



Ministry of the Environment, Conservation and Parks (the "Ministry")

November 20, 2024

Re: Excess Soil Regulations - Proposed Amendment ERO #019-9196

EcoVac Solutions Ltd. (EcoVac or the "Company") is an interested party to the proposed amendments to the excess soil regulations specifically an amendment which would grant an exemption to liquid soil receiving depots that plan to receive up to 100m<sup>3</sup> of liquid soil per day (the "Exemption"). EcoVac owns and operates a liquid soil receiving depot under Environmental Compliance Approval 3168-BH9JQY located at 58 Baywood Road Etobicoke, Ontario. Overall, EcoVac is concerned that the Exemption will result in numerous "small" liquid soil depots (Small Depots) opening with inadequate safeguards to adequately mitigate environmental risks. Additionally, we are concerned that compliance with the excess soil regulations will not be enforced given the demonstrated limited enforcement resources of the Ministry. This Exemption therefore increases the risk of significant impacts from simple rudimentary processing and inadequate testing which could result in mishandling potentially contaminated materials.

While EcoVac strongly disagrees with the premise of allowing Small Depots an exemption from the Environmental Compliance Approval (ECA) process if this exemption were to be implemented than we believe this exemption should be targeted to fulfill the objective it was originally intended for which we believe was to encourage receiving sites in underserved areas. We understand that the areas outside of the GTA are not well served and this amendment is designed to incentivize the opening of these facilities in underserved rural areas. Therefore, in the event this Exemption moves forward, EcoVac has proposed specific changes to this amendment to target the Exemption to underserved areas. As well, EcoVac believes there should be greater rigour in the notification / registration process to ensure these exempt depots are compliant with municipal regulations and the Ontario Building Code (OBC) to meet a minimum design criteria standard to mitigate environmental risks. As such, EcoVac has specific proposed changes to the proposed amendment to provide greater accountability.

EcoVac's comments / proposed changes:

- 1) Urban areas that have greater truck volumes and have arguably greater environmental nuisance risk should be subject to the ECA process rigorously. Allowing "small" ECA exempt facilities in these already well served urban markets is counterintuitive. Not only does this erode the business model of existing compliant sites, it also incentivizes the proliferation of "small" uncontrolled depots over larger regulated depots which undermines the ministry's objective of the protection of the environment to the detriment of the public and its safety.

**EcoVac is proposing, if the exemption moves forward, that the regulation be written such that an exemption to small depots will not be allowed within a census metropolitan area with a population greater than 500,000 or where an existing ECA compliant facility already exists.**

- 2) Form of Notification and Activity Reporting – Under the proposed exemption a “small” liquid processing receiving site would only need to provide a notification to the ministry prior to being allowed to operate. EcoVac is concerned that this will result in the opening of numerous small sites without any oversight on the adequacy of the site to receive liquid soil, store soil, manage contact water and appropriately discharge, re-use or haul excess water.

EcoVac has the following comments to address the above risks:

- a) The process should be a formal registration process similar to an Environmental Activity Registration. The following questions should be included in the registration process:
- a. Method by which liquid soil is received, processed and contained.
  - b. Method by which liquid soil is prevented from seeping into the environment.
  - c. How contact run-off water is contained.
  - d. Whether excess water is being discharged to a sanitary sewer, hauled off-site and / or re-used.
  - e. Listing of required municipal permits – i.e. discharge, air / noise permits.
  - f. Municipal zoning requirements – is the site zoned for a waste facility.
  - g. Number, types and size of dry soil stockpiles.
  - h. Site storage area available for dry soil.
- b) The formal registration process should require registrants to provide the following documentation:
- a. Municipal Permits
    - i. Copy of the water Discharge Permit (if discharging to the sanitary sewer or storm sewer).
    - ii. Copy of other municipal permits if required.
    - iii. Proof of Municipal Zoning (industrial waste).
  - b. Site drawing showing the footprint of the depot, liquid soil containment area, stockpile areas with measurements.
- c) Sites exempted from an ECA should be required to submit quarterly reports to the ministry in the form required by ECA holders for their annual activity reports. The quarterly activity reports should include the following information:
- a. Summary of activity over the quarter including any operating issues, site improvements and changes to operations.
  - b. Quantity of liquid soil received by month.
  - c. Quantity of dry soil shipped by receiving site by month.

Ecovac believes the above recommended inclusions / changes to the proposed amendment will provide a basic level of rigor to protect the environment. The greatest environmental nuisance with regards to liquid soil processing plants is water. Disposal of excess water and management of contact water and as such we believe that at a minimum the ministry needs to know how these risks are being mitigated and that registrants provide proof of municipal approvals.

- d) Financial Assurance – Small liquid soil receiving depots are not required to post financial assurance. This poses a risk to the ministry in the event the soil receiving depot shuts operations and does not remove the liquid and dry soil waste. This is contrary to the ministry's objective of holding proponents accountable for their actions. Since the size of these "small" depots is pre-determined, EcoVac is of the strong view that these depots should have to post security for a fixed amount commensurate with the size of the facility which in EcoVac's opinion would be not less than \$50,0000.

Thank-you for your consideration and we look forward to working with the ministry on this issue.

Please contact Greg Rieveley, President of EcoVac Solutions Ltd for any questions at (416) 997-9695 or [greg@ecovac.ca](mailto:greg@ecovac.ca)

Best regards,



Greg Rieveley,  
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Cc:

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