cont'd

These measures will be for the period beginning January 1, 2016, and ending December 31, 2018.

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

Sincerely,


Glenn Thibeault
Minister

From: Chris Jones <cjones@cloca.com>
Sent: May-31-17 11:10 AM
To: kevin.tryon@ajax.ca; Albright, Ron <RALbright@clarington.net> (RALbright@clarington.net); Paul Ralph (PRalph@oshawa.ca); Patrick Lee (PLee@oshawa.ca); mgadzovski@pickering.ca; kheritage@scugog.ca; egruyters@town.uxbridge.on.ca; Cheryl Bandel; Brian Bridgeman; lama@whitby.ca; marouchkos@whitby.ca; Ricciardi, Tony
Cc: Chris Darling; John Hetherington; Marnie Guindon; Stefanie Penney; Ted Aikins; Perry Sisson; Heather Brooks; sheuchert@trca.on.ca; vaubrey@trca.on.ca
Subject: Bill 68 Update
Attachments: Proposed Excess Soil Regulation Transmittal.pdf; sr5522_17.pdf

Good Morning:

Further to CLOCA's recent comments on the Proposed Excess Soil Regulatory Package (attached), I'd like to advise that Bill 68 received both Third Reading and Royal Assent yesterday.

As a result, Subsection 142(8) of the Municipal Act, 2001 has now been repealed. Municipal fill and site alteration By-laws may now have effect within conservation authority regulated areas.

CLOCA's Board of Directors has given staff the direction to begin consultations with watershed municipal staff to efficiently and effectively operationalize the new Excess Soil Management Framework in a collaborative fashion. Over the coming months, we'll be reaching out to you in order to discuss how we can ensure that our new roles and responsibilities are appropriately defined and that our permit processes are coordinated.

Chris Jones, MCIP, RPP
 Director of Planning and Regulation
 Central Lake Ontario Conservation Authority
 100 Whiting Ave.
 Oshawa, ON L1H 3T3
 Tel: 905 579 0411 ext 116
 e-mail: cjones@cloca.com

To go to our on-line mapping tool, click [here](#)

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Merci!

From: Chris Jones
Sent: May-25-17 3:43 PM
To: alexander.harras@ajax.ca; gary.muller@ajax.ca; agreentree@clarington.net; dcrome@clarington.net; Albright, Ron <RALbright@clarington.net> (RALbright@clarington.net); clerks@pickering.ca; clerks@oshawa.ca; clerks@durham.ca; Paul Ralph (PRalph@oshawa.ca); Patrick Lee (PLee@oshawa.ca); kbentley@pickering.ca; jnewman@scugog.ca; kheritage@scugog.ca; dleroux@town.uxbridge.on.ca; egruyters@town.uxbridge.on.ca; harrisc@whitby.ca; shortb@whitby.ca; cheryl.bandel@durham.ca; Brian Bridgeman (Brian.Bridgeman@Durham.ca); lama@whitby.ca; narawayk@whitby.ca; bdenney@trca.on.ca; llaliberte@grca.on.ca; MMajchrowski@KawarthaConservation.com; m.walters@lsrca.on.ca; dburnett@trca.on.ca; 'Inelson@trca.on.ca' (Inelson@trca.on.ca); lrich@conservationontario.ca; Bonnie Fox (BFox@conservationontario.ca)

Cc: Chris Darling

Subject: Proposed Provincial Excess Soil Regulatory Package

Good afternoon:

Please find attached to this message a letter of transmittal and CLOCA staff report containing comments back to the province with respect to the proposed provincial Excess Soil Regulatory Package.

If you have any questions with respect to this information, please contact me.

Thank you,

Chris Jones, MCIP, RPP
Director of Planning and Regulation
Central Lake Ontario Conservation Authority
100 Whiting Ave.
Oshawa, ON L1H 3T3
Tel: 905 579 0411 ext 116
e-mail: cjones@cloca.com

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Merci!



Member of Conservation Ontario

May 25, 2017

Mr. Ralph Walton
Clerk
Regional Municipality of Durham
605 Rossland Road East
Whitby ON L1N 6A3

Dear Mr. Walton:

**Subject: Central Lake Ontario Conservation Ontario Staff Report #5522-17 Re:
Proposed Provincial Excess Soil Regulations
CLOCA IMS File: ACAD7**

At their meeting of January 17, 2017, the Board of Directors of the Central Lake Ontario Conservation Authority endorsed the staff report captioned above and resolved:

That Staff Report #5522-17 be circulated to the Region of Durham, watershed municipalities, neighbouring conservation authorities and Conservation Ontario.

Accordingly, please find Staff Report #5522-17 enclosed with this letter. A copy of the proposed regulatory package is available on the internet at www.ebr.gov.on.ca and searching registry number "013-0299".

Yours truly,

Chris Jones, MCIP, RPP,
Director of Planning and Regulation

Attach: Staff Report #5522-17, Proposed Provincial Excess Soil Regulations

cc: Area Municipal Clerks and Planning Officials
Neighbouring conservation authorities and Conservation Ontario
Chris Darling, CLOCA

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Email: mail@cloca.com

VIA EMAIL ONLY

What we do on the land is mirrored in the water



REPORT

CENTRAL LAKE ONTARIO CONSERVATION AUTHORITY

DATE: May 16, 2017
FILE: ACAD7
S.R.: 5522-17
MEMO TO: Chair and Members, CLOCA Board of Directors
FROM: Chris Jones, Director, Planning and Regulation
SUBJECT: Proposed Provincial Excess Soil Regulations

APPROVED BY C.A.O. 

Purpose:

This report introduces and summarizes the proposed provincial excess soil regulations and provides an analysis with respect to CLOCA's interests.

Background:

CLOCA staff last reported to the Board of Directors on this matter at its January 17, 2017 meeting via Staff Report #5507-17, which addressed the final provincial *Excess Soil Management Policy Framework* (the framework). The framework provides a provincial level response, lead by the Ministry of the Environment and Climate Change (MOECC), with respect to the ongoing issues associated with large-scale commercial fill operations. The goals of the framework are to: (1) Protect human health and the environment from 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. A set of 21 specific actions are set out in the framework. Addressing several of these actions, MOECC released a *Proposed Excess Soil Regulatory Package* on Ontario's Environmental Bill of Rights Registry on April 24, 2017 for 60 days of public review and comment, which will conclude on June 23, 2017.

Proposed Excess Soil Regulations:

The *Proposed Excess Soil Regulatory Package* is a technical document that articulates the specific regulatory measures the province is proposing to enact through regulations. While the exact legal text of the regulations has not been released for review and comment, the proposed measures and supporting technical guidance have been identified, which include the following:

- A new **Excess Soil Reuse Regulation** and complimentary changes to associated regulations under the *Environmental Protection Act* and *Building Code Act, 1992*;
- New excess soil **Reuse Standards** and **Sampling Guidance** to support the implementation of the new excess soil reuse regulation.

New Excess Soil Reuse Regulation

This new regulation, to be enacted by MOECC under the existing provisions of the *Environmental Protection Act* (EPA), is the largest and most significant action the province is taking under the framework. In summary, and based on the information released by the province, the regulation would contain the following six (6) major elements:

1. Define Excess soil as a "Waste."

Cont'd

A waste designation has specific meaning under the EPA, allowing for legal obligations related to tracking and hauling to apply. Excess soil would be designated as a waste from the time it leaves the property from which it is excavated. This designation would apply regardless of the quality or quantity of excess soil that is destined for deposit at a receiving site. The waste designation on excess soil would cease where it is deposited in accordance with a site specific instrument (i.e. local permit) that authorizes the deposition of soil at that receiving site.

2. Require Excess Soil Management Plans (ESMP) for Source Sites of excess soil.

A proponent would be required to prepare an ESMP if either of the following criteria is met: 1. if 1000m³ or more of excess soil (about 100 truckloads) is being removed from a project area; or 2. if excess soil is being removed from an area associated with a potentially contaminating activity (PCA). A plan would be required to be prepared, certified by a qualified person (QP) and registered on an online excess soil reuse registry prior to excess soil leaving a project area; moving excess soil from a project area would be prohibited unless this is completed. The characterization of the excess soil, the determination of appropriate receiving sites, and the requirement to track excess soil movements from the time of excavation to the time of deposit at a receiving site are key components of the ESMP to be enacted through the regulation.

3. Establish Rules for Receiving Sites of excess soil.

A QP would be required to identify receiving sites for excess soil in the ESMP. For sites subject to site specific instruments (i.e. local by-laws and conservation authority permit requirements), the quantity and quality of excess soil that may be taken to that receiving site must be in compliance with the local by-law or conservation authority permit.

4. Establish an Excess Soil Tracking System and associated Rules.

The regulation would require an excess soil tracking system to be developed by a QP on behalf of the proponent. Amongst other information, the tracking system would be able to produce a record of the source(s) of excess soil, excess soil quality details and intended receiving site(s). In order to help ensure that excess soil is tracked from a project area to a receiving site, a driver transporting a load of excess soil would be required to produce an excess soil hauling record upon request. A cumulative record of excess soil movement would be required to record the total amount of excess soil and the quality of the soil that has been moved to each receiving site at any point in time. An ESMP would be registered on the public Environmental Site Registry prior to any excess soil being moved from a project area. The registration would be updated as excess soil is moved to include information related to soil movements. Finally, excavated soil would be designated as a waste if it is 'liquid waste.' This is intended to include soil excavated by way of a vacuum truck and mixed with liquid.

5. Miscellaneous Items and Detailed Technical Rules.

The regulation would address several other related items associated with excess soil including: temporary excess soil storage sites; operational requirements for excess soil processing sites; exempting excess soil haulers from needing an Environmental Compliance Approval; managing excavated soil that is liquid waste; managing materials other than excess soil (these would be subject to the standard EPA waste regulation); and, record keeping (records required by the regulation would need to be kept for a minimum of 5 years).

6. Transition Provisions for Existing Projects.

Transition rules are proposed that would take into consideration “projects that are substantially planned, approved or underway.” Tracking and record keeping requirements may be more practical to implement even if a project’s planning is well-underway and may be imposed by the transition rules.

New excess soil quality Reuse Standards and Sampling Guidance

New soil quality reuse standards and sampling guidance are proposed to support the implementation of the new excess soil reuse regulation. Generic excess soil reuse standards have been developed incorporating three factors: (1) types of land use on the receiving site, (2) ground water potability, and (3) total volume of excess soil to be deposited. Special rules have been drafted, which must be adhered to, which also define when a QP may be required to determine which soil reuse quality standards apply to a receiving site. For example, within an Environmentally Sensitive Area¹, excess soil may only be used subject to the traditional Table 1 Soil, Ground Water and Sediment Standards. Agricultural Lands², may only be used as a receiving site for excess soil if no excess soil is to be placed on top of existing topsoil (unless the soil is topsoil) and the soil meets the traditional Table 1 quality standard.

Discussion and Analysis

The release of the *Proposed Excess Soil Regulatory Package* for public review and comment prior to the enactment of the actual regulations is welcome and indicates that the province intends to take regulatory action in order to close a significant policy gap in relation to excess soil. CLOCA staff continues to support the proposed emphasis on source site regulation as appropriate and necessary. The proposed excess soil reuse regulation will provide detailed requirements and obligations on the producers of excess soil to file Excess Soil Management Plans with a prescribed contents and level of analysis, specifically with respect to soil quantity and quality. The proposed tracking system and hauling requirements appear to be well integrated with source sites through the use of the ESMP documents, tracking systems and hauling records.

Areas for Improvement

CLOCA’s direct regulatory interests are confined primarily to the receiving sites and the operationalization of the soil reuse regulation in this regard. Based upon our review, we have identified the following areas for improvement to be considered by MOECC as the regulations are finalized and drafted into law. Specific amendments are proposed in Appendix 1 to this report.

- Directly reference Section 28 Regulations made under the *Conservation Authorities Act*, as a site specific instrument.

While the proposed regulation would provide for the application of conservation authority regulations and permit requirements to receiving sites, the definition provides three specific examples, excluding conservation authority regulations. In CLOCA’s watershed, for example, our regulation covers approximately 42% of the landscape. The importance of these regulations for the protection of public health and safety and environmental protection, necessitates that the proposed soil reuse regulation specifically make reference to them.

- Strengthen integration of Site Specific Instruments for Receiving Sites.

Cont’d

¹ An Environmentally Sensitive Area is to be defined as lands within 30m of a wetland, stream, area of ground water recharge, an environmentally significant area identified in an Official Plan, Natural Core or Natural Linkage areas within the *Oak Ridges Moraine Conservation Plan*, amongst other areas, which include many areas in the CLOCA watershed.

² Agricultural Lands are to be defined as lands planned to be used for growing crops or pasturing livestock.

It is vital that the proposed soil reuse regulation provide a strong linkage and support to local site specific instruments (i.e municipal by-laws and conservation authority regulations) to ensure that excess soil is only deposited on receiving sites that are appropriate.

- Clarify why Haulers of Excess Soil would be Exempt from Environmental Compliance Approvals

Under current rules, waste haulers are required to obtain Environmental Compliance Approvals (ECA) from MOECC. The proposal would remove this requirement in relation to haulers transporting excess soil to receiving sites, for example. It is understood that haulers would still be subject to the operating standards for waste management systems and would also be required to be able to produce an *excess soil hauling record*. Haulers are an important linkage in the excess soil management process and have new responsibilities under the proposed regulation in relation to tracking. Given this, it is not clear why the ministry would not want to use the ECA as a tool to ensure hauler compliance with the proposed regulation. Further explanation is desired.

- Reconsider Exemption and Threshold for Stormwater Management Ponds

The proposed soil reuse regulation provides that an ESMP is not required for the regular maintenance or repair of stormwater systems. However, some excess soil movements would be required to be registered to the Environmental Site Registry despite the exemption from the requirement to prepare an ESMP, including movements of 1000m³ or more of excess soil resulting from maintenance of stormwater ponds. Given the soil quality concerns with sediment in stormwater management ponds, CLOCA staff suggest that it would be appropriate for the maintenance or repair exemption to not apply specifically to the maintenance of stormwater management ponds and that the ESMP process apply to these facilities based on the quality thresholds established for other projects subject to the ESMP requirement.

Update Regarding Bill 68 Amendments to Municipal Act, 2001 to Expand Jurisdiction of Municipal Fill and Site Alteration By-laws

Bill 68, *Modernizing Ontario's Municipal Legislation Act, 2017* contains a provision which, if enacted, 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 and implementing the proposed excess soil reuse regulation on receiving sites within conservation authority regulated areas. As of the preparation of this report, the bill is at Third Reading and is expected to pass and receive Royal Assent before the Legislature rises on June 1st. CLOCA staff assisted Conservation Ontario in their presentation on this issue when the bill was at committee stage of consideration. As the current restrictions on municipal by-laws will be removed upon Royal Assent, CLOCA will need to work very closely with our municipal colleagues to re-confirm or establish new operational protocols with watershed municipalities this year. CLOCA's *Large Fill Policy, May 2014* will also need to be updated with respect to the new jurisdictional landscape.

Conclusion

CLOCA staff recommends that MOECC carefully consider and respond to the detailed commentary on the proposed soil reuse regulation contained in the Appendix to this report. The *Proposed Excess Soil Regulatory Package* indicates that the long period of a provincial regulatory gap in relation to excess soil is about to end, however the new regulation and guidance could be severely undermined if MOECC does not have the operational capacity or inclination to rigorously administer the new provisions. MOECC needs to support local regulators of receiving sites, especially municipalities and conservation authorities, as they will carry a new

FILE: ACAD7
S.R.: 5522-17

May 16, 2017

unfunded mandate to work within the proposed regulatory framework. As discussed above, the proposed changes, including Bill 68, will have implications to CLOCA's Large Fill Policy and related operational processes. CLOCA staff will need to work very closely with our municipal colleagues to re-confirm or establish new operational protocols with watershed municipalities including amendments or replacement of CLOCA's *Large Fill Policy, May 2014*.

RECOMMENDATIONS:

THAT Staff be directed to begin consultations with watershed municipal staff to efficiently and effectively operationalize the new Excess Soil Management Framework in a collaborative fashion;
THAT Staff Report 5522-17 and the specific amendments and comments in Appendix 1 be endorsed as CLOCA's comments on the Proposed Excess Soil Regulatory Package (EBR Registry No. 013-0299); and,
THAT Staff Report 5522-17 be circulated to the Region of Durham, watershed municipalities, neighbouring conservation authorities, and Conservation Ontario.

ATTACH.
CJ/bb

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Appendix 1

CLOCA Recommended Amendments and Comments for Proposed Excess Soil Regulatory Package

Integration and Support to Conservation Authorities

1. The proposed regulatory package should include additional responses to the *Excess Soil Management Policy Framework* in order to provide needed integration and support to conservation authorities.
2. Directly reference Section 28 Regulations made under the *Conservation Authorities Act*, as a site specific instrument in the proposed soil reuse regulation.

Rationale

Specific amendments to the *Conservation Authorities Act* are needed in order to; enhance collaborative enforcement actions in partnership with provincial ministries, municipalities and conservation authorities; increase applicable fines for violations; provide stop work orders for violations in progress; and ensure that financing and funding tools match capacity needs.

While the proposed regulation would provide for the application of conservation authority regulations and permit requirements to receiving sites, the definition provides three specific examples, excluding conservation authority regulations. In CLOCA's watershed, for example, our regulation covers approximately 42% of the landscape. The importance of these regulations for the protection of public health and safety and environmental protection necessitates that the proposed soil reuse regulation specifically make reference to them.

Receiving Sites Identification and Rules

3. Strengthen integration of Site Specific Instruments for Receiving Sites;

It is vital that the proposed soil reuse regulation provide a strong linkage and support to local site specific instruments (i.e municipal by-laws and conservation authority regulations) to ensure that excess soil is only deposited on receiving sites that are appropriate. The following amendment is proposed:

A QP shall identify receiving sites in an ESMP in accordance with the following rules:

- a) If the receiving site is subject to a site specific instrument or by-law, the quantity and quality of excess soil that may be taken to that receiving site will be in compliance with that site specific instrument or by-law. For greater certainty, the placement of the excess soil shall conform to the requirements of that site specific instrument or by-law along with any other general or specific requirement or condition established by the instrument or by-law including the precise location of placement of excess soil and any other associated site alteration.
- b) ...
- c) If the receiving site is within an area subject to a Provincial Plan, the placement of the excess soil and any associated site alteration shall conform to the site alteration provisions of that Plan.

“Provincial Plan” means, (a) the Greenbelt Plan established under section 3 of the Greenbelt Act, 2005, (b) the Niagara Escarpment Plan established under section 3 of the Niagara Escarpment Planning and Development Act, (c) the Oak Ridges Moraine Conservation Plan established under section 3 of the Oak Ridges Moraine Conservation Act, 2001, (d) a development plan approved under the Ontario Planning and Development Act, 1994, (e) a growth plan approved under the Places to Grow Act, 2005, (f) the Lake Simcoe Protection Plan established under section 3 of the Lake Simcoe Protection Act, 2008.

- d) A QP shall update an ESMP with the approval information associated with the site specific instrument 14 days after approval has been provided by the approval authority of the site specific instrument.

Rationale

The proposed rule only establishes that a QP identify a suitable receiving site based on two factors: 1) quantity and 2) quality. In the frame of receiving sites, there are many more factors to be considered beyond these two. Chiefly, the permanent location of the excess soil is of significant concern in the receiving site context. This is especially so with respect to the long-term protection of natural heritage features and areas, hydrologic features and areas, and natural hazards. Specific language is therefore proposed with respect to the location of placement of excess soil.

Site specific instruments have general and specific requirements and conditions to approval that all must be adhered to. For example, the need to undertake maintenance and monitoring of sediment and erosion control measures. The receiving site rules should reference these obligations.

Provincial Plans have detailed policy directions that are applicable at the site scale with respect to site alteration in order to protect the ecological and hydrological integrity of various landscapes including the Oak Ridges Moraine. The receiving site rules should make specific reference to these plans and the need to conform to them.

Finally, it is important for transparency, accountability, and those who administer site specific instruments for receiving sites that ESMP records incorporate and make reference to the site specific instrument approvals that apply to each receiving site considered in the ESMP and that this information be updated to the public registry.

Exemption for Haulers of Excess Soil

4. Clarify why Haulers of Excess Soil would be Exempt from Environmental Compliance Approvals

Rationale

Under current rules, waste haulers are required to obtain Environmental Compliance Approvals (ECA) from MOECC. The proposal would remove this requirement in relation to haulers transporting excess soil to receiving sites, for example. It is understood that haulers would still be subject to the operating standards for waste management systems and would also be required to be able to produce an excess soil hauling record. Haulers are an important linkage in the excess soil management process and have new responsibilities under the proposed regulation in relation to tracking. Given this, it is not clear why the ministry would not want to use the ECA as a tool to ensure hauler compliance with the proposed regulation. Further explanation is desired.

Exemption and Threshold for Stormwater Management Ponds

5. Reconsider Exemption and Threshold for Stormwater Management Ponds

Rationale

The proposed soil reuse regulation provides that an ESMP is not required for the regular maintenance or repair of stormwater systems. However, some excess soil movements would be required to be registered to the Environmental Site Registry despite the exemption from the requirement to prepare an ESMP, including movements of 1000m³ or more of excess soil resulting from maintenance of stormwater ponds. Given the soil quality concerns with sediment in stormwater management ponds, CLOCA staff suggest that it would be appropriate for the maintenance or repair exemption to not apply to the maintenance of stormwater management ponds and that the ESMP process apply to these facilities based on the quality thresholds established for other projects subject to the ESMP requirement.

Action Items Committee of the Whole and Regional Council

Meeting Date	Request	Assigned Department(s)	Anticipated Response Date
September 7, 2016 Committee of the Whole	Staff was requested to provide information on the possibility of an educational campaign designed to encourage people to sign up for subsidized housing at the next Committee of the Whole meeting. (Region of Durham's Program Delivery and Fiscal Plan for the 2016 Social Infrastructure Fund Program) (2016-COW-19)	Social Services / Economic Development	October 5, 2016
September 7, 2016 Committee of the Whole	Section 7 of Attachment #1 to Report #2016-COW-31, Draft Procedural By-law, as it relates to Appointment of Committees was referred back to staff to review the appointment process.	Legislative Services	First Quarter 2017
October 5, 2016 Committee of the Whole	That Correspondence (CC 65) from the Municipality of Clarington regarding the Durham York Energy Centre Stack Test Results be referred to staff for a report to Committee of the Whole	Works	
December 7, 2016 Committee of the Whole	Staff advised that an update on a policy regarding Public Art would be available by the Spring 2017.	Works	Spring 2017
January 11, 2017 Committee of the Whole	Inquiry regarding when the road rationalization plan would be considered by Council. Staff advised a report would be brought forward in June.	Works	June 2017

Meeting Date	Request	Assigned Department(s)	Anticipated Response Date
January 18, 2017	In light of the proposed campaign self-contribution limits under Bill 68 and the recent ban on corporate donations which will require candidates for the elected position of Durham Regional Chair to raise the majority of their campaign funds from individual donors, staff be directed to prepare a report examining the potential costs and benefits of a contribution rebate program for the Region of Durham.	Legislative Services	Fall 2017
March 1, 2017 Committee of the Whole	Staff was directed to invite the staff of Durham Region and Covanta to present on the Durham York Energy Facility at a future meeting of the Council of the Municipality of Clarington.	Works	
March 1, 2017 Committee of the Whole	Staff was requested to advise Council on the number of Access Pass riders that use Specialized transit services.	Finance/DRT	March 8, 2017
March 1, 2017 Committee of the Whole	A request for a report/policy regarding sharing documents with Council members.	Corporate Services - Administration	Prior to July 2017
May 3, 2017 Committee of the Whole	Discussion ensued with respect to whether data is collected on how many beds are created through this funding; and, if staff could conduct an analysis of the Denise House funding allocation to determine whether an increase is warranted. H. Drouin advised	Social Services	

Meeting Date	Request	Assigned Department(s)	Anticipated Response Date
	staff would investigate this and bring forward this information in a future report.		
May 3, 2017 Committee of the Whole	Discussion ensued with respect to whether staff track the job loss vacancies in Durham Region, in particular the retail market. K. Weiss advised that staff will follow-up with the local area municipalities and will report back on this matter.	Economic Development & Tourism	