

CHALLENGES OF SOIL RELOCATION UPDATE ON CHANGES TO PROVINCIAL PROCESS

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Environment

THE ISSUE – REGULATOR

- Few tools to track and contain movement
- Determining the source of soil
- Illegal & inappropriate disposal
- Lack of awareness: industry, gov't staff, public
- Where to focus resources

THE ISSUE – PARTIES RELOCATING SOIL



- Limited options for disposal and treatment
- Sale of materials subject to requirements
- Cost
- Timing – lengthy delays, unpredictable
- Liability



LEGAL PROCESS

- Current:
 - Ministry authorization prior to movement
 - Exemptions
- Proposed:
 - Notifications
 - Ministry audits

POTENTIAL CHANGES TO LEGAL REGIME

- Discussion paper 
- Intentions paper 
- Draft legal requirements
- Amendments to the *Environmental Management Act*
 - Contaminated Sites Regulation

WRITTEN COMMENTS - INTENTIONS PAPER

- 17 responses
 - Low support for current process
 - General support for notification process
 - Streamline
- Soil to be treated as a resource
- Opinions split regarding ministry involvement

GENERAL RESPONSE

- Strong support for ministry involvement in risk based soil relocation
 - Concerns with ministry capacity/resources to manage
- No relocation over standards
- Mixed responses to triggers
 - All sites over a specific volume
 - No volume requirement for Schedule 2 sites

LOCAL GOVERNMENT RESPONSE

- Responsibility shift to municipalities
- Opportunities to review relocation notifications
 - Not part of the decision making process
- Two weeks notice prior to movement too short
- Trigger volumes for notification aligned with local bylaw volumes

CURRENT FOCUS ON CHANGES TO PROCESS

Local Government Issues

- Notification timing
- Coordination of responsibilities
- Need for education that other requirements may be applicable – bylaws
- Management of municipal soils

CURRENT FOCUS ON CHANGES TO PROCESS

Leachate Testing

- Developing a leachate protocol with CSAP Working Group
- How does this apply to soil relocation
- Unique circumstances compared to site remediation
- Volume concerns at receiving sites

CURRENT FOCUS ON PROCESS

Disposal of Soil on First Nations Land

- Treaty lands vs. reserve lands
- How does this involve other federal land
- What requirements would apply

Exemptions and Beneficial Re-use of Soil

- Salt contaminated soil
- Materials as a product for sale
- Regulatory flexibility to promote and enhance re-use of soils – not disposal



Benefits & Issues

CURRENT FOCUS ON PROCESS



Large Volume Receiving Sites

- Creation of unauthorized/unregulated “landfills”
- Requirements protective of human health and the environment
- What requirements would apply
- How will these sites be monitored

NEXT STEPS

- Continue work in areas discussed
- Potential working groups
- Exemptions
- Vapours
- Paper outlining details of proposed process for comment
- Drafting legislation



QUESTIONS

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