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**Your ref:** 019-9196

**21 November 2024**

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

**Comments on ERO Posting 019-9196: Enabling Greater Beneficial Reuse of Excess Soil**

Dear Reema

This letter presents GHD's comments on the above-captioned Environmental Registry of Ontario (ERO) posting 019-9196.

# 1. Detailed Comments

1. Amendment 1 – This amendment needs to clearly define a reused aggregate from a project site where the primary component is a soil, such as Granular B where sand is the primary component. Within the industry contractors are seeing this product as an aggregate, but some consultants are using the less the 2 mm diameter definition of a soil to define Granular B as a soil. Clear definition will guide the industry.
2. Amendment 2 – The prohibition of sewage works material (bullet 2.1) is in contradiction with the requirement for the facility to be able to process sewage material (bullet 3.2). Why would the facility have to have this processing ability but not be able to receive sewage material?
3. Amendment 2 – The maximum allowed volume is too small to practically operate a liquid soil receiving facility. The maximum volume should be increased to 1,000 cubic metres of liquid soils and 2,000 cubic metres of dewatered/processed soil.
4. Amendment 2 – It is unclear why a different type of depot could not be set up at an adjoining property. If the adjoining property is a different landowner, why could they not operate another different type of depot?
5. Amendment 3 – It is unclear whether a QP, other than risk assessment, as defined under Regulation 153/04, would necessarily have sufficient expertise to make the determination that soil with PHC F3/F4/F4G is solely due to the presence of asphalt. The Ministry may wish to specify additional credentials necessary to support such a determination.
6. Amendment 3 – The proposed amendment would require a QP to confirm that results are related "solely" to asphalt. This may be an impossible to meet test. MECP should consider the wording to ensure that objectives can be met.
7. Amendment 4 – Applying this amendment to the same Project Leader could result in different Property Owners receiving excess soil from a source site unknowingly. In the industry the Project Leader role is often being contractually put upon the contractor at a given source or receiving site. This amendment could allow contractors relief from the Regulation without consent of the property owners.

8. Amendment 4 – MECP should consider additional flexibility to allow coordination between public bodies. As an example, soil from a lower tier municipal project should be able to move to an upper tier municipal project under this exemption, despite having different Project Leaders.
9. Amendment 4 – The current language suggests that visual/olfactory screening may be the only test to confirm if soil is impacted before it is moved. Removing the requirements to confirm soil quality introduces potential for abuse of this revision.
10. Amendment 5 – The amendment should state Soil Characterization Report instead of sampling analysis report.
11. Soil Rules, Section D, 1.3.2 a) - Though not included in this amendment, would the Ministry consider changing this paragraph to include being able to place salt-impacted excess soil within 30 metres of a waterbody for the construction of a roadway bridge. GHD has a project where a bridge abutment is being constructed within 30 metres of a waterbody. As a QP that it would be reasonable to place salt-impacted excess soil in this area as the entire bridge over the waterbody will be salted seasonally for vehicular safety.

# 2. Closing

Thank you for the opportunity to submit these comments on the ERO posting.

Regards

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