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To Whom It May Concern:

**Re: ERO 019-6240 --Amendments to Certain Requirements Under the Excess Soil Regulation
Removing reuse planning requirements from low-risk projects**

The following comments refer to the above posting and, in particular, to the segment revoking Section 14 of Regulation 406/19. Section 14 relates to exceptions that documents are not required for soil removed from an agricultural site, parkland use, residential use or institutional uses. ERO 019-6240 refers to these lands as 'low risk', yet Regulation 406/19 does not provide a definition for what constitutes 'low risk' and how this ranking is determined.

Every excess soil type needs to undergo a risk analysis no matter what the origin. The likelihood of a contaminant being present and the magnitude of its social and environmental impacts are context specific which includes the context of the destination site and the proposed end use for that soil, within that landscape. Furthermore, revoking Section 14 removes a statement tacked onto 14 (1) 2 which states that excess soil will not be transported to an agriculture reuse site. Removing Section 14 leaves the door open for excess soil to be deposited on agricultural lands, even temporarily, which could ultimately effect human health, i.e.

“the soil to be removed from the project area will not be transported for final placement at a reuse site that is an agricultural or other use within the meaning of that regulation.”

The environment is a living system, not a mechanical device that has tested predictable results. A risk evaluation of the likelihood and magnitude of social and environmental impacts are layers of analysis that cannot be overlooked. Section 14 needs to reflect the real potential for cross contamination that could occur with any excess soil type and not be revoked for any reason, least of all, one based on assumption.

Respectfully submitted by,

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