

Cathy Curlew  
MNDMNRF - RPDPB - Resources Development Section  
Via on-line submission & PDF to aggregates@ontario.ca

February 22, 2022

**RE: ERO number 019-4801 - - Proposed regulatory changes for the beneficial reuse  
of excess soil at pits and quarries in Ontario**

Dear Ms Curlew,

Incorporated in Ontario in 2002, the Ontario Headwaters Institute is a federally registered charity. Originally focused on protecting headwater areas, where our watersheds start, supplementary letters patent expanded our mandate to full watersheds, their natural heritage, and receiving waters such as Lake Simcoe and the Great Lakes.

This was a natural evolution, keeping pace with the development of or changes in Ontario's environmental planning and protection regimes over the last twenty years.

As such, we frequently participate in discussions and consultations on issues relating to the long-term protection of Ontario's environmental, economic, and social well-being, including those related to aggregates and land use planning.

While we support efforts to codify the re-use of excess soil, this proposal is wanting, and we support the submissions of Gravel Watch Ontario and the Ontario Soil Regulation Task Force both in general and in particular regarding the need for more time & consultation on this proposal.

In addition, we offer our own comments as below.

1. Diminished Public Trust: Repeated amendments to aggregate regulations since the election of 2018 undermine the public's confidence on any long-term strategy for the industry. This began with the staging of an aggregate summit that essentially excluded civil society; a series of regulatory amendments meant to reduce environmental over-sight while facilitating certain operational aspects of the industry, many of which were put forward by the industry; and a lack of interest in efforts to address concerns expressed by non-industry players. These include issues relating to municipal permitting for extraction below the water table, increased recycling to reduce the use of virgin material, and the introduction of standards for progressive rehabilitation to restore extraction sites. We need a longer-term provincial aggregate strategy, not serial regulatory disruption.
2. Putting Water at Risk: Suggested mechanisms for protecting surface and ground water from potential contaminants in excess soil. While the proposed regulation provides table and goes so far as to identify a possible budgetary envelope for Qualified Persons to supervise the importation of excess soil quality, we believe there should be extensive discussion on three different scenarios where the excess soil might be placed. These are a location a defined safe distance above the local water table, near the water table, or below the water table. Indeed, the OHI leans toward a prohibition on the last of these, as even supposedly clean fill might seriously impact groundwater flow and quality, well water quality, turbidity, aquatic species, including the volume and temperature of groundwater discharges to downstream surface water.

3. The Need for Monitoring and Public Access to Data: For several years, the OHI has called for the water monitoring data required for pit and quarry operations to be made public. This proposal offers an opportune time to begin that process, and we urge the ministry to establish a pro-active role for municipalities to not only monitor the placement of excess soil in pits and quarries in their jurisdictions but to include monitoring of water quality and quantity, both upstream and downstream of where excess soil may be placed. This data will offer insight into numerous aspects of local water use, including for drinking, agricultural, and general environmental application, and must be made publicly available on a timely basis.

In summary, our key points are:

- We support the submissions from Gravel Watch Ontario and the Ontario Soil Regulation Task Force and suggest further public consultation, preferably after the up-coming election;
- Ontario needs a comprehensive strategy for more sustainable aggregate operations, not serial regulatory amendments based on sector nimby-ism against reasonable environmental safeguards;
- There needs to be significant discussion about the threats that arise from placing excess soil near to or below the water-table; and,
- Significant discussion also needs to take place regarding the role of local municipalities in monitoring water quality and quantity, both upstream and downstream of pits and quarries receiving excess fill, and the data should be publicly available.

We thank you for the opportunity of commenting. Please feel free to contact me at your convenience for further discussion.

Sincerely,

*Andrew McCammon*

Executive Director

cc: Local sister organizations and others