



Ontario
Home Builders' Association

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Ministry of the Environment
Operations Division
5775 Yonge Street, Floor 8
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Re: Soil Management – A Guide for Best Management Practices
EBR Registry Number: 011-7523

Purpose as Outlined by the Ministry of the Environment

The proposed document would provide guidance for the management of excess soils generated from construction and redevelopment projects with a focus on those soils generated from brownfields redevelopment activities taken to commercial fill operations. While the guidance may be applicable to a wide variety of soil management projects, they are not intended to apply to small scale construction such as maintenance and repair activities or construction activities at single-dwelling residential properties based on the volumes generated.

The Soil Management - A Guide for Best Management Practices document only addresses the management of soil (soil as defined by Ontario Regulation 153/04 (O. Reg. 153/04). The document provides guidance on how to handle excess soil from a source site where it is generated, through to the transportation of the excess soil to a site where the soil can be reused for a beneficial purpose, such as site alterations, re-grading, or filling in excavations, or to soil stockpiling sites for temporary storage. These activities must meet any relevant regulatory requirements and should ensure that there is no adverse effect.

Introduction

Brownfield redevelopment has been identified by the Government of Ontario and the building and development industry as a strategic opportunity to efficiently utilize existing infrastructure and complete communities. OHBA appreciates the opportunity to provide feedback on the Guide for Best Management Practices for Soil Management. OHBA supports Ontario's objective to continuously improve the protection of human health and the environment while facilitating brownfield redevelopment. OHBA does however remain, concerned that the overall package of recent brownfield regulatory amendments has made achieving provincial objectives of intensification and sustainable development much more difficult. A regulatory framework, with codified standards that are not achievable, or a risk assessment process that is not functional, will undermine the economic viability of brownfield opportunities and sterilize land in municipally strategic locations.

Guide for Best Management Practices

The best practices document provides general guidance on the management of excess soil generated in construction projects. Overall, OHBA believes that the best practices document will introduce some additional clarity to the Ministry of the Environment's (MOE) expectations for the management of excess of fill. Of greatest significance, the document provides some flexibility that excess soil must meet the Table 1 background Site Condition Standards in order to be used as fill on another construction site. The best practices document ties the soil quality to similar considerations as would be used to select Site Condition Standards for a remediation program. In other words, if you are importing soil to a site, it should be of a quality that is protective of local groundwater use, proposed land use, presence of environmentally sensitive areas, water bodies, etc.

One aspect of the best practices that OHBA has some concerns regarding guidance standards is that it recommends that sites exporting soil retain a Qualified Person (QP) to develop a Soil Management Plan. The qualifications of a QP are outlined in O.Reg.153/04 and a Soil Management Plan would include testing of the soil to establish its quality. Similarly, the document recommends that Commercial Fill sites and other large receiving sites retain a QP to prepare a Fill Management Plan. These additional guidance recommendations would likely increase costs and complexity associated with consultants preparing the Soil Management Plan as well as additional laboratory analysis for handling excess soils. OHBA has been consistent in outlining concerns that would increase costs and complexity of brownfield remediation and related activities such as soil management as a barrier to housing affordability and choice as well as constraining opportunities for intensification and sustainable development.

Additionally the document outlines among other things the required soil quality for soil imported to the site. The best practices document also outlines requirements for soil banks, which are sites used to temporarily stage soil prior to placement at the final receiving site. Overall OHBA views this as a positive development.

Conclusion

OHBA notes that the residential construction industry employs over 325,000 people and contributed over \$42 billion to the province's economy in 2011. Our comprehensive examination of issues and recommendations are guided by the recognition that housing choice and affordability must be balanced with broader social, economic and environmental issues.

While OHBA supports the provincial government's objective to continuously improve the protection of human health and the environment while facilitating brownfield redevelopment, OHBA remains concerned that the broader package of brownfields reforms undertaken the past few years undermines provincial objectives of intensification and sustainable development. OHBA appreciates the opportunity to provide feedback on the additional brownfields amendments, and looks forward to ongoing dialogue and consultation with the provincial government.

Sincerely,



Michael Collins-Williams, MCIP, RPP
Director, Policy
Ontario Home Builders' Association