

The Authority is consulting on its proposed 2022 Registry fees for Excess Soil. These are fees that registrants pay to the Authority to cover the Authority's costs related to building and operating the Registry, and compliance and enforcement activities.

Below are the questions received during the consultation webinars hosted on October 13 and 14 and the Authority's responses.

Questions not relevant to this consultation have been excluded. Some questions were edited for length and clarity, and similar questions were grouped together.

General fees questions		
#	Question	Answer
1	Who is generally responsible for the fees? Is it the owner of the project or the contractor moving the Excess Soil?	If required under the On-Site and Excess Soil Management Regulation, O. Reg 406/19 (the Regulation) Project Leaders, Owners and Site Operators are required to use the Excess Soil Registry (the Registry) to file notices, and when they do, they will be required to pay any applicable fees. Project Leaders, Owners and Site Operators can also assign an Authorized Person to file a notice and pay any associated fees through the Registry on their behalf.
2	How will users pay these fees?	Fees can be paid through the Registry as part of the notice filing process. Fees can be paid by bank withdrawal, credit card, EDI, cheque and electronic bill.
Questions related to how the fees are calculated		
#	Question	Answer
1	How much will it cost to register?	The proposed fees for filing notices on the Registry are included in the fee proposal document . A fee would be charged each time a user files an initial notice for a Project Area, Residential Development Soil Depot or Reuse Site, and if applicable, after the project has been completed or Reuse Site has been closed and a final notice is filed. As the proposed fees for Project Area and Reuse Site notices are based on the volume of Excess Soil moved or received, the costs will be based on the type of notice and, where applicable, the volume of Excess Soil reported.
2	Has RPRA considered buckets of fees rather than variable fees to provide certainty and minimize complexity at closing/true-up, given that the initial fee is based on an estimate (and the final volume could change and result in reimbursement or additional payment)? Are flat fees per year?	RPRA is proposing a mix of flat and variable fees based on soil volume. Fees associated with Project Area notices generating between 2,000 and 250,000 m ³ of Excess Soil are variable and tied to soil volume. Notices for projects that generate less than 2000 m ³ or greater than 250,000 m ³ of Excess Soil have flat fees.

		<p>Fees associated with Reuse Site notices are based on soil volume tiers or “buckets”.</p> <p>Variable fees for Project Area notices avoid overburdening smaller projects.</p> <p>To minimize complexity, the Registry will automatically calculate the fees to be paid on the initial and final notice filing, according to the quantities of soil the Registry user records.</p> <p>All fees, including flat fees, are charged per notice, at the time of filing.</p> <p>The proposed fees are for 2022. Fees for 2023 will be proposed towards the end of 2022, or in early 2023.</p>
3	Will there be a refund if the project ends up generating less than the estimated volume?	The proposed fee structure did not include the issuance of refunds for fees paid on initial notice filing, but RPRA is considering providing them.
4	Are Reuse Sites annual fees or one time?	Fees are charged when a user files a notice, not on an annual basis. The user pays a fee upon completion of their initial filing and may pay a second fee upon completion of their final filing (notice close-out) if the final volume of Excess Soil received has increased from the amount recorded in the initial filing.
5	Are the fee tiers defined strictly on soil quantity, or are they also based on the project sites generating the soil?	The fee tiers are based on the volume of soil moved or received. For Project Area notices, fees are charged according to the volume of Excess Soil generated; for Reuse Site notices they are based on the volume of Excess Soil expected to be received over the lifetime of the Reuse Site.
6	Are you sure that reuse fees will account for 30% of revenues if they are paid at the time of filing a Reuse Site notice? Most of them will file in their first year and then operate for years afterward.	We based our estimate that 30% of the Registry fee revenue in 2022 would be recovered from Reuse Site notice filings on an assumption that there will be approximately 150 Reuse Site notices being filed in 2022. We assume that the majority of these sites will be accepting less than 1 million m ³ of soil. RPRA welcomes feedback on these assumptions. Please send comments to consultations@rpra.ca .
7	Is the calculated volume based on the project or the property? What if there are two projects on one property?	The volume is calculated based on the volume of Excess Soil excavated and removed from the Project Area in respect of one project. A Project Area, as defined by the Regulation, may be made up of adjoining properties. Within the Project Area, it is possible to have multiple excavations in respect

		of one project (e.g., for a new subdivision). The Regulation requires the total volume of Excess Soil excavated and removed from the Project Area in respect of one project to be included in one Project Area filing. If there are two different projects taking place on the same property, two Project Area notices must be filed to the Registry – one for each separate project.
8	Is the obligation to file and pay fees only applicable to soil moved out of the Project Area?	The Regulation requires a Project Area notice to be filed on the Registry before Excess Soil is excavated and removed from the Project Area. Any soil that is not removed from the Project Area is not considered “Excess Soil,” and therefore the project leader would not need to record that quantity of soil on the Registry. The Regulation also requires Reuse Site notices be filed to operate a site accepting greater than 10,000 m ³ of Excess Soil; and Residential Development Soil Depot Notices to be filed to create and operate a depot.
9	You mentioned smaller sites and projects being charged a lower fee. Has a similar lens been applied to public, infrastructure, or taxpayer-funded projects?	No. The proposed fees are based on the quantity of Excess Soil generated or received, regardless of the type of project. However, certain infrastructure projects may be exempt from notice-filing requirements if they meet the exemption criteria in the Excess Soil Regulation .
10	Have you accounted for Reuse Sites where Excess Soil may be deposited over several years, such as a gravel pit that is using the soil to rehabilitate it for another land use?	Yes. Fees associated with Reuse Site notices are based on the volume of Excess Soil expected to be received over the lifetime of the Reuse Site. The owner or operator of a Reuse Site may have to pay a second fee upon completion of their final filing (notice close-out) if the final volume of soil received has increased from the estimate provided in the initial filing.
11	If the soil is being transferred from one municipal project to another one, does the Registry fee apply?	Fees are paid at the same time a Project Area notice is filed. Project Area notices must be filed before soil is removed from the Project Area, regardless of whether that soil is moving to a project within the same municipality, or elsewhere. Sub-section 1 (1) of the regulation defines a Project Area as “a single property or adjoining properties on which the project is carried out.” More information on when notice filings are required is available here: https://rpra.ca/faq/?faq_id=16001&faq_program=112#faq-16001
Registry related questions		
#	Question	Answer
1	What support will RPRA provide to the Registry users, given that RPRA is not	As part of RPRA’s responsibility to build and maintain the registry, RPRA will provide training sessions and training

	responsible for compliance and enforcement of the regulation.	<p>guides ahead of the Registry launch. Following the Registry launch, Registry Support Staff will also provide phone and email support to help users navigate the portal and provide the correct information. All supporting material will be available on the project webpage: https://rpra.ca/excess-soil-registry/.</p> <p>The Ontario Ministry of the Environment, Conservation and Parks (MECP) is responsible for ensuring compliance with the Regulation. Questions regarding obligations under the Regulation should be directed to MECP via email at MECP.LandPolicy@ontario.ca.</p>
2	Would the data submitted to the Registry be available to the public?	The contents of Excess Soil notice filings will be publicly available on RPRA's website.
	The industry generally works in weight (tons) rather than volume (m3). Will RPRA be providing guidance / direction to convert tonnage to volume?	The Regulation requires reporting in cubic metres of soil. The proposed fees are based on the units required by the Regulation. Conversion tools are not currently being developed, but they may be considered in the future.
Questions related to the regulation		
#	Question	Answer
1	For Project Area Notices, what is the significance of the statement "Generate at least 200 m3"? What if it generates less than 200 m3 of Excess Soil?	<p>This was an error in our original consultation document. It has been corrected in the current fee proposal.</p> <p>A Project Area notice is required to be filed when:</p> <ul style="list-style-type: none"> • a project generates more than 2000 m3 of Excess Soil and is located within a Settlement Area as defined under the <i>Planning Act</i>; • a project generates Excess Soil from an Enhanced Investigation Project Area; or • the primary purpose of the project that is generating Excess Soil is to remediate contaminated land. <p>Circumstances under which projects are exempt from the requirement to file a notice are outlined in Schedule 2 of the Regulation.</p>
2	If I have a quantity of soil and I find a home for it does the generator and receiver need to register or is this a business transaction between two parties and no need to register anything?	Project Area notices must be filed in the situations described in the previous question. An owner or operator of a Residential Development Soil Depot, or a Reuse Site that is accepting more than 10,000 m3 of Excess Soil, must also file a notice on the Registry. The terms, "Excess Soil," "Project Area," and "Reuse Site" are all defined by the regulation , as are the circumstances under which notice

		must be filed . For more information on determining your obligations under the Regulation, please contact the MECP via email at MECP.LandPolicy@ontario.ca .
3	A multi-Ministry approach was identified by the Excess Soil Engagement Group as an important activity. For example, MMAH would outreach to municipalities on issues related to updating soil by-laws and tender documents. Will MECP coordinate this or will RPRRA promote the program through awareness and education?	RPRRA will be providing information about the Registry service and how to file notices. Other inquiries about the Regulation and any associated programs should be directed to the Ministry of Environment, Conservation and Parks via email at MECP.LandPolicy@ontario.ca .
4	In the rare case that Excess Soil doesn't leave a project site, do you have to file a notice?	No. If the project leader does not plan to move soil off-site, but instead plans to use it within the Project Area, it is not "Excess Soil" as defined by the regulation, and they do not have to file a notice on the Excess Soil Registry.
5	Other than current standards / regulations, will there be additional soil testing requirements?	The MECP developed and is responsible for compliance with the Excess Soil Regulation. For information about the contents of the Regulation, please visit https://www.ontario.ca/page/handling-excess-soil , or contact the MECP via email at MECP.LandPolicy@ontario.ca .