

VIA ONLINE SUBMISSION AT ENVIRONMENTAL REGISTRY OF ONTARIO

Ministry of Environment, Conservation and Parks
c/o Reema Kureishy, Policy Analyst
Land Use Policy, Environmental Policy Branch
40 St Clair Avenue West, 10th Floor
Toronto, ON M4V 1M2

December 2, 2022

Re: ERO # 019-6240, Amendments to Certain Requirements under the Excess Soil Regulation

Dear Ms. Kureishy,

On behalf of the City of Mississauga (“the City”), this comment letter is being submitted through the Environmental Registry of Ontario in regards to proposal number 019-6240 that seeks to amend certain requirements under the Excess Soil Regulation.

In general, the City does not have strong objections to either of the proposed amendments, however the City does have some concerns with the proposed low risk site exemption and provides the below comments for consideration:

- Under the proposed low risk exemption amendment, it is noted that this exemption would not apply to project areas where an RSC has been filed to support the change in use from an enhanced investigation property use (as defined in O. Reg. 153/04) to an Agricultural or RPI use. This is a concern to the City, as the City has a number of parkland properties where remediation has been undertaken and an RSC has been filed to support the redevelopment to that parkland use. With the proposed amendments, any future improvements to the park (that generates more than 100m³ of excess soil) would be subject to the full excess soil planning requirements of the Excess Soil Regulation.
- Further, it is our understanding that the proposed amendments are intended to replace the exemption outlined in section 14 of the Excess Soil Regulation, and as a result section 14 is to be revoked. It is noted that the exemption in section 14 is not restricted to just project areas where the current or past uses have only been Agricultural or RPI uses. As per section 14, Agricultural or RPI use RSC properties (as defined in O. Reg. 153) would also be exempt from some of the excess soil planning documents, as long as the project leader can demonstrate (most likely through due diligence sampling) that the project area has not been affected by the discharge of a contaminant. The removal of section 14 without, at minimum, an equivalent replacement exemption is a concern to the City, as the proposed amendments effectively removes a pre-existing exemption from the Excess Soil Regulation.

Given the concerns outlined above, the City respectfully requests the following are included as part of the amendments to the Excess Soil Regulation:

- Update or provide further clarification to the Excess Soil Regulation definition of an enhanced investigation project area specifically regarding the inclusion of an RSC property exemption. This exemption would be for RSC properties where, as of the date of filing, the property has only been used for an Agricultural or RPI use. This updated definition to the Excess Soil Regulation would bring the Regulation more in line with the O. Reg. 153/04 enhanced investigation property definition, or;
- Retain the section 14 exemption, as it captures alternative project areas to what have been captured under the proposed low-risk exemptions amendment.

If it is not possible to include the above regulatory changes as part of the proposed amendments, it is respectfully requested that a transition period is included for legacy projects that have currently applied the section 14 exemption, and as a result of the proposed amendments would now be subject to the full excess soil planning requirements.

On behalf of the City of Mississauga, we appreciate your consideration of our comments regarding the proposed amendments to certain requirements under the Excess Soil Regulation and we look forward to continuing to work in collaboration with MECP policy staff.

Respectfully yours,



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City of Mississauga | Transportation & Works Department,
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Environmental Services Section

cc: Katrina MacDonald, Project Manager, Environmental