



# Health, Safety and Environment

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November 29, 2022

Mrs. Kureishy  
Environmental Policy Branch  
40 St Clair Avenue West, 10<sup>th</sup> Floor  
Toronto, ON  
M4V 1M2  
Canada

*Submitted via email*

## **RE: November 3<sup>rd</sup> 2022 - Amendment to Certain Requirements Under the Excess Soil Regulation**

Dear Mrs. Kureishy:

The Miller Group is one of the nation's leading vertically integrated building materials, manufacturing, and construction companies. We are a proven provider of innovative cement aggregate, concrete, asphalt, and construction solutions for urban and rural infrastructure projects Canada. Operating as a subsidiary of the Colas Group.

Miller, as a large company that builds and supports urban and rural infrastructure, our construction division has worked hard to meet the growing challenges associated with the final deposition of Excess Soil. We acknowledge and support Ontario Regulation 406/19 (O .Reg. 406/19) On-site and Excess Soil Management and recognize Excess Soil as a valuable resource that should not end up in a land fill.

Our aggregate operation does perform active rehabilitation of our Pits and Quarries and require the need to reduce the burden from low-risk projects. The Licenses of our Pits and Quarries under the Aggregate Resources Act (ARA) in Ontario, we have an obligation to undertake both progressive and final rehabilitation in compliance with our Site Plans, and within the terms and conditions of our licenses. As a result, we support the newly proposed amendments and the removal of the reuse planning requirements for low-risk projects. This would expand the volume of low-risk soil that can be placed for beneficial reuse and re-enforcing our goal to always leave a property in better condition than we found it.

***Amendment 1:*** *For low-risk projects or small fill generating sites they are looking to remove some of the soil planning components including:*

- ***Low-Risk Sites:*** *To exempt low-risk projects from excess soil reuse planning requirements if excess soil is being removed from a project area at which the current or last property use was agricultural, residential, parkland or institutional. The*





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*requirements from which low-risk projects would be exempt include:*

- *filing a notice in the Excess Soil Registry*
- *retaining a qualified person to prepare an assessment of past uses, and if needed, a sampling and analysis plan and a soil characterization report, along with an excess soil destination assessment report*
- *implementation of a tracking system.*

*This exemption would not apply if the excess soil is excavated from a project area that was used as an enhanced investigation project area or a project area known by the project leader to be impacted by historical contamination.*

Miller operates in several densely populated areas where space or working surface area can be limited and an increase would be greatly beneficial. Our team works hard to prevent adverse effects to the environment by maintaining an erosion control, covering, and drainage.

The current limit of 2,500 cubic metres can be very restrictive, and an increase to 10,000 cubic metres would create greater opportunity for Miller to continue to be proactive in our management of Excess Soil. An increase to soil storage stockpiles would create greater opportunity to allocate soil for beneficial reuse, rather than ended up in a land fill.

***Amendment 2: Increase to Temporary Soil Storage Piles:***

- ***Storage:*** *Amend the Soil Rules document incorporated by reference in the regulation to allow soil storage piles to be a maximum of 10,000 cubic metres. Other soil storage rules would continue to apply, including the requirement to prevent any adverse effects.*

Miller would also see great value in the removal of Section C (1) 4 and the one-week timeline requirement. This would provide greater flexibility in planning and staging of soil and could mean the difference between using the soil on another project or not having ability to do so, based on the excess soil destination assessment report.

Please do not hesitate to contact me at (647) 464-2699 with any questions or concerns.

Sincerely,

Anthony Remonde  
Manager of Environment  
The Miller Group

