

April 8, 2022

Laura Blease

Ministry of the Environment, Conservation and Parks (MECP) -
Environmental Policy Branch
40 St Clair Avenue West
Toronto, ON M4V1M2

Re: ERO Posting 019-5203 Implementation Pause of Excess Soil

Requirements in Effect January 1, 2022

Dear Ms. Blease,

Thank you for the opportunity to provide comments on ERO posting 019-5203 Implementation Pause of Excess Soil Requirements in Effect January 1, 2022.

Hydro One Networks Inc. (Hydro One) is one of the largest civil construction companies in the province of Ontario. Hydro One undertakes hundreds of construction projects and manages in excess of 75,000 m³ of soil per year. The introduction of Ontario Regulation 406/19 On-Site and Excess Soil Management ('the Regulation') is supported by Hydro One since it will encourage effective management of soil as a resource, as well as support climate change initiatives by reducing transportation of excess soil and imported fill.

Under Ontario Regulation 153/04, electrical transmission and distribution properties are enhanced investigation areas (EIA). For EIA projects where soil is destined for a Landfill or a Class 1 Site, the Regulation provides Qualified Person (QP) discretion for the Sampling and Analysis Plan; however, planning documentation is still required if more than 100m³ of excess soil needs to be disposed from the Project Area. Hydro One understands that planning documentation is an important due diligence process for ensuring excess soil is characterized for beneficial reuse at a Reuse Site. However, it is Hydro One's opinion that preparing planning

documentation for EIA projects generating more than 100m³ of soil destined to Landfill or a Class 1 Site, which are operated in accordance with site-specific Environmental Compliance Approvals (ECAs), is a cost, schedule and resource burden.

In the Regulation, there are provisions that allow for the use of past studies conducted before January 1, 2022 in lieu of some of the planning documentation. The Regulation does not provide clarity on the use of past reports other than Reg. 153 Environmental Site Assessments (ESA). However, there is valuable historical land use information, waste classification and soil quality information within past environmental reports (e.g., due diligence studies, CSA environmental site assessments, etc.). The utilization of past reports beyond Reg. 153 requirements should be considered in the Regulation if overseen and approved by QPs.

The inclusion of the infrastructure exception greatly benefits Hydro One and many other proponents, particularly organizations providing essential services to the people of Ontario and rate payers. The opportunity to expand the provisions afforded to infrastructure projects may greatly increase soil reuse options. To elaborate, many Hydro One infrastructure projects are complex with multiple landowners and contractors. Our complex land-rights matrix does not allow for application of many of the streamlined opportunities we believe were intended under the infrastructure exemption. Alternative approaches to defining the limits of infrastructure projects, which may include multiple owners or contractors, should be considered.

We appreciate the opportunity to provide feedback on this Regulatory process. Please do not hesitate to contact me if you have any questions or would like to discuss our recommendations in greater detail.

Sincerely,

Elise Croll
Director, Environmental Services
Hydro One Networks Inc.



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