

November 30, 2023

Reema Kureishy  
Environmental Policy Branch  
40 St Clair Avenue West  
10th Floor  
Toronto, ON  
M4V 1M2

Sent via email, to: [mecp.landpolicy@ontario.ca](mailto:mecp.landpolicy@ontario.ca) and submitted online through the Environmental Registry of Ontario

Dear Reema Kureishy,

**RE: ERO 019-7636 – Proposed regulatory amendments to encourage greater reuse of excess soil**

The Ontario Federation of Agriculture (OFA) is pleased to provide comments to the Ministry of Environment, Conservation, and Parks (MECP) on the *proposed regulatory amendments to encourage greater reuse of excess soil*. The OFA is the largest general farm organization in Ontario, proudly representing more than 38,000 farm family members. OFA has a strong voice for our members and the agri-food industry on issues, legislation and regulations administered by all levels of government. We are passionate and dedicated to ensuring that the agri-food sector and rural communities are considered and consulted with for any new or changing legislation that would impact the sustainability and growth of our farm businesses.

OFA is committed to protecting agricultural lands in Ontario that grow food for today and for future generations. We maintain that agricultural activities make the highest and best use of arable land, and that agriculturally managed landscapes provide environmental and ecological co-benefits for the people of Ontario in the process of normal farm practices. Healthy and productive agricultural soil is a non-renewable resource vital to food production and human wellbeing. Our soils are the foundation of terrestrial life and worthy of our respect and careful stewardship. Feeding a growing global population will depend on how well we manage this valuable, finite resource for future generations.

OFA fully supports the overarching principle of beneficial reuse of excess soils in Ontario. We support setting clear rules and procedures to direct the appropriate reuse of excess soils and consistent enforcement when those rules are not followed. Our primary concern is to ensure that agricultural lands remain productive and free from potential contaminants that could threaten our local food safety and supply. Eliminating the risk of contamination to agricultural lands is paramount. While we understand that these amendments are intended to encourage greater reuse of excess soil in the province, we remain concerned with any potential easing of the regulation related to movement of excess soils onto agricultural lands.

Specific comments on the proposed amendments are summarized below:

## **2) Enhanced reuse opportunities for salt-impacted soil (Section D, Part I in the Soil Rules)**

OFA has concerns regarding the proposed changes for reuse of salt-impacted soil. The lack of consideration for Source Water Protection (SWP) under the Clean Water Act is concerning. It would be inaccurate to assume that the only water wells considered in SWP are very deep, secure, municipal wells. The reality in Ontario is that there are numerous municipal wells that are *ground water under direct influence of surface water*, known as GUDI wells. This means that surface water does mix with the ground water coming from the well. In 2021, Oxford County in Southwestern Ontario reported that 70% (7 out of 10) municipal wells are GUDI wells. The City of Guelph has a shallow groundwater collector system – it is not a deep drilled, secure well. As such, OFA believes that the use of salt-impacted soils should be subject to Source Water Protection policies and the Clean Water Act. We are pleased to see that the “existing restrictions on placement of salt-impacted soil within 30m of a surface water body, and 100m from existing or planned potable wells would be retained.”

OFA recommends that the province also develop setbacks from agricultural areas where salt-impacted soil is not permitted.

OFA also has concerns with the proposed reuse of salt-impacted soil at agricultural properties. Although the proposed use is for areas not used to grow crops, pasture livestock or in natural areas, introduction of salt-impacted soil to the agricultural landscape poses unacceptable risk to food production. Salt can be highly mobile in the soil environment and salt-impacted soils introduced to the agricultural landscape could easily impact crop or livestock production on the farm due to migration of this contaminant. OFA is also concerned that this proposed use could be perceived as disposal, rather than beneficial use, and we maintain that the proposed use is not supportive of agricultural activities.

OFA recommends that these proposed changes not be adopted, and that salt-impacted soils continue to be placed on industrial or commercial sites where quality standards can be applied, and not in the agricultural landscape.

## **3) Enable greater soil management at Class 2 soil management sites and create greater alignment at local waste transfer facilities and depots (section 21 and 25 of the Excess Soil Regulation and associated provisions in the Soil Rules)**


This proposal suggests some amendments that would “enable greater soil management at Class 2 soil management sites and create greater alignment at local waste transfer facilities and depots” and includes flexibility with regards to mixing of soils in specific circumstances. It remains essential that the quality, testing, and record-keeping and monitoring regarding these soils, particularly if mixed, remains a high priority. This is to ensure that appropriate soil quality remains, and is not later used on agricultural lands (or for the rehabilitation of aggregate properties or agricultural uses) that may be negatively impacted by salt-impacted soils/lower quality soils.

**8) Greater flexibility for storage of soil adjacent to waterbodies (storage rules in the Soil Rules document)**

OFA supports the proposal for greater flexibility regarding the storage of soil adjacent to waterbodies with the proposed requirements that it is only soil that was excavated from the water body near the shoreline (other soil could not be brought to that area for storage) and that potential adverse impacts to the water body are mitigated.

We appreciate the opportunity to provide our feedback and agricultural perspectives on these proposed regulatory amendments to encourage greater reuse of excess soil. We look forward to working with the provincial government to protect Ontario's farmlands as well as support infrastructure development and help protect human health and the environment.

Sincerely,

  
Drew Spoelstra  
President

cc: Hon. Lisa Thompson, Minister, Ontario Ministry of Agriculture, Food and Rural Affairs  
OFA Board of Directors