

INCREASED COSTS FOR DEVELOPERS

By Benjamin Blufarb

Ontario's Ministry of Environment has proposed an amendment to its regulations known as "**on-site and excess soil management regulation**" which has an effective proposed date to come into force of January 1st, 2020.

This proposed regulation would be the first in Canada to attempt to regulate clean excess soil that cannot be reused at construction sites. Once the soil leaves the site, it would be designated as waste, unless off course, it is re-used in accordance with the proposed new rules and regulations, this will also include the re-use of soil for beneficial purposes. For those involved in the construction industry they will have the opportunity to post comments on the draft regulations on the website of Ministry of Environment and Climate Change.

Some of the proposed aspects of the regulation, require the establishment of a project leader of a particular construction project that may or may-not generate excess soil. That person would also be required to have a qualified person to prepare the appropriate "Excess Soil Management Plan", if more than 2000 cubic meters of soil, leave the project area.

The proposed regulation requires that the content of an 'Excess Soil Management Plan" includes characterization of soil for contaminant concentrations if the site was previously used for industrial or specified commercial uses; or there is any indication; or identification through prior assessment that the site is contaminated.

Further requirements of this proposed plan would be that: excess soil will be required to be tracked to its final destination and the movement of the soil, will need to be filed on the new online registry, to be established by the year 2021.

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