



Mayor and Council
City of Kawartha Lakes City Hall
26 Francis Street,
Lindsay, Ontario K9V 5R8

Re: A by-law to repeal and replace By-law 2012-200, Being a By-law Regulating the Removal of Topsoil, Placement of Fill and the Alteration of Grades.

Dear Mayor and Council,

While The Couchiching Conservancy is pleased the City of Kawartha Lakes is addressing the shortfalls in its 2012 bylaws concerning the dumping of soil, we are deeply concerned that the replacement bylaw contains exemptions that will render it ineffective in controlling the introduction of contaminated soil into the municipality.

Having protected thousands of acres of environmentally sensitive land on the Carden Plain, we are concerned with exemptions in Schedule A of the By-law which could dilute its effectiveness.

Specifically, we are alarmed by the exemptions contained in Schedule 1; **3.0 Agricultural Exemptions**. While we recognize there are legitimate uses for soil importation for normal agricultural practices, we believe there should be municipal oversight, particularly of large-scale operations. Schedule A, 3.1 seems to waive the requirement for any approval process for fill operations on agricultural land; a flaw which appears to undermine the intent of the by-law.

This position is supported by the Ontario Soil Regulation Task Force (<http://osrtf.ca>), a coalition of organizations championing better fill regulations in the province. It is unclear whether City of Kawartha Lakes staff have consulted the task force on this by-law.

Our understanding is that such a blanket exemption for agricultural operations is not considered a best practice either by the Normal Farm Practices Protection Board or by the Ontario Ministry of Agriculture Food and Rural Affairs.

Without managing agricultural fill operations through a permitting system, the municipality is left vulnerable in the event contaminated soil causes environmental damage or other problems. It will have no soil records, no securities for damage to roads, and could be seriously handicapped in terms of pursuing remediation.

In the current climate, in which several municipalities have run into problems stemming from unlawful soil dumping, we believe permits for topsoil and other fill should be required for agricultural operations on farmland.

We urge council to remove or significantly modify Schedule 1, Section 3.0 before passing this very important by-law.

Sincerely,

Mark Bisset,
Executive Director

Protecting nature for future generations

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