

# UNITED SOILS MANAGEMENT LTD

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1 Whitmore Rd. Units 16 & 17  
Woodbridge, Ontario  
L4L 8G4  
Office: (905) 850-3044  
Fax: (905) 850-3046

December 1, 2022

Reema Kureishy  
Environmental Policy Branch  
Ministry of the Environment, Conservation and Parks  
40 St. Clair Avenue West, 10<sup>th</sup> Floor  
Toronto, ON M4V 1M2

Dear Reema Kureishy:

**Subject: Comments on the Proposed Amendments to Certain Requirements under the Excess Soil Regulation, Environmental Registry of Ontario Notice 019-6240**

United Soils recognizes the need for the excess soil regulation to support urban development and projected provincial growth. We are concerned that the proposed changes to the regulation will not adequately control the placement of potentially contaminated soil at unregulated fill sites. It is important that the regulation establish an expectation for soil characterization, even at low-risk source sites, to avoid adverse environmental impacts.

The proposed revision to the regulation for excess soil management will remove the need for the preparation of planning documents, registration and truck tracking, if the project area is agricultural or other (AO) use, parkland use, residential use or institutional use (RPI use). The proposal states that the project leader will be required to determine that the source site is not an enhanced investigation area nor is it impacted by historical contamination, but there is no indication how this is to be done. There is no requirement, under this proposal, that the project leader ensure that a minimum investigation be conducted to characterize the quality of excess soil.

As a beneficial reuse site, operating under a municipal instrument, it is a requirement of the United Soils permit that we accept soil only from sites with soil quality that meets our permitted standards. For the most part, receiving sites operating under municipal or other regulatory permits can accept soil only if it has supporting soil characterization documentation. The proposed change will not reduce the requirement of existing, established beneficial reuse sites. By removing the excess soil reporting and registration requirements for low-risk source sites, you will increase the likelihood that excess soil will be managed at unregulated, illegal fill sites. In addition, there are instances of contaminants being identified on properties that were otherwise considered low risk, and removing the regulatory requirements for these sites will

increase the potential for contaminated soil to be placed at a small-scale, unsuspecting receiving site. Furthermore, the removal of low-risk sites from the regulatory requirements undermines the efforts that municipalities go through to establish criteria for regulated receiving sites and the efforts of these reuse sites to set best practices for the management of excess soil.

Financially, the cost of conducting sampling at a source site would be a small component of the overall land acquisition and property development costs. The nominal impact on the project implementation is a small cost that provides great benefit in ensuring that the management of excess soil will not result in adverse environmental impact through the placement of contaminated soils at fill sites.

To reiterate, beneficial reuse sites operating under municipal permits will continue to require soil characterization. The change in the regulation will not remove this constraint and will only serve to suggest low-risk source sites are absolved from any sampling requirements. The lack of sampling requirements in the regulation will undermine the environmental protections that have been put in place through municipal regulation of beneficial reuse sites and will increase the risk that contaminated soils are placed at unregulated fill sites. The time and cost saved in reducing the requirements for low-risk properties comes with a risk to environmental degradation of the communities being constructed on imported fill.

Revision to the regulation should consider wording that acknowledges that general characterization of soil quality is a good practice and that reputable beneficial reuse sites will require soil characterization in accordance with their site-specific permits, protocols and general best management practices for soil management.

We look forward to regulation wording that takes these concerns into account.

Sincerely,

**UNITED SOILS MANAGEMENT LTD.**



Carolyn Adams, P.Eng.  
Environmental Director

cc. Alec Cloke, Owner