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Clarington, Ontario excess soil bylaw a concern for construction: RCCAO

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A recent municipal bylaw threatens to change the way Ontario contractors deal with excess soils.

The municipality of Clarington, Ontario will now only accept fill that comes from within its boundaries. Council recently approved amendments to a 2008 bylaw that aims to protect the quality of soil and ground water.

“That’s a real concern because if other municipalities follow the lead of Clarington and they’re passing similar bylaws, then we’ll have fewer and fewer places to take excess soils to. That will drive up costs because of trucking and everything else. It’s a real concern,” said Andy Manahan, Residential and Civil Construction Alliance of Ontario (RCCAO) executive director.

The amendment also includes a fee increase for minor, small and large fill operations. The fees collected will go into a reserve account for rural road rehabilitation.

“It is nearly impossible to know with any degree of certainty what the source and quality of material is that comes from outside of Clarington. The only exception we are willing to make is for fill that has been taken from within a municipal road allowance as part of a construction or reconstruction project undertaken by or on behalf of another municipality,” reads the report from Clarington’s engineering services department that recommended the amendment.



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The Ontario Sand, Stone and Gravel Association (OSSGA) and the Building Industry and Land Development Association both submitted letters opposing the draft bylaw. OSSGA requested the opportunity to review the amendment and provide detail comments, but was rejected by Clarington council.

An excess soils steering committee composed of contractors, consultants and a Ministry of Environment staff person recently met for the first time. It decided that a minority government situation is not the time to bring in new regulations. The committee agreed to develop a construction industry best management practice.

The Ministry of Environment is expected to release best management practices to guide the management of excess soils.

“We know that some of the solutions are not really applicable to our sector, like the public consultation

process to move soils would be unworkable,” said Manahan, who sits on the committee.

In construction, it is usually the responsibility of the contractor to deal with the excess soil in a safe and efficient manner off-site.

“Provincial laws and standards intended to encourage the clean-up of Brownfield and other contaminated sites are being applied as well to excess construction soils, and being imposed by other public agencies and private companies,” stated RCCAO in a recent media campaign that highlighted the percentage of capital costs attributable to the transportation and disposal of soils.

Clarington has also requested that the province develop excess soil regulations.

“We’d like to work with the province and municipalities to make sure we come up with some real solutions,” said Manahan.