

**Ministry of the Environment, Conservation  
and Parks**

Office of the Minister

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**Ministère de l'Environnement,  
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357-2021-931

March 15, 2021

Mr. Robert Poirier  
Chair  
Resource Productivity and Recovery Authority  
Email: [chair@rpra.ca](mailto:chair@rpra.ca)

Dear Mr. Poirier:

Ontario's [Made-In-Ontario Environment Plan](#) includes actions to set clear rules supporting appropriate beneficial reuse of excess soils and to work with municipalities, and other law enforcement agencies on enforcement of illegal dumping of excess soil. Part of this plan included the development of the On-Site and Excess Soil Management Regulation, O. Reg. 406/19 (Regulation) under the *Environmental Protection Act* (EPA). The Regulation sets rules related to the reuse of excess soil, including risk-based soil quality reuse standards, requirements that reuse or disposal of excess soil from projects prescribed in the regulation be planned and tracked, and that prescribed larger excess soil reuse site operators have procedures in place to better understand the soil they receive.

The Regulation includes requirements for a notice to be filed in an Excess Soil Registry (Registry) by:

- Project leaders for projects prescribed by the Regulation, including information on their site, excess soil and excess soil destinations;
- Operators of reuse sites prescribed by the Regulation, including information related to their site and soils being received; and
- Operators of residential development soil depots, including amount of soil to be stored and anticipated dates of operation.

The requirements for persons prescribed by the Regulation to file a notice in the Registry come into effect on January 1, 2022. In December 2020, Ontario amended the Regulation to provide that the Registry to be used for notices under the Regulation is the Registry operated by the Resource Productivity and Recovery Authority (the Authority) under section 50 of the *Resource Recovery and Circular Economy Act, 2016* (RRCEA). This Registry and its implementation will

enable parties under the Excess Soil Regulation to meet their applicable requirements governing the filing and updating of notices in the Registry and enable the Ministry of the Environment, Conservation and Parks (ministry) and others to access information to support compliance and enforcement, policy and program development, efficient soil management practices, and public confidence in excess soil management.

### **Creating and Implementing the Registry and Associated Services**

The following are directions setting out a program pursuant to clause 24(1)(c) and a policy direction pursuant to subsection 29(1) of the RRCEA.

I am directing the Authority to develop, implement and maintain a Registry, including associated user support and data management services as generally described below. This Registry will be a component of the “registry” under section 50 of the RRCEA. The Registry will be prepared to meet all of the requirements associated with the Registry in the Regulation, O. Reg. 406/19, including enabling any person to meet the requirements placed on them to do something in the Registry, such as to file or update notices as required, for example, by sections 7, 8 and 19 of the Regulation.

The Authority should complete the build and testing of the Registry’s essential components at least one month in advance of the obligations on persons to file notices in the Registry coming into effect on January 1, 2022. As of that date, under O. Reg. 406/19, specified regulated people will be required to file a notice on the Registry before moving or receiving excess soil or operating certain types of sites. Completion of essential Registry components in advance of that date will enable user training and filing of notices, and avoid any disruption to projects on the regulatory in-effect date. Amongst others, users of the Registry will include project leaders that generate excess soil, operators of reuse sites, operators of residential development soil depots, qualified persons retained by a project leader or reuse site operator, the ministry, other stakeholders involved in soil management or oversight of soil management activities, and the public.

Functions and services beyond those components that are essential to meet the requirements of the Regulation but necessary to meet the principles and expectations in this letter and that were not included in the initial build being implemented before January 1, 2022, will be added in a second phase of work immediately following implementation of the first phase (the initial build). Work planning for the Registry will identify requirements and set-out timing associated with a second phase. Additional services, beyond those mentioned in this letter, may also be added after this date.

When the Registry is built and implemented, the Authority's duties are expected to include:

- Providing a digital reporting service (including registration, reporting, information management, and related items) that enables regulated persons to comply with the notice filing requirements of the Excess Soil Regulation in a manner that is efficient and integrates with business practices and enables transparency and appropriate public access;
- Setting and collecting fees in a transparent and consultative manner to recover the Authority's costs in respect of the Registry;
- Supporting stakeholders who register notices under the Regulation and other users of the Registry with regard to use of the Registry and filing of notices; and
- Supporting the ministry's enforcement and compliance, and policy and program efforts by providing efficient access to the Registry, generating and providing information and data to the ministry, and providing reports related to information in the Registry.

Compliance and enforcement activities in relation to the Regulation will remain with the ministry.

### **Our Principles and Expectations**

The Authority should prepare for and deliver these digital services in accordance with the following principles:

#### **Transparent and Meaningful Consultation with Program Stakeholders**

- Affected stakeholders, including project leaders, qualified persons, receiving site operators, the ministry, and other users of the Registry are provided with an opportunity for input into the business requirements of the Registry and the functioning of associated services.
- Affected stakeholders and the ministry receive regular, clear communication from the Authority on the progress of the preparations for the Registry.
- Affected stakeholders and the ministry are able to test the service before launch to ensure it meets the needs of stakeholder and the ministry.

#### **Efficient and Integrated Design and Delivery**

- Design and operation of the Registry reflects the business practices of stakeholders enabling efficient and cost-effective approaches to entering information and undertaking other activities associated with the Registry.
- The Authority, stakeholders and the ministry will consider how to best provide cost-effective and efficient means of exchanging information with other systems or programs that support sustainable reuse of excess soil, such as tracking systems, soil matching systems and other non-regulatory programs or systems.

### **Protect Consumers and Demonstrate Cost Control**

- Ensure the assets and resources already in use to deliver the Authority's existing registry are leveraged to the greatest extent possible, to ensure development of the Registry is completed in an efficient and cost-effective manner.
- Ensure adherence with the Authority's procurement policy, where it is necessary to procure resources.
- Ensure that the costs for the development and delivery of the new service, as well as the fees intended to recover those costs, are clearly communicated to the ministry, stakeholders and the public.

### **Maintain and Improve Program Performance**

- Provide a user-friendly, digital service with minimal burden on businesses and institutions from an administrative and cost perspective and allow for continuous program improvements over time.
- Enable efficient filing of notices and other information from the regulated community, supporting the platform needs of users.
- Ensure that modern digital information and reporting capabilities are included to support ministry decision-making and compliance and enforcement activities for the Excess Soil program.
- Ensure users can easily access supports (e.g. online assistance, FAQs, phone support, etc.) and that these supports include learning tools to assist the regulated community and stakeholders in using the reporting service.
- Institute a process that evaluates the performance of the new service in meeting its objectives on a routine basis. These objectives include limiting burden on the regulated community and providing accurate information in a timely manner to the ministry, to support the safe and responsible management of excess soil.

### **Your next steps**

Preparations for the design, development and implementation of the Registry to meet the requirements of the Regulation, including building and testing of the Registry, and associated services should be complete one month before January 1, 2022. If a second phase is necessary to achieve the full functions as set out in this letter, the functions and timing of that second phase will be documented and provided to the ministry.

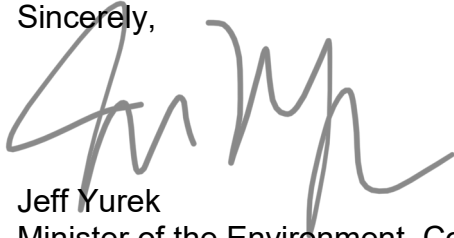
The Authority's preparations for the performance of these new duties should be done in accordance with my direction, the RRCEA and its regulations, and the EPA and its regulations.

Mr. Robert Poirier  
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I may provide further direction at a later date related to the matters set out in this direction.

Lastly, the Authority shall make this direction letter available publicly on its website.

Sincerely,

A handwritten signature in grey ink, appearing to read 'Jeff Yurek', written over the word 'Sincerely,'.

Jeff Yurek  
Minister of the Environment, Conservation and Parks

c: Mr. Serge Imbrogno, Deputy Minister  
Ministry of the Environment, Conservation and Parks