

REPORT

REPORT TO: Mayor Bonnette and Members of Council

REPORT FROM: Steve Grace, Program Manager, Water Resources

DATE: May 24, 2018

REPORT NO.: TPW-2018-0022

RE: Ministry of Environment and Climate Change Excess Soil Management Regulatory Proposal

RECOMMENDATION:

THAT Report No. TPW-2018-0022, dated May 24, 2018, regarding the Ministry of the Environment and Climate Change (MOECC) Proposed Excess Soil Management Regulatory Proposal, be received;

AND FURTHER THAT staff be authorized to provide comments on the Proposed Excess Soil Management Regulatory Proposal posted on the Environmental Registry of Ontario (ERO);

AND FURTHER THAT staff reports back to Council after the Proposed Excess Soil Management Regulatory Proposal is finalized.

BACKGROUND:

In January 2016, the MOECC sought input on a proposed "Excess Soil Management Policy Framework" (framework) through EBR Registry #012-6065. Through Report No. PI-2016-0018, staff was authorized to provide comment on the framework. The framework includes a series of actions guided by key goals and principles. Based on input received from the proposal, the framework including 21 key actions was finalized in December, 2016.

In May of 2017, the MOECC sought input on the Proposed Excess Soil Regulatory Package and Rational Document for Reused of Excess Soil at Receiving Sites through EBR Registry #013-0299. Through Report No. P&I-2017-0070, staff was authorized to provide comment on the Proposed Excess Soil Regulatory Package and Rational Document for Reused of Excess Soil at Receiving Sites.

The MOECC is now engaging Ontarians through ERO #013-2774 on the Excess Soil Management Regulatory Proposal (proposal) that proposes a new regulation and key complementary regulatory amendments related to the management of excess soil.

The regulatory proposal has been posted for a sixty (60) day public review and comment period starting April 16, 2018. All comments received prior to June 15, 2018 will be considered as part of the decision-making process by the Ministry.

The proposal is related to sustainable excess soil management and reuse. The regulatory proposal aims to protect human health and the environment. It also aims to increase opportunities for the beneficial reuse of excess soil and reduce greenhouse gas emissions associated with its movement.

Excess soil is soil that has been dug up, such as during construction activities, that cannot be reused on site and must be moved to another site. This proposal would make it clear where excess soil may be reused. Reuse would be based on the quality of the soil.

The proposal would also clarify that the project leader is responsible for managing and relocating excess soil generated by a project. This would help to ensure that excess soil is properly characterized and relocated to an appropriate reuse site. Minor complementary and supporting amendments are also proposed to Ontario Regulation 153/04 (Records of Site Condition – Part XV.1 of the Act) (O. Reg. 153/04) and to Regulation 347 (Waste), both made under the Environmental Protection Act (EPA).

The MOECC and partner ministries are moving ahead with completing key actions under the framework including this regulatory proposal. The purpose of this posting is to invite comments on the regulatory proposal and supporting documents. The feedback received will help inform amendments to existing policy tools, the new regulation under the Environmental Protection Act and development of new guidance and best practice documents.

COMMENTS:

Included with the ERO posting for the Excess Soil Management Regulatory Proposal are several supporting documents, including the following:

- A new proposed On-Site and Excess Soil Management Regulation.
- Complementary amendments to O. Reg. 347 (General Waste Management).
- Amendments to O. Reg. 153/04 (Record of Site Condition).
- A proposed document to be adopted by reference in the On-Site and Excess Soil Management Regulation titled “Rules for On-Site and Excess Soil Management”.
- The proposed “Beneficial Reuse Assessment Tool” (BRAT).
- An additional supporting document titled “Rationale Document for Development of Excess Soil Standards”.

Phased in transition time for key regulatory requirements including:

- Modernization of Brownfields amendments, effective January 1, 2019.
- Reuse standards, clarifying waste designation and approvals, effective January 1, 2020.
- Excess Soil Management Plan and Registry requirements, effective January 1, 2021.

Key revisions include:

- “Receiving Sites” rebranded “Reuse Sites”.
- Quantitative trigger increased from 1,000 m³ to 2,000 m³.
- Registry updates reduced from 28 to 60 days.

Staff is in general agreement with the proposed regulations and supporting documents; however, staff would like to provide comments as described below.

Staff Comment:

The online registry should be accessible and must include consultation with, and consent from, the local municipality regarding any haul route(s) through the municipality. Municipal Site Alteration By-laws have considered haul routes when a Site Alteration Permit is required; however, the consequences of truck traffic passing through from a source site to a receiving site outside the municipal boundaries can have substantial impacts at the local level.

Staff recommends that prior to implementation of the proposed Excess Soil Management Plan and Registry on January 1, 2021; the Ministry has additional consultation with stakeholders to ensure the following is accommodated:

- Ensure access to the proposed online excess soil reuse registry is available to local municipalities, and other authorities that have an interest in a reuse site.

It should be noted that contained in the “Rules for On-Site and Excess Soil Management” document, the Excess Soil Management Plan includes the following key recommendations:

- Engage proactively with stakeholders: Public consultation by the owners/operators of potential reuse sites is recommended. It is recommended that this engagement include representatives from the municipality where the source site is located and the municipalities where reuse sites may be located.

- Traffic and Transportation Management Plan:
 - It is recommended that owners and operators engaged in excess soil management activities have a Traffic and Transportation Management Plan for both the source and reuse sites. This plan should address the following considerations where applicable:
 - location and configuration of site entrances;
 - truck queuing and parking;
 - dust control and mud-tracking prevention/truck cleaning;
 - kilometres traveled; and
 - haul routes between project areas, reuse sites and temporary soil storage site(s).
 - When preparing a Traffic and Transportation Management Plan, those managing excess soil should consult with local upper-tier and lower-tier municipalities regarding appropriate transportation routes. This consultation can be addressed through the proactive engagement with stakeholders described above.

Access to the online registry will allow staff to keep informed on the movement of excess soil through Halton Hills that is generated and being reused outside our municipal boundaries.

RELATIONSHIP TO STRATEGIC PLAN:

This report does not have a direct relationship to the Strategic Plan, as its purpose is to seek approval to provide the above noted comments on the EOR posting for the Excess Soil Management Regulatory Proposal.

FINANCIAL IMPACT:

There is no financial impact associated with this report.

CONSULTATION:

Staff, together with other stakeholders, have been attending various sessions to provide input to the MOECC to assist in the development of Proposed Excess Soil Management Regulatory Proposal.

Staff will provide future updates to the Site Alteration Committee and Council as the Proposed Excess Soil Management Regulatory Proposal is finalized and implemented.

PUBLIC ENGAGEMENT:

N/A

SUSTAINABILITY IMPLICATIONS:

The Town is committed to implementing our Community Sustainability Strategy, Imagine Halton Hills. Doing so will lead to a higher quality of life. The relationship between this report and the Strategy is summarized below:

This provincial initiative aligns with the Town's Community Sustainability Strategy to preserve, protect and enhance our environment for the health benefits and enjoyment it provides to present and future generations.

The recommendation outlined in this report advances the Strategy's implementation.

This report supports the Environmental Health and Social Well-being pillars of Sustainability, and in summary the alignment of this report with the Community Sustainability Strategy is Very Good.

COMMUNICATIONS:

Staff has attended various sessions with the MOECC since December 2014, and most recently on April 30, 2018 participated in an engagement group workshop and reviewed the Excess Soil Management Regulatory Proposal. Any additional comments must be submitted to the ERO posting by June 15, 2018.

CONCLUSION:

Staff is in general agreement with the Excess Soil Management Regulatory Proposal and recommends Council approves this report to authorize staff to provide the above noted comments in support on the ERO posting. Staff will be reporting back to Council after the Excess Soil Management Regulatory Proposal is finalized and implemented.

Reviewed and Approved by,

A handwritten signature in black ink, appearing to read "W. Andrews".

Bill Andrews, Director of Engineering

A handwritten signature in black ink, appearing to read "C. Mills".

Chris Mills, Commissioner of Transportation and Public Works

A handwritten signature in black ink, appearing to read "Brent Marshall".

Brent Marshall, CAO