



Dufferin Construction Company
585 Michigan Drive, Unit 1
Oakville, ON L6L 0G1
Canada

T. 905-842-2741
F. 905-842-7974

www.dufferinconstruction.com

Ministry of Environment, Conservation and Parks
Land Use Policy, Environmental Policy Branch
40 St. Clair Ave. West
10th floor
Toronto, ON
M4V 1M2

1 December 2023

To whom it may concern,

RE: Proposed Regulatory Amendments to Encourage Greater Reuse of Excess Soil
ERO Notice Number" 019-7636

Dufferin Construction Company ('Dufferin') is submitting this formal letter in response to the Ministry of Environment Conservation and Parks ('MECP') proposed amendments to Ontario Regulation 406/19: On-site and Excess Soil Management (ERO Number: 019-7636). Following Dufferin's review of the proposal, Dufferin is requesting the MECP to address and consider the following implications of the proposed amendments prior to the enactments coming into effect on 1 January 2024. The listed item below is from the detailed proposal (document titled "Proposed Regulatory Amendments to Encourage Greater Reuse of Excess Soil")

1) Exempt specified excess soil management operations from a waste environmental compliance approval (ECA) subject to rules

B. Aggregate reuse depots

It is Dufferin's interpretation that this proposed amendment refers to used/recycled aggregate (e.g., granular A or B) that can be accepted at an aggregate reuse depot, however, it is unclear what facilities would fall under the aggregate reuse depot's definition. Examples are welcome to avoid any confusion.

Moreover, it is Dufferin's interpretation that used/recycled aggregate (e.g., granular A or B) which include in its composition glass, concrete, asphalt, etc., may not be reused for purposes such as infrastructure or building projects, and therefore must be promptly disposed of. Aggregate with glass, concrete, and asphalt in its composition has a suitable engineering purpose as road base material. If the MECP amends the regulation to prohibit this material from reuse on infrastructure projects, this will introduce significant financial and environmental implications to the industry. Namely, prohibiting reuse of this material on infrastructure projects will increase costs for purchasing virgin aggregate; reduce costs savings from reusing this aggregate consisting of glass, concrete, and asphalt; and introduce significant tipping fees for its disposal. Furthermore, the enactment of this proposed amendment will significantly hinder the industry from operating sustainably because this salvageable product will conserve virgin aggregates and divert waste from landfills. Therefore, an amendment which requires the disposal of such material, rather than use as a sustainable building material (as it is presently being advanced by the industry), will lead to increase scope of work, increased greenhouse gas emissions, and increase waste for an otherwise reusable material.



Lastly, the language in bullet point number five is ambiguous which will create confusion in the industry on whether used/recycled aggregate is or is not subject to sampling and chemical analysis. The use of the phrase, “The aggregate must be known to be of a quality that it can be reused in an infrastructure project...” creates a mandatory obligation to test. However, the rest of that sentence states, “or if not tested, there are no indications (visual, olfactory, know history) of contaminants”. If the MECP intends to mandate sampling and analysis of used/recycled aggregate (e.g., granular A or B) before it can leave the source site, this will introduce significant financial implications to project leaders and contractors. This will also introduce significant scheduling implications to projects because the demand for CALA lab services will increase, thereby introducing greater turnaround time for sample results. While there may be a need for some type of quality control check for such aggregate, this is already captured in the proposed amendment where “indications (visual, olfactory, know history) of contaminants” are referenced. Mandatory testing is simply unduly burdensome, costly and is unnecessary to achieve the intent of the regulation. Unless there are indications of contamination, such aggregate should be able to leave the source site – without the requirement for testing.

It is for these reasons that Dufferin recommends that granular material should not be subject to the planning provisions and sampling and testing requirements of this regulation, and that used/recycled aggregate (e.g., granular A or B) which include in its composition glass, concrete, asphalt, should not be considered a waste that requires disposal.

Thank you for your time and consideration. Should you have any questions with respect to the foregoing, please do not hesitate to contact the undersigned.

Yours sincerely,

Hani Salem

Hani Salem
Environmental and Commercial Coordinator
Dufferin Construction Company,
A CRH Company
DL: +1 (289) 937-6449
E: Hani.Salem@ca.crh.com