

Public Works

10 Peel Centre Dr.
Suite B
Brampton, ON
L6T 4B9
tel: 905-791-7800

peelregion.ca

November 20, 2024

Ministry of the Environment, Conservation and Parks
c/o Chris Lompart, Manager
Chris.Lompart@ontario.ca
Land Use Policy, Environmental Policy Branch
40 St. Clair Avenue W., 10th Floor,
Toronto, ON M4V 1M2

RE: ERO Registry Number 019-9196

Proposed amendments enabling greater beneficial reuse of excess soil

Dear Mr. Lompart:

These comments are provided by Peel Region staff, who have reviewed the proposed amendments and appreciate the opportunity to provide feedback to the Province.

While Peel Region is supportive of many of the Province's regulatory amendments being considered, we feel that based on our experiences and discussions with local stakeholders, that certain proposed amendments warrant additional review and consultation to ensure they align effectively with municipal capacities and environmental goals.

Further explanation is provided below:

Landfilling Restriction

Based on our operational experience, the amendment to the landfilling restrictions from January 1, 2025 to January 1, 2027 will have minimal impact to Peel Region projects. Peel Region has already implemented procedures to ensure that excess soil that is not impacted is beneficially reused. Soils above the Table 2.1 Residential/Parkland/Institutional (RPI) Excess Soil Quality Standards (ESQS) are given higher priority to be reused at our beneficial reuse Site, meeting Table 3.1 ICC ESQS.

Reuse of Aggregate Material

Peel Region acknowledges the significant role aggregate reuse plays in minimizing waste. Encouraging aggregate reuse will prevent valuable materials from being unnecessarily landfilled, aligning with the Ministry's broader goals of environmental preservation. However, for this initiative to be impactful, municipalities would need adequate support and clear specifications that facilitate effective reuse. Peel Region has retained a consultant to help assist in updating our specifications to reuse material from our roads and linear infrastructure projects. Subsequent to receiving our consultant's findings, Peel Region will have further consultation with its local municipalities to ensure consistency of infrastructure projects on their local roads. Peel Region recognizes that without municipalities updating their specifications, the reuse of aggregate material will not be possible.

Regional Mapping of natural occurring local background concentrations

Downloading the task of regional mapping of areas where natural conditions exceed certain excess soil standards to municipalities presents a considerable burden. Establishing and maintaining such detailed mapping requires substantial time, expertise, and financial resources that many municipalities likely do not possess. Additionally, the responsibility of

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continuously updating and verifying these maps to ensure compliance and accuracy would place significant strain on municipal budgets and staff. We believe that alternative methods should be considered, including potentially offloading this task to the Province, alleviating any municipal burden. The Province needs to commit to and undertake additional discussion and consultation with municipalities on this proposal prior to implementation.


RPRA Registry Exemptions and Financial Impact on Municipalities

The Resource Productivity and Recovery Authority (RPRA) Registry's current exemption structure in the Regulation is placing a financial strain on municipalities through the increased fees. While Peel Region notes "the fit state of repair" exemption has been utilized for many regional projects going from "like to like" and exempting the filing of a notice, we are finding remaining projects are impacted by the increased fee structure that is volume based. We encourage the Ministry to consider the use of the exemptions and determine a more effective pricing structure, potentially introducing a fixed fee structure, regardless of volume, encouraging property leaders to register their projects on the registry. Addressing this issue could greatly benefit municipalities by reducing financial burdens.

Conclusion

We would like to thank the Province for providing the opportunity to comment on the proposed amendments.

We encourage the Ministry to consider pausing amendments and instead prioritize a more collaborative approach through continued consultation. Municipalities such as ours would benefit from clear, practical guidance over immediate regulatory changes, which may be premature given the ongoing adaptations to O.Reg 406/19. In addition to the above, further consultation would be beneficial regarding other items, such as further clarification regarding stormwater management ponds, liquid soil depots, stringent ESQS and landfilling of material with minimal exceedances above the ESQS. Guidance can help municipalities implement effective solutions without the disruptive effects of rushed amendments that could strain resources.

We look forward to further and continued engagement from the Ministry, as we work towards guidance and fulsome amendments. 

Thank you,



Cam Johnston
Director, Operations Support
Public Works
Regional Municipality of Peel