

ONTARIO PROPOSES TO POSTPONE IMPLEMENTATION OF PHASE TWO OF THE EXCESS SOIL REGULATION

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Update (April 29, 2022): On April 21, 2022, the Ontario Ministry of the Environment, Conservation and Parks published its decision to suspend certain parts of the Regulation until January 1, 2023. For more information, see our bulletin [here](#).

On March 11, 2022, the Ontario Ministry of the Environment, Conservation and Parks published a proposal to delay the implementation of Phase Two of the [On-Site and Excess Soil Management Regulation](#) (the “**Regulation**”)[1] under the [Environmental Protection Act](#),[2] which took effect on January 1, 2022: [Implementation Delay of Excess Soil Requirements in Effect January 1, 2022](#).

The proposal, if passed, would delay the implementation of Phase Two provisions of the Regulation that came into effect at the beginning of 2022 until **January 1, 2023**. The stated reason for the proposed delay is to “provide more time for gradual implementation and better understanding of the regulation”. Comments on this proposal are being accepted until April 10, 2022, and can be submitted [online](#) or by mail.

The Regulation imposes detailed obligations for the handling of excess soils, which should be distinctly addressed in all contracts entered into for a project relating to excess soils. For information on Phase One and Two of the Regulation and how to prepare and plan your project in compliance with the Regulation, please see our previous bulletins, [The Quick and Dirty on Ontario's New Excess Soil Regulations](#) and [The Quick and Dirty on Phase Two of Ontario's Excess Soil Regulation](#). For more information regarding how to ensure your construction contracts align with the new excess soil regime, please see our previous bulletin, [Ontario's New Excess Soil Regulations – Construction Contract Implications](#).

[1] On-Site and Excess Soil Management Regulation, O. Reg. 406/19 [Regulation].

[2] Environmental Protection Act, R.S.O. 1990, c. E.19.

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A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against



making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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