

Brookfield Properties

December 1, 2023

Ministry of the Environment, Conservation and Parks
Environmental Policy Branch
40 St Clair Avenue West
10th Floor
Toronto, ON
M4V 1M2

Re: ERO #019-7636 – Proposed Regulatory Amendments to Encourage Greater Use of Excess Soil

We appreciate the opportunity to review the proposed regulatory amendments to encourage greater use of excess soil posted by the Ministry of the Environment, Conservation and Parks (the Ministry) date October 17, 2023.

The Ministry is proposing amendments to *Ontario Regulation 406/19* (the excess soil regulation) and the Rules for Soil Management and Excess Soil Quality Standards to encourage greater reuse of low-risk excess soils as part of a circular economy and to prevent usable soil from being disposed of in landfill. The ministry is actively soliciting comments on the proposed amendments from stakeholders, and indigenous communities and organizations to ensure the regulation continues to be implemented effectively.

Proposed changes include enhanced reuse opportunities for salt-impacted soil (Section D, Part I in the Soil Rules). The proposed amendment permits the reuse of salt-impacted soil for undertakings on properties that have community, institutional, parkland or residential use “*based on a landscape or site plan prepared and certified by an expert (e.g., a licensed landscape architect) identifying areas and depths at which salt-impacted soil can be used without affecting existing or future anticipated vegetation, and the acceptable concentration of salt-related contaminants in these areas*”.

While we applaud the effort to find a practical reuse for salt-impacted soil, requiring a landscape or site plan to be prepared and certified by an expert such as a landscape architect may cause significant delays in the approval process during the early stages of site earthworks. As a result of the above requirement, an opportunity to find a source site and/or re-reuse site for material may pass by which appears to contradict the intent of the proposed amendment. Furthermore, in our opinion, an environmental consultant’s Qualified Person (QP) is likely more qualified to not only address the environmental quality with respect to future vegetation, etc., but also the geotechnical quality of a material for reuse across a site based on future structures, etc.

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Based on the above, we would like to see more flexibility introduced that would allow the approval of salt-impacted material based on recommendations from an environmental/geotechnical consultant. The recommendations could be either letter form or in a marked-up drawing/sketch, depending on the stage of the project.

Brookfield will continue to work collaboratively with our consultants, contractors and all regulating bodies to ensure our projects satisfy at a minimum, all applicable rules and regulations. The Ministry's continued engagement with all stakeholders with respect to greater use of excess soil is greatly appreciated.

Yours truly,



Alan Reshke

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