

# Proposed 2022 Registry Fees for Excess Soil

September 27, 2021



# Excess Soil Regulation and Minister's Directions

- The Onsite and Excess Soil Management Regulation:
  - sets rules and standards for the reuse of excess soil, requirements for the planning and tracking of reuse and disposal of excess soil, and requirements for certain procedures at larger soil reuse sites
  - requires notices to be filed:
    - by project leaders when excess soil is generated (project area notices)
    - by owners or operators of soil reuse sites (reuse site notices)
    - by operators of residential development soil depots (RDSD notices)
- In March 2021, the Minister of the Environment, Conservation and Parks (MECP) directed the Resource Productivity and Recovery Authority (RPRA) to develop, implement and maintain a Registry for obligated parties under the Onsite and Excess Soil Management Regulation by January 1, 2022.

# Developing, Maintaining and Operating The Excess Soil Registry

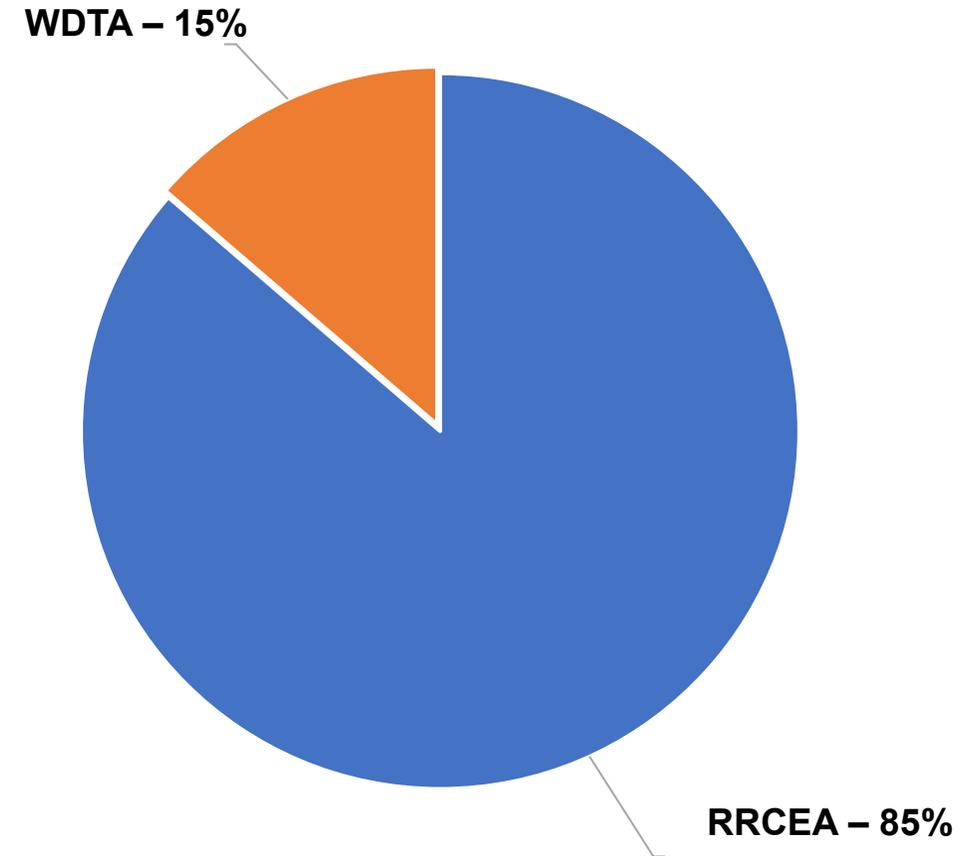
- RPRA's duties include:
  - Building, maintaining and operating a digital reporting service
  - Supporting obligated stakeholders in using the Registry to file notices in compliance with the regulation
  - Providing the Ministry of the Environment, Conservation and Parks (MECP) with access to information and data to support the Ministry's enforcement and compliance responsibilities
  - Setting and collecting fees to recover the Authority's costs to build, maintain, and operate the Registry and provide support to Registry users
- RPRA is not responsible for compliance and enforcement of the regulation. MECP has responsibility for compliance and enforcement.

# Excess Soil Program Costs

- As an administrative authority of the Government of Ontario, RPRA does not receive any government funding and funds its operations through fees charged to regulated parties on a cost-recovery basis
- Fees charged to registrants will recover RPRA's costs for building and implementing the Excess Soil Registry as directed by the RRCEA, including:
  - Registry development (costs are amortized over a 10-year period)
  - Costs of implementation, including Registry Support Officers (to administer the Registry, offer support to registrants, work with Ministry to share information collected in the Registry) and general administration
- The Authority's proposed fees do not include costs related to the Ministry's activities and responsibilities

# The Authority's finances

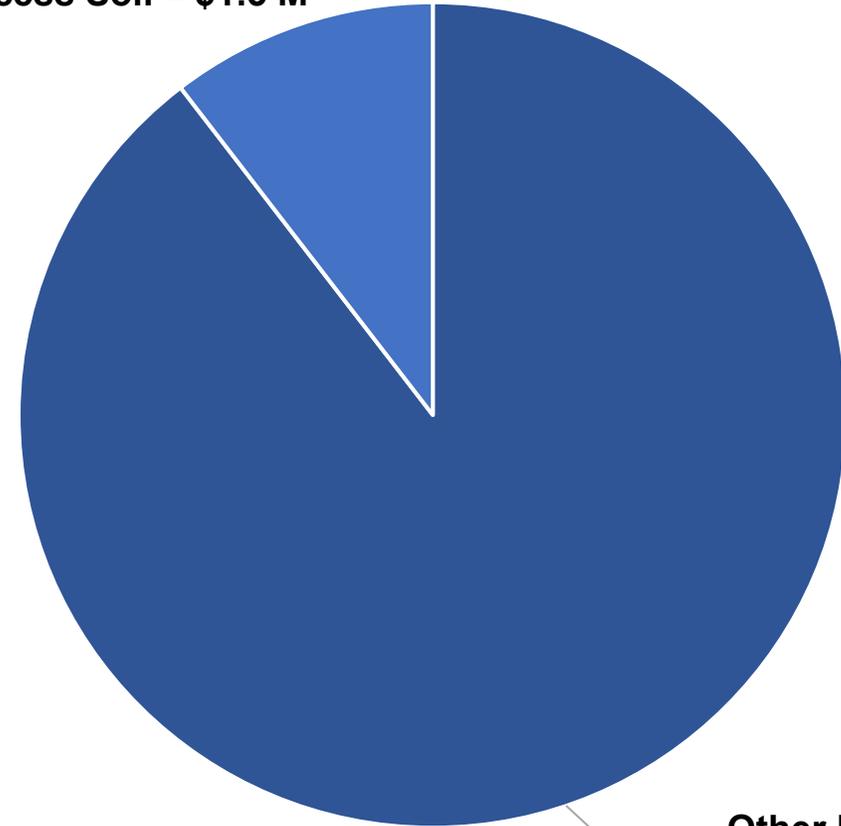
- The Authority's fee revenues come from two sources:
  1. RRCEA: Annual fees to obligated parties required to register
  2. WDTA: Monthly cost recovery charges to industry funding organizations, industry stewardship organizations and other WDTA activities
- RRCEA fees (i.e. Registry fees) cover the Authority's costs to develop and operate the Registry and carry out compliance and enforcement activities.
  - Excess Soil Fees charged under RRCEA
- WDTA monthly charges cover the Authority's costs to oversee the operation of IFO/ISO based programs and their wind up.
- The Authority's total 2022 Budget will be outlined in its 2022 Business Plan, which will be posted to the Authority's website on October 1:



# Targeted 2022 Revenue from Excess Soil Fees

- Excess Soil Registry fee revenue target is \$1.5 M
- Excess Soil Registry fee revenue is small percentage of total RRCEA revenue target.
  - Details of allocation of revenue target between Excess Soil and other RRCEA programs will be shared following publication of 2022 Business Plan on October 1
- 2022 RRCEA Programs include:
  - Tires
  - Batteries
  - Information Technology and Telecommunications and Audio Visual Equipment (under Electronics Regulation)
  - Blue Box
  - Hazardous and Special Products
  - Excess Soil

Excess Soil – \$1.5 M

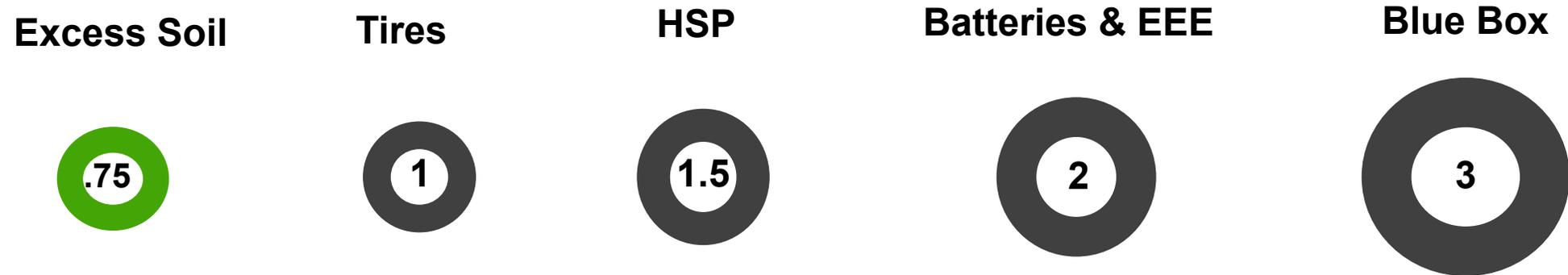


Other RRCEA – TBC

# Cost allocation methodology by RRCEA program

1. **Apply forecasted direct expenses** to each program, including:
  - A. Amortized Registry costs and interest for the program portal
  - B. Amortized Registry foundational costs and interest
    - Foundational costs are related to general Registry platform components that are not specific to any one material portal, such as system security and log in functions
2. **Allocate RRCEA shared common costs** based on “program weight” approach
  - Shared common costs are related to the administrative, communications, compliance and other functions common to all programs

# Program weights for allocating common costs



- For program weight allocations, the first Registry program – Tires – serves as the benchmark and has a program weight of one
- Other programs are scaled up or down relative to Tires, according to estimated compliance (if applicable) and registration activity and ongoing oversight and/or support effort
- Programs are weighted according to the number of producers/registrants, the number of regulations, and the complexity of the regulations and material categories covered

# Consultation and Communications Process

- RPRA's legislative framework requires the Authority to consult on its fees for 45 days, and post the final fees for 30 days
- The consultation period on the proposed 2022 Excess Soil Registry Fees is from September 27, 2021 to November 12, 2021
- Webinars for stakeholders will be held on October 13 and 14, 2021. [Find out more and register here](#)
- Feedback from the consultation will be summarized in a report that will be posted to RPRA's website when the final fees are posted in late November
- The final fees will be posted to RPRA's website and stakeholders will be notified when they have been posted.
- For more information on the consultation process, [visit RPRA's website](#)

# Overview of Proposed Fee Structure

- The Regulation requires notices to be filed on the Registry for the following activities:
  - Movement of excess soil (project area notices)
  - Operation of a soil reuse site (reuse site notices)
  - Operation of a Residential Development Soil Depot (RDSD)
- The fee structure assigns fees to each notice type.
- Fees are either variable and tied to soil volume, or flat; variable rates increase from a de minimis up to a ceiling
- Registrants will pay a fee for each initial notice filed, and may pay a fee on project close-out and final filing, depending on whether the final soil volume associated with the project or reuse site has increased from the amount initially reported

RPRA estimates that registrants will collectively report 30 million m<sup>3</sup> of soil into the Registry annually, and that registrants will file a total of about 1,000 notices. This estimate is based on:

- stakeholder interviews
- data on housing starts
- data on construction investment

# Proposed Fees for Project Area Notices

- Proponents of projects that generate at least 100 m<sup>3</sup> of excess soil that needs to be moved off-site are required to register their project, unless the project qualifies as exempt according to the conditions set out in the Excess Soil Regulation.
- Staff estimate fees from Project Area notices will generate about 70% of fee revenue

## Proposed Project Area Fees:

Description	Associated Soil Volume	Fee
Very small projects (e.g., a backyard pool, small-scale natural rehabilitation)	100 -1999 m <sup>3</sup>	\$0
Small to medium scale projects (e.g., regrading a backyard, installing an ornamental pond, other large-scale landscaping, building a single home)	2000 < 10,000 m <sup>3</sup>	Flat - \$75
Small infill development, linear infrastructure	>10,000 m <sup>3</sup> to 50,000	Variable - \$0.025/m <sup>3</sup>
Condo and townhome condo developments, smaller commercial and industrial projects	>50,000 m <sup>3</sup> to 100,000 m <sup>3</sup>	Variable - \$0.04/m <sup>3</sup>
New subdivisions, large-scale industrial and commercial development, subway line)	>100,000 to 250,000 m <sup>3</sup>	Variable - \$0.05/m <sup>3</sup>
	>250,000 m <sup>3</sup>	Flat - \$12,500

# Proposed Fees for Reuse Site Notices

- Owners of soil reuse sites receiving 10,000 m<sup>3</sup> of soil or more are required to register their site
- Staff estimate fees from Reuse Site notices will generate about 30% of fee revenue

## Proposed Reuse Site Fees:

Description	Associated Soil Volume	Fee
Small development sites; parks; small aggregate extractions ties	10,000 to 50,000 m <sup>3</sup>	Flat - \$750
	50,000 > 1 Million m <sup>3</sup>	Flat - \$3,000
Medium aggregate extraction sites, large development sites	1 > 5 Million m <sup>3</sup>	Flat - \$7,000
Very large commercial fill sites (former quarries)	>5 Million m <sup>3</sup>	Flat - \$10,000

# Proposed Fees for RDSD Notices

- Owners of Residential Development Soil Depot sites are required to register their depot
- Staff estimate fees from RDSD notices will generate less than 1% of fee revenue

## Proposed RDSD Site Fees:

Description	Associated Soil Volume	Fee
Residential Development Soil Depot	<10,000 m3	Flat - \$250

# Feedback

- If you have questions about the proposal or would like to discuss it in more detail, email us at [consultations@rpra.ca](mailto:consultations@rpra.ca).
- [Register](#) for one of our two webinars discussing the proposed 2022 Excess Soil Registry Fees on October 14 or 15, 2021.
- Email your feedback to [consultations@rpra.ca](mailto:consultations@rpra.ca) on or before **November 12, 2021**.