

Toronto Water  
Lou Di Gironimo, General Manager

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October 27, 2023

**To:** Permissions Modernization Team, Client Services and Permissions Branch (MECP)

**Copy To:** Ying Zheng, Senior Specialist Compliance, EH&S Compliance, Toronto Water  
Steven Marchi, Manager, EH&S Compliance, Toronto Water

**From:** William Shea, Director, Toronto Water, Distribution & Collection

**RE:** **Toronto Water's comments on the MECP's Proposal "Streamlining environmental permissions for waste management systems under the Environmental Activity and Sector Registry" (ERO# 019-6963)**

Toronto Water appreciates the opportunity to review and provide comments on the above-noted proposal. Toronto Water has committed to achieving full compliance with all applicable legislation and regulations and has an excellent and established compliance history. We have and continue to develop proactive quality management systems to ensure ongoing compliance with regulations as well as continuous improvement.

Toronto Water has reviewed the proposal document (**Waste Management Systems EASR Proposal**). The discussion paper associated with ERO# 019-6963 proposes the expansion of waste type eligibility criteria to include **liquid industrial waste** (*as defined in Regulation 347*). We have the following comments and request for clarification that we seek, specifically related to the implication of **liquid industrial waste** and applicability to activities pertaining to excess soils (covered by O. Reg. 406/19 On-site and Excess Soil Management):

1. One type of waste that municipalities often collect, handle, transport and transfer is excess soil, generated from a variety of infrastructure and emergency fit state of repair projects; in most cases, a portion of such excess soil material is liquid in nature (from the use of hydro-excavators; . Section (4) of O. Reg. 351/12 indicates exemption for activities related to a waste that is exempt from Part V of the Act under Section 3 of Regulation 347; although Section 3 of Regulation 347 indicates Excess Soil is not exempt in general, Part V of the Act indicates that transfer stations receiving waste from local municipality are exempt; TW asks that the MECP confirm the term "excess soil" includes both dry and liquid excess soil material and therefore it is excluded from the need for approval with respect to collection, storage and processing of this type of waste which is from local municipality

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2. Toronto Water asks that the proposed expansion of type eligibility specifically exclude liquid excess soil, if it is to be considered as liquid industrial waste.
3. TW interprets that the liquid excess soil is NOT liquid industrial waste; for the following reasons:
  - a) Although the definition of “subject waste” in O. Reg. 347 Waste Management includes “liquid industrial waste”, the definition also indicates that “liquid soil” is exempt from this definition unless the material is hazardous waste; (Toronto Water regularly tests excess soil generated to ensure it is not hazardous)
  - b) The definition of “liquid industrial waste” in O. Reg. 347 Waste Management also excludes waste from the operation of sewage and water works, which the liquid soil generated and managed by Toronto Water is exclusively originating from.

Toronto Water would like the MECP to consider the above interpretation, that liquid excess soil is NOT liquid industrial waste and Toronto Water further asks that clarification be provided as to the extent of the definition of liquid industrial waste to liquid excess soil.

4. Please be advised that if liquid excess soil is defined as liquid industrial waste, it will mean that municipalities that collect, handle, transport and transfer liquid excess soil will have to register under EASR; Toronto Water strongly suggests that the proposed amendments to O. Reg. 352/12 Registrations under Part II.2 of the Act – Waste Management Systems consider clarifying which regulation takes precedence with respect to the definition of “liquid industrial waste”, as it intersects and overlaps with excess soils covered under O. Reg. 406/19 On-site and Excess Soil Management for municipal operations; Toronto Water further suggests that excess soil (unless hazardous) should be management in accordance with O. Reg. 406/19.

Toronto Water is appreciative of the opportunity to submit these questions and considerations and looks forward to the Ministry's responses.

Sincerely,

William Shea  
Director, Distribution & Collection  
Toronto Water