



November 28, 2023

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Submission to ERO 019-7636 - Proposed regulatory amendments to encourage greater reuse of excess soil.

Submitted via Portal of the Environmental Registry of Ontario

The **Ontario Society of Professional Engineers (OSPE)** is the advocacy body and voice of the engineering profession. Ontario currently has over 85,000 professional engineers, 250,000 engineering graduates, 6,600 engineering post-graduate students, and 37,000 engineering undergraduate students. The engineering profession's is committed to safeguarding the public interest. Our organization values the ongoing efforts to refine regulations for soil management forming the following detailed observations and recommendations:

1. Exempt specified excess soil management operations from a waste environmental compliance approval (ECA) subject to rules:

We express support for the proposed exemptions for low-risk activities and advocate for an Environmental Activity and Sector Registry (EASR)-like approach to regulating landscape depots, residential soil depots, and topsoil depots. Additionally, we recommend the consideration of a depot or EASR process for contractors to temporarily store excess soil at their yards, allowing for the accumulation of reasonable stockpiles and improved opportunities for reuse. Landscape depots, in their current configuration, often stockpile various materials, and we suggest the preparation of a plain language summary of requirements based on quantities to provide clarity.

Regarding landscape depots, we recommend the creation of plain language summaries distinguishing requirements for quantities less than 25 m³ and those exceeding 25 m³. This distinction is crucial for a better understanding of additional requirements and exemptions for different volumes. Furthermore, we propose clarification on whether landscape depots can



manage stockpiles of purchased aggregate and soil meeting Table 2.1 Residential/Parkland/Institutional (RPI) in addition to topsoil¹.

We also advocate for an extended operational timeframe for depots, allowing small operators, particularly those selling landscaping products and services, to operate for longer than one year. An Environmental Activity and Sector Registry (EASR) type approach, where depots could register and operate indefinitely, is suggested.

2. Enhanced reuse opportunities for salt-impacted soil:

We support efforts to promote the beneficial reuse of salt-impacted soil, emphasizing the need for guidance on sampling expectations. Specifically, we recommend consideration for exemptions in circumstances where the hydrogeological setting has been characterized by a qualified professional. This could apply to settings such as aggregate pits/quarries where a hydrogeological investigation has been completed, and factors like groundwater flow direction and the presence of an aquitard have been considered.

3. Enable greater soil management at Class 2 soil management sites:

We find the proposed changes reasonable and foresee positive impacts on opportunities for reuse.

4. Hauling record exemptions and clarifications:

The proposed changes are deemed reasonable and are anticipated to enhance opportunities for reuse.

5. Exempt landscaping projects at enhanced investigation project areas:

While we support the proposed changes, we suggest giving consideration to parameterizing ponds, as these excavations may be deeper and larger than other proposed exemptions.

6. Clarify the responsibility of a qualified person (QP) when dewatering or solidifying liquid soil:

We appreciate the proposed amendment clarifying QP responsibilities and express our willingness to collaborate on disseminating information about problematic products.

¹ Table 2.1 residential/parkland/institutional (RPI) standards are defined in the Soil Rules. The reference standards can be found in the Soil Rules document: [Rules for Soil Management and Excess Soil Quality Standards \(ontario.ca\)](https://www.ontario.ca/rule/soil-management-and-excess-soil-quality-standards)

7. Clarifying sampling and analysis requirements:

We fully support the proposed amendments, emphasizing our willingness to collaborate on advancing best practices and improving the understanding of background conditions. We acknowledge the importance of regional norms and advocate for a collaborative effort to share this information.

8. Greater flexibility for storage of soil adjacent to waterbodies:

We find the proposed changes reasonable, provided coordination with local conservation authorities, considering the requirement for a sediment and erosion control plan.

9. Other clarifications and corrections:

We support for the proposed changes, and we acknowledge the reasonableness of allowing a project leader to delegate operational requirements. Regarding crushed rock, we suggest ongoing efforts to improve our understanding of regional background conditions and express our willingness to collaborate with relevant partners to promote opportunities to develop and share this information.

In conclusion, OSPE appreciates the ongoing efforts to enhance the Excess Soil Regulation and is committed to continued collaboration to ensure its effectiveness. We look forward to contributing further to the refinement of these regulations.

We greatly appreciate your consideration and welcome the opportunity to discuss this project further. If you have any additional questions, please contact Paola Cetares, OSPE Public Affairs Manager, at pcetares@ospe.on.ca or 416-223-9961 ext. 225.

We look forward to working with you to further develop these recommendations.

Sincerely,



Stephanie Holko, P.Eng.
Chair and President
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