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Ministry of the Environment, Conservation and Parks  
Environmental Policy Branch  
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November 21, 2024

**Re:** Conservation Ontario's comments on "Enabling greater beneficial reuse of excess soil" (ERO#019-9196)

Thank you for the opportunity to comment on "Enabling greater beneficial reuse of excess soil" (ERO#019-9196). Conservation Ontario (CO) represents Ontario's 36 Conservation Authorities (CAs), whose mandatory programs and services include natural hazard management and drinking water source protection.

As the Ministry considers further amendments to *O. Reg. 406/19: On-Site and Excess Soil Management* and the Rules for Soil Management as well as the Excess Soil Quality Standards ("Soil Rules"), consideration must be provided to maintain appropriate safeguards to protect sources of drinking water and avoid impacts to natural hazards.

### **Protection of Drinking Water Sources and Application of Source Protection Plans**

The current proposal carries forward proposed amendments from ERO#019-7636 related to removing requirements for waste Environmental Compliance Approvals (ECAs) for third-party storage and processing of excess soil at aggregate reuse sites, as well as small liquid soil processing sites. In lieu of the requirement for a waste ECA, exempt activities would be accompanied by regulatory rules.

Further to our November 30, 2023, comments on ERO#019-7636, Conservation Ontario is not supportive of the amended proposal. The current framework under the *Clean Water Act, 2006* allows the specified activities to be managed through Prescribed Instrument policies as provided in Source Protection Plans. The proposed exemption would remove the ability for Source Protection policies to effectively manage these activities. Appropriate

consideration must be applied to ensure rules and requirements for excess soil management appropriately engage with the *Clean Water Act* and its requirements.

Conservation Ontario strongly recommends an amendment to the proposal to ensure that exemptions do not apply to excess soil management operations where the activities are identified as significant drinking water threats under the *Clean Water Act*.

### **Natural Hazard Considerations**

As part of the proposed exemption from obtaining a waste ECA for specified excess soil management sites, facilities would be required to provide written notice to a Ministry Director (rather than file on the Excess Soil Registry) as well as the applicable local municipality. Many of these facilities may be located in Conservation Authority regulated areas (e.g., adjacent to watercourses, wetlands, etc.) and may require a permit from the local CA for the temporary or permanent placing, dumping or removal of any excess soil material.

In addition to providing notice to the MECP and the local municipality, Conservation Ontario requests that notice be provided to the local Conservation Authority (as applicable). Wherever possible, the Ministry is encouraged to promote coordination amongst applicable regulatory authorities (including CAs) to ensure effective and appropriate reuse of excess soil that does not negatively impact natural hazards or public safety, and is managed in conformity with Source Protection Plans.

Thank you for the opportunity to provide comments on “Enabling greater beneficial reuse of excess soil” (ERO#019-9196). Please contact the undersigned should this letter require any clarification.

Sincerely,

Nicholas Fischer

Nicholas Fischer  
Policy and Planning Liaison

c.c: All Conservation Authority CAOs/GMs

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