



RESIDENTIAL AND  
CIVIL  
CONSTRUCTION  
ALLIANCE OF  
ONTARIO

**Constructing Ontario's Future**

**May 30, 2012**

Kathleen Anderson  
Assistant Director, Central Region Office  
Ministry of the Environment  
5775 Yonge Street, 8<sup>th</sup> Floor  
Toronto, Ontario M2M 4J1

Re: Draft “Soil Management – A Guide for Best Management Practices”

The Residential and Civil Construction Alliance of Ontario (RCCAO) appreciates the opportunity to provide comments and recommendations on the recently released Ministry of the Environment (MOE) proposed draft document “Soil Management – A Guide for Best Management Practices” (BMP) dated April 19, 2012.

RCCAO is pleased to have participated in the initial consultation meeting with MOE and other stakeholders in June 2011. The attached submission provides more detailed comments and recommendations to this most recent draft soil management BMP. Clearly, this BMP represents a step forward in addressing an increasingly complex subject. It also represents a great opportunity for the Ontario Government to take a current “waste” problem and transform it into a positive program encouraging the beneficial reuse of excess construction soils.

RCCAO, in representing a broad spectrum of labour and management in the construction industry, continues to have a number of concerns with respect to this document and the general issue of excess construction soil management policies and regulations (or more specifically, the lack thereof) in Ontario. Key RCCAO comments and recommendations pertaining to the current draft BMP document are briefly summarized as follows:

- RCCAO commends MOE’s continued stakeholder engagement approach and inclusion in this draft of new sections encouraging appropriate further solutions to fill acknowledged “gaps” pertaining to Considerations for Municipalities and Conservation Authorities as well as Civil Construction and Other Development Activities.
- Further clarifications are required to soil definitions beyond those limited definitions contained in O.Reg. 153/04 in order to realistically support MOE’s general policy to encourage the beneficial reuse of excess construction soils and materials in this BMP.

- We appreciate the status given to the construction sector for further development of appropriate practices involved with excess soil handling from smaller, non-brownfield type infrastructure and municipal projects where a Record of Site Condition (RSC) is not involved or applicable. Issues to be addressed include appropriate site sampling and testing requirements, fill management plans, administrative reporting requirements and the role of involved Qualified Professionals (QP's), where applicable.
- Recognition and further clarifications supporting the development, at the regional or multi-municipal level, of appropriate "temporary soil bank" locations that are necessary for smaller residential, civil and ICI construction projects. This would include extending "temporary" permitting from a proposed two year to a minimum five year period with options to extend further based on regional needs and performance. The role and level of appropriate public consultation for soil banking type facilities requires elaboration to be workable.
- Significant ongoing commitment will be required from MOE, as part of the implementation process of this BMP, to support the residential and civil construction industry in developing and promoting the needed industry best practices required to fill the recognized practice gaps.
- We encourage MOE to work with municipalities and other relevant Ministries, through the proposed BMP, to develop local by-laws that encourage the beneficial reuse of excess constructions soils and materials including assurances that appropriate excess soil fill receiving locations and capacity are available.

In summary, RCCAO commends MOE's continued stakeholder engagement approach for the development of sound government policy, regulations and practices crossing various Ministries and orders of government in matters related to the management of excess construction soils and materials.

RCCAO thanks the Ministry for their consideration of our comments and recommendations covering this most recent draft BMP. Our membership also wishes to commend the Ministry for their continued support of RCCAO's Steering Committee in developing solutions and best industry practices to fill the "gaps" in dealing with excess construction soils. This BMP initiative represents a key activity to our industry and will contribute enormously, if implemented successfully, both to a better environment and to a more cost-effective delivery of infrastructure projects in Ontario.

Please do not hesitate to contact me if you have any questions.

Yours truly,

Andy Manahan  
Executive Director RCCAO

Copy to:

Minister Jim Bradley, Minister of the Environment  
Minister Bob Chiarelli, Minister of Infrastructure and Minister of Transportation  
Minister Kathleen Wynne, Minister of Municipal Affairs and Housing

Encl.