

UPCOMING

DECEMBER

- 5 Durham Region Council, 10:00 a.m.
Georgina Council, 9:00 a.m.
Mississauga General Committee, 9:00 a.m.
Vaughan Committee of the Whole, 1:00 p.m.
- 6 Peel Region Council, 9:30 a.m.
York Region Council, 9:00 a.m.
- 10 Brampton Planning & Development Committee, 7:00 p.m.
Burlington Committee of the Whole, 1:00 p.m.
King Council/Committee of the Whole, 6:00 p.m.
Markham General Committee, 9:00 a.m.
Mississauga Planning & Development Committee, 6:30 p.m.
Oakville Planning & Development Council, 7:00 p.m.
Pickering Council, 7:00 p.m.
Uxbridge Council, 10:00 a.m.
- 11 Aurora General Committee, 7:00 p.m.
Burlington Planning & Development Committee, 1:00 p.m.
Caledon General Committee, 1:00 p.m.
Caledon Planning & Development Committee, 7:00 p.m.
Durham Planning & Economic Development Committee, 9:30 a.m.
Hamilton Planning Committee, 9:30 a.m.
Richmond Hill Committee of the Whole, 4:30 p.m.
Whitchurch-Stouffville Council, 3:00 p.m.



EXCESS SOIL MANAGEMENT

REGULATIONS NEEDED



Rob Jowett

The new provincial government has just confirmed that it intends to develop regulations to govern the use of excess soil.

The previous Liberal government had undertaken consultations on draft regulations that defined and proscribed specific uses for clean excess soil, which is often landfilled to avoid liability concerns. Work on the regulations halted when the Conservative government took power, but the recently released proposed environment plan specifically commits to developing a process for managing clean fill.

“We now have, for the first time, confirmation that the government is going to move ahead with excess soil regulation... We just don’t know what form it’s going to take,” Norton Rose Fulbright senior partner Janet Bobeckho told *NRU*. Bobeckho is also a member of the Ontario Industry Environment Association excess soil working group.

“Excess soil has been a longstanding issue in the province of Ontario... simply because we have got a lot of infrastructure that’s being built,” she says. “We’ve had a great, hot economy. We’ve been building condos. That excess soil, if it’s clean... should be beneficially reused.”

The construction industry has been awaiting regulations for some time in order to provide clarity around exactly how clean fill can be beneficially reused.

“Part of the problem we have with beneficial reuse is [that] geotechnically the soils in Ontario are so variable that you can’t always get good material that can be reused for structural fill,” says XCG Consulting partner and chair of the excess soil working group Grant Walsom.

The draft regulations had required that soil be tracked from its source, and the onus for tracking be put on the source rather than the recipient. They also gave “Qualified Environmental Persons” as defined in the brownfield regulations, such as Walsom, the discretion to determine where and how specific loads of clean fill can be used.

“Rather than somebody calling up, which is what happens now, and saying, ‘I have a 100 trucks and I need to know where to go, and they phone around, see who’s available, see who’s got the best price on it and away they go, what [the government] wants to do is regularize the process by having the source site and the receiving site communicate in advance and basically reserving

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- Janet Bobeckho

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FUNDING SHORTLISTED

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“Our initial process would be to initiate environmental studies,” Thompson says. “We have to go through quite

a process to develop these corridors. In a perfect world, I think if we had funding to start an environmental assessment

study that deals with what we call phase one of the Niagara-Hamilton Corridor, which stretches from the QEW to the 406 extension, that would really get the program going.”

“We also feel that another component to this corridor that’s important is a new Niagara Escarpment crossing corridor that allows the trucks

to get up over the escarpment to the corridor. So again, we would be looking to get an environmental assessment for the Niagara Escarpment crossing study.”

REGULATIONS NEEDED

CONTINUED FROM PAGE 2

volume to a certain extent,” says Bobechko.

While a guide for excess soil best management practices was released in 2014, implementation and outreach was limited and companies tended to prioritize minimizing risk over finding ways to reuse the soil.

“There was a lot of concern... with stories about illegal dumping [of] soil that was claimed to be clean that in fact had contamination on it,” SOiL principal and project manager Al Durand told NRU. “It became front and centre, and the municipalities... started to go to the only tool they had, which was to write by-laws to stop importation of soil. And the only reference point they had for soil quality were the... brownfield regulations

[which are] very hard to enforce and didn’t encourage beneficial reuse and... because of the uncertainty and liability, [construction companies] just sent everything—all soil, clean, dirty, whatever—to a landfill.”

Little is known about what changes, if any, the provincial government will make to the draft regulations, or when they intend to implement them. Walsom says that based on the language of the proposed environment plan, the emphasis may be on local reuse to the extent possible.

“They were in limbo, and [there was] quite a bit of quiet at the Ministry of the Environment for the last little while... [and the regulations are] not going to proceed, as originally suggested, for January 1st [2019],” he says. “[But] it looks like things will

be moving forward.”

The 2018 Ontario Excess Soil Symposium, hosted by the Canadian Urban Institute, was held at the Ajax Convention Centre last week.



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