December 1, 2022

Reema Kureishy

40 St. Clair Avenue West

10th Floor

Toronto, ON M4V 1M2

Dear Reema Kureishy,

Re: Comments regarding proposed amendments to certain requirements under the Excess Soil Regulation, Environmental Registry of Ontario Number 019-6240

The Town of Whitchurch-Stouffville has been a leader in recognizing the need to accommodate the management of Excess Soil in the vicinity of the GTA. The Town hosts the largest excess soil receiving site in the province (the USM facility on 9th Line) and many other active and proposed sites. All excess soil management in the Town is controlled through Town Bylaws which require receiving sites to manage environmental liability through the strict assessment and documentation of all incoming soil regardless of source and volume. The Town was a big proponent of Ontario Regulation 406/19.

We have reviewed the Proposed Amendments to Certain Requirements under the Excess Soil Regulation, Environmental Registry of Ontario Number 019-6240 and are **not in favour** of the proposal to amend the Excess Soil Regulation; such that the reuse planning requirements would not apply to a project area if it is used or was most recently used for an agricultural or other use, a residential use, a parkland use, or an institutional (e.g., schools) use, as defined in the Records of Site Condition Regulation (O. Reg. 153/04).

The Town’s By-law requires an assessment and characterization of all soil (except for very small volumes) including source, transport, and quality. Compliance with the current regulation satisfies Town Bylaw requirements. The proposed changes do not.

In its experience, the Town of Whitchurch-Stouffville has encountered a significant number of instances whereupon reviewing the soil characterization documentation, for sites that would be considered low risk by this revision, have found contamination in levels that would have detrimental environmental impacts if left unchecked. Some of these sites were close in proximity to tributaries and other environmentally sensitive areas, as well as wildlife habitats. Only through these efforts and investigations has the Town been able to order the removal and proper disposal of said contaminated excess soil. By suggesting that low-risk sites, such as the ones encountered by the Town, are absolved from sampling requirements will render the health of the environment and these habitats unshielded. Furthermore, the removal of low-risk sites from sampling requirements undermines the efforts that municipalities have made to develop and implement criteria to ensure best management practices among receiving sites.

The proposed changes will not benefit source sites that rely on receiving sites within the Town as the Town will not be taking on additional liability by reducing the requirements outlined in it’s Bylaws and Permits which were all approved through a process of public consultation over many years.

The Town would consider a reduced or modified approach to the assessment of what is deemed “low risk” sites but would not allow a complete waiving of the requirements.

The Town notes that the proposed changes do not align with the MECP’s Best Management Practices which contemplate a risk-based approach to assessment and management but not a ‘no efforts approach’ based on whimsical criteria without even the requirement for a professional opinion.

The Town would consider a reduced or modified approach to the assessment of what is deemed “low risk” sites but would not allow a complete waiving of assessment requirements.

The proposal should be amended.

Sincerely,

**THE TOWN OF WHITCHURCH-STOUFFVILLE**

Dave Kenth, P.Eng

Manager Development Services

cc. Mayor and Council