

# Excess Soil Management Bulletin

June 2021

## What to Consider - Generators of Excess Soil

- Factor in the appropriate amount of time to complete the new requirements for excess soil.
- It could take up to 16 weeks to complete the mandatory assessments before a re-use site will accept the soil.
- It is the responsibility of the Project Leader/Contractor/Qualified Person to determine an appropriate receiving location and to arrange for a contingency site location.

	Consideration	Estimated Time to Complete
>	Does your project fall under the provisions of the Excess Soil Regulations?	
>	Are any exemptions of the Regulation applicable?	
>	Has an <u>assessment of past uses (APU)</u> been completed?	2 to 6 weeks
>	Did the consultant <u>prepare a sampling and analysis plan (SAP)</u> and was the soil sampled?	2 to 4 weeks
>	Did the consultant prepare an <u>excess soil characterization report</u> to document the results of the sampling?	2 to 4 weeks
>	Are the potential re-use sites identified in the <u>excess soil destination assessment report (ESDAR)</u> ? The re-use sites can change, but the information has to be updated in the registry.	1 to 2 weeks
>	Do you have a <u>soil tracking system</u> in place?	
>	Has your QP completed the declaration and filing of a Notice in the MECP Registry site?	

## References

1. **Assessment of Past Uses (APU):** O.Reg. 406/19, s.11, O.Reg. 153/04, s.27&29, Rules, s.B(1)
2. **Sampling and Analysis Plan (SAP):** O.Reg. 406/19, s.12(1-4), O.Reg. 153/04, s.2, Rules s.B(2)
3. **Excess Soil Characterization Report (ESCR):** O.Reg. 406/19, s.12(5), Rules s.B(3)
4. **Excess Soil Destination Assessment Report (ESDAR):** O.Reg. 406/19, s.13, Rules s.B(4)
5. **Soil Tracking System Requirements:** O.Reg. 406/19, s.16, Rules, s.B(5)



# Excess Soil Management Key Information

Excess soil management regulations are being phased in by the provincial government over the next six years.

**Excess Soil** means soil, or soil mixed with rock, that has been excavated as part of a project and removed from the project area because it cannot or will not be reused at the site.

## Regulations & Rules

- O.Reg. 406/19: On-Site and Excess Soil Management
- O.Reg. 153/04: Record of Site Condition
- Rules for Soil Management and Excess Soil Quality Standards

## Implementation Timeline

The Regulation will be phased-in over six years

- January 1, 2021: new risk-based soil and leachate quality standards, waste designation and approvals.
- January 1, 2022: testing, tracking, hauling records and registration.
- January 1, 2025: restrictions on landfilling of clean soils.
- Grandfathering provisions: applicable from January 1, 2021 to January 1, 2026.

## Key Elements of the Regulation

- Clarifies when excess soil can be reused or is considered waste
- Replaces or simplifies waste-related approvals
- Reuse planning
- Ensures reuse sites are not receiving contaminated soil
- Requires larger reuse sites to register and develop procedures to track and inspect soil
- Restrictions on landfilling clean soil that is suitable for reuse

## Key Elements of the Rules

- Assessment of past use
- Sampling and analysis plans
- Excess soil characterization reports
- Excess soil destination assessment reports
- Soil storage and processing
- Excess soil tracking systems
- Soil quality standards and reuse rules
- Hauling records and record retention requirements

