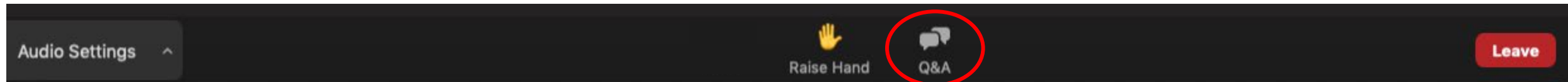


# Proposed 2022 Excess Soil Registry Fees

October 13 & 14, 2021



# How to ask a question



To ask a question or for technical assistance: click on the Q&A tab, type your question in the text box, and click “send”.

You can also email your questions to us at [consultations@rpra.ca](mailto:consultations@rpra.ca).

# Agenda

1. About the Authority
2. About the Excess Soil Registry
3. Excess Soil Program Costs and Proposed 2022 Excess Soil Registry Fees
4. Feedback Poll
5. Next Steps



# About the Resource Productivity and Recovery Authority

- The Resource Productivity and Recovery Authority (the Authority) is the regulator mandated by the Government of Ontario to administer the *Resource Recovery and Circular Economy Act, 2016* (RRCEA) and the *Waste Diversion Transition Act, 2016* (WDTA), and their associated regulations
- The RRCEA and WDTA outline the legislative framework for winding up and transitioning legacy waste diversion programs to Ontario's new producer responsibility regulatory framework for waste diversion and resource recovery
- To date, the Authority has overseen the wind up and transition to the RRCEA of waste diversion programs for the following materials:
  - Tires (O. Reg. 225/18)
  - Batteries (O. Reg. 30/20)
  - Electrical and Electronic Equipment (O. Reg. 522/20)
  - Hazardous and Special Products (O. Reg. 449/21)
- Blue Box materials will transition to the RRCEA between 2023 and 2025
- In March 2021, the Minister of the Environment, Conservation and Parks (MECP) directed RPRA to develop, implement and maintain a registry for obligated parties under the Onsite and Excess Soil Management Regulation (O. Reg. 406/19) under the *Environmental Protection Act*, by January 1, 2022

# 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](#)

# 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 to the excess soil registry for the following activities:
    - Moving excess soil from project areas (project area notices)
    - Operating soil reuse sites (reuse site notices)
    - Operating residential development soil depots (RDSD notices)

# 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 is responsible for policy and programs related to excess soil and will conduct compliance and enforcement activities
- Information about the regulation is available at <https://www.ontario.ca/page/handling-excess-soil>
- Please direct questions about the regulation, including those associated with interpretation and/or compliance, to the ministry directly at [MECP.LandPolicy@ontario.ca](mailto:MECP.LandPolicy@ontario.ca)

# Who has to file a notice and for what?

- The regulation requires notices to be filed for three types of activities:
  - moving excess soil from a project area (project area notices)
  - operating a reuse site (reuse site notices), and
  - operating a residential development soil depot (RDSD notices)
- Project leaders, site owners and site operators are required to ensure notices are filed on the Excess Soil Registry for certain project areas, reuse sites, and residential development soil depot sites, as defined by the regulation
- Project leaders, owners and site operators can also assign an Authorized Person, as defined by the regulation, to file a notice and pay fees through the Registry on their behalf
- The Authority will provide training sessions for registry users ahead of the registry launch. More information will be shared through the Excess Soil mailing list. To be added to the list, please email us at: [excesssoilregistry@rpra.ca](mailto:excesssoilregistry@rpra.ca)



# Registry Training Sessions

The authority will deliver a step by step walk through of the registry and how to file notices to Registry users in November.

More information about when the sessions will take place will be shared through the Excess Soil mailing list in the coming weeks. To be added to the list, please email us at [excessoilregistry@rpra.ca](mailto:excessoilregistry@rpra.ca).

Recordings of the sessions and walk-through guides for each type of notice filing will be provided ahead of the registry launch.



A line of yellow Caterpillar bulldozers is parked on a dirt construction site. The bulldozer in the foreground is the most prominent, showing its large blade and the operator's cab. The blade has a black and white logo on it. The operator's cab has a steering wheel and a water bottle on the dashboard. In the background, several other bulldozers are visible, some with "H&J" and "D6" markings. The sky is overcast and there are some trees in the distance.

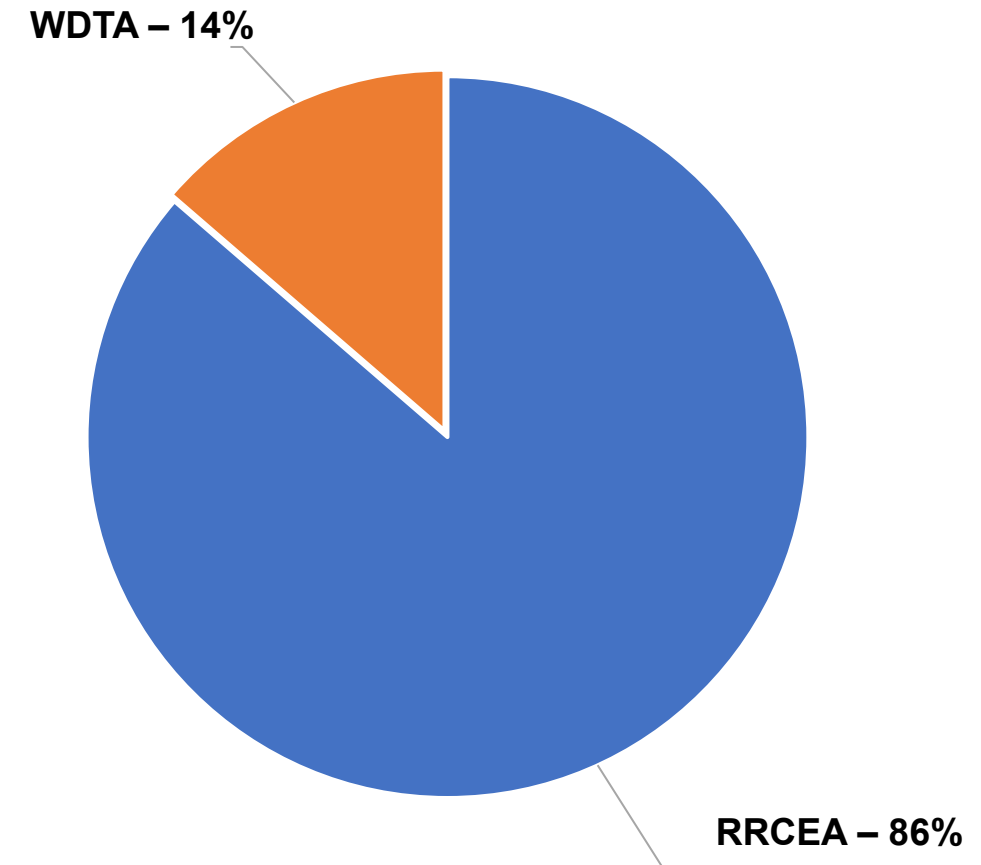
Questions?

# 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 authorized under the RRCEA, including:
  - Registry development (costs are amortized over a 10-year period)
  - Registry implementation, including Registry Support Officers, Registry operational costs, and general administration
- RPRA's proposed fees do not include costs related to the ministry's activities and responsibilities

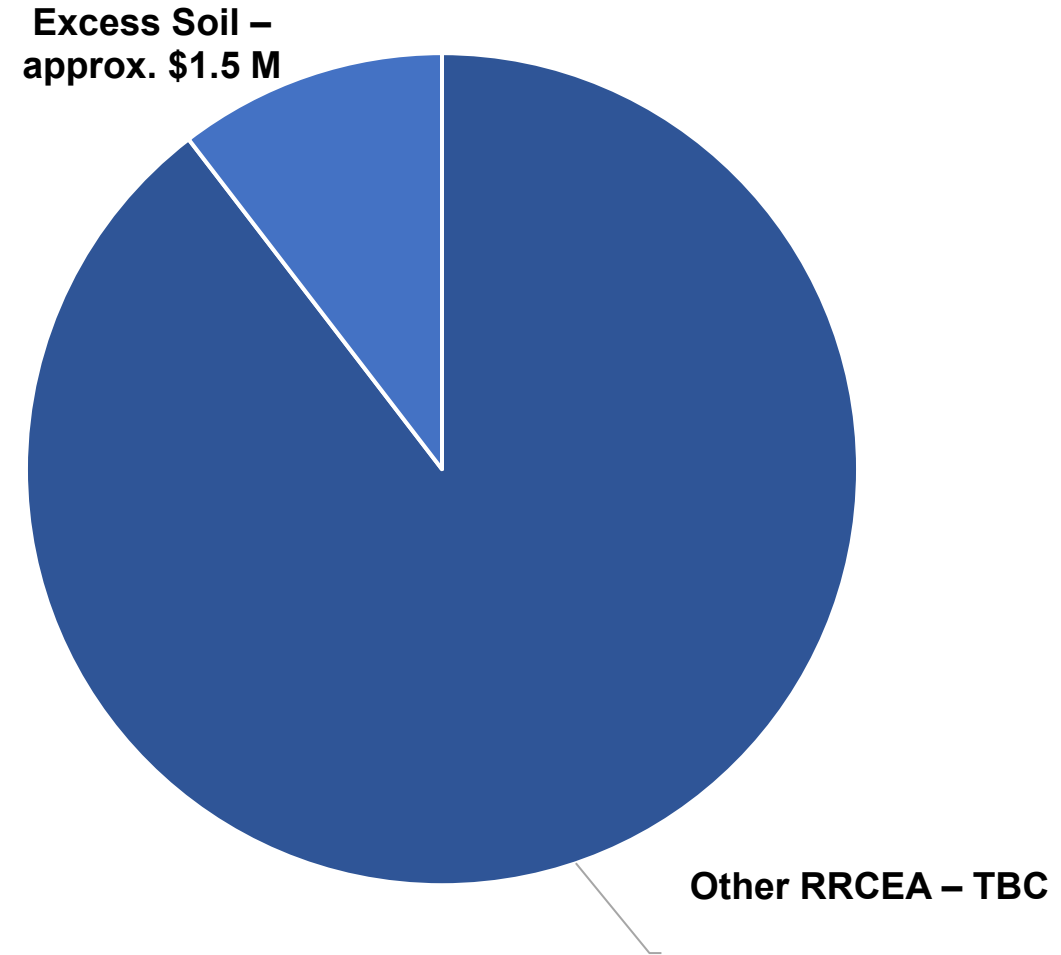
# The Authority's Finances

- RPRA's revenues come from two sources:
  1. RRCEA: Annual fees to obligated parties required to register
  2. WDTA: Monthly charges to Industry Funding Organizations (IFOs) and Industry Stewardship Organizations (ISOs)
- RRCEA program 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 the RRCEA
  - Proposed Excess Soil fees do not include compliance costs.
- WDTA charges to IFOs and ISOs cover the Authority's costs to oversee the operation and wind up of legacy waste diversion programs as they transition to the new regulatory framework under the RRCEA.
- The Authority's total 2022 Budget will be outlined in its 2022 Business Plan, which will be posted to the Authority's website



# Targeted 2022 Revenue From Excess Soil Registry Fees

- Excess Soil Registry fee revenue target is \$1.5 M
- Excess Soil Registry fee revenue is small percentage of total RRCEA programs revenue target
  - Details of allocation of revenue target between Excess Soil and other RRCEA programs will be shared following publication of 2022 Business Plan
- 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



# Cost Allocation Methodology for RRCEA Programs

1. **RPR** applies 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 program, such as system security and log in functions
2. **RPR** allocates RRCEA shared common costs based on “program weight” approach
  - Shared common costs are related to the administrative, communications, finance and other functions common to all programs
    - Compliance costs are not allocated to Excess Soil as the Authority will not be undertaking compliance activities for Excess Soil. Compliance will be undertaken by the Ministry
    - Registry support costs are allocated to Excess Soil for costs related to the work of Registry Support Officers, who provide support to excess soil registrants and operate the Excess Soil Registry

# Program Weights for Allocating Common Costs



- The first RRCEA program – Tires – serves as the benchmark with a program weight of one
- Other programs are assigned a weight each year relative to Tires, based on the estimated level of effort required to operate each program – pictured above are the relative weights assigned to programs administered in 2021 (grey), and the proposed program weight for Excess Soil for 2022 (green)
- We expect more Excess Soil filings relative to Tires, and a significant level of effort will be expended to establish procedures and support registry users; but unlike our other registry programs, we are not responsible for overseeing compliance with the Excess Soil Regulation

# 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 200 m<sup>3</sup> of excess soil that needs to be moved off-site are required to register their project
- Project Area notices are estimated to 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)	0 to 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 249,999 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
- Reuse Site notices are estimated to 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
- RDSD notices are estimated to generate less than 1% of fee revenue

## Proposed RDSD Site Fees:

Description	Associated Soil Volume	Fee
Residential Development Soil Depot	Up to 10,000 m <sup>3</sup>	Flat - \$250

A line of yellow Caterpillar bulldozers is parked on a dirt construction site. The bulldozer in the foreground is the most prominent, showing its large blade and the operator's cab. The blade has a black and white logo on it. The operator's cab has a steering wheel and a water bottle on the dashboard. The bulldozer in the background has the number 'D6' on its side. The sky is overcast and there are some trees in the distance.

Questions?

# 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).
- Email your feedback to [consultations@rpra.ca](mailto:consultations@rpra.ca) on or before **November 12, 2021**.

# Next steps

- This presentation deck and a recording of both webinars will be posted to our [consultation webpage](#).
- Feedback from the consultation will be summarized in a report that will be posted to the Authority's website.
- The final fees will be posted to the Authority's website and stakeholders will be notified when they have been posted.