

Greetings,

I am reaching out to share that the Ministry of the Environment, Conservation and Parks (MECP) is moving forward with a temporary suspension of the need to comply with the requirements under O. Reg. 406/19: On-Site and Excess Soil Regulation (“Excess Soil Regulation”) that came into effect on January 1, 2022, until **January 1, 2023**.

The Excess Soil Regulation was finalized in 2019 and was intended to make it easier and safer to reuse more excess soil locally. The Excess Soil Regulation has been phased in over a number of years, with the majority of the provisions already in place. However, we heard from developers and municipalities that they need more time to implement the most recent set of requirements that came into effect on January 1, 2022, and to better understand their responsibilities. To support these stakeholders and others, we have decided to suspend the most recent provisions until January 1, 2023.

We would like to thank everyone who took the time to share input on this proposal. We look forward to on-going dialogue over the coming months with our stakeholder and Indigenous partners on additional education, outreach, and guidance needs, to help further support successful implementation of these requirements.

MECP is committed to setting clear rules to support the appropriate beneficial reuse of excess soils and to working with municipalities, and other law enforcement agencies to help put a stop to illegal dumping of excess soil.

In the meantime, our regulatory framework as it was in effect before January 1, 2022 continues to apply to ensure our health and environment are protected. This includes criteria, that if met, defines excess soil as a resource for reuse, and not designated waste. This also includes the related excess soil reuse standards and rules, and exemptions from the need for waste-related approvals in various circumstances.

For those who have planned to implement the January 1, 2022 requirements this calendar year, we would recommend proceeding forward with your planning, assessments, and registration this year, as a best practice.

Please pass this information along to colleagues, members of your organization, other organizations, and anyone else that may be interested.

For further information on this decision and input received on the proposal, please refer to the decision notice on the Environmental Registry of Ontario (ERO): <https://ero.ontario.ca/notice/019-5203>. If you have any questions or would like to discuss this decision, please contact Jessica Isaac, Manager (A) or Laura Blease, Senior Policy Advisor with the Land Use Policy Unit at [MECP.LandPolicy@ontario.ca](mailto:MECP.LandPolicy@ontario.ca).

Sincerely,

**Original Signed by:**

Chris Lompart  
Director (A), Environmental Policy Branch  
Ministry of the Environment, Conservation and Parks