



**Ontario**  
Home Builders'  
Association

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April 8<sup>th</sup>, 2022

Ms. Laura Blease,  
Ministry of Environment Conservation and Parks  
Land Use Policy, Environmental Policy Branch  
40 St. Clair Avenue West, 10<sup>th</sup> Floor  
Toronto, ON M4V 1M2

Dear Ms. Blease:

**Re: Implementation Pause of Excess Soil Requirements in Effect January 1 2022 (ERO 019-5203)**

The Ontario Home Builders' Association's (OHBA) comments on the *Environmental Registry posting # 019-5203* regarding the 'Implementation Pause of Excess Soil Requirements in effect January 1, 2022' until January 1, 2023 are provided below. The OHBA understands that the proposed pause would provide more time for the gradual implementation and better understanding of the regulation.

The OHBA has participated in the excess soils initiative with *Ministry of Environment Conservation and Parks (MECP)* staff and other stakeholders for a considerable period of time and since the excess soil regulation was phased in on January 1, 2021. The purpose of this regulation is to deal with the reuse of excess soils in accordance with appropriate standards and the manner in which those soils deemed as waste and unsuitable for reuse are disposed in a safe and responsible way. This initiative is intended to reduce the soil sent to landfill locations while increasing the opportunity for reuse sites closer to source locations thereby reducing both greenhouse gas emissions from transportation movements and ultimately the overall soil management costs related to excess soils.

A number of OHBA members and stakeholders have worked extremely hard and responsibly to implement the excess soil regulation to date, while others have yet to fully understand the implementation requirements related to same. Accordingly, the OHBA understands that *MECP* is considering allowing more time to phase in these measures to assist stakeholders and our industry members with the opportunity to better appreciate and prepare for the requirements, implementation of soil management processes, and associated responsibilities including best practices. Specifically, the pause proposed by the *MECP* would apply to soil reuse planning (Sections 8 to 16), keeping of hauling records (Section 18), reuse site registration and soil quality assessment procedures (Section 19), and the registration requirements for residential development soil deposits (Section 6(7-1)) provided for in the regulation.

It is important to note that our industry's construction activities need to be planned in advance for the proper disposition of soils. Further, OHBA realizes that some contractual obligations for projects underway have been committed. The impact of any delay in preliminary earthworks for projects should be addressed by the *MECP* as the production of much needed housing could be slowed.

The OHBA understands the province's objective through the Excess Soil Regulation to modernize and improve outcomes in soil handling practices. Should the proposed pause be implemented by the *MECP*, the OHBA recommends that a robust effort be undertaken to clarify to stakeholders the specific aspects of the regulation that are subject to the any pause. Also, the OHBA respectfully recommends that in the meantime, the *MECP* provides dedicated resources to educate and advise those involved in excess soil management regarding the regulation.



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The OHBA submission highlights the importance of getting it right, providing a clear understanding to all stakeholders of the tools available, and systems required to properly implement the subject regulation. The OHBA appreciates the opportunity to comment on the proposed *ERO # 019- 5203* and looks forward to further consultation and dialogue with *MECP* staff and other stakeholders regarding this matter.