



Ontario Federation of Agriculture

Ontario AgriCentre

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March 23, 2016

Mr. Atif Durrani
Senior Policy Advisor
Ministry of the Environment and Climate Change
135 St. Clair Ave. West, 6th Floor
Toronto, ON M4V 1P5

Dear Mr. Durrani;

RE: EBR Registry Number 012-6065 Excess Soil Management Policy Framework

The Ontario Federation of Agriculture (OFA) is Canada's largest voluntary general farm organization, representing more than 36,000 family farm businesses across Ontario. These farm businesses form the backbone of our robust food system and rural communities with the potential to drive the Ontario economy forward.

OFA's principle interest in the management of excess soils focusses on the protection of agricultural land for its ability of produce food, fibre and fuel, which must never be compromised. Any activities that compromise this interest, such as the dumping of excess soils on productive agricultural lands and thereby reducing their capability to produce food, fibre and fuel for today and future generations must be prevented.

Excess soils are a reality, particularly in areas undergoing significant new urban development, or redevelopment. In response to this reality, Ontario needs to develop a comprehensive framework to safely and effectively manage and utilize this resource. Excess soils tested and shown to be free from contaminants, can be reused. Contaminated soils must obviously go to approved hazardous waste disposal sites.

The options to reuse clean excess soils are broader, but from our perspective, the Ontario government needs to ensure that excess soil reuse never compromises the capability of our finite, and shrinking agricultural lands to continue to produce safe, affordable food, fibre and fuel. Reuse options on agricultural lands must ensure that agricultural uses are the preeminent priority, and that depositing excess soils on productive agricultural lands never compromises those agricultural uses. That being said, we do envision opportunities to reuse excess soils in the rehabilitation of aggregate pits and quarries, where extraction has been completed. The use of excess soils here can improve the quality of the rehabilitation work, through gently sloping sides to facilitate a better agricultural end use.

Generators of excess soil should be the ones principally responsible for excess soil management; finding a suitable receiving site, obtaining all necessary permits and authorizations, and ensuring that the Ministry of the Environment and Climate Change is provided with information on where excess soil came from, the soil test results and where it was placed. That being said, the OFA envisions a regulatory regime for excess soils that is easy to

use, so that generators of excess soil are not deterred due to excessive compliance costs or delays in obtaining requisite permits and authorizations.

The safe and responsible end use of excess soils must be an integral part of the land development process. Development applications that generate a specified amount of excess soils must, as part of the application process, demonstrate how and where excess soils will be tested, and where the clean soils will be reused, if they cannot be reused on-site.

To achieve this, the Ontario Government must develop mechanisms to:

- i. Track excess soil from source, through temporary storage, to final receiving site,
- ii. Develop soil testing protocols,
- iii. Ensure rigorous testing to ensure that loads are “clean”,
- iv. Ensure separation of topsoil and subsoil through all stages,
- v. Make generators of excess soil fully responsible for any and all permits, authorizations, studies, and associated costs

There does, however, seem to be a gap in oversight and enforcement. Will this be left to municipal by-law enforcement staff, or will the Ministry of the Environment and Climate Change play a key role in oversight and enforcement? For many municipalities, particularly our small, rural municipalities who are likely to be the recipients of excess soils, their capacity to be able to financially afford and deliver an effective oversight and enforcement of excess soil reuse is doubtful. Therefore, the Ontario Government must ensure that municipalities are adequately compensated to fulfill any necessary local oversight and enforcement of excess soil reuse.

The Ontario Federation of Agriculture recognizes the importance of developing a workable Excess Soil Management Policy Framework. If done correctly, it will enhance the capacity of Ontario farmers to produce safe, affordable food, fibre and fuel through protecting our agricultural lands from any and all non-agricultural uses, including the unregulated deposit of excess soils in ways that threatens the continued capacity of our finite and shrinking agricultural lands. To that end, we envision opportunities to reuse excess soils in the rehabilitation of aggregate pits and quarries, where extraction has been completed. The use of excess soils here can improve the quality of the rehabilitation work, through gently sloping sides that facilitate a better agricultural end use.

Yours sincerely,



Don McCabe
President

DM/pj

cc: Hon. Glen Murray; Minister of Environment and Climate Change
Hon. Jeff Leal; Minister of Agriculture, Food and Rural Affairs
OFA Board of Directors