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June 21, 2017

Sanjay Coelho  
Senior Policy Analyst  
Ministry of the Environment and Climate Change  
Climate Change and Environmental Policy Division  
Land and Water Policy Branch  
40 St. Clair Avenue West, Floor 10  
Toronto ON M4V 1M2

Dear Mr. Coelho:

**Re: EBR Registry Number 013-0299 Excess Soil Management Regulatory Proposal**

On behalf of AMO and our members, I would like to provide comments on the proposed regulation on excess soil management.

AMO is pleased to see clarification of the role of the “qualified person”, and greater responsibility assigned to the source site owner. Clarification of the qualifications of a “qualified person” is helpful, and the requirements to declare conflict of interest with certain projects will also assist in ensuring neutrality. Additionally, in earlier consultations, AMO supported placing more responsibility on the owners of source sites of excess soil rather than on the receiving sites, as this should be the responsibility of excess soil producers to responsibly address, rather than recipient municipal governments. AMO was also seeking further clarity and encouragement of recycling and reuse of excess soil to help limit the amount of soil delivered to land fill sites, where capacity is low. Standards for reuse are included in the regulation, based on the goal of encouraging reuse, which is appreciated.

Despite these improvements, municipal governments continue to be concerned about monitoring and compliance. For the proposed changes to be implemented, municipal staff will be expected to take on additional work to monitor compliance with Excess Soil Management Plans, conduct inspections, investigations, oversee receiving sites, maintain records, complete reporting, and undertake legal actions. These additional responsibilities will pose human resource and financial issues for municipal governments. An appropriate municipal fee charged to source site owners would help cover the cost of these tasks.

Additionally, there is a new unfunded role identified for Building Officials to check whether an applicant has submitted notice and has prepared an Excess Soil Management Plan approved by a qualified person, if they are constructing a building for shoring. It is not respectful or appropriate to assign new tasks to municipal Building Officials without a source of funding to cover this new cost. AMO would strongly oppose this inclusion in the proposed regulations, and urges you to consider alternatives.

A few other aspects of the proposed regulation raise concerns for the municipal sector. While the move to clarify the definition of excess soil and make it consistent with other legislation is positive, it is important to distinguish between topsoil, subsoil, and inert fill, such as brick, concrete and other building materials. These must be treated differently for safe disposal or reuse. For farming communities, the protection enhancement of topsoil is critical, and ensuring it is treated appropriately through this regulation is important.

Thank you for the opportunity to provide input on this consultation. This is an important issue for municipal governments, and I hope that you will give due consideration to our comments to ensure we achieve a good outcome.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'L. Dollin', written in black ink.

Lynn Dollin  
AMO President

cc: The Honourable Bill Mauro, Minister of Municipal Affairs  
The Honourable Kathryn McGarry, Minister of Natural Resources and Forestry