

**MEMBER BULLETIN**

**March 4th 2024**

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| **RPRA’s 2024 fees for Excess Soil Registry Posted** |

As part of the [Excess Soil Regulations](https://www.ontario.ca/laws/regulation/r19406)  that were passed in 2019 (O.Reg. 406/19), the provincial government gave responsibility to the Resource Productivity & Recovery Authority (RPRA) to develop an excess soil registry.

The rationale provided in 2020 for having RPRA handle this function was because this agency already was responsible for other waste diversion programs and could thus leverage its existing IT platform and organizational structure to ensure that user fees stay low [1]. The industry was generally supportive of the mandate of RPRA if it provided value-added functions such as soil matching services, and data analysis to track performance (e.g., volume of soil reused on other projects).

Project leaders, owners and site operators are required to use the Registry.

Following the pause in implementation of O.Reg. 406/19 in 2022, the fees collected by RPRA were suspended. In 2023, RPRA’s requirements to file a notice in the excess soil registry and to pay a fee once again came into force.

Recently, [RPRA](https://rpra.ca/programs/excess-soil-registry/) released an updated fee schedule which goes into effect on April 1, 2024.

Due to the regulatory pause, RPRA was not collecting fees but still had overhead. Based on the communication below, RPRA’s Board was considering a higher fee structure but decided to spread the recovery period for the deficit accumulated by the excess soil program from three years to five years.

**Based on the soil volume table, here are two examples of fees for a notice of project:**

**4,000 m³ X $0.100 / m³ = $400 (plus HST)**

**30,000 m³ X $0.125 / m³ = $3,750 (plus HST)**

Typically, a consultant will provide an estimate of the soil to be generated at a project. When the project is finished a final notice is submitted and there could be a fee adjustment. It is important that a contractor engage a consulting firm with a qualified person who can provide guidance on the process and, in many cases, file the notice on behalf of the contractor.

Note that to date enforcement by the Ministry of O.Reg. 406/19 has been minimal. Despite this, OSWCA recommends that all contractors involved with soil management adhere to the Regulations and use the Registry via registry@rpra.ca.

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