

Draft Site Alteration and Fill Bylaw and Draft Site Alteration and Fill Bylaw Manual

Submission of Democracy Caledon – October 31, 2025

Thank you for this opportunity for Democracy Caledon to provide comments on the draft Site Alteration and Fill Bylaw and its accompanying manual.

Democracy Caledon is concerned with the process of municipal government and holding Caledon Council accountable in their representation of the public interest and well-being of those they have been elected to represent. As well, Democracy Caledon focuses on empowering citizens to engage in local governance by amplifying the issues and voices of those seeking to promote transparency, accountability, and community participation in the betterment of local governance and the overall well-being of Caledon residents.

Democracy Caledon takes the position that the draft by-law is fundamentally flawed in numerous respects. For that reason, we are hesitant even to comment on it, although we are doing so as we think we have a responsibility to do so. It is impossible to make this draft by-law acceptable to the community without a comprehensive overhaul.

In addition, we are aware that staff have made amendments to the draft by-law in the past month. That means the Caledon community is being asked to comment on the now-outdated draft by-law circulated in mid-September.

Democracy Caledon calls on the Town to release the new draft of the by-law as amended by staff. Then, after time allowed for the public to review the updated draft by-law, there must be a second public open house (to build on the open house of Sept. 29, 2025) and the deadline for comments must be extended to Friday, Dec. 12, 2025.

Large Site Alteration (greater than 10,000m³): NOT IN CALEDON

While we have many concerns with the draft by-law as outlined below, a key overarching concern is Large Site Alteration. Regardless of any arguments that the Town of Caledon cannot or should not prohibit applications for Large Site Alterations, there are huge concerns about opening up Caledon's countryside for what will amount to large-scale commercial fill operations. These massive operations will require thousands and thousands of trucks on Caledon roads and the risks of contaminated excess soil is simply too high – with its great potential for major negative impacts on lands, wetlands, surface waters and groundwater, including well-water supplies for farms, homes and businesses in rural Caledon. The productivity and safety of our prime agricultural lands and the farm businesses that the land supports would be put at too much risk. Allowing large site alterations would also irrevocably alter Caledon's countryside with unknown impacts on a vibrant and emerging ecotourism sector and the quality of life for many rural residents.

There is no legislated requirement in Ontario for any municipality, such as Caledon, to accept construction fill from other municipalities. With this proposed by-law and its "sky is the limit" approach to how much construction fill a site could accept – i.e. any amount over 10,000 m³ could

be applied for – Caledon could find itself taking construction fill from all over the Greater Toronto Area and even beyond, as the GTA, the largest and most populous urban area in Canada. continues to urbanize.

In our opinion, **Caledon is not the place where commercial fill operations should be allowed to proliferate. This by-law, if passed as currently drafted, would litter Caledon with new brownfield sites in mined-out pits and quarries, a form of toxic site for which the Ministry of Environment, Conservation and Parks requires great care in remediation and monitoring. Instead of once being heralded as the Greenest Town in Ontario, Caledon risks becoming known at the Land of Soil Dumps.**

Proliferation of commercial fill operations – 10,000 m³ as proposed in the draft-by-law – would pose incalculable risks to Caledon – its waters, its lands and its residents – and for that reason, this site alteration by-law should not be passed.

The Draft Site Alteration and Fill Bylaw Manual

We support having a manual to provide context for the by-law. However, it is important that the two documents be aligned in their language and messaging and furthermore, that the manual does not “greenwash” the provisions of the by-law. There are several concerning areas in the manual that could misrepresent what the by-law is able to deliver.

Town-wide Considerations: Needs of the Town (Section 2.0)

The following excerpts from the manual set up expectations for the by-law to deliver. However, it’s not apparent how these will be delivered by the by-law itself.

“The By-law takes into consideration the unique conditions and **needs of the Town of Caledon.**”

“This includes setting requirements to **demonstrate a ‘need’ for any site alteration** and filling that is in line with provincial policy, Town policy and how the activity will be conducted to ensure environmental protection and mitigation of impacts to neighbors.”

“It is carefully balanced to not encroach on the rights of farmers however does restrict site alterations and filling that do not align **with a carefully considered ‘need’** rather than those driven simply by filling for profit (commercial filling).”

[Emphasis added]

These statements infer that the needs of the Town include thousands of additional truckloads on our roads and former aggregate pits and quarries in Caledon’s countryside being used for commercial fill operations rather than **the need of all Caledon residents for clean air, safe communities, clean soils and uncontaminated groundwater and surface waters.**

We question whose version of “need” is being represented by this statement.

Provincial Context for Requiring this By-law

The following statement is not only out of place in this document, but is also factually incorrect.

“The prohibition approach is contrary to provincial policy for reuse and recycling. The MECP Excess Soil Policy Framework (December 2016) states:

Managing excess soil in a responsible way is integral to building sustainable communities.”

The stated purpose of the manual does not include what we would term “persuading the public and selling the need” for a new site alteration by-law. We view this as a politically motivated statement that should be excluded. In addition, a “framework” is not provincial policy and to our knowledge, there is no provincial directive or Cabinet Order in Council preventing a municipality from taking a prohibition approach. This was verified by Town legal services in an email to us dated October 28, 2025 as follows:

“I don’t believe there’s a legislative requirement to my knowledge that Towns must take fill, but I am reasonably confident there is some case law out there around the topic.”

How does “case law out there around the topic” influence the Town of Caledon’s choice NOT to take a prohibition approach?

One Side of the Story is Not Being Told

Regarding the following three paragraphs:

“Given the history and natural environment of the Town it is likely large commercial fill operations would be attracted to the Town as there are a significant number of large former gravel pits or other sites that would require large amounts of fill for restoration. Each situation will be reviewed with its merits in accordance with the By-law.

“The By-law aligns with the Town’s environmental stewardship and economic development strategies and the requirements other agencies with jurisdiction including conservation authorities, Ministry of Natural Resources and Forestry (MNRF) and the Ministry of Environment, Conservation and Parks (MECP).

“Given the presence of farming in the Town, the By-law is aligned with the policies of the Ontario Ministry of Agriculture, Food and Agribusiness (OMAFRA). It is carefully balanced to not encroach on the rights of farmers however does restrict site alterations and filling that do not align with a carefully considered ‘need’ rather than those driven simply by filling for profit (commercial filling).”

While we can appreciate the intent of including these statements to provide context, they are lop-sided and omit the counter-argument related to the history of the Town’s strong environment-first approach to land use planning, resource extraction and most recently, the current protection-focused Fill By-Law. We could provide Town staff with a paragraph or two to provide this essential background. There must be a balanced counter-argument that describes the historical focus on an ecosystem approach to planning and resource management.

Mismatch in Language: Protect versus No Adverse Effect

Section 4 of the manual uses the word “protecting” our water resources per:

1. Drainage patterns, water courses and water bodies **are protected**.
2. Natural heritage features, landforms and archeological resources **are protected**.
[Emphasis added]

However, the by-law, in sections 3.16 and 3.17 uses the standard statement of “no adverse effect.” “Protecting” and “no adverse effect” have different meanings. If there is no legislated requirement to use “no adverse effect” in the by-law, then it is imperative that our site alteration by-law prohibit any fill or site alteration in Caledon’s water bodies and watercourses – all ponds, wetlands, lakes, streams and rivers.

Dubious Claim of Benefits of Site Alteration or Filling to Natural Features

Further along in section 4, p. 8, it states that “Site alteration and fill can enhance the Town and environment through... the enhancement of natural features such as ponds and wetlands”.

This is a bold statement which must be challenged. Please provide evidence that any natural features are improved or enhanced through site alteration or through the application of fill.

A Provincial Regulatory Context Is Needed

It would be helpful to include information on provincial policies and regulations that govern excess soil as well as explaining the scope of municipal responsibilities within this regulatory framework. For example, farmers may not know that a provincial permit is required despite provisions for a “blanket” exemption under this draft Site-Alteration and Fill Bylaw for normal farm practices by farm businesses.

Submission on the draft site alteration by-law continues on next page.

The Draft Site Alteration and Fill Bylaw

We understand that changes have been made to the draft by-law in the area of delegated authority. However, we can only work from the version on the Town website, as follows:

1.4 Delegated Authority: Too many decisions are left up to the Commissioner

There are 13 areas where authority has been delegated to the Commissioner. We have listed below the areas where we are most concerned. The proposed wording leaves the granting of exemptions, for instance, to the discretion of the Commissioner, which may lead to inconsistent application of exemptions and lack of clarity for the public on when, why and how such exemptions are provided.

1.4 The Commissioner is authorized and has the delegated authority to:

1. Approve, exempt/waive, issue, revoke, extend, renew, amend, or close a Permit and/or grant approvals of Site Alteration and impose Conditions for continuing to hold a Permit depending on the Site Alteration in addition to the requirements under this By-law;
 - a. We recommend: This is far too open-ended. This section needs a caveat to cross-reference to areas where criteria/exemptions must be included and/or the permit requires Council approval.
2. Determine when a Public Information Centre or a Meeting of Council is required or not required;
 - a. We recommend: Requires criteria for this determination.
3. Determine and deem an Application as abandoned, expired, or closed;
4. Approve and coordinate any remediation works;
5. Approve amendments to Site Alteration and Fill Management Plans;
 - a. We recommend: Criteria related to scale and scope of requested amendment are required.
6. Approve and amend Application forms and the By-law Manual;
 - a. We recommend: Must be circulated to Council before approval and amendment so that the public can understand what changes are being proposed.
7. Establish appropriate requirements;
 - a. We recommend: Requirements for what? This needs to be tied to a specific action.
8. Ensure compliance with this By-law, including requiring appropriate testing and documentation.

9. Appoint a peer review consultant or other engineering, scientific and technical experts to fulfill the role or duties of an Officer for purposes of this By-law;
10. Require or exempt certain works from provisions of this By-law, as permitted in this By-law;
 - a. We recommend: This must be bounded by rationale/criteria.
11. Authorize any Person to carry out any of the powers or duties of the Commissioner and/or Officer pursuant to this By-law; and
 - a. We recommend: Criteria are required.
12. Authorize and/or retain such agents, contractors, and other Persons to perform the work, as required.
13. Determine if an application of over 10,000 m³ requires the approval of Council.
 - a. We recommend: That the Town of Caledon prohibit applications of

Add: 14. Determine, based on established criteria or requirements, if an application for a medium scale operation requires the approval of Council. Criteria might include the presence of open water bodies/watercourses on or adjacent to the subject property. In addition, if there are adjacent livestock operations that could be affected by noise, dust, traffic disturbances, etc.

Discretionary Language Throughout the By-law

The entire draft by-law is peppered with “mays” rather than “shalls.” Examples include [emphasis added]:

5.4 For a Medium Site Alteration, the Town **may require** that the Applicant meet the following requirements including, but not limited to...

5.5 In the case of a Large Site Alteration, the Town **may require** that the Applicant meet the following requirements including, but not limited to...

5.17 In reviewing any application, the Commissioner **may seek comments and confirmation of approval requirements** from the Conservation Authority, the Regional Municipality of Peel...

One explanation for having discretionary language is apparently that there might be a situation where an application may fall outside the parameters laid out in the by-law. However, the benefits of certainty outweigh having to provide exceptions within the by-law itself.

2 Definitions

2.1.20. “Small site alteration”: Confusing

The definition in the draft by-law is confusing and may be hard for members of the public to interpret and understand. Also, the provision of a “one-time cumulative volume” appears to be contradictory. Reference to “cumulative” means over a period of time, but saying “one-time cumulative volume” appears to imply that a person can place fill or alter the grade of the property once and not over a period of time, which is what “cumulative” would imply.

Surface Water and Groundwater

3.16 No Person shall conduct, undertake, cause, permit or carry out a Site Alteration that may adversely affect the quality or quantity of any surface water or groundwater however it may exist including all water used for or available as a source of water for agriculture or human consumption.

We recommend: Replace “adversely affect” with “will come into contact with any surface water or groundwater.”

Drainage / Watercourse

3.17 No Person shall conduct, undertake, cause, permit or carry out a Site Alteration that could adversely affect any Watercourse or Drainage on any Property without prior written approval from the Commissioner unless authorized by the public authority or public agency with relevant jurisdiction

We recommend: Replace “adversely affect” with “will come into contact with any watercourse or affect any drainage feature on any property.”

Ontario Regulations

3.20 There appear to be contradictory provisions in this section. The provisions in this part of the By-law state that no person shall allow fill to be placed unless it complies with O. Reg 406/19 (under the *Environmental Protection Act*) as well as not being defined as a waste or containing a contaminant. O. Reg 406/19 does allow for, in certain instances, the placement of or temporary storage of such materials and has regulations on where, how, when it can occur.

4.7 – Small Site Alteration: On-line Registry

The requirement that a person must record fill over 10m³ to an “online registry” at the Town of Caledon sounds like a requirement that cannot be enforced. It begs the question of how members of the public will learn about this requirement, how this information will be managed, and what purpose it will serve.

We recommend: That a simplified permitting process be required for a small site alteration. There are examples of these small-scale permitting processes already in operation in the Town, i.e., a fire permit, tree-cutting permit etc.

4.7 Small Site Alteration: One-Year Restriction

If the intent of this is to restrict cumulative dumping over time, restricting the alteration of grades ONLY over the previous 12-month period is truly not enforceable and would enable a landowner to possibly alter the property grades cumulatively over an extended period of time, e.g. five – ten years.

Recommendations from a Third Party “Expert”

Another issue of concern is the reliance on the Provincial Excess Soil Regulations, including the same definitions, throughout the By-law. This approach means that if the Provincial regulations and definitions are amended, then the By-law needs to be amended also – not an appropriate way to draft a By-law. How would the public be aware of amendments made at the Provincial level – not something that the public may regularly monitor.

It also appears to us that the fundamental concept of the Excess Soil Regulations is not understood in the draft By-law. The Provincial Regulations take the approach that unless there is a beneficial reuse for excess soil generated from a site then it is considered a 'waste.' This By-law's enabling of the temporary storage of fill at a property does not properly address this fact.

Large Site Alteration (greater than 10,000m³): NOT IN CALEDON

5.5 Regardless of any arguments that the Town of Caledon cannot or should not prohibit applications for Large Site Alterations, there are huge concerns about opening up Caledon's countryside for what will amount to large-scale commercial fill operations. These massive operations will require thousands and thousands of trucks on Caledon roads and the risks of contaminated excess soil is simply too high – with its high potential for major negative impacts on lands, wetlands, surface waters and groundwater, including well-water supplies for farms, homes and businesses in rural Caledon. Allowing large site alterations would also irrevocably alter Caledon's countryside with unknown impacts on a vibrant and emerging ecotourism sector and the quality of life for many rural residents.

In our opinion, **Caledon is not the place where commercial fill operations should be allowed to proliferate. Instead of once being heralded as the Greenest Town in Ontario, Caledon risks becoming known as the Land of Soil Dumps.**

Concluding Comments

In the opinion of Democracy Caledon, **the Town of Caledon should retain the existing Fill By-law and explore some possible enhancements to it rather than proceed with the fundamentally flawed draft site alteration by-law. Such enhancements to the Fill By-law would NOT include permission for any fill permits for more than 10,000 m³.**