

# **Excess Soil Engagement Group**

## Discussion on Proposed Excess Soil Regulatory Amendments

Date and Time: November 22, 2022  
2:00PM to 4:00PM

# Today's Agenda

- Welcome
- Update on key regulatory matters
- Reminder of January 1, 2023 - Requirements Coming into Effect
- Overview of Proposed Regulatory Amendments
- Upcoming Education and Outreach
- Discussion

# Update

- In April 2022, the ministry implemented a **temporary pause** of certain requirements in the Excess Soil Regulation that came into effect on January 1, 2022, to provide time for municipalities, developers, and other stakeholders to gain a greater understanding of the Excess Soil Regulation
- These paused provisions come back into effect on **January 1, 2023**.
- From Nov. 3<sup>rd</sup> to Dec. 3<sup>rd</sup> 2022, the ministry is consulting on [proposed amendments to certain requirements](#) under the Excess Soil Regulation, to make it more practical and focused on high-risk movements of soil.
- If approved, these proposed amendments are anticipated to come into effect on January 1, 2023.

# Reminder of Requirements Coming Back Into Effect

## I. Excess Soil Reuse Planning Requirements

- The excess soil reuse planning requirements apply to the following types of projects which are, generally, larger in scale or more likely to generate excess soil with some contaminants:
  1. Projects generating **2000m<sup>3</sup> or more of excess soil and that are in a settlement area** (such as cities and towns); this volume-based trigger does not apply to projects in rural areas
  2. Projects for which part of the project area has a past or present use that is a gas station, garage, used for the operation of dry-cleaning equipment, or industrial use (uses associated with an “**enhanced investigation project area**” as defined in O. Reg. 406/19)
  3. Projects for which the **primary purpose is to remediate contaminated lands**
- The excess soil reuse planning requirements include:
  - Filing a notice in the excess soil registry
  - Completing an assessment of past uses
  - If necessary, completing a sampling and analysis plan and soil characterization report
  - Completing a soil destination assessment report
  - Implementing a tracking system

# Reminder of Requirements Coming Back Into Effect

## II. Hauling Record

- On January 1, 2023 the requirement to provide verbal hauling information will be replaced with the need for the hauling record

## III. Larger Reuse Sites

- Reuse sites accepting at least 10,000m<sup>3</sup> of excess soil for an undertaking will be required to:
  - file a notice on the Registry
  - establish procedures to account for every load of excess soil being deposited at the reuse site and ensure that the storage of excess soil does not cause any adverse effects

## IV. Residential Development Soil Depots

- A notice will be required to be filed on the Registry as a condition of establishing a residential development soil depot

# Proposed Amendments

To make the regulation more practical and focused on higher-risk movements of soil, the ministry is proposing the following amendments.

## 1. Exempt low-risk project areas from reuse planning requirements:

- In relation to projects triggered because they would be moving 2000 cubic metres of excess soil from a project area in a settlement area, exempt project leaders from completing reuse planning requirements if the soil is being removed from a project area where the current or most recent property use of all of the project area was **agricultural or other, residential, parkland, or institutional use** (as defined in O. Reg. 153/04)
  - if a trigger applies to part of a project area then the project in general is triggered to undertake the reuse planning requirements
  - projects, such as a larger residential development on former commercial, industrial or community use properties would not be exempt
  - projects for which part of the area is an enhanced investigation project area would continue to be subject to the reuse planning requirements
  - projects remediating soil would continue to be subject to the reuse planning requirements, including remediations necessary to file an RSC
  - section 14 of the regulation would be revoked because it would no longer be necessary
  - other exemptions in schedule 2 would continue to apply

# Proposed Amendments

## 2. Storage:

- In the Rules document, paragraph C. 1. (1) 2., increase the soil storage pile size limit **from 2,500 cubic metres to 10,000 cubic metres** when stored at applicable sites.
- Other storage rules would continue to apply, including requirements to prevent any adverse effect from storage.

# Upcoming Education and Outreach

Activity	Timing
<b>Engagement Sessions</b>	
Externally-led Engagement sessions	<ul style="list-style-type: none"> <li>• Ongoing</li> <li>• Symposium on December 6</li> </ul>
Ministry-led Webinars <ul style="list-style-type: none"> <li>• Project area webinar</li> <li>• Reuse site webinar</li> <li>• Additional sessions/topics</li> </ul>	<ul style="list-style-type: none"> <li>• November 30</li> <li>• December 7</li> <li>• Winter/Spring 2023</li> </ul>
<b>Guidance</b>	
Phase 1 Factsheets (updated) <ul style="list-style-type: none"> <li>• Project areas, reuse sites, transportation</li> </ul> Shorter guidance pieces, including: <ul style="list-style-type: none"> <li>• Excess soil reuse planning requirements flow chart (updated)</li> <li>• Small residential projects resource sheet (updated)</li> <li>• Defining project areas (new)</li> </ul>	<ul style="list-style-type: none"> <li>• December 2022</li> </ul>
Additional fact sheets and other guidance	<ul style="list-style-type: none"> <li>• Winter 2023</li> </ul>



# Discussion

## Proposed Amendments:

1. Do you agree with exempting projects on agricultural, parkland, residential and institutional properties from the mandatory reuse planning requirements (yes/no/maybe)? Why, and what implications do you anticipate?
2. Based on your experience, how much of a reduction in registrations do you anticipate this will have?
3. Do you agree that the stock pile size should be increased to 10,000 cubic metres (yes/no/maybe)? Why, and what implications do you anticipate?

## Requirements coming into effect January 1, 2023:

- Open discussion

# Closing Remarks

- Please provide comments on the ERO proposal before **December 3, 2022** (ERO #019-6240):  
<https://ero.ontario.ca/notice/019-6240>
- Thank you for your time and contributions today