June 3, 2008

TO: All Municipal PLANNING and BUILDING Departments and All CONSERVATION AUTHORITIES in the Niagara Escarpment Development Control Area

Dear Sir or Madame:

RE: NIAGARA ESCARPMENT COMMISSION (NEC) POLICY ON FILLING, GRADING AND EXCAVATIONS – SITE ALTERATIONS

The Niagara Escarpment Commission, at their meeting of May 14th, 2008, approved the attached policy on Filling, Grading and Excavations – Site Alterations. Please find attached the Addendum Policy Report for your information.

Filling, grading and contour changes have become a matter of significant environmental concern in the area of the Niagara Escarpment Plan.

All filling, grading and excavations within the area of Development Control requires a Niagara Escarpment Development Permit; therefore, contour changes which are not deemed to be landscaping will require a Development Permit. Among other requirements of the attached policies, the NEC will, in future, require as a condition of a Development Permit, that a certificate from a Professional Engineer or Geoscientist attesting that any material other than material from a licensed pit or quarry is certified to satisfy the following definition of inert fill:

Inert fill is material that satisfies the definition of Ontario Regulation 347, Section 1, "inert fill means earth or rock fill or waste of a similar nature that contains no putrescible materials or soluble or decomposable chemical substances, and has a contaminant level equal to or less than outlined in Table 1 of the "Soil, Ground Water and Sediment Standards for Use" under Part XV.1 of the Environmental Protection Act, March 9, 2004.

In addition, as a condition of a Development Permit, a protocol will have to be established with an applicant for each site to ensure that all material imported onto a site satisfies the inert fill requirements.

I have also attached to this correspondence, the NEC’s Guidelines for Implementing the Policies on Filling, Grading and Excavation – Site Alterations in the Niagara Escarpment Plan Area, for your information.
It is not anticipated that the policy will require additional work on your part, other than to ensure that proposals for filling, grading and excavation within the Niagara Escarpment Plan Area continue to be referred to the Niagara Escarpment Commission.

Should you have any questions regarding this policy, please contact Kathryn Pounder, Senior Strategic Advisor (Acting) at: 905 877-8363 or kathy.pounder@ontario.ca.

Yours truly,

[Signature]

Ken Whitbread
Manager

Atta.