



Dec 1, 2023

**Submission to ERO: 019-7636
Proposed regulatory amendments to encourage greater reuse of excess soil**

Gravel Watch Ontario (GWO) is a province-wide coalition of citizen groups and individuals that acts in the interests of residents and communities to protect the health, safety, quality of life of Ontarians and the natural environment in matters that relate to aggregate resources. Formed in 2003 we have over 20 years of experience assisting both communities and government agencies in matters related to aggregate.

GWO appreciates the opportunity to comment on ERO 019-7636 Ontario Regulation 406/19 (the excess soil regulation) and the Rules for Soil Management and Excess Soil Quality Standards.

The proposal outlines changes related to topsoil and landscaping material and aggregate “reuse depots” as well as “liquid soil depots”. Our primary concern related to these materials is that these proposed depots not be located in former or currently ARA licensed sites. The extraction of aggregate materials under the ARA typically leaves a site which has been excavated to within 1.5m of the water table. There does not seem to be any mention of whether these depots would be allowed on former or currently licensed ARA sites. Similar to our previous objections about aggregate recycling in such areas, we have serious concerns about performing the activities outlined in this proposal on such a site including:

- Industrial operations such as the activities related to the proposed depots including storage should be done within an industrial site which is properly designed with an impermeable barrier to prevent leaching of any contaminants into the water table.
- If processing of these materials is to be included in the operation of the depots, then appropriate controls for emissions including dust and fine particulate matter must be applied
- Specifically for the liquid soil depots, proper treatment and disposal of the water from dewatering operations must be applied. Due to the high risk of contamination by water produced by dewatering liquid soils even if it is a low probability event, it is absolutely unacceptable for any size liquid soil depot to be located within former or currently licensed ARA sites and we recommend the Ministry amend the proposal to not allow these locations.

Once contaminated, ground water is virtually impossible to “clean up”. Due to the potential impact, it is not an unreasonable precaution to have a legally binding layered defence against contamination. Even if the excess soil testing and transportation regulations ensured zero leakage of contaminated soil loads with truly inert soil loads, it would still be prudent to enforce barriers at processing or storage sites. Whether these loads are nefariously or accidentally mixed, the reality is that a layered defence of ground water is imperative. We must remember multiple layers of defence was an outcome of the Walkerton inquiry.

In addition, we have concerns about such sites being zoned properly by municipalities. The proposed depots are small to medium sized industrial sites and therefore should require industrial zoning. It is

unacceptable to exclude the land use planning process for such sites to ensure they are compatible with surrounding land uses and environmental protections.

We thank the Ministry for the opportunity to comment and hope you will take our concerns seriously and act upon them.