

Excess Soil Webinar Series

1. Infrastructure Projects

Date and Time: February 15th 2022

10:00am to 12:00pm

2022 Excess Soil Webinar Series - Schedule

Topic Areas	Date and Time
1. Infrastructure Projects	Tue February 15th, 2022 10:00am to 12:00pm
2. Soil Depots and Storage Sites	Tue February 22 nd , 2022 10:00am to 12:00pm
3. Vac Trucks and Liquid Soil Management	Tue March 1 st , 2022 10:00am to 12:00pm

Presentation Overview

- Welcome to Webinar Series – Infrastructure Projects
- Overview of Regulatory Requirements
- Best Management Practices
- Frequently Asked Questions and Answers
- Health Break
- Question and Answer Period
- Additional Resources
- Appendices
 - Appendix A: Storage rules for dry soil
 - Appendix B: Storage rules for liquid soil

Your MECP Excess Soil Team

Some of our MECP team members include:

Policy

Chris Lompart
Laura Blease
Reema Kureishy

Legal

Hayley Valteau
Jamie Flagal

Approvals

Andrew Neill

Standards

Brigid Burke
Chi Hoang
Paul Welsh

RSC and Brownfields

Dean Therrien
Michelle Zehr

Operations

Lisa Tanaka

Overview of Regulatory Requirements Relevant to Infrastructure Projects



Toronto waterfront, Don River project filling - MECP, Jan. 2019

DISCLAIMER

This presentation is intended to be a brief summary of some of the requirements of Ontario Regulation 406/19 On-Site and Excess Soil Management (the regulation) made under the Environmental Protection Act and the Rules for Soil Management and Excess Soil Quality Standards - a document incorporated by reference by the regulation. This is for information purposes only and should not be construed as legal advice or substitute for seeking independent legal advice on any issues related to the regulation. Any person seeking to fully understand how the regulation may apply to any of the activities they are engaged in must refer to the regulation. In the event of any inconsistency between the regulation and this presentation, the regulation will always take precedence.

Overview of Regulatory Requirements

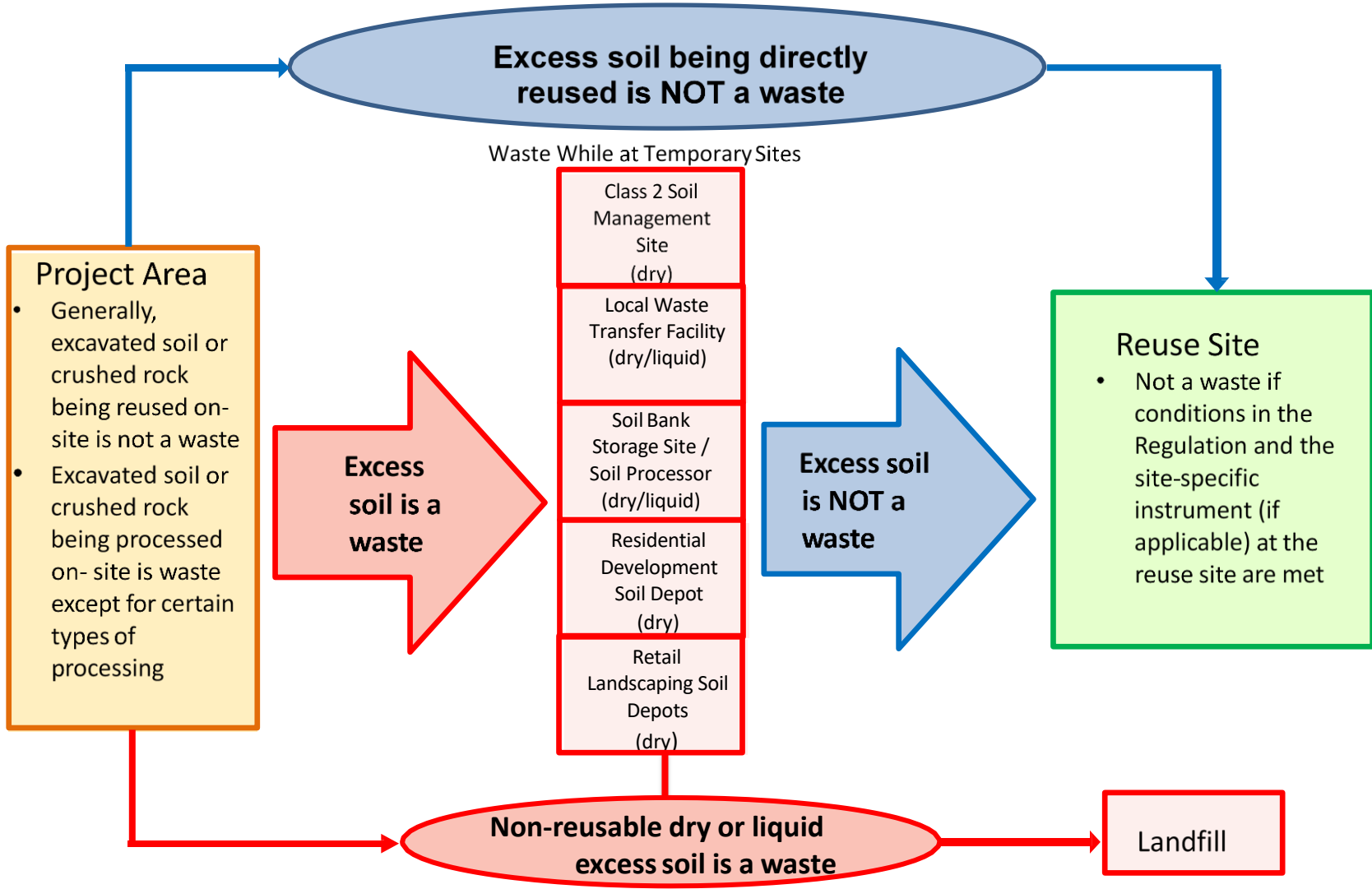
- Regulation titled **O. Reg. 406/19: On-Site and Excess Soil Management** under the Environmental Protection Act (EPA), was finalized in December 2019, supported by:
 - Rules for Soil Management and Excess Soil Quality Standards
 - Beneficial Reuse Assessment Tool (BRAT)
 - Complementary provisions in O. Reg. 153/04 (Record of Site Condition Regulation), Reg. 347 and O. Reg. 351/12 (Waste Management Regulations)

Phased Regulatory Implementation	Timing
Reuse Rules and Waste Designation Clarification - Including excess soil reuse standards	January 1, 2021
Excess Soil Reuse Planning Requirements - For larger or riskier generating projects (some exemptions) <ul style="list-style-type: none"> - Assessment of past uses, and if required sampling and characterization - Destination assessment report - Tracking and registration - Hauling record - Larger reuse site registration	January 1, 2022
Restriction on the deposit of clean soil at landfill sites	January 1, 2025

Rules for Excess Soil Reuse

- Excavated soil or crushed rock becomes excess soil upon leaving a project area.
- Generally, soil and rock staying in the project area is not a waste and can be reused.
- The rules for reuse of excess soil are found in [sections 3, 4 and 5](#) of the regulation, which then refer to other key sections of the regulation and both parts of the [Rules for Soil Management and Excess Soil Quality Standards](#).
- In order to be reused and not designated as waste, excess soil being reused at another site must meet all of these conditions:
 1. The excess soil is directly transported to a reuse site from a project area, a Class 1 soil management site or Class 2 soil management site, or local waste transfer facility
 2. The owner or operator of the reuse site has agreed in writing to deposit the excess soil at the reuse site
 3. There is a beneficial use for that excess soil and the quality and quantity of excess soil being taken to that site are consistent with the beneficial use
 4. The excess soil is dry soil and remains dry soil until it is finally placed at the reuse site, or, if it is liquid soil, a site-specific instrument authorizes the excess soil to be deposited at the reuse site
- These criteria are intended to ensure that the excess soil will be reused at the reuse site for a beneficial purpose and that the quality and quantity of the excess soil to be deposited at the reuse site for final placement are appropriate for that purpose

Waste Designation Flowchart



Infrastructure projects excavating soil and crushed rock

On-site reuse of soil or crushed rock

- Soil and crushed rock reused within the project area from which it was excavated is not waste unless it is hazardous waste or asbestos waste.
- Soil or crushed rock that temporarily leaves the project area and is returned to the project area is similarly not a waste when back in the project area for reuse.
- For example, this could be when soil is moved for short-term off-site storage or for ease of relocation.
- Reuse of excavated soil and crushed rock on-site is encouraged to be incorporated into the design of infrastructure projects and soil management planning.

Infrastructure projects excavating soil and crushed rock

Processing at a project area

- Several types of processing of excavated soil or crushed rock can take place at the project area without the need for a waste ECA:
 - Passive aeration,
 - Passive dewatering,
 - Mechanical dewatering,
 - Mixing (if of similar quality and not for the purpose of diluting contaminants),
 - Soil turning,
 - Size-based sorting and sorting for the purpose of removing debris, or
 - Mixing with another substance that is intended to dewater or solidify the soil or crushed rock
- Additional rules outlined in the regulation would still need to be followed. For example, the use of polymers for solidification requires involvement of a QP and requires the project leader to provide appropriate documentation to the owner or operator of the reuse site
- Note that some of the types of processing that would not require a waste ECA may require other approvals, such as those under [subsection 9\(1\)](#) of the *EPA* or [subsection 53\(1\)](#) of the *OWRA*

Infrastructure projects and reuse planning requirements

Overview of reuse planning requirements

- The regulation includes reuse planning requirements for larger projects and projects with known or suspected contamination, as well as some exceptions where contaminant-related risk may be less for certain types of soil movements
- Infrastructure projects often generate large amounts of excess soil, much of which has the potential to be reused, and so some infrastructure projects will trigger reuse planning requirements
- The excess soil reuse planning requirements include:
 1. Registration of a notice in the Excess Soil Registry for the project
 2. Completion of an assessment of past uses and, if necessary, a sampling and analysis plan and a soil characterization report
 3. Completion of an excess soil destination report
 4. Application of a tracking system

Infrastructure projects and reuse planning requirements

Types of projects that are subject to reuse planning requirements

- The excess soil reuse planning requirements apply to the following types of projects unless otherwise exempt:
 - **projects generating 2000m³ or more of excess soil** and that are in a settlement area (such as cities and towns); this trigger does not apply to projects in rural areas
 - projects for which part of the project area has a past or present use that is a gas station, garage, used for the operation of dry-cleaning equipment, or industrial use (uses associated with an “**enhanced investigation project area**” as defined in the regulation)
 - projects for which the **primary purpose is to remediate contaminated lands** (note that if a new property use cannot proceed without completion of soil remediation, such as soil removal, this should be considered a primary purpose)

Infrastructure projects and reuse planning requirements

Exemptions from reuse planning requirements

- There are several exemptions from reuse planning requirements outlined in Schedule 2 of the regulation – some exemptions apply to any type of project, and some are specific to infrastructure projects
- These exemptions reflect a variety of scenarios including those where the risk is low, where responsibility for the soil is not changing and to help encourage reuse in similar projects
- Exemptions specific to infrastructure projects are:
 - Projects that are related to maintaining infrastructure in a “fit state of repair” other than excavation of excess soil from a stormwater management pond.
 - The excess soil is excavated as a part of an infrastructure project and after removal from the project area, the excess soil is being reused (finally placed) as part of an undertaking related to another infrastructure project with the same project leader or a reuse site managed by a public body

Infrastructure projects and reuse planning requirements

Exemptions from reuse planning requirements

- Section 14 of the regulation also sets out situations where the preparation of reports by a QP would not be required if excess soil from a sensitive use site is being reused at a similar or less sensitive use site
 - for example, new infrastructure in a greenfield where the excess soil isn't going to an agricultural or other sensitive property use
- This does not apply in respect of any portion of a project area known by the project leader to be affected by the discharge of a contaminant
- Filing a notice or tracking requirements may still apply.

Transportation requirements

- The transportation of excess soil is exempt from needing a waste ECA or registering on the Environmental Activity and Sector Registry (EASR), but regulatory rules apply to ensure it is safely and securely transported
- As of January 1, 2022, there is a requirement for a hauler to always have certain information about the excess soil available during the transportation, in the form of a **hauling record** (either physical or electronic)
- Much of the information in the hauling record will be provided by the project area, including the location of where the excess soil is to be deposited and contact information for the project area. The project leader of the infrastructure project must provide this information to the hauler, as it is never the hauler's responsibility to determine where the excess soil should be relocated
- Procedures around transportation, including the hauling record and other tracking procedures, if applicable, must be developed and understood before hauling operations start
- A copy of the hauling record must be retained on behalf of the project leader and confirmation of receipt of the excess soil at the destination site must be obtained by the hauler and a copy of the final record must be retained by all parties for two years

Storage of excess soil

- To help prevent adverse impacts on the environment or neighbouring properties, the regulation includes rules related to storage of soil or crushed rock that must be followed at most sites. These rules include pile size limits (2,500m³) and setbacks from property boundaries (10m) and waterbodies (30m). See Appendix A and B for more details
- Of relevance to infrastructure projects, waterbodies do not include stormwater ponds, and there are exemptions from property boundary setbacks for:
 - storage of smaller amounts (500 m³ or less at any one time on the project area)
 - short term storage (for a period of less than 1 week)
 - if the storage location has a physical barrier (for example, concrete wall); or
 - the storage is taking place in a public road right-of-way

Storage and processing sites

- Various types of storage and processing sites, other than the project area, are recognized by the regulation and may be available to project leaders to facilitate excess soil management for reuse.
- Some of these sites enable temporary storage and limited processing and do not require an ECA under certain conditions.
- Other types of sites are more permanent and take responsibility for the excess soil, but typically require an ECA.
- These interim sites include:
 - Class 1 soil management sites
 - Class 2 soil management sites
 - Local waste transfer facilities

Storage and processing sites

Class 1 soil management sites:

- These are waste disposal sites, which include soil banks and soil processing sites that take responsibility for excess soil deposited at that site, potentially from many project areas (a project leader may consider these a final destination)
- Generally, these sites require a waste ECA, and an infrastructure project leader or contractor may consider establishing one to facilitate excess soil storage, processing and reuse across many projects and undertakings

Class 2 soil management sites:

- For temporary storage and limited processing of dry soil by the project leader before soil can proceed to a known reuse site. Sampling of excess soil can also be conducted at a Class 2 site if it is impracticable to do so at the project area
- The site must be operated by the project leader and owned by the project leader or a public body and no ECA is required if operated in accordance with limits and rules
 - e.g. notification to the Ministry, no more than 10,000 m³ stored at a time, limited storage time period of two years unless extended by the Ministry
- A project is not considered complete until excess soil is removed from these sites and taken to a final destination

Storage and processing sites

Local waste transfer facilities

- These sites are recognized under [Regulation 347](#) as a storage location for an organization that is **not primarily a waste management operation**
- They receive, bulk, temporarily store and transfer waste they generated through **field operations** until it is characterized and disposed of or reused.
 - Field operations include construction, maintenance of a highway, environmental testing, etc.
- A local waste transfer facility means a site:
 - at which waste from field operations is received, bulked, temporarily stored and transferred
 - that is owned or controlled by the person who undertakes the field operations or by a person on whose behalf those field operations are undertaken
 - at which no waste is received other than waste from field operations, and
 - that is used primarily for functions other than waste management (e.g., a site used primarily for equipment storage)

Storage and processing sites

Local waste transfer facilities - continued

- Local waste transfer facilities are exempt from section 27, 40 and 41 of the *Environmental Protection Act* (requirement for waste ECAs) under Regulation 347, if the criteria for exemption are met
- Written notice that identifies the facility and sets out the facility's location and the quantities and types of wastes that are at or are anticipated to be at the facility may be required to be given to the Director one month before the facility is established
- Other applicable requirements from Regulation 347 related to local waste transfer facilities may also apply, such as:
 - availability of fire-fighting equipment and spill clean-up and containment equipment
 - access to the facility controlled by gates, fencing, attendants or other security measures

Storage and processing sites

Local waste transfer facilities - continued

- These sites may be applicable to some excess soil management operations, and there are also some additional requirements and flexibilities under the excess soil regulation that apply to local waste transfer facilities
- Excavation of soil may often be associated with construction operations, however operations focused on removal and disposal of excess soil are more likely waste management operations
- Sampling of excess soil can be conducted at these sites, if it is impracticable to do so at the project area
- The excess soil regulation enables specified types of processing at a local waste transfer facility if the organization is a public body or another infrastructure project leader, and no waste ECA is required if operated in accordance with limits and rules. An example of this type of facility is a public works yard for a public body
- Excess soil storage rules specified in the Rules document apply at these sites, including pile size limits, volume limits and setbacks (see Appendix A and B).
- A project is not complete until excess soil is removed from these sites and taken to a final destination

Infrastructure undertakings reusing excess soil

- Any need for excess soil recognized in the planning and design documents for an infrastructure undertaking would be a beneficial purpose, including the use of excess soil for ramps, back-fill, levelling or filling for planned development, granular material or planned berms. The volume of excess soil that may be received is that volume which is necessary for the beneficial purpose.
- The quality of excess soil that may be received must be appropriate for that site and either meets standards as described in a site-specific instrument or is in accordance with the standards and rules set out in the regulation
- The regulation also provides a framework for the development of site-specific excess soil quality standards applicable to a reuse site, through the use of the [Beneficial Reuse Assessment Tool \(BRAT\)](#) or use of alternative Risk Assessment (RA) approaches. Some infrastructure reuse sites may find developing site-specific excess soil quality standards desirable to allow for greater flexibility in the type of excess soil that can be deposited at their reuse site, including from other infrastructure projects. The development of site-specific standards must be completed by a QP
- The storage time limit of two years that applies to other reuse sites does not apply to storage for beneficial reuse in an infrastructure undertaking

Infrastructure undertakings reusing excess soil

Exemptions from larger reuse site regulatory requirements:

- Sites receiving larger amounts of excess soil (10,000 m³ or more) for reuse in an undertaking are typically subject to requirements to register a notice to the Registry and establish procedures to track and inspect excess soil being received
- While these are best practices for any large reuse site, these regulatory requirements **do not apply to infrastructure undertakings**
- This is in part a recognition that public bodies often lead infrastructure projects and should have defined procedures for fill management
- This is also intended to help encourage more reuse in infrastructure undertakings
- This is **not** an exemption from the excess soil quality standards or other criteria to determine that the excess soil is not a waste

Key Definitions

Excess Soil: soil, crushed rock, or soil mixed with rock or crushed rock, that has been excavated as part of a project and removed from the project area for the project

Liquid soil: soil that has a slump of more than 150 millimetres using the Test Method for the Determination of “Liquid Waste” (slump test) set out in Schedule 9 to [Regulation 347](#)

Project: means any project that involves the excavation of soil and includes,

- any form of development or site alteration,
- the construction, reconstruction, erecting or placing of a building or structure of any kind,
- the establishment, replacement, alteration or extension of infrastructure, or
- any removal of liquid soil or sediment from a surface water body;

Reuse site: a site at which excess soil is used for a beneficial purpose and does not include a waste disposal site

Key Definitions

Infrastructure: all physical structures, facilities and corridors relating to:

- (a) public highways
- (b) transit lines and railways
- (c) gas and oil pipelines
- (d) sewage collection systems and water distribution systems
- (e) stormwater management systems
- (f) electricity transmission and distribution systems
- (g) telecommunications lines and facilities, including broadcasting towers
- (h) bridges, interchanges, stations and other structures, above and below ground, that are required for the construction, operation or use of the items listed in clauses (a) to (g), or
- (i) rights of way required in respect of existing or proposed infrastructure listed in clauses (a) to (h)

Best Management Practices



Best Practices

Maximize on-site reuse

- Project leaders should look for opportunities to minimize the amount of soil or crushed rock to be excavated. When it does need to be excavated, the ministry encourages the reuse of the excavated soil or crushed rock at the site where it is excavated to limit the amount of excess soil that must be relocated
- On-site or local reuse will reduce relocation and disposal costs for projects, as well as reduce greenhouse gas emissions from vehicles and reduce road wear and safety
- Soil or crushed rock reused on-site is not considered “excess soil” and is not designated as waste. It would therefore not trigger the regulatory rules related to where and how excess soil can be reused (such as excess soil quality standards or consent from reuse site owners, or the excess soil planning requirements, such as filing a notice to the Registry, assessment of past uses, tracking, etc.)

Best Practices - Continued

Planning for reuse

- It is recommended that infrastructure companies and public bodies that are excavating soil for infrastructure projects develop procedures to identify opportunities to maximize local reuse of excess soil, where appropriate. This includes coordinating reuse between project areas that may be under one contract or across contracts from the same project leader. It also includes coordination between major infrastructure organizations in the same geographic region
- Owners or developers of sites that require soil for specific uses, such as the construction of berms or new roads, are encouraged to consider importing excess soil from local neighbouring project areas. At the same time, project leaders generating excess soil should be seeking to find appropriate local beneficial reuses of the soil which cannot be reused on-site
- Undertakings that may be seeking excess soil are encouraged to register their projects on the Excess Soil Registry as a reuse site, whether it is required or not, to help raise awareness of undertakings needing soil

Best Practices - Continued

Excess Soil Management Plan

- The project leader of a project generating excess soil should consider retaining a QP to develop an excess soil management plan to integrate all regulatory requirements, and to ensure soil is properly managed and tracked. It could include:
 - All reports completed related to the excess soil management activities: assessment of past uses report (or phase one ESA), sampling and analysis plan, excess soil characterization
 - A site plan that identifies all areas to be excavated, with the estimated volume and soil type and quality of each area, as well as areas for reuse, storage and processing
 - Procedures for on-site excavated soil or crushed rock management, including any intended on-site processing and segregation of excavated soil or crushed rock of various qualities
 - The estimated volume of excess soil to be taken off-site from the project area
 - A list of potential receiving sites for various soil qualities, including an excess soil destination assessment report, if completed, and procedures for tracking of excess soil to reuse sites or other destinations
 - Identification of relevant site-specific instruments or regulatory requirements that may apply to the project area and soil-related activities, such as the intent to file a record of site condition
 - Requirements and procedures respecting cultural heritage and natural heritage assessments and associated soil management considerations

Best Practices - Continued

- **Fill management plans**
 - Reuse sites should consider preparing a fill management plan, which assesses site conditions, determines appropriate fill quality for the site, and details fill management procedures for the planned undertaking.
 - A QP could be hired to complete and implement such a plan. Such plans may be required through municipal by-laws.
 - The fill management plan may be a useful tool to integrate all regulatory requirements, and may include:
 - Copies of any documentations related to municipal or conservation authority licenses/permits
 - Identification of the appropriate types/quality of soil to be received at the site
 - Site plans and grading plans
 - Protocols for incoming excess soil (inspections, contingency measures, recordkeeping)
 - Audit sampling protocols
 - Soil placement and segregation protocol to identify where excess soil has been placed at the reuse site, for assessment if required

Frequently Asked Questions and Answers

Frequently Asked Questions and Answers

What rules apply to dewatering liquid soil, is an *Ontario Water Resources Act* (OWRA) approval required?

- If dewatering takes place at a project area or a local waste transfer facility, as outlined under sections 6 and 25 of the regulation, an exemption from a waste-ECA is generally provided.
- If the liquid from dewatering the liquid soil is to be drained or be discharged directly or indirectly into a ditch, drain or storm sewer or to a well or to any surface water body including a stream or reservoir, an OWRA approval would be required. Projects that establish sewage works to manage the liquid would also require an OWRA approval. There is also an option to get an approval for a mobile dewatering unit that treats and discharges any wastewater from liquid soil processing.
- Some instances of dewatering may be exempt from an OWRA approval. For instance, if liquid soil is excavated from a project area and placed in the same area for passive dewatering or infiltration, it may be exempt from an OWRA approval. Liquid may also be discharged into a sanitary sewer without requiring an OWRA approval, but municipalities may have rules around discharging to sanitary sewers which should be taken into consideration.
- Consideration should also be given to the quality and quantity of the wastewater from the liquid soil, and prevention of any negative impacts to the environment.
- If liquid soil is stored at a project area or local waste transfer facility for eventual transportation or reuse at another site, the rules around storage for liquid soil in the Rules document would apply (such as placing liquid soil on an impermeable surface).

Frequently Asked Questions and Answers

What are the exemptions for moving excess soil from one infrastructure project to another?

- Movements of excess soil from one infrastructure project to an infrastructure undertaking for reuse are exempt from the planning requirements (such as registration and assessments), if the reuse site is owned by a public body or the project leader of the site where the excess soil originated
- Despite this exemption, the excess soil quality standards still apply and the excess soil to be relocated to the reuse site must meet the applicable excess soil quality standards and related rules at the reuse site
- For example, excess soil can be moved between two road projects with the same municipal project leader if the excess soil excavated from the first road project is of appropriate quality to be accepted for reuse at the second road project, but mandatory soil testing does not apply.

Frequently Asked Questions and Answers

What constitutes maintenance in a fit state of repair for an infrastructure project?

- Maintaining infrastructure in a fit state of repair is an exemption from the excess soil planning requirements under Schedule 2 to the regulation; this exemption does not, however, apply to excess soil excavated from a stormwater management pond for the purpose of maintaining the facility
- In general, maintaining in a fit state of repair would include cleaning out infrastructure, repairing infrastructure or replacing existing infrastructure with similar infrastructure; it would not result in increased capacity or a different alignment
- In scope examples may include culvert replacement, roadbed repair or pipe replacement, including temporary infrastructure that is part of the maintenance process, such as a by-pass pipe or a minor road diversion or replacing a pipe by laying a new parallel pipe to allow the old one to stay in service until the new one is finished
- Out of scope examples include new construction such as building a road, or a transit right of way, digging a tunnel for a new subway or digging a new sewage/watermain, tunnel, re-aligning (vertically or horizontally), twinning, or adding capacity or widening of a pipe or road

Frequently Asked Questions and Answers

What are the exemptions for existing contracts and reports completed for projects?

- The regulation exempts projects from filing a notice in the Registry and the associated reuse planning requirements (for example, assessment of past uses, sampling and analysis, destination report and tracking) if the soil management contracts were **entered into** before January 1, 2022. If this exemption applies, those requirements would not be triggered until January 1, 2026.
- Other regulatory rules would continue to apply, including criteria to avoid the waste designation when excess soil is reused (for example, the excess soil quality standards and consent from the reuse site owner).
- Assessments of past use, sampling plans and characterization reports, or similar reports such as phase one or two site assessments, completed for a project before January 1, 2022, are also recognized as reports that can support excess soil reuse under this regulation. This means that these studies do not have to be repeated for a project continuing based on those studies.
- Note that if a different project is being commenced after that date, these assessments, plans and reports may need to be updated to meet all the regulatory requirements.

Frequently Asked Questions and Answers

What requirements apply to the reuse of granular aggregate?

- Reuse of aggregate from a project area (not including a pit or quarry) is generally encouraged. As with any soil or crushed rock, if it is reused in the project area it is not waste and not subject to the excess soil reuse criteria. If removed from a project area it is considered excess soil and subject to the excess soil reuse criteria
- The exemption from the reuse planning requirements (such as registration, assessments, destination reports and tracking) for excess soil excavated as part of an infrastructure project and will be reused as part of another infrastructure undertaking at a site owned by the project leader or a public body applies to granular aggregate. The exemption for maintaining infrastructure in a fit state of repair may also apply. These would enable an infrastructure project leader (such as a public body) to plan to reuse aggregate across projects without these additional requirements
- With regard to granular aggregate that is proceeding to a granular recycling facility, these would be considered a final destination from the perspective of a project leader as they take control of that material once deposited there

Frequently Asked Questions and Answers

What are the options for infrastructure contractors storing excess soil?

- Public bodies or infrastructure companies that are project leaders can identify local waste transfer facilities or Class 2 soil management sites to which contractors could temporarily relocate excess soil from that project leader's projects
- Contractors that are not primarily in the business of waste management can make use of the field operations exemption outlined in Regulation 347 for local waste transfer facilities without needing a waste ECA, if all the applicable rules under Regulation 347 as well as the excess soil regulation are followed (e.g. storage rules, security/barriers, etc.)
- All other contractors offering the service of storing or processing excess soil at a property they own would require waste approval to operate such a facility, in addition to any other approvals required based on the nature of the service offered

Frequently Asked Questions and Answers

What are the requirements for using the BRAT's six site use characteristics and can they be used for infrastructure projects?

- BRAT provides the ability to quickly and easily generate site-specific standards using the same model that is used to derive the tables of generic excess soil quality standards
- There are six site use characteristics included in the BRAT that a QP may utilize:
 - Shallow soil cap barrier
 - Fill/hard cap barrier
 - Building with storage garage
 - Building prohibition
 - Building with no first store residential, parkland or institutional use
 - Building with minimum first storey ceiling height requirement
- Use of these six site use characteristics to adjust applicable exposure pathways should be used only if they reflect existing or planned permissible uses, and must be approved and documented in a site-specific instrument; however, this requirement does not apply to final placement of soil for an infrastructure undertaking

Frequently Asked Questions and Answers

Can one hauling record have multiple project areas listed on it (for example, with hydrovac trucks doing daylighting)?

- Multiple project areas can be listed in one hauling record if all the key regulatory requirements are addressed in the hauling record.
- This includes the location of each project area at which excess soil was loaded and the location where the excess soil is to be deposited, among other key details on the soil movement (for example, date, time and quantity of excess soil loaded at each location).
- After the excess soil is deposited and a new load is started, a new hauling record should also be started.

Frequently Asked Questions and Answers

As a project leader for an infrastructure project, who can file a notice in the Registry on my behalf?

- In respect of infrastructure projects, often a municipality or other public body **ultimately responsible** for that infrastructure would be a project leader.
- The project leader is responsible for ensuring that a notice for the project is filed, if required, and must always complete the required declarations that are a component of the notice being filed
- However, the project leader can designate an authorized person to commence, update and file a notice on their behalf, and pay associated fees. The declarations must still be completed by the project leader, and the authorized person may facilitate receiving that completed declaration form
- Within an organization that is the project leader, a person from the organization with signing authority may complete all information, pay fees, and sign any declarations in the Registry. Alternatively, one person from the organization or contracted by the organization may fill in information into a notice and submit fees, while another person with signing authority from the organization would complete the declarations.

Frequently Asked Questions and Answers

Will there be templates available for the type of reports (e.g. assessment of past uses) that QPs have to complete, as there is variability amongst these reports?

- The ministry does not intend on providing report templates for QPs to meet the requirements of the excess soil regulation. The requirements under the regulation and the Rules document outline how the reports should be prepared, along with giving flexibility for the QP to use their judgement to decide which requirements are not adhered to, and to provide a rationale when that is the case

Can a municipality's environmental engineer(s) act as a QP for the municipality's projects or would it be deemed a conflict of interest?

- The municipality's engineers can act as QPs, without it being deemed a conflict of interest.
- Subsection 23(3) of the excess soil regulation states that a qualified person may act in respect of a project or reuse site in which his or her employer holds a direct or indirect interest.

Bio Break - Health Break

Open Discussion, Question and Answer Period

Additional Resources and Our Coordinates

Additional Resources

For additional information, including a variety of guidance and tools developed by internal and external partners:

- Ontario Government Excess Soil Page: ontario.ca/page/handling-excess-soil
- Excess Soil Fact Sheets: <https://www.ontario.ca/document/excess-soil-fact-sheets>
- Ontario Provincial Standard Specification (OPSS) 180 - General Specification for the Management of Excess Materials: currently being updated by MTO
- RPRA's Excess Soil Registry: rpra.ca/excess-soil-registry
- Ontario Environmental Industry Association (ONEIA) - Best Practices and Templates:
 - Hauling Best Practices and Template: <https://www.oneia.ca/excess-soils/hauling-best-practices>
 - Temporary Sites Best Practices: <https://www.oneia.ca/Temporary-Sites-Best-Practices>
 - Qualified Persons Best Practices: <https://www.oneia.ca/qp-best-practices>
- Ontario Society of Professional Engineers (OSPE) - Best Practices for Aggregate Pit and Quarry Rehabilitation: <https://ospe.on.ca/excess-soil-reports/>
- Canadian Urban Institutes (CUI) - Excess Soil By-Law Language Tool: <https://canurb.org/initiatives/excess-soil-by-law-tool/>
- OSSGA document on Excess Soil Best Management Practices for Pits/Quarries: https://www.ossga.com/rehabilitation_and_excess_soil/
- RSC Guide (*currently in draft and to be updated soon*): <https://ero.ontario.ca/notice/019-2551>

Our Coordinates

MECP Contacts:

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Appendices

Appendix A - Storage Rules for Dry Soil

The following applies to **dry soil** stored at any site, including a local waste transfer facility:

- Soil to be stored and managed to prevent any adverse effects associated with its receiving, processing, storage and movement - to manage noise, dust, mud tracking, leaching, run-off and erosion as well as any potential air or odour impacts
- Soil must be stored in stockpiles and the maximum size of each stockpile shall not exceed 2,500m³
- Any soil that is sampled and analysed must be kept segregated from other soil and soil of different qualities intended for different beneficial uses
- The soil must not be stored within 30 metres of a waterbody or within 10 metres of the property line (boundary), unless any of the following apply:
 - 500m³ or less of excess soil will be stored at any one time at the project area
 - Excess soil storage at the project area is for one week or less
 - The storage location has a physical barrier (e.g., concrete wall) between the excess soil and the property boundary
 - The storage is taking place in a public road right-of-way
- Soil shall be stored in a manner that prevents any contaminants from the soil from leaching into the ground water

Appendix B - Storage Rules for Liquid Soil

The following applies to **liquid soil** stored at a project area or a local waste transfer facility:

- All storage and processing locations of liquid soil, processed or dewatered or solidified soil and process residues shall be readily accessible for inspection by a provincial officer.
- No more than 10,000 cubic metres of liquid soil, processed or dewatered or solidified soil and process residues may be present at the site at any one time.
- All liquid soil, processed or dewatered or solidified soil and process residues that are liquid shall be stored in a leakproof container on an impermeable surface in a manner sufficient to contain and prevent the material from escaping into the natural environment