

Greetings,

I am reaching out to share that the Ministry of the Environment, Conservation and Parks (MECP) is proposing to temporarily delay the implementation of the excess soil requirements under O. Reg. 406/19: On-Site and Excess Soil Regulation (“Excess Soil Regulation”) that came into effect on January 1, 2022, until **January 1, 2023**.

As you are likely aware, in 2019 we finalized a new Excess Soil Regulation, supported by risk-based soil reuse standards, to make it easier and safer for industry to reuse more excess soil locally. We have been phasing in the Excess Soil Regulation over a number of years. The majority of changes are already in place and the most recent phase of changes came into effect on January 1, 2022. We have recently heard that developers and municipalities need more time to implement the provisions and to better understand their responsibilities.

MECP is committed to work with our stakeholders and setting clear rules to support the appropriate beneficial reuse of excess soils and to work with municipalities, and other law enforcement agencies to help put a stop to the illegal dumping of excess soil.

To help give developers and municipalities more time to gradually implement the provisions and better understand their responsibilities under the new regulation, we are proposing to delay the implementation of provisions that came into effect on January 1, 2022 until January 1, 2023. We welcome your feedback on the proposed amendments, which are available for public comment on the Environmental Registry of Ontario until April 10, 2022: <https://ero.ontario.ca/notice/019-5203>.

In the meantime, our regulatory framework as it was in effect before January 1, 2022 continues to apply to ensure our health and environment are protected. This includes the criteria defining excess soil as a resource for reuse, and not designated waste, if they are met. This also includes the related excess soil reuse standards and rules, and exemptions from the need for waste-related approvals in various circumstances.

Please pass this information along to colleagues, members of your organization, other organizations, and anyone else that may be interested.

If you have any questions or would like to discuss this proposal, please contact Jessica Isaac, Manager(A) or Laura Blease, Senior Policy Advisor with the Land Use Policy Unit at MECP.LandPolicy@ontario.ca.

Sincerely,

Original Signed by:

Chris Lompart
Director (A), Environmental Policy Branch
Ministry of the Environment, Conservation and Parks

