



# **Whitby**

## **Guideline to Site Alteration in the Town of Whitby**

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# Introduction

This Guide to Site Alteration in the Town of Whitby, herein referred to as the '**Guide**' is an accompanying document to and must be read in conjunction with the Town of Whitby **Site Alteration By-Law 7425-18**, as amended. Applicants are directed to By-Law 7425-18 for definitions and specific details regarding Site Alteration activities, permit conditions and enforcement beyond what is provided in this Guide.

The Town of Whitby Site Alteration By-Law regulates activities related to:

- Grading and earthworks;
- The import and/or export of fill material, including topsoil; and,
- The use of public roadways as haul routes.

In regulating these activities, five areas of concern must be addressed:

1. Potential drainage impacts resulting from the site alteration activities;
2. Environmental concerns related to the quality of material being imported or exported;
3. Potential nuisance impacts to surrounding residents, such as, erosion, noise, dust, traffic, health, parking etc.;
4. Degradation and damages to public infrastructure; and,
5. Land use compliance of the proposed works.

Application for a Site Alteration Permit is evaluated using a two-step process as follows:

1. A Pre-Screening Questionnaire shall be completed by the Applicant in order to communicate information to the Town regarding the proposed Site Alteration activities. Based on this information the proposed works will either be exempted or require a Site Alteration Permit.

Should a permit be required, the Category of permit and a list of required supporting documents to be submitted with the Permit Application will be provided to the Applicant.

2. The formal Site Alteration Permit Application to the Town will include:
  - i. Complete Permit Application
  - ii. Required supporting documents
  - iii. Application fee

This Guide will provide direction for applicants in completing the Pre-Screening Questionnaire as well as technical details for the required supporting documents.

- Parts 1 to 3 shall be referenced in completing the Pre-Screening Questionnaire. At this stage, information provided by the Applicant may be in the form of sketches, aerial photos, preliminary CAD (Computer-aided design) drawings to illustrate the area and scope of works.
- Should a Site Alteration Permit be required, Parts 4 to 6 will provide direction to the Applicant in submitting a permit application and detail required documents such as, the Category of permit, required details on supporting documents, and application fee.
- **Terminology:** This Guide is separated into 'Parts', while the Site Alteration By-Law is separated into 'Sections and Sub-Sections'.
- The numbering of various parts of this Guide correspond to the Site Alteration Pre-Screening Questionnaire and Permit Application Form, herein referred to as '**Permit Application**'

Depending on the proposed scope of works, permit requirements have been separated into three (3) different Categories as follows:

**Table A: Permit Categories and Criteria**

Category	Activity Type	Criteria
1	Alteration of Grade, > 0.15m grade change (no import or export of material) a) Minor internal material movement b) Substantial internal material movement	< 500 m <sup>3</sup> (volume of internal fill moved) ≥ 500 m <sup>3</sup> (volume of internal fill moved)
2	Small Site Alteration (import and/or export of material)	< 500 m <sup>3</sup> (volume of imported or exported fill)
3	Large Site Alteration (import and/or export of material)	≥ 500 m <sup>3</sup> (volume of imported or exported fill)

# **Part 1 Site Location, Owner and Applicant Information**

Part 1 of the Permit Application will provide information on the location of the proposed Site Alteration works, herein referred to as the '**subject property/site**' within the Town of Whitby and relationship to areas regulated by applicable environmental agencies, if any. Confirmation of property ownership and Applicant details and their respective relationship, if any.

## **1.1 Site Location Information**

Legal address for the subject property shall be provided.

Additional details and mapping of areas regulated by Central Lake Ontario Conservation (CLOCA) can be found online. - [Central Lake Ontario Conservation Regulations](#)

Additional details regarding the limits and requirements of the Oak Ridges Moraine Conservation Plan can be found online. - [Oak Ridges Moraine Conservation Plan](#)

## **1.2 Property Owner Information**

The contact information of the registered Owner of the property shall be provided. The registered Owner shall review, sign and date the declarations and acknowledgements.

Should additional information or documentation be required, append it to the back of the Permit Application. For example, Power of Attorney or Officer of Corporation documents.

## **1.3 Applicant Information**

If the property owner is also the Applicant, check the box indicating so.

If the property owner is not the same as the Applicant, i.e. contractor or agent acting on behalf of the property owner, fill in all required Applicant information, sign and date in the appropriate locations.

## Part 2 Exemptions

Part 2 of the Permit Application relates to activities that are exempt from the requirement to obtain a Site Alteration Permit from the Town of Whitby. Applicants are directed to the Site Alteration By-Law 7425-18, Section 3 for details on the types of site alteration activities for which an exemption would apply.

**Note:** Exemption from the requirement to obtain a Site Alteration Permit does **not** exempt property owners from responsibility, including but not limited to, damage to public roads, negatively affecting surrounding drainage and / or disturbance to adjacent residents and any other required permits. Remedies and penalties for these actions may be enforced under other applicable Town of Whitby By-Laws and Regulations.

Documents (sketches, photographs, description of work, proposed duration, agrology report, copy of other agency permit, etc.) to support any of the noted exemptions shall be appended to the back of the Permit Application.

Additional information for activities covered under the referenced Acts can be found at the following locations

- Planning Act - [Planning Act, R.S.O. 1990, c. P.13](#)
- Aggregate Resources Act - [Aggregate Resources Act, R.S.O. 1990, c. A.8](#)
- Drainage Act - [Drainage Act, R.S.O. 1990, c. D.17](#) or the Tile Drainage Act - [Tile Drainage Act, R.S.O. 1990, c. T.8](#)
- Building Code Act - [Building Code Act, 1992, S.O. 1992, c. 23](#)
- Environmental Protection Act - [Environmental Protection Act, R.S.O. 1990, c. E.19](#)
- Public Transportation and Highway Improvement Act - [Public Transportation and Highway Improvement Act, R.S.O. 1990, c. P.50](#)
- Web site - [CLOCA Website](#)
- Excess Soil Regulation – [O.Reg. 406/19 On-site and Excess Soil Management](#)

### 2.1 Site Alteration Permit Exemption

The Applicant shall provide an initial assessment based on the exemptions listed within Section 3 of the By-law and, if applicable, identify the corresponding Sub-Section in Part 2.1. Documents supporting the exemption due to other agreements, conditions, agency

permits, qualifications etc. shall be provided by the applicant for review and confirmation by the Town. Please note, for any proposed replacement and/or removal of topsoil only, the Applicant shall complete Parts 1-3 of the Site Alteration Application form and provide an Agrology Report as outlined in Appendix C.

## **2.2 Declaration and Indemnification**

Town Staff will review and evaluate the documents provided by the Applicant in order to confirm that:

1. an exemption (Part 2.1) applies; or,
2. a Site Alteration Permit is not required due to the proposed work being an alteration of grade only (no import/export of material) and being less than 0.15m in depth (Part 3.3) with no drainage impact to surrounding properties.

Should an exemption apply, the Applicant will be required to review and sign the Declaration and Indemnification in Part 2.2 of the Permit Application.

## **Part 3 - Details of Proposed Site Alteration**

If no exemption applies to the proposed site alteration work, a Permit from the Town of Whitby will be required. Additional information shall be provided by the Applicant to facilitate further evaluation and processing of the Pre-Screening Questionnaire.

The Applicant shall provide details of the proposed site alteration activity as itemized in Part 3 of the Permit Application, such as:

- substantiate how the site alteration activity complies with the zoning for the property;
- material type and volume proposed for the subject property;
- proposed haul route within the Town of Whitby; and,
- the approximate schedule for the movement of material within, to or from the subject property.

This information should be as detailed as possible to allow Town staff to complete an evaluation of the proposed operation. It will also allow Town staff to determine if a Site Alteration Permit is required, and if so, to determine the Category of permit required.

### **3.1 Compliance with Zoning Requirement**

The proposed site alteration activity(s) must be suitable for the current zoning of the property, as defined within the applicable Town of Whitby Zoning By-Law.

If the proposed site alteration activity does not comply with the zoning category for the property, a Site Alteration Permit cannot be issued.

For purposes of flattening (levelling off) a subject property in order to improve drainage and use, the overall drainage pattern for the surrounding area must be maintained. Grading within the subject property will generally be limited to the following maximums:

- In order to reduce the visual impact to the surrounding area, no elevation shall exceed a maximum of 10 horizontal to 1 vertical (10H:1V) plane starting from the property limit
- From existing high points within the subject property, grades shall generally be limited to between 2 percent to 5 percent throughout the remainder of the property. Sloping to match existing ground may be permitted.

### **3.2 Material Type and Volume**

Indicate the type(s) of material being proposed to move to, from and/or within the site and provide an estimated volume in cubic meters of each.



## **Vacuum Truck Operations**

For vacuum truck operations, the estimated gross volume shall be provided based on 25 percent solid material, and 75 percent liquid. i.e. the gross volume of material to be imported and the resultant fees to be paid, will be based on a calculation of four (4) times the measurable solid material left on site as confirmed by the post-alteration survey.

### **3.3 Alteration of Grade Only (No Import or Export)**

If the proposed Site Alteration activity is restricted to the movement of material on-site, an estimate of the depth of material to be moved shall be provided. This should be based on the volume estimates provided in Part 3.2 and the overall area of the proposed site alteration activity. Town staff will confirm whether or not the area and volume estimates equate to a depth above or below 0.15m.

Provided the Site Alteration is below 0.15m in depth, and in an area on-site where surrounding drainage is not impacted by the proposed site alteration activity, a Permit will not be required and the Applicant will be required to review and sign the Declaration and Indemnification in Part 2.2.

### **3.4 Road Condition and Haul Route Assessment**

Proposed haul route will be evaluated for the following conditions:

- low class bituminous (slurry seal roads);
- poor condition high class bituminous (asphalt) surfaces;
- roads with geometric deficiency concerns for the proposed hauling; or,
- access routes that pass through or adjacent to residential areas, noise and dust impacts due to truck traffic and safety of all road users' i.e. local traffic, pedestrians, cyclists etc.

## **Safety Concern**

If any part of the proposed haul route is deemed to pose an immediate safety concern to the general public, hauling will not be permitted until the safety concern is rectified at the Applicants' cost.

### **Road Replacement Fee (Import/Export $\geq 500\text{m}^3$ )**

Low Class Bituminous (LCB) roads generally cannot withstand wheel-loads associated with trucking operations for large fill operations. Similarly, high class bituminous (HCB) roads that are in poor condition may not be able to support the resultant truck traffic without

shortening the remaining service life of the road. If approved, damage from these trucking operations could result in the need for significant maintenance or full reconstruction of the road sooner than required under normal traffic conditions.

In all cases, Town staff will complete an evaluation of the Town of Whitby roads identified as part of the haul route. If it is determined that the roads will not support the projected trucking activity, the Applicant will be required to pay a Road Replacement Fee which will cover the cost to reconstruct the roadway following completion of the trucking activities. Refer to the Fees and Charges By-law for Road Replacement Fee unit rates.

### **Road Construction Contractor**

At the sole discretion of the Director, Engineering Services, for Site Alteration Permit issued to an Applicant who is also a qualified road construction contractor, the Road Replacement Fee may be substituted with an acceptable financial security. Upon satisfactory reconstruction of the subject road by the Applicant, the financial security will be released. The following conditions will apply:

- A qualified road construction contractor shall demonstrate to the Director's satisfaction that they are capable of undertaking the necessary road reconstruction works;
- All works undertaken within the municipal right-of-way shall be subject to a road occupancy permit;
- The 15 percent inspection and administration portion of the fee shall be paid at the time of permit issuance.

### **Intent to Continue**

Should a Road Replacement Fee be required, the amount will be provided as Applicants may no longer wish to pursue a Site Alteration Permit once a Road Replacement Fee is required. The Applicant will be required to provide confirmation of their intent to continue with a Permit Application prior to further processing of the pre-screening application.

### **3.5 Proposed Work Schedule**

#### **Standard Permit Term**

An approved Site Alteration Permit is valid for six (6) months, unless one of the following applies.

#### **Development and Road/Sewer Contractor Sites**

An approved Site Alteration Permit is valid for one (1) year when the permit is issued:

- For an approved development site; or,
- To a qualified road / sewer contractor:
  - i. for the exclusive use to facilitate infrastructure projects;
  - ii. daily import and/or export of material is less than 1,000 m<sup>3</sup>; and,
  - iii. the permit start date may be deferred until the contractor is ready to proceed with import/export activities.

### **3.6 CLOCA Permit Requirement**

The Central Lake Ontario Conservation Authority (CLOCA) regulates activities including the movement and placement or removal of fill within boundaries associated with natural drainage areas adjacent to watercourses and bodies of water.

The Applicant shall indicate if any site alteration activity is proposed within CLOCA Regulated area.

Town staff will verify the provided information and advise if a copy of CLOCA permit, in addition to Town's Site Alteration Permit, would be required. The copy of CLOCA permit shall be provided as a part of application package, prior to the issuance of the Town's permit.

### **3.7 Excess Soil Regulation**

The Ontario Regulation 406/19 made under the Environmental Protection Act regulates On-site and Excess Soil Management.

It is the Applicant's responsibility that the Site Alteration Works comply with the Ontario Regulation 406/19. Requirements pertaining to the Excess Soil Regulation shall be submitted prior to the issuance of the Town's Site Alteration Permit.

### **3.8 Other Relevant Information**

Applicants may provide any other information or documents they deem relevant not already covered in Parts 1 to 3 of the Permit Application that may be of assistance to the Town during the review and evaluation of the Pre-Screening Questionnaire.

## Part 4 Pre-Screening Summary

Upon completion of Parts 1 – 3 Town Staff will complete Part 4.

Based on the information submitted within and in support of the Site Alteration Pre-Screening Questionnaire, Town of Whitby staff will make a final determination regarding the need for, and the Category of Permit required, as well as any additional approval process that would be required prior to the issuance of the Permit.

If a Site Alteration Permit is **not required**, Part 4.1 will be completed, and the Applicant will be required to review and sign Part 2.2.

If a Site Alteration Permit **cannot be issued**, Part 4.2 will be completed to identify the reason for the denial. Additional information regarding permit denial may also be contained within the Site Alteration By-Law, Section 5.

If a **Site Alteration Permit is required**, the information provided in Parts 3.2 and 3.3 will be used to determine the Category of Site Alteration Permit required. Part 4.3 and Part 5 will be completed to provide direction to the Applicant of what detailed information and Application Fee must be submitted with a formal permit application.

## **Part 5    Site Alteration Permit Application Requirements**

Upon completion of Parts 1 to 3, Town staff will provide guidance on which Category of Site Alteration Permit will be required and what supporting documents are to be provided. These items will be identified in Part 5 of the Permit Application.

A detailed listing of the submission requirements for each of the three (3) categories of Site Alteration Permit is provided and explained in the following pages. Additional technical information related to submission requirements is included in **Appendix A through E**.

## **5.1 – Category 1, Alteration of Grade**

(> 0.15m grade change, no import or export of material)

**The following shall be submitted with a formal permit application:**

### **5.1.1 Completed Permit Application Form**

The Applicant shall confirm all required items have been included with the application package and the last page of the Permit Application has been signed and dated.

### **5.1.2 Application Fee**

The Permit Application Fee will be required prior to processing of the Permit Application. Please refer to the Town's current Consolidated Fees & Charges By-law for more information.

### **5.1.3 Compliance with Oak Ridges Moraine Conservation Plan (ORMCP)**

Documentation indicating compliance with the ORMCP is required when any portion of the proposed site alteration work area is within the ORMCP regulated area.

### **5.1.5 Site Alteration Design Letter/Brief**

A design letter/brief containing the following information that describes the purpose and scope of the site alteration works shall be submitted in support of the Site Alteration Permit Application:

- a) Summary of the proposed works,
  - including a detailed schedule of the anticipated starting and completion dates of each site alteration activity;
- b) Description of the erosion control measures, including:
  - the location, dimensions, design details and design calculations of all site erosion control measures that may be necessary to minimize the impact of the proposed site alteration;
  - provision for maintenance and repair of erosion control measures and the continuous monitoring thereof; and,
  - the name and 24-hour contact telephone number of the person responsible for the monitoring and maintenance of the on-site erosion control programs;
- c) Description of mud tracking and dust control programs; and,
- d) Description of existing and proposed drainage patterns.

The design letter/brief shall be stamped and signed by a qualified person and shall be supplemented with drawing requirements noted below.

### **5.1.6 Engineering Sketches/Drawings**

Various sketches and/or engineering drawings will be required to illustrate the proposed works and its effect on the surrounding area. Typical submissions will include, but is not limited to, the following drawings:

- a) Grading Plan, including pre-alteration survey of the site;
- b) Cut/Fill Plan; and,
- c) Erosion Control Plan.

### **Sketches**

Sketches may be submitted for permit application involving less than 500 m<sup>3</sup> of material (i.e. Category 1.a.). Photos of the proposed site and alteration area may also be submitted. Town staff may conduct a site visit to evaluate the appropriateness of the sketches in capturing the scope of the proposed works. If it is determined that engineering drawings are required to properly illustrate the proposed scope of works, the Applicant will be required to submit full engineering drawings as noted below.

### **Engineering Drawings**

Engineering drawings shall be prepared, stamped and sealed by a Professional Engineer licensed to practice engineering in the Province of Ontario (P. Eng.) and shall be produced on CADD (Computer-aided design and drafting). Please refer to Section A2.00 of the Town's Design Criteria Manual. Digital copies of the drawings shall be submitted with the hard copies in the correct scale and in vector-type pdf format.

Additional technical details have been provided in **Appendix A**.

### **5.1.8 Security Estimate**

Financial security will be required to ensure compliance with the various permit requirements. The estimated security amount will typically include the following items:

- a) On-site controls:
  - erosion control measures;
  - drainage control measures; and,
  - mud tracking and dust control programs; and,



b) Immediate road damage

Additional details related to security estimate requirements have been provided in **Appendix B**.

#### **5.1.10 CLOCA Permit Requirement**

Town staff will advise if copy of the CLOCA Permit will be required in addition to the Town's permit.

#### **5.1.12 Other items**

Town staff will advise if additional submission requirements may be necessary to address specific concerns with the proposed permit application.

The following requirements shall be satisfied prior to Permit Issuance.

#### **5.1.13 Certificate of Insurance**

A minimum \$2,000,000 in liability coverage and naming the Town as an additional insured will be required. (See **Appendix D** for the Town's standard insurance form).

#### **5.1.14 Financial Securities**

Financial security in a form acceptable to the Town of Whitby, (i.e. cash or letter of credit) as calculated in Part 5.1.8 above (and confirmed by the Town) shall be provided by the Applicant. Financial securities provided with the Site Alteration Permit may be used for any activities related with the permit/site.

**The following requirements shall be satisfied prior to Permit Issuance:**

#### **5.1.19 Post-Alteration Surveys**

The Applicant will be required to demonstrate to the Town's satisfaction that the proposed site alteration works have been carried out in accordance with the approved proposal and that no adverse impact to surrounding drainage has resulted from the site alteration works.

For site alteration involving less than 500m<sup>3</sup>, photos provided by the Applicant and / or site visit by Town staff may be sufficient. Should impact to surrounding drainage be suspected, at the Town's request, the Applicant shall be required to provide a post-alteration survey completed by a Licensed Land Surveyor.

### **5.1.20 Other items**

Any additional permit requirements as needed based on the specific proposed site alteration will be included in an attached letter from the Town as part of the approved permit.

## **5.2 – Category 2, Small Site Alteration** (import and/or export of material < 500m<sup>3</sup>)

**The following shall be submitted with a formal permit application:**

### **5.2.1 Completed Permit Application Form**

The Applicant shall confirm all required items have been included with the application package and the last page of the Permit Application has been signed and dated.

### **5.2.2 Application Fee**

The Permit Application Fee will be required prior to processing of the Permit Application. Please refer to the Town's current Consolidated Fees & Charges By-law for more information.

### **5.2.3 Compliance with Oak Ridges Moraine Conservation Plan**

Documentation indicating compliance with the ORMCP is required when any portion of the proposed site alteration work area is within the ORMCP regulated area.

### **5.2.4 Letter of Consent**

A letter of consent from the property owner accepting the deposit of material shall be submitted to the Town as compliance to the Excess Soil Regulation (O.Reg. 406/19 Section 3, Subsection 2) requirements. This letter will be required prior to the release of the permit and/or the securities.

### **5.2.5 Site Alteration Design Letter/Brief**

A design letter/brief containing the following information that describes the purpose and scope of the site alteration works shall be submitted in support of the Site Alteration Permit Application:

- a) Summary of the proposed works, including:
  - a detailed schedule of the anticipated starting and completion dates of each site alteration activity;
  - a plan of proposed external haul routes, number of truck loads per day, and daily schedule for hauling; and,

- a plan showing signage as necessary;
- b) Description of the erosion control measures, including:
- the location, dimensions, design details and design calculations of all site erosion control measures that may be necessary to minimize the impact of the proposed site alteration;
  - provision for maintenance and repair of erosion control measures and the continuous monitoring thereof; and,
  - the name and 24-hour contact telephone number of the person responsible for the monitoring and maintenance of the on-site erosion control programs;
- c) Description of mud tracking and dust control programs; and,
- d) Description of existing and proposed drainage patterns.

The design letter/brief shall be stamped and signed by a qualified person and shall be supplemented with drawing requirements noted below.

### **5.2.6 Engineering Sketches/Drawings**

Various sketches and/or engineering drawings will be required to illustrate the proposed works and its effect on the surrounding area. Typical submissions will include, but is not limited to, the following drawings:

- a) Grading Plan, including pre-alteration survey of the site;
- b) Cut/Fill Plan; and,
- c) Erosion Control Plan.

### **Sketches**

Sketches may be submitted for permit application involving less than 500 m<sup>3</sup> of material. Photos of the proposed site and alteration area may also be submitted. Town staff may conduct a site visit to evaluate the appropriateness of the sketches in capturing the scope of the proposed works. If it is determined that engineering drawings are required to properly illustrate the proposed scope of works, the Applicant will be required to submit full engineering drawings as noted below.

## **Engineering Drawings**

Engineering drawings shall be prepared, stamped and sealed by a Professional Engineer licensed to practice engineering in the Province of Ontario (P. Eng.) and shall be produced on CADD (Computer-aided design and drafting). Please refer to Section A2.00 of the Town's Design Criteria Manual. Digital copies of the drawings shall be submitted with the hard copies in the correct scale and in vector-type pdf format.

Additional technical details have been provided in **Appendix A**.

### **5.2.7 Haul Route**

A haul route map figure shall be provided in support of the Site Alteration Permit Application. The document shall clearly indicate the route being taken within the Town of Whitby including the source and destination sites of the material being imported/exported.

### **5.2.8 Security Estimate**

Financial security will be required to ensure compliance with the various permit requirements. The estimated security amount will typically include the following items:

- a) On-site controls:
  - erosion control measures;
  - drainage control measures; and,
  - mud tracking and dust control programs.
- b) Immediate road damage;
- c) Overfilling security; and,
- d) As required, underground water monitoring program for importing of high water content fill (vacuum truck excavation material).

Additional details related to security estimate requirements have been provided in **Appendix B**.

### **5.2.9 Soil Quality Requirement**

#### **Applicant retained Qualified Person (QP)**

The applicant shall retain a QP to oversee all aspects of soil quality for the subject property.

## **Role of Qualified Person (QP)**

The QP shall:

- review all source site soil reports;
- provide recommendation for acceptance of hauled material;
- conduct on-site inspection and material testing;
- provide regular inspection/testing reports to the municipality as required:
  - for Category 2 Permits, a final report shall be required at the conclusion of filling; or,
  - for Vacuum Truck Operations, the QP shall provide a recommended reporting schedule for the Town's approval; and,
- address any provisions/requirements of the Source Water Protection Act, or other applicable legislation or regulating agencies conditions.

Refer to **Appendix C** for detailed Soil Quality Requirement.

### **Stepped Approval (multiple sources)**

Where the total permitted fill quantity is made up of multiple sources and/or the fill source is not initially confirmed at the time of permit issuance, the approved permit conditions may be admended with each accepted source site, up to the maximum permitted fill quantity.

A Permit Condition Amendment Fee would apply for each request to amend the permit conditions.

### **Vacuum Truck Operations**

It is recongized that vacuum truck operations working within municipal right-of-ways (ROW) for utility installation will not be able to provide source site soil reports in advance. Accordingly, the QP shall provide a general assumption of soil quality within ROW based on past experience and recommend acceptance of hauled material based on this assumption. All other on-site inspection, material testing and reporting requirements shall remain unchanged.

Refer to **Appendix C** for detailed Soil Quality Requirement.

#### **5.2.10 CLOCA Permit Requirement**

Town staff will advise if copy of the CLOCA Permit will be required in addition to the Town's permit.

### **5.2.11 Underground Water Monitoring Program**

The purpose of the Underground Water Monitoring Program is to ensure that fill activities will not adversely affect the quality of the underground water. The Underground Water Monitoring Program shall be used for any Site Alteration activity that involves material with high water content (vacuum truck excavation material).

The Underground Water Monitoring Program shall be developed by the Applicant's retained QP and shall include:

- Monitoring Program schedule (construction, monitoring, reporting and decommissioning);
- Design and construction details of monitoring wells; and,
- Ground water sampling/testing criteria.

Should underground water testing indicate adverse impact from the filling operations, the applicant shall provide all necessary remediation to the Town's satisfaction and the following steps shall be taken:

- all filling activities shall immediately cease;
- the municipality shall be immediately notified;
- the QP shall:
  - provide recommended actions to address the adverse impact;
  - provide supervision of recommended remedial measures; and,
  - furnish the Director with a final report addressing the adverse impact; and,
- filling activities may not recommence until the adverse impact has been addressed to the Director's satisfaction.

The Applicant shall be responsible for any peer review costs associated with the Underground Water Monitoring Program.

### **5.2.12 Other items**

Town staff will advise if additional submission requirements may be necessary to address specific concerns with the proposed permit application.

**The following requirements shall be satisfied prior to Permit Issuance:**

#### **5.2.13 Certificate of Insurance**

A minimum \$2,000,000 in liability coverage and naming the Town as an additional insured will be required. (See **Appendix D** for the Town's standard insurance form).

#### **5.2.14 Financial Securities**

Financial security in a form acceptable to the Town of Whitby, cash or letter of credit, as calculated in Part 5.2.8 above (and confirmed by the Town) shall be provided by the Applicant. Financial securities provided with the Site Alteration Permit may be used for any activities related with the permit/site.

#### **5.2.15 Road Damage Contribution/Inspection Fee**

An initial Road Damage Contribution/Inspection Fee will not be required for this Category of Site Alteration Permit. However, should overfilling beyond 500m<sup>3</sup> occur, an overfilling penalty will be required based on volume calculated from the post-alteration survey.

Refer to **Appendix E** for overfill penalty requirements.

The following requirements shall be satisfied subsequent to Permit Issuance.

#### **5.2.17 On-Site Inspection and Soil Testing Report/Certification**

Provided to the municipality as required under Part 5.2.9.

#### **5.2.18 Underground Water Monitoring Report/Certification**

Provided to the municipality as required under Part 5.2.11.

The QP based on the underground water monitoring program results shall provide confirmation that the ground water has not been adversely impacted by the filling activities.

#### **5.2.19 Post-Alteration Surveys**

The Applicant will be required to demonstrate to the Town's satisfaction that the proposed site alteration works have been carried out in accordance with the approved proposal and that no adverse impact to surrounding drainage has resulted from the site alteration works.

For site alteration involving less than 500m<sup>3</sup>, photos provided by the Applicant and / or site visit by Town staff may be sufficient. Should impact to surrounding drainage or overfilling be suspected, at the Town's request, the Applicant shall be required to provide a post-alteration survey completed by a Licensed Land Surveyor and a cut/fill analysis to confirm the quantity of material imported/exported. (If a pre-alteration survey is not available the

original ground elevations may be interpolated from the surrounding undisturbed ground or readily available topographic mapping).

#### **5.2.20 Other items**

Any additional permit requirements as needed based on the specific proposed site alteration will be included in an attached letter from the Town as part of the approved permit.



### **5.3 Category 3, Large Site Alteration (import and/or export of material $\geq 500\text{m}^3$ )**

**The following shall be submitted with a formal permit application:**

#### **5.3.1 Completed Permit Application Form**

The Applicant shall confirm all required items have been included with the application package and the last page of the Permit Application has been signed and dated.

#### **5.3.2 Application Fee**

The Permit Application Fee will be required prior to processing of the Permit Application. Please refer to the Town's current Consolidated Fees & Charges By-law for more information.

#### **5.3.3 Compliance with Oak Ridges Moraine Conservation Plan**

Documentation indicating compliance with the ORMCP is required when any portion of the proposed site alteration work area is within the ORMCP regulated area.

#### **5.3.4 Letter of Consent**

A letter of consent from the property owner accepting the deposit of material shall be submitted to the Town as compliance to the Excess Soil Regulation (O.Reg. 406/19 Section 3, Subsection 2) requirements. This letter will be required prior to the release of the permit and/or the securities.

#### **5.3.5 Site Alteration Design Brief**

A design brief containing the following information that describes the purpose and scope of the site alteration works shall be submitted in support of the Site Alteration Permit Application:

a) Communication Strategy, including:

- A Communication Plan for the site alteration works of the development, shall be provided in relation to the scope of work;
- The communication strategy shall address how the site alteration works, and related haulage may impact the businesses and residents in the area. Provide a sample template of the Notice to Neighbours;
- How the site alteration work impacts shall be communicated to the vicinity businesses/residents including changes and updates;

- The primary point of contact for the public with inquiries regarding the site alteration works;
- Stages of the site alteration work that will require special provisions to not disturb the neighbourhood due to noise, hours of work, equipment encroachment, safety, use of road right of way with traffic impacts to active public realm (boulevard), sidewalk, Multi Use Pathway (MUP), bike lane, transit, parking lanes or live traffic lanes? What would be the mitigation plan for these impacts; and
- Special consideration of vulnerable stakeholders such as daycares, children's educational services, public schools, retirement homes, recreation/community facilities.

The communication strategy shall include the project stakeholders, including:

- Details of the anticipated participants of the preconstruction meeting, and regular meetings during site alteration works, which may include Town officials/inspectors, Region officials/inspectors, general contractor representatives, utility or other involved parties;
- The regular meeting schedule and who is the lead point of contact for communication; and
- Any inspections and/or close out procedures and who will be involved.

b) Summary of the proposed works, including:

- a detailed schedule of the anticipated starting and completion dates of each site alteration activity;
- a plan of proposed external haul routes, number of truck loads per day, and daily schedule for hauling; and,
- a plan showing signage as necessary.

c) Description of the erosion control measures, including:

- the location, dimensions, design details and design calculations of all site erosion control measures that may be necessary to minimize the impact of the proposed site alteration;
- provision for maintenance and repair of erosion control measures and the continuous monitoring thereof; and,
- the name and 24-hour contact telephone number of the person responsible for the monitoring and maintenance of the on-site erosion control programs.

- d) Description of mud tracking and dust control programs; and,
- e) Description of existing and proposed drainage patterns.

The design brief shall be stamped and signed by a qualified person and shall be supplemented with drawing requirements noted below.

### **5.3.6 Engineering Drawings**

Various engineering drawings will be required to illustrate the proposed works and its effect on the surrounding area. Typical submissions will include, but not limited to, the following drawings:

- a) Grading Plan, including pre-alteration survey of the site;
- b) Cut/Fill Plan; and,
- c) Erosion Control Plan.

Engineering drawings shall be prepared, stamped and sealed by a Professional Engineer licensed to practice engineering in the Province of Ontario (P. Eng.) and shall be produced on CADD (Computer-aided design and drafting). Please refer to Section A2.00 of the Town's Design Criteria Manual. Digital copies of the drawings shall be submitted with the hard copies in the correct scale and in vector-type pdf format.

Additional technical details have been provided in **Appendix A**.

### **5.3.7 Haul Route**

A haul route map figure shall be provided in support of the Site Alteration Permit Application. The document shall clearly indicate the route being taken within the Town of Whitby including the source and destination sites of the material being imported/exported.

### **5.3.8 Security Estimate**

Financial security will be required to ensure compliance with the various permit requirements. The estimated security amount will typically include the following items:

- a) On-site controls:
  - erosion control measures;
  - drainage control measures; and,
  - mud tracking and dust control programs.
- b) Immediate road damage;
- c) Overfilling security;
- d) As required, underground water monitoring program for importing of high water content fill (vacuum truck excavation material);
- e) Traffic and/or site alteration project signage; and,
- f) On-site soil testing and peer review of any documents related to the permit.

Additional details related to security estimate requirements have been provided in **Appendix B**.

### **5.3.9 Soil Quality Requirement**

#### **Applicant retained Qualified Person (QP)**

The Applicant shall retain a QP to oversee all aspects of soil quality for the subject property.

#### **Role of Qualified Person (QP)**

The QP shall:

- review all source site soil reports;
- provide recommendation for acceptance of hauled material;
- conduct on-site inspection and material testing;
- provide regular inspection/testing reports to the municipality as recommended by the QP, at no less than the following:

- for filling activities less than 25,000m<sup>3</sup> a final report shall be required at the conclusion of filling; or,
  - for filling activities between 25,000m<sup>3</sup> to 50,000m<sup>3</sup> an interim report at 50 percent and a final report shall be required at the conclusion of filling; or,
  - for filling activities above 50,000m<sup>3</sup> an interim report every 50,000m<sup>3</sup> or (2) two months, whichever is less, and a final report shall be required at the conclusion of filling; or
  - for Vacuum Truck Operations, the QP shall provide a recommended reporting schedule for the Town's approval; and,
- address any provisions/requirements of the Source Water Protection Act, or other applicable legislation or regulating agencies conditions.

Refer to **Appendix C** for detailed Soil Quality Requirement.

### **Stepped Approval (multiple sources)**

Where the total permitted fill quantity is made up of multiple sources and/or the fill source is not initially confirmed at the time of permit issuance, the approved permit conditions may be amended with each accepted source site, up to the maximum permitted fill quantity.

A Permit Condition Amendment Fee would apply for each request to amend the permit conditions.

### **Vacuum Truck Operations**

It is recognized that vacuum truck operations working within municipal right-of-ways (ROW) for utility installation will not be able to provide source site soil reports in advance. Accordingly, the QP shall provide a general assumption of soil quality within ROW based on past experience and recommend acceptance of hauled material based on this assumption. All other on-site inspection, material testing and reporting requirements shall remain unchanged.

Refer to **Appendix C** for detailed Soil Quality Requirement.

### **5.3.10 CLOCA Permit Requirement**

Town staff will advise if copy of the CLOCA Permit will be required in addition to the Town's permit.

### **5.3.11 Underground Water Monitoring Program**

The purpose of the Underground Water Monitoring Program is to ensure that fill activities will not adversely affect the quality of the underground water. The Underground Water Monitoring Program shall be used for any Site Alteration activity that involves material with high water content (vacuum truck excavation material).

The Underground Water Monitoring Program shall be developed by the applicant's retained QP and shall include:

- Monitoring Program schedule (construction, monitoring, reporting and decommissioning);
- Design and construction details of monitoring wells; and,
- Ground water sampling/testing criteria.

Should underground water testing indicate adverse impact from the filling operations, the applicant shall provide all necessary remediation to the Town's satisfaction and the following steps shall be taken:

- all filling activities shall immediately cease;
- the municipality shall be immediately notified;
- the QP shall:
  - provide recommended actions to address the adverse impact;
  - provide supervision of recommended remedial measures; and,
  - furnish the Director with a final report addressing the adverse impact; and,
  - filling activities may not recommence until the adverse impact has been addressed to the Director's satisfaction.

The Applicant shall be responsible for any peer review costs associated with the Underground Water Monitoring Program.

### **5.3.12 Other items**

Town staff will advise if additional submission requirements may be necessary to address specific concerns with the proposed permit application.

**The following requirements shall be satisfied prior to Permit Issuance:**

### **5.3.13 Certificate of Insurance**

A minimum \$2,000,000 in liability coverage and naming the Town as an additional insured will be required. (See **Appendix D** for the Town's standard insurance form).

### **5.3.14 Financial Securities**

Financial security in a form acceptable to the Town of Whitby, cash or letter of credit, as calculated in Part 5.3.8 above (and confirmed by the Town) shall be provided by the Applicant. Financial securities provided with the Site Alteration Permit may be used for any activities related with the permit/site.

### **5.3.15 Road Damage Contribution/Inspection Fee**

A per cubic meter of imported/exported material fee for degradation/long term damages to public infrastructures and staff inspection cost will be required prior to final approval of the Site Alteration Permit.

The initial fee payable will be calculated based on the volume of material specified by the Applicant on the Permit Application Form. The final payable amount, including any overfilling penalties will be based on volume calculated from the post-alteration survey.

Refer to **Appendix E** for overfill penalty requirements.

## **Land Development Sites**

Land developers are required to provide a financial security equivalent to the applicable road damage contribution/inspection fee in lieu of the road damage contribution/inspection fee. This security will be held for two (2) years following which the security will either be released, drawn upon or continue to be held as follows:

1. Released should the land developer enter into a development agreement with the Town within 2 years of the date of the fill permit and no major road damages have occurred as a result;
2. Drawn upon and used as road damage contribution/inspection fee should a development agreement not be entered into with the Town within two (2) years of the date of the fill permit; or,
3. Continue to be held as security at the sole discretion of the Director, Engineering Services, provided the developer can demonstrate that a development agreement is actively being pursued.

Applicants are to provide details regarding the current status of the development application.

### **5.3.16 Road Replacement Fee**

As noted in Part 3.4 a Road Replacement Fee will be required for any Town roads that will not be capable of supporting the projected trucking activity. This Road Replacement Fee will be required prior to final approval of the Site Alteration Permit.

The following requirements shall be satisfied subsequent to Permit Issuance.

### **5.3.17 On-Site Soil Testing Report/Certification**

Provided to the municipality as required under Part 5.3.9.

### **5.3.18 Underground Water Monitoring Report/Certification**

Provided to the municipality as required under Part 5.3.11.

The QP based on the underground water monitoring program results shall provide confirmation that the ground water has not been adversely impacted by the filling activities.

### **5.3.19 Post-Alteration Surveys**

The Applicant will be required to provide a post-alteration survey completed by a Licensed Land Surveyor and a cut/fill analysis to confirm the quantity of material imported/exported to demonstrate to the Town's satisfaction that the proposed site alteration works have been carried out in accordance with the approved proposal and that no adverse impact to surrounding drainage has resulted from the site alteration works.

### **5.3.20 Other items**

Any additional permit requirements as needed based on the specific proposed site alteration will be included in an attached letter from the Town as part of the approved permit.



## **Part 6    Application Fee**

With the formal submission of the Site Alteration Permit Application, payment of the Application Fee will be required.

Upon review of the submitted information should additional information or documentation be required, written notice will be provided to the Applicant.

Applicants are advised that pursuant to Sub-Section 5.3 of the Site Alteration By-Law, Permit submissions are to be completed within a 6-month timeframe from the date of formal submission. Should the application lapse beyond this time period, the current Application will be closed, and a new Application will be required when the Applicant wishes to pursue Site Alteration works on the subject site in the future.

## **Part 7    Permit Approval**

Following approval of a Site Alteration Permit the following items may become applicable for administration of the permit.

### **One Time Permit Extension**

Should additional time be required to complete the original approved scope of work, the approved permit may be renewed one (1) time to double the permit term. The following shall be required:

- The Applicant shall have demonstrated to the Director's satisfaction that all permit conditions are in good standing;
- Any information regarding changes within the original application must be received by Engineering Services prior to the existing permit expiration;
- Before issuance of a permit extension, the applicant shall provide the following:
  - i.    Permit Review Fee
  - ii.   Any changes made to the original application including, but not limited to:
    - Import/Export/Alteration Volumes
    - Certificate of Insurance up to date
    - Soil Source site
    - Erosion Control and Sediment Measures
    - Changes in CLOCA regulated areas
  - iii.   Securities in place
  - iv.   Road Contribution/Inspection Fees or Road Replacement Fees may apply

### **Change in Property Ownership**

Should a property for which a Permit has been issued be transferred to a new Owner while the permit is still in effect, one of the following options may be exercised by the existing and new owner:

## **Termination of Site Alteration work**

Terminate the site alteration project, provided that the termination does not cause an adverse impact on neighbouring property for matters related to drainage, land grading, erosion control and/or dust mitigation. Submission of post-alteration survey, cut/fill analysis, soil testing, etc. as appropriate will be required in order to terminate the existing permit. Securities held by the Town will only be released upon confirmation by the Applicant that all permit requirements have been satisfied by the Applicant.

## **No change in scope of Site Alteration work**

The current permit conditions and contribution fees may be transferred to the new Owner provided the following is provided to the Town's satisfaction.

- A current site survey and updated cut/fill analysis shall be provided to confirm the remaining quantity of material to be imported/exported.
- Soil testing as may be required to confirm that the material imported to-date is acceptable.
- The new Owner shall submit a completed Application Form and make payment to the Town in the amount of the initial permit application to facilitate the changing of records associated with the permit.
- Should a different source of fill be utilized by the new Owner, Source Soil Reporting will be required with the new Application Form.
- All other fees, if applicable, provided with the original permit may be transferred to the new permit.
- Any existing securities held by the Town will only be released upon replacement of the securities by the new Owner.

## **Change in scope of Site Alteration works**

If the scope of the Site Alteration work is to be changed in any way, the existing permit shall be terminated as noted above by the current Applicant. A new permit will be required by the new Owner.

## **Permit Suspension**

Should the permit require a suspension, submit to the Town reasoning to its necessity, including duration of suspension. Approval from the Director is required.

The Applicant shall also provide up to date Certificate of Insurance and proof of securities in place.

## Appendix A - Engineering Drawing Technical Details

Engineering drawings shall include all of the following information as appropriate:

1. A key map showing the location of each lot or property involved in the site alteration, including the nearest major intersection and a north arrow;
2. The lot boundaries and total area, expressed in hectares, of each lot or parcel of land involved in the proposed site alteration;
3. The existing and proposed use of the land and the location and use of the buildings and structures within 30m beyond the boundary of each lot or property involved in the proposed site alteration;
4. The location, dimensions and use of any building and other structures existing or proposed to be erected on each lot or property involved in the proposed site alteration;
5. The location of lakes, streams, wetlands, channels, ditches, other watercourses and other bodies of water on and within 30m beyond the boundary of each lot or property involved in the proposed site alteration;
6. Existing and proposed drainage areas for the site alteration site and any external drainage flows/areas that are part of the overall drainage pattern;
7. The location of all regulatory flood lines and Conservation Authority regulation limits within the boundaries of each lot involved in the proposed site alteration;
8. The location and identification of the predominant existing soil types on each lot involved in the proposed site alteration;
9. The species, grade at base, and size of all trees greater than 250mm in caliper, all shrubs, trees and hedges within 3m of the property line and driveways on each lot involved in the proposed site alteration;
10. The location of all easements and rights-of-way over, under, across or through each lot involved in the proposed site alteration;
11. The location and dimensions of any existing and proposed storm water drainage systems and natural drainage patterns on and within 30m beyond the boundary of each lot involved in the proposed site alteration;
12. The location and dimensions of utilities, structures, roads, highways and paving located on and within 30m beyond the boundary of each lot involved in the proposed site alteration;

13. The existing topography on each lot and extending 30m beyond the boundary of each lot involved in the proposed site alteration;
14. The proposed final grades/elevations of each lot in the proposed site alteration;
15. The location and dimensions of all proposed site alteration activities, including construction of access roads;
16. The location and dimensions of all temporary soil, dirt or fill stockpiles for the proposed site alteration. Height of stockpiles shall not exceed 5m;
17. The cut/fill contours and volumes for the proposed site alteration works;
18. The scale of drawing ranging from 1:250 to 1:1000, as determined by the Director, to be measured in meters;
19. An indication on the drawing of directions of overland water flow and overland flow routes;
20. Any information, plans or studies required by Ontario Regulation 140/02: Oak Ridges Moraine Conservation Plan;
21. The proposed grades and drainage systems to be used upon completion of the placing or dumping of fill on each lot; and
22. Location and dimensions of all proposed erosion and sedimentation control measures.

## Appendix B – Securities Estimate

### Security Types

Tables B1 to B4 below indicate the securities required for the different types of Permit Applications and how they shall be calculated.

**Table B1: Category 1 – Alteration of Grade  
(> 0.15m grade change, no import or export of material)**

	Security Description	Security Amount
<b>a)</b>	On-site controls: Erosion control measures, drainage control measures, mud tracking and dust control programs	Category 1a) = \$1,500  Category 1b) = Engineer's Cost Estimate + 30 percent contingency + HST
<b>b)</b>	Immediate road damage	\$3,075

**Table B2: Category 2 – Small Site Alteration  
(import and/or export of material < 500m³)**

	Security Description	Security Amount
<b>a)</b>	On-site controls: Erosion control measures, drainage control measures, mud tracking and dust control programs	\$1,500
<b>b)</b>	Immediate road damage	\$3,075
<b>c)</b>	Overfilling security	\$1,000
<b>d)</b>	As required, Underground Water Monitoring Program	Engineer's Cost Estimate of Program + 30 percent contingency + HST

**Table B3 – Category 3 – Large Site Alteration  
(import and/or export of material  $\geq 500\text{m}^3$ )**

	<b>Security Description</b>	<b>Security Amount</b>
<b>a)</b>	On-site controls: Erosion control measures, drainage control measures, mud tracking and dust control programs	Engineer's Cost Estimate + 30 percent contingency + HST
<b>b)</b>	Immediate road damage	\$5,125
<b>c)</b>	Overfilling security	15 percent of the Road Damage Contribution / Inspection Fee
<b>d)</b>	As required, Underground Water Monitoring Program	Engineer's Cost Estimate of Program + 30 percent contingency + HST
<b>e)</b>	Traffic and/or site alteration project signage	\$2,000
<b>f)</b>	On-site soil testing and peer review	\$10,000 plus \$10,000 per every additional $50,000\text{m}^3$

## **Appendix C – Soil Quality Requirement**

### **Qualified Person Responsibility – prior to acceptance of source soil**

The Applicant retained Qualified Person shall:

- provide confirmation of qualification and written acknowledgement that they are familiar with the Town's Site Alteration By-law requirements as they relate to Soil Quality and that they will be responsible for ensuring these requirements are complied with;
- having regard for the characteristics of the subject site and surrounding properties, the QP shall recommend the allowable material to be brought on-site and the appropriate MOECC Table Standards for proposed import material to be evaluated against;
- establish on-site inspection, sampling, and testing frequency/criteria requirements in accordance with O.Reg. 153/04;
- for export of material from the subject site, the QP shall provide written confirmation the exported material have been relocated to an appropriate site

### **Source Soil Quality Report**

Each source soil quality report shall be submitted to the Town and accompanied with a recommendation letter from the Applicant's retained QP providing the following:

- summary of the source soil quality report including; source location, description, quality and quantity of the proposed material for import;
- evaluation of the proposed source soil compared to the recommended allowable material for import and the appropriate MOECC Table Standards for the subject site.
- if needed, provide additional recommendations for source material from the specific site such as proper handling instructions, updated on-site inspection/sampling/testing and monitoring requirements to ensure no adverse impact to the subject site or surrounding properties.
- recommendation for acceptance of material from this source site.

### **Qualified Person Responsibility – after acceptance of source soil**

Following acceptance of source soil to be imported, the QP shall:

- perform on-site inspection, sampling, and testing as established for the subject site or source;
- provide inspection/testing reports to the municipality;
- should on-site testing results indicate any exceedance in soil quality parameters:
  - provide remediation recommendations for the exceedance;



- oversee remediation activities;
- retest to confirm no further exceedance exist; and,
- furnish the Town with a final remediation report documenting the exceedance, remediation; re-test procedure and confirming no further exceedance exist.

At the conclusion of all import activities, based on the on-site inspections and testing results, the QP shall provide confirmation that the imported material has not adversely impacted the subject site nor surrounding properties.

The Town reserves the right to have all source soil reports and QP recommendations peer reviewed at the Applicant's cost.

i.e. In consideration of the Province of Ontario's Best Management Practices document, beneficial re-use of materials will be accepted subject to the following:

- source soil reports which are prepared and approved by a Qualified Person;
- the source soil is recommended for import in consideration of the land use of the property; and,
- the Town's reserved right to have any and all reports peer reviewed at the applicant's cost.

### **Agrology Practitioner Report**

The Applicant shall retain a Registered Agrology Practitioner to oversee all aspects of agricultural analysis for the subject site.

The Registered Agrology Practitioner shall provide a signed letter/brief containing but not limited to the following information:

- Provide justification for the need for topsoil;
- Provide confirmation of the suitability of the topsoil for the subject site; and,
- Provide recommendation for the acceptance of the hauled topsoil.

## Appendix D - Town of Whitby Insurance Certificate

The Applicant covenants that it shall take out and keep in full force and effect throughout the project until completion, and any renewals thereof, Comprehensive General Liability Insurance including premises and all operations. This insurance coverage shall be subject to limits of not less than **\$2,000,000.00** inclusive per occurrence for third party Bodily Injury and Property Damage **or such other coverage or amount** as may be requested as per the Town of Whitby's Certificate of Insurance, attached.

In addition, Automobile liability coverage is to be provided, for all licensed vehicles and equipment, evidencing two million dollars (**\$2,000,000.00**) per occurrence against claims for bodily injury and/or property damage.

Each policy shall include the Corporation of the Town of Whitby as an additional insured in respect of all operations performed by or on behalf of the Applicant. A certified copy of such policy or certificate **shall be provided prior to the commencement of work**. Further certified copies shall be provided upon request.

The Town of Whitby requests your co-operation in having this form completed as is with no amendments being allowed or accepted. The Applicant must carry valid insurance in accordance with the permit for the entire duration of the permit. An original copy with the original signature must be provided and this can be submitted via facsimile, however the original form is to follow promptly thereafter.

A copy of the Town of Whitby's Insurance Certificate can be accessed through the Town's website as noted below:

[Town of Whitby Certificate of Insurance Form](#)

## Appendix E – Overfill Penalty Requirements

Any overfilled material to be left on-site will only be permitted provided there are no drainage impact from the additional material.

Notwithstanding the above, while a reasonable tolerance in achieving the permitted quantities can be expected, overfilling beyond this tolerance is strongly discouraged as there are increased impacts on haul roads and disturbance to neighbouring property owners. As such, a \$/m<sup>3</sup> sliding scale penalty on the Road Damage Contribution / Inspection Fee will be assessed on overfilled material beyond a reasonable tolerance, with higher penalty rate for higher overfilled quantities.

Tables E2 and E3 below indicate the amount of Road Damage Contribution / Inspection Fee (Road/Inspection Fee) and penalty rates to be applied per volume of overfilled material.

**Table E2: Category 2 – Small Site Alteration  
(import and/or export of material < 500m<sup>3</sup>)**

Total On-Site Fill Volume	Penalty Amounts
<b>500 to 550m<sup>3</sup></b> <b>(up to 10 percent over quantity requiring Road/Inspection Fee)</b>	1 x Road/Inspection Fee (no additional penalty)
<b>550 to 600m<sup>3</sup></b> <b>(10 percent - 20 percent over quantity requiring Road/Inspection Fee)</b>	2 x Road/Inspection Fee
<b>&gt; 600m<sup>3</sup></b> <b>(above 20 percent over quantity requiring Road/Inspection Fee)</b>	4 x Road/Inspection Fee

Example 1: An Applicant applies for and receives a Category 2, Small Site Alteration Permit for permission to import 300m<sup>3</sup> of material. The final volume imported was confirmed to be 525m<sup>3</sup>.

Resolution: As the original Site Alteration Permit volume was not sufficient to trigger collection of the Road/Inspection Fee, this fee would not have been required with the issuance of the original permit. With the final fill volume being 525m<sup>3</sup> x \$2/m<sup>3</sup>, the total Road/Inspection Fee payable will be \$1,050.

$$\text{i.e. } 525\text{m}^3 \times \$2/\text{m}^3 = \$1,050$$

Example 2: Same permit as Example 1 above, but the final volume imported was confirmed to be 650m<sup>3</sup>.

Resolution: For the first 550m<sup>3</sup>:  $550\text{m}^3 \times \$2/\text{m}^3 = \$1,100$   
 550m<sup>3</sup> to 600m<sup>3</sup>:  $50\text{m}^3 \times 2 \times \$2/\text{m}^3 = \$200$   
 600m<sup>3</sup> to 650m<sup>3</sup>:  $50\text{m}^3 \times 4 \times \$2/\text{m}^3 = \$400$   
 Total Road/Inspection Fee payable will be \$1,700.

**Table E3: Category 3 – Large Site Alteration Permit  
 (import and/or export of material  $\geq 500\text{m}^3$ )  
 Overfill Quantity and Corresponding Penalty Amounts**

Approved Volume (m <sup>3</sup> )	1 x Road/Inspection Fee	2 x Road/Inspection Fee	4 x Road/Inspection Fee
500 to 50,000	up to 10 percent of approved volume	10 percent-20 percent of approved volume	>20 percent of approved volume
>50,000	up to 5,000m <sup>3</sup>	5,000m <sup>3</sup> to 10,000m <sup>3</sup>	> 10,000m <sup>3</sup>

Example 3: An Applicant applies for and receives a Category 3, Large Site Alteration Permit for permission to import 10,000m<sup>3</sup> of material. The final volume imported was confirmed to be 12,500m<sup>3</sup>.

Resolution: \$20,000 (10,000m<sup>3</sup> at \$2/m<sup>3</sup>) would have been required with the issuance of the original permit. With the final fill volume being 12,500m<sup>3</sup> this represents an overfill quantity of 2,500m<sup>3</sup>.

Up to 10 percent of overfill:  $1,000\text{m}^3 \times \$2/\text{m}^3 = \$2,000$

10 percent to 20 percent overfill:  $1,000\text{m}^3 \times 2 \times \$2/\text{m}^3 = \$4,000$

Over 20 percent overfill:  $500\text{m}^3 \times 4 \times \$2/\text{m}^3 = \$4,000$

Additional Road/Inspection Fee/Penalty payable for the 2,500m<sup>3</sup> of overfilled material will be \$10,000.

Example 4: An Applicant applies for and receives a Category 3, Large Site Alteration Permit for permission to import 60,000m<sup>3</sup> of material. The final volume imported was confirmed to be 75,000m<sup>3</sup>.

Resolution: \$120,000 (60,000m<sup>3</sup> at \$2/m<sup>3</sup>) would have been required with the issuance of the original permit. With the final fill volume being 75,000m<sup>3</sup> this represents an overfill quantity of 15,000m<sup>3</sup>.

For the first 5,000m<sup>3</sup> of overfill:  $5,000\text{m}^3 \times \$2/\text{m}^3 = \$10,000$

For the next 5,000m<sup>3</sup> of overfill:  $5,000\text{m}^3 \times 2 \times \$2/\text{m}^3 = \$20,000$

Above 10,000m<sup>3</sup> of overfill:  $5,000\text{m}^3 \times 4 \times \$2/\text{m}^3 = \$40,000$

Additional Road/Inspection Fee/Penalty payable for the 15,000m<sup>3</sup> of overfilled material will be \$70,000.