



January 9, 2026

Via Regular Mail

Ministry of the Environment, Conservation and Parks
Client Services and Permissions Branch
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Toronto, ON M4V 1P5

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Dear Sir/Madam:

Re: ERO 025-1311 (Southview Hydrovac Inc. application for an Environmental Compliance Approval (“ECA”)) – Submission of Liquid Soil Solutions Inc.

We are the solicitors for Liquid Soil Solutions Inc. (“**LSS**”), an Ontario corporation and the operator of the lands known municipally in the Township of Scugog (the “**Township**”) as 100 and 104 North Port Road (the “**Lands**”). We are writing to provide comments with respect to the above-noted ERO posting, which pursuant to Section 5(2)¶6 of O. Reg 681/94, is a Class II proposal.

LSS requests that the Director refuse to grant an ECA to Southview Hydrovac Inc. (the “**Applicant**”) because its application for an ECA (the “**Application**”): (1) is premature; (2) is not consistent with the environmental protection objectives of the *Environmental Protection Act* (the “**EPA**”); and (3) is not in the public interest.

In the alternative, LSS requests that the Director refer the Application to the Ontario Land Tribunal (the “**OLT**”) for a hearing before making a decision on the Application, pursuant to Section 20.15 of the *EPA*.

Background

The Lands

The Lands are a rectangular parcel located on the west side of North Port Road and are zoned General Employment (M2) under the Township’s Zoning By-law 14-14 (the “*Zoning By-law*”). LSS lawfully reuses liquid soil on the Lands in accordance with the permitted uses in this zone. A woodlot is located at the rear of the Lands.

In 2018, LSS operated a passive settling system to manage liquid soil. The Township subsequently ordered the removal of this system. In response, LSS undertook a feasibility assessment in 2019 respecting the reuse of liquid soil generated from hydro-excavation

activities at greenfield sites, consisting primarily of sand, gravel, and potable water. As part of this assessment, LSS evaluated various technologies and was prepared to acquire mechanical separation and dewatering equipment.

LSS consulted with the Township regarding this approach. The Township advised that mechanical dewatering and separation would constitute “soil processing,” triggering the need for amendments to the Region of Durham Official Plan and the Zoning By-law to permit waste processing, as well as the requirement to obtain an Environmental Compliance Approval (ECA).

As a result of these discussions, our client adopted a revised process that does not involve passive settling, mechanical separation, or dewatering of liquid soils. While significantly more costly, this revised process complies with the Zoning By-law, conforms to the Regional Official Plan, and is fully consistent with Ontario Regulation 406/19 (the “**Excess Soil Regulation**”).

The Application

The Applicant is the owner of the lands known municipally in the Township as 144 North Port Road (the “**Subject Property**”), which is located approximately 350 metres to the north of the Lands. An annotated aerial photograph showing the Lands and the Subject Property is appended as Schedule A. A woodlot is located at the rear of the Subject Property, and aerial photos appear to show significant infilling activities. The Township has confirmed that this infilling is due to illegal dumping activities, which our client previously flagged with the Township.

Mapping by the Ministry of Natural Resources and Forestry (“**MNR**”) has mapped the entirety of the Subject Property as being within a Provincially Significant Wetland (a “**PSW**”), in accordance with the Ontario Wetland Evaluation System and the Natural Heritage Reference Manual (the “**NHRM**”). Annotated MNR mapping showing the PSW is appended as Schedule B.

The Subject Property is generally a rectangular shaped parcel that is set back from North Port Road. The Township’s Official Plan identifies the western portion of the Subject Property as being within a Hazard Lands and behind a flood line, with the property designated as General Industrial. An annotated extract showing the Subject Property is included as Schedule C.

The General Industrial designation permits manufacturing, assembly, and processing facilities with accessory outdoor storage. Policy 4.7.4.1(d) prohibits uses that require water for processing on lands with private services unless the water is re-used. The Hazard Lands designation prevents development and site alteration on lands that are unstable due to poor flooding and requires development to maintain water quality and protect environmentally sensitive areas. No buildings or structures are permitted within the Hazard Lands designation.

The Zoning By-law split-zones the Subject Property as M2-3, EP, and EP-2:

- The M2-3 zone, located on the eastern portion of the Subject Property, permits certain industrial uses, including an aggregate transfer site, asphalt plant, concrete batching plant, and contractor's yard.
- The EP Zone is a restrictive environmental protection zone that generally only permits agricultural, conservation, flood control, and open space uses. The EP-2 Zone is a site-specific exception that permits uses from the M2 zone but prohibits the storage of "hazardous substances".

An annotated map showing the applicable zoning to the Subject Property is appended as Schedule D.

The Kawartha Conservation Authority (the "**KCA**") identifies the entire Subject Property as part of a regulated area.

If approved, the Application would authorize liquid soil processing under the *EPA* and Excess Soil Regulation at the Subject Property. Activities covered under the ECA would include:

- a passive settling chamber at the Liquid Soil Receiving Area on the southwest portion of the Subject Property, consisting of concrete blocks and poured concrete floor, with a maximum storage capacity of 640 cubic metres;
- a water treatment system to treat effluent, with a maximum storage capacity of 800 cubic metres;
- solid soil storage on the northern portion of the Subject Property, with a maximum storage capacity of 12,000 cubic metres; and
- water storage to the north of the water treatment area.

LSS submitted a request to the MECP for application materials and received the following:

- an executive summary prepared by Grounded Engineering Ltd. ("**Grounded**");
- correspondence between Grounded and MECP staff;
- a Design and Operations Report prepared by Grounded dated July 15, 2025;
- an addendum to the Design Brief prepared by Grounded dated March 29, 2023; and
- pre-consultation meeting minutes between the Applicant and Township for a Zoning By-law Amendment application and Site Plan Application dated October 1, 2024.

It should be noted that the Design Brief references various reports prepared by GHD, including a Hydrologic Assessment, and a Soil Characterization Report that were not provided to us.

Further, we also note that the Applicant's notification memo confirms that it did not notify LSS of the Application, notwithstanding that LSS will be significantly impacted by the Application.

The Director should refuse the Application

LSS respectfully requests that the Director refuse the Application. Our client has gone to great lengths to ensure that its operations are sensitive to the environmental and legal context, at a significant expense to itself. (1) The Applicant has failed to provide sufficient information to confirm that the Application will not result in significant environmental harm, including an EIS and other environmental reports required in accordance with a zoning by-law amendment application. (2) The information that has been provided confirms that the Applicant has failed to appropriately plan for the receipt of clean liquid soil at the Subject Property, which will fail to protect a PSW and which is not consistent with the Provincial Planning Statement (2024) (the "PPS"); (3) The Application would be permitted to gain a significant commercial advantage at the expense of the environment, contrary to the public interest.

1. The Application is premature

The pre-application consultation materials confirm that the Application will require a zoning by-law amendment and that the Application does not currently comply with the existing zoning. Township staff have confirmed that the Applicant has not applied for zoning relief.

It is acknowledged that the Director is not obligated to refuse an Application solely based on a planning matter. But LSS submits that the Director should have greater regard for these non-compliances because the Subject Property is in an environmentally sensitive area. The pre-application consultation minutes confirm that the Township and Region of Durham require an Environmental Impact Study, erosion and sediment control plan, contamination management plan, hydrogeological study, and geotechnical report, to confirm that the operations and construction will not have a negative impact on the surrounding environment. Without this information, it is not possible for the Director to determine if the Application is consistent with the environmental protection objectives of the *EPA*.

Further, the KCA has confirmed that a permit under the *Conservation Authorities Act* is required and that the Application needs to be revised because the liquid soil storage site and water treatment area are below the Timmins 100-year flood elevation. These revisions do not appear to have been reflected in the Application materials. The *Conservation Authorities Act's* purpose is to conserve, restore, develop, and manage Ontario's watersheds. It often arises in planning matters, but its main thrust is to conserve and restore the natural environment. The Director should have regard for the Application's failure to comply with the *Conservation Authorities Act*.

2. The Application is likely to result in significant environmental harm

The Application proposes a new waste management site within a PSW. This proposal violates Policy 4.1.4 of the PPS, which prohibits any "development" within a PSW located in

Ecoregion 6E.¹ The PPS defines development broadly as any change in land use or the construction of buildings and structures. The Application's proposal to locate certain facilities within the floodplain also violates Policy 5.2.1 of the PPS, which directs development to areas outside of areas that may be impacted by flooding hazards.

The PPS and in particular, the policies relating to natural heritage protection and natural hazards, are relevant to the Director's determination. The PPS provides policy direction on matters of provincial interest for all aspects of development. Per Section 3(5) of the *Planning Act*, any Ministry, including the MECP, must ensure that its decisions are consistent with the PPS. The *Planning Act's* direction does not only relate to planning decisions, but any exercise of authority that affects a planning matter, including the issuance of an ECA to facilitate the use of lands for waste processing. Accordingly, the Director must ensure that their decision is consistent with the PPS, which requires the Application to be refused.

Although the Township's underlying mapping appears to differ from provincial mapping, LSS submits that this difference arises from the fact that illegal dumping on the Subject Property over the years has resulted in significant harm to the PSW. The Director should not assess the Subject Property's current state as the baseline. This review would be tantamount to rewarding a person for destroying an environmental feature and is contrary to the environmental protection objectives of the *EPA*, the MECP's Statement of Environmental Values' requirement to assess cumulative impacts, and the *Conservation Authorities Act*.

Additionally, the Design Brief does not contain enough information to confirm that no negative impacts will occur to the natural environment. The Design Brief suggests that trucks shall bring liquid soils on site, where soils will be received if they pass a "visual inspection" and confirm that they meet applicable quality standards. The Design Brief does not indicate what standards will apply and how testing will occur. As these soils will be brought in by hydrovac trucks, the only means by which the liquid soils could be inspected is if they are deposited into the settling chamber. Insufficient information has been provided to demonstrate how project areas will ensure that excavated liquid soils meet the selected quality standards.

3. The Application is contrary to the public interest

LSS has gone to great lengths and incurred considerable expenses to ensure that its operations reflect the environmentally sensitive surrounding context. Compliance with the complex regulatory framework carries a cost that LSS must pass on to its customers.

The Applicant and its predecessors have consistently attempted to disrupt LSS' operations at the expense of environmental protection. In 2023, the Applicant's predecessor operated the passive settling process on the Subject Property that our client was told did not comply with the existing framework. These actions, and other illegal site alterations, have degraded the natural environment and appear to have facilitated this Application. The Applicant now seeks to use the

¹ Figure 1 of the PPS locates the Subject Property within the boundary of Ecoregion 6E.

ECA process, without having conducted any of the appropriate studies or having secured appropriate zoning, to use a less expensive process in an environmentally sensitive area and undercut our client's operations. It would be contrary to the public interest to permit an applicant to avoid the necessary costs to protect the environment so that they can undercut their competitors.

In the alternative, the Director should refer the Application to the OLT

LSS does not concede its argument that the Application should be refused. Nonetheless, it submits that if the Director will not refuse the Application, an appropriate alternative would be for the Director to instead refer the Application to the OLT for a hearing, pursuant to Section 20.15 of the *EPA*. This power entitles the Director to hold a "hearing of first instance" for the purposes of gathering sufficient information and a formal recommendation as to the Application's merits. The OLT has all of the powers of the Director through this process, including the power to compel and/or decide on the production of necessary information.

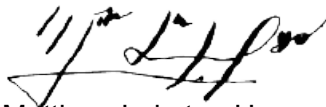
A Section 20.15 hearing would also enhance public participation, consistent with the objectives set out in the *Environmental Bill of Rights, 1993* (the "**EBR**"). The Application is a Class II Proposal, which the EBR recognizes as a more significant proposal. Section 24(1) of the EBR requires the MECP to consider enhancing the right of members to participate in decision-making on the proposal through oral representations, public meetings, mediation, or any other process that would facilitate a more informed public participation of the proposal. Section 20.15(5) of the *EPA* permits the OLT to add any party that it deems appropriate.

Thank you for your consideration of LSS' comments. We would be pleased to discuss our comments further with the Director as necessary. LSS reserves the right to prepare and provide additional supporting studies, including ecological, hydrogeological, and environmental engineering reports.

Please provide us with notice of any decision that you make with respect to this matter, and please contact the undersigned should you require anything further.

Yours truly,

Cassels Brock & Blackwell LLP



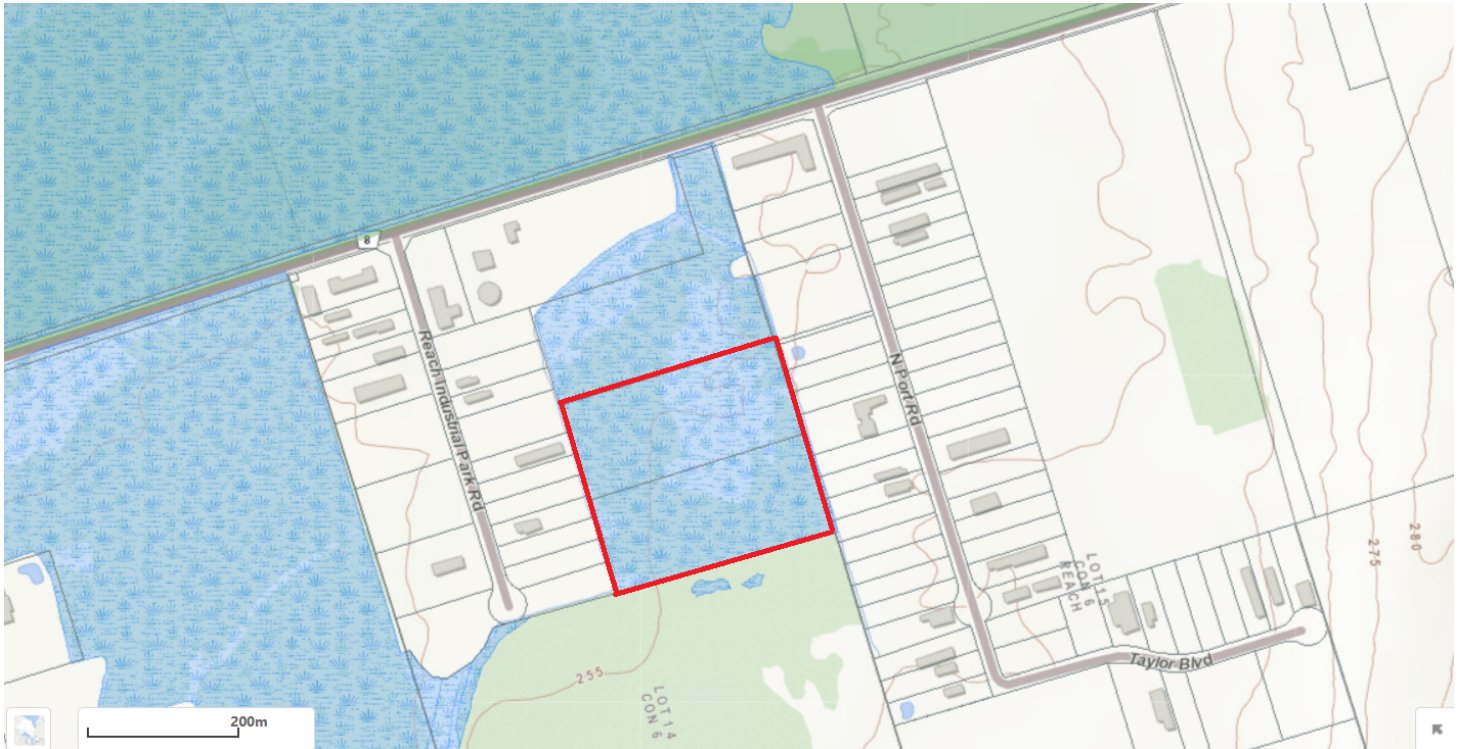
Matthew Lakatos-Hayward
Associate

MLH/
Enclosure

SCHEDULE A AERIAL PHOTO OF LANDS AND SUBJECT PROPERTY



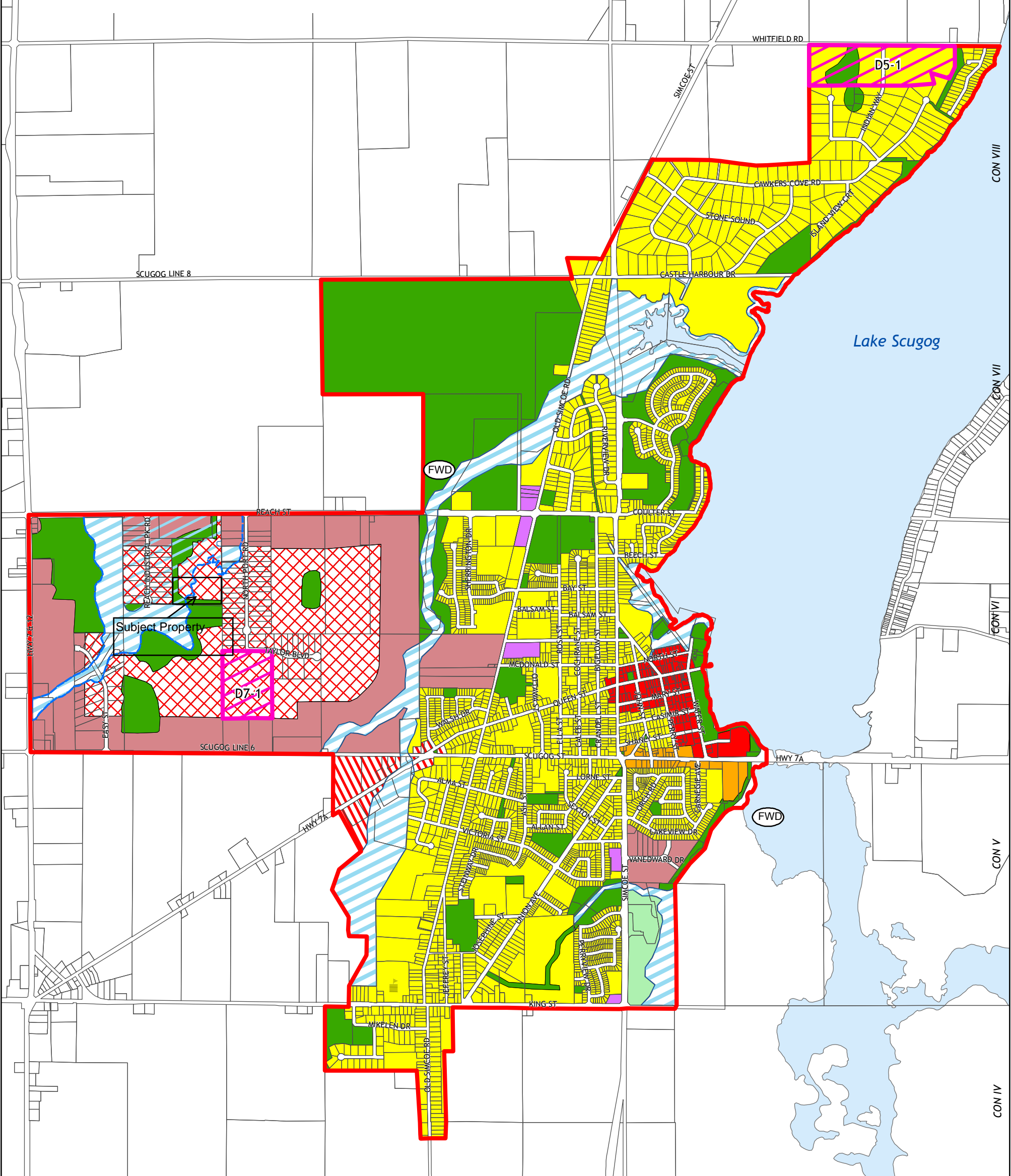
SCHEDULE B ANNOTATED WETLAND PROVINCIAL MAPPING

















**SCHEDULE C
ANNOTATED OFFICIAL PLAN SHOWING SUBJECT PROPERTY**

LOT 13 LOT 14 LOT 15 LOT 16 LOT 17 LOT 18 LOT 19 LOT 20 LOT 21 LOT 22

TOWNSHIP OF SCUGOG OFFICIAL PLAN SCHEDULE A-1 PORT PERRY URBAN AREA LAND USE



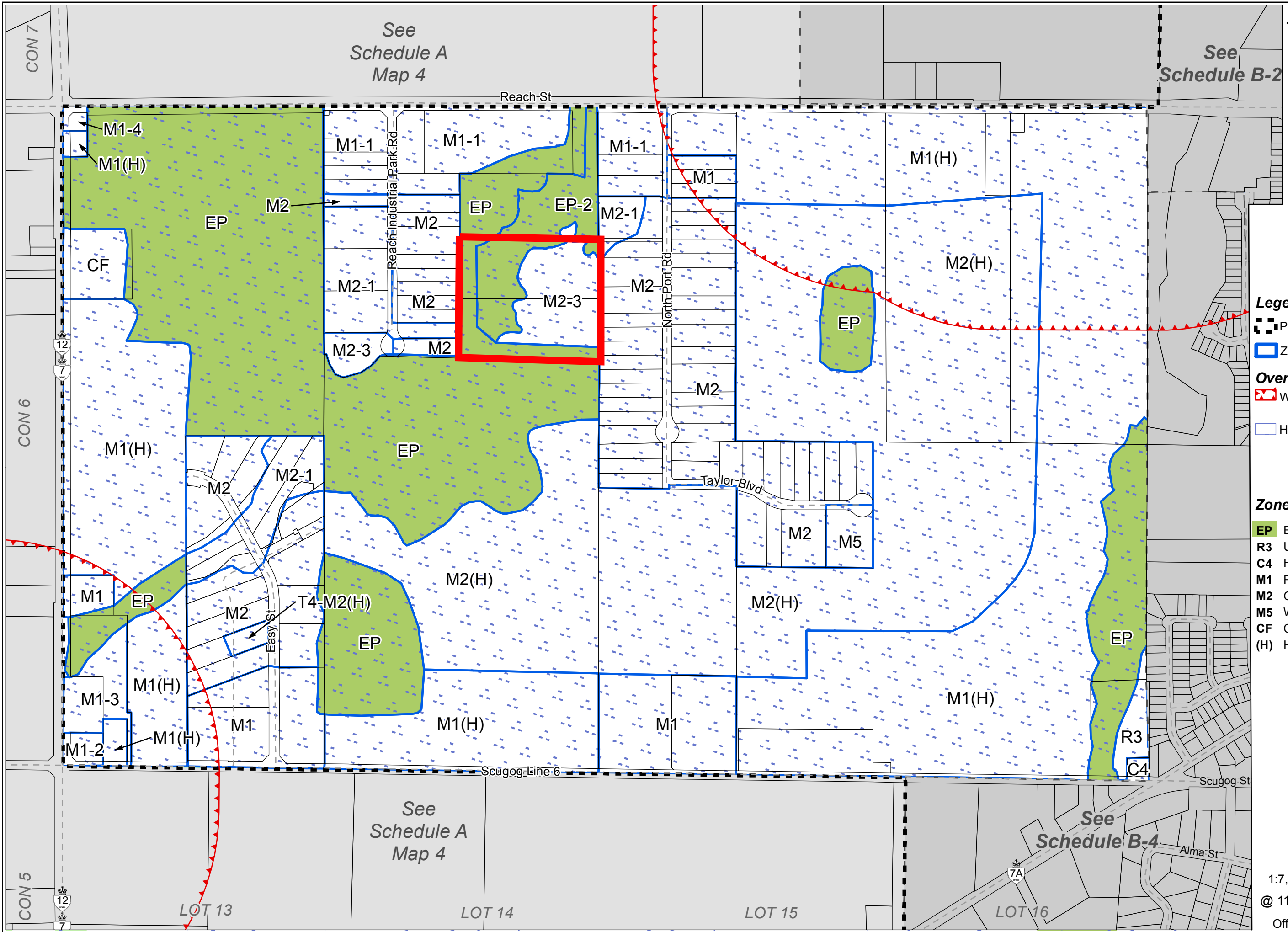
LEGEND

- | | |
|---|--|
|  RESIDENTIAL |  PRESTIGE INDUSTRIAL |
|  MAIN CENTRAL AREA |  GENERAL INDUSTRIAL |
|  COMMUNITY COMMERCIAL |  HAZARD LANDS |
|  CORRIDOR COMMERCIAL |  OPEN SPACE |
|  GATEWAY REGENERATION AREA |  FLOODLINE |
|  NEIGHBOURHOOD COMMERCIAL |  PORT PERRY URBAN AREA BOUNDARY |
|  FORMER WASTE DISPOSAL SITE |  FUTURE ELEMENTARY SCHOOL |



**SCHEDULE D
ANNOTATED ZONING BY-LAW MAP SHOWING SUBJECT PROPERTY**

**PORT PERRY
Schedule B
Map 3**



- Legend**
- Port Perry Urban Area
 - Zone Boundary
- Overlay Areas**
- Waste Disposal Assessment Holding
 - High Aquifer Vulnerability

- Zones**
- EP Environmental Protection
 - R3 Urban Partial Service Residential
 - C4 Highway Commercial
 - M1 Prestige Industrial
 - M2 General Industrial
 - M5 Waste Disposal Industrial
 - CF Community Facility
 - (H) Holding

See
Schedule A
Map 4

See
Schedule B-2

See
Schedule A
Map 4

See
Schedule B-4