

Proposed changes to Regulation 244/97 under the *Aggregate Resources Act*

The Ministry of Environment, Conservation and Parks has implemented new provincial requirements under the *Environmental Protection Act* (EPA) for soil that is moved during construction activities to another site for a beneficial reuse (i.e., excess soil). Ontario Regulation 406/19, and Rules for Soil Management and Excess Soil Quality Standards include risk-based quality standards for the safe reuse of excess soil.

To harmonize with the new EPA requirements where an *Aggregate Resources Act* (ARA) approval authorizes the importation of inert fill on privately owned land and no specific quality standard is identified, aggregate, the Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF) is proposing changes whereby approval holders are to, at a minimum, follow the applicable Excess Soil Quality Standards in O. Reg. 406/19 under the EPA based on the future property use and site conditions. This means that if the site plan authorizes importation of, for example, "clean soil", "clean fill", or "inert fill", but does not identify that it meets specific criteria for quality, then the suitable soil quality will be determined in accordance with the regulation under the ARA and in consideration of the conditions at the site and the future land use identified in the approved rehabilitation plan. On Crown land, the acceptable soil quality is limited to the applicable quality for "agricultural and other property use" as defined in O. Reg. 406/19, so that future land use is not limited.

To clarify and provide certainty, NDMNRF is proposing the following:

- The applicable excess soil quality standard must be consistent with the future use identified in the approved rehabilitation plan for the aggregate site
- Liquid soil will not be authorized for deposit under the ARA, but authorization may be sought under the EPA

Where quality is identified, the NDMNRF is proposing regulatory changes and policy direction for importing soil to facilitate rehabilitation at authorized pits and quarries under the ARA.

The changes being proposed are consistent with O. Reg. 406/19, and Rules for Soil Management and Excess Soil Quality Standards under the EPA, for the safe reuse of excess soil.

We invite you to review the changes and offer comments.

A complete summary of the proposed regulatory changes can be found on the Environmental Registry at the following address:
www.ero.ontario.ca

Then search for notice: **019-4801**

There are several ways you can comment on this proposal, including:

1. Directly through the Environmental Registry posting (click on the "Submit a comment" button)
2. By email to aggregates@ontario.ca, or
3. By mail to:

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