

## **Excess Soil Webinar Series**

### **5. Excess Soil Registry** Regulatory Requirements

Date and Time: November 12<sup>th</sup>, 2021  
9:00am to 11:00am

# Excess Soil Webinar Series - Schedule

Topic Areas	Date and Time
1. Project Area - Source Sites	Wed October 27 <sup>th</sup> , 2021 9:00am to 11:00am
2. Reuse Sites	Fri October 29 <sup>th</sup> , 2021 9:00am to 11:00am
3. Transportation of Excess Soil (Dry and Liquid)	Wed November 3 <sup>rd</sup> , 2021 9:00am to 11:00am
4. Infrastructure Projects	Fri November 5 <sup>th</sup> , 2021 9:00am to 11:00am
<b>5. Excess Soil Registry - Regulatory Requirements</b>	<b>Fri November 12<sup>th</sup>, 2021</b> <b>9:00am to 11:00am</b>
6. Vac Trucks and Liquid Soil Management	Fri November 19 <sup>th</sup> , 2021 9:00am to 11:00am
7. Qualified Persons (QP) and Excess Soil Planning	Wed November 24 <sup>th</sup> , 2021 9:00am to 11:00am
8. Soil Depots and Storage Sites	Fri November 26 <sup>th</sup> , 2021 9:00am to 11:00am

# Presentation Overview

- Welcome to Webinar Series - 5 – Excess Soil Registry
- Overview of Excess Soil Registry and Regulatory Requirements
- Role of Resource Productivity & Recovery Authority (RPRA)
- Project, Reuse & Residential Development Soil Depots Notices
- Registry Launch and Training
- Health Break
- Question and Answer Period
- Additional Resources
- Appendix

# Your MECP Excess Soil Team

Some of our MECP team members include:

## **Policy**

Chris Lompart  
Laura Blease  
Karan Jandoo  
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 the Excess Soil Registry



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

- **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 Regulation s)

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

# Overview

Ontario Regulation 406/19: On-site and Excess Soil Management (the Regulation ) under the *Environmental Protection Act* outlines the requirements for some project leaders, owners and site operators to file notices to the **Excess Soil Registry (the Registry)** for certain project areas, reuse sites and residential development soil depots. In this webinar you will learn about:

- **why** there is a requirement for filing a notice on the Registry
- **who** must file a notice on the Registry
- **exemptions** from filing a notice on the Registry

Individuals interacting with the Excess Soil Registry may include:

- a project leader or operator of a **project area** (a site that generates excess soil, sometimes referred to as the source site)
- an owner or operator of a **reuse site** (a site with an undertaking that requires excess soil)
- an owner or operator of a **residential development soil depot** (a soil bank site used for temporarily storing and managing excess soil to ultimately be deposited to a reuse site)
- a **qualified person (QP)** retained by a project leader, owner or operator for any of these sites
- MECP staff with information supporting **compliance and enforcement**, to help ensure protection of human health and the environment
- the public, to access to the information filed in the notices in a user-friendly manner, to increase **public confidence** in excess soil management practices
- Other operators, who may be looking for **reuse sites**

# Excess Soil Registry and RPRA

On March 15, 2021, the Minister of the Environment, Conservation and Parks directed the Resource Productivity & Recovery Authority (RPRA) to develop, implement and maintain a Registry for regulated persons to file their required notices as per the Excess Soil Regulation under the *Environmental Protection Act*.

- Owners, operators, project leaders or other authorized people who need access to the Registry, can find out more on RPRA's [website](#). RPRA will also post guidance on using the Registry, how to file a notice and information on learning opportunities. Through their website, you will also be able to search for a notice that has been posted.

## RPRA's Role

- Operate the Registry to enable regulated persons to comply with registration and notice filing requirements outlined in the Regulation
- Enable the Ministry access to notice filings and associated data
- Enable public access to the information contained in notice filings
- Set and collect fees in a transparent and consultative manner to recover the costs for the Registry development, deployment and ongoing support to regulated persons
- Support stakeholders with training and resources to enable effective and efficient use of the Registry



# Public access to notices

One of the key purposes of the Registry is to provide greater transparency for the public when it comes to the movement of excess soil across the province. Any notice filed on the Registry is publicly available.

For more information on how to search for a notice, visit RPRA's [website \(rpra.ca/excess-soil-Registry\)](https://rpra.ca/excess-soil-Registry)

# Regulatory Requirements

As of **January 1, 2022**, the Regulation requires a notice to be filed on the Registry by:

- project leaders for **projects** prescribed by the Regulation , including information on their site, excess soil quality, and excess soil destinations
- owners or operators of **reuse sites** prescribed by the Regulation , including information related to their site and the excess soil being received
- owners or operators of **residential development soil depots**, including amount of soil to be stored and anticipated dates of operation

# Filing requirements for projects

The Regulation requires certain projects to file a notice on the Registry, as well as to undertake other requirements to plan for the reuse or disposal of excess soil.

The requirement for a project area to file a notice on the Registry is specified in **Section 8** of the Regulation . The requirement to file a notice also triggers additional requirements:

- Completion of an **assessment of past uses** and, if necessary, a **sampling and analysis plan** and a **soil characterization report**
- Completion of an **excess soil destination report**
- Development and application of a **tracking system**

If a QP is retained to complete these reports and assessments for the project, they should be completed before the notice is filed. The information from the reports will inform the required information to be included as part of the notice, such as the quality of the excess soil being removed from the project area.

# Projects required to file a notice

Generally, projects that are larger in scale or more likely to generate excess soil with some contaminants are required to file a notice on the Registry. More specifically, projects that must file a notice are those:

- **generating 2,000 m<sup>3</sup>** or greater of excess soil and that are in a settlement area (such as cities and towns; this quantity trigger does not apply to non-settlement areas)
- where 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 )
- where the primary purpose is **remediating contaminated lands**
  - (that is, if a new property use cannot proceed without completion of soil remediation, such as soil removal, this should be considered a primary purpose)

## Exemptions from filing a notice

The Regulation includes several exemptions from filing a notice on the Registry, as well as from all or some of the **planning requirements** related to soil reuse planning for a project. These exemptions generally reflect lower risk soil movement scenarios.

General exemptions from the need to file a notice on the Registry are set out in **Schedule 2** to the Regulation . (See Appendix)

# Timing of filing a notice

- A notice is typically filed before the excavated soil or crushed rock is removed from a project area.
- The project leader may move excess soil to a Class 2 soil management site or a local waste transfer facility before a notice is filed only if it is unfeasible to conduct the required sampling at the project area.
  - In this circumstance, the project leader must ensure that the **sampling is conducted promptly** when the excess soil is taken to the Class 2 soil management site or the local waste transfer facility and the notice must be filed/updated before excess soil proceeds from these sites to another deposit site.
- **Note as a best practice**, a notice may also be initially filed in advance of soil moving to a Class 2 soil management site or a local waste transfer facility, and updated as needed with new soil quality information.

# Information required for initial notice

When filing a notice on the Registry for a project, it must include the information listed in Schedule 1 of the Regulation .

- a description of the project (condo development, commercial development, etc.),
- a description of the project area,
- names and contact information of the project leader(s), operator of the project area, QP(s), including any person doing the filing as authorized by the project leader, and person ultimately responsible for the transportation of excess soil from the project area
- the intended location and description of the destination sites at which the soil is to be deposited, including the following (if applicable):
  - reuse sites (including information on the undertaking and the applicable excess soil quality standards for the reuse site)
  - landfills or dumps, Class 1 soil management sites (such as soil banks and soil processing sites), residential development soil depots, local waste transfer facilities, and Class 2 soil management sites
- applicable excess soil quality standards and quantity of soil that is intended to be deposited at each destination site
- if applicable, a description of the peer review or certification processes
- a declaration by the project leader (may be facilitated by an authorized person, but not signed)

# Information Required for updated or finalized notice

**After an initial notice is filed it must be updated or finalized:**

- to identify new planned excess soil deposit sites prior to their use
- within 30 days of completion of the project to reflect actual soil movements. This includes:
  - how much excess soil was removed and which sites it was sent to
  - date that the last load of excess soil was removed from the project area, or if applicable, the Class 2 soil management sites or local waste transfer facility
- within 30 days of finding inaccurate or incomplete information in the notice
- to include a declaration by the project leader re-confirming that all information is accurate to the best of their knowledge

Information on how to enter this information into a notice on the Registry will be available through RPRA's [website](#).

# Project area soil going to a landfill

## Notices for excess soil going to landfills

If all of the excess soil from a project area is being disposed of at a landfill, and not going to a reuse site, there is still a general requirement to file a notice on the Registry.

- However, an exemption under Schedule 2 of the Regulation may apply.
  - For example, if 100 m<sup>3</sup> or less of excess soil is being removed from the project area and being directly transported to a waste disposal site, such as a landfill, the project is exempt from the excess soil planning reuse requirements, including filing of a notice.



# Filing requirements for reuse sites & exemptions

Reuse sites can accept excess soil for **beneficial reuse** in an undertaking.

- This includes use as backfill, raising the grade of land for a planned development or an infrastructure project, or rehabilitation of an aggregate extraction site.
- Some reuse sites that are accepting large amounts of excess soil are required under the Regulation to file a notice on the Registry.
- The notice must be filed before the site begins receiving the excess soil

## Undertakings required to file a notice

- **Section 19** of the Regulation requires that, if a reuse site will be receiving at least **10,000 m<sup>3</sup>** of excess soil for final placement in an undertaking, before it can be received at the site, the owner or operator of the reuse site will be required to:
  - File a notice on the Registry
  - Establish procedures to account for every load of excess soil being deposited at the reuse site and ensure that the storage of excess soil does not cause any adverse effects. Owners or operators filing a notice are required to confirm through a declaration on the Registry that these procedures have been put in place.

## Exemptions from filing a notice

- The requirement to file a notice as a reuse site does not apply to reuse sites that are part of an undertaking related to an infrastructure project.
- **Note:** if the reuse site was operation prior to January 1, 2022 and is receiving less than 10,000 m<sup>3</sup> of excess soil after January 1, 2022, the owner or operator is not required to file a notice.
  - For example, if a site received 9,000 m<sup>3</sup> as of December 2021, and only receives an additional 2,000 m<sup>3</sup> in February 2022 to fulfill the need for the beneficial reuse, they do not need to file a notice even though the total amount at the site has been more than 10,000 m<sup>3</sup>.

# Information included in a initial reuse site notice

When filing a notice on the Registry for a reuse site, it must include the information listed in Section 19 of the Regulation .

- a description of the reuse site, including name, narrative description & current and future property uses
- a description of the undertaking at that site, including the scope, duration, purpose and beneficial reuse
- the location of the property
- the amount and quality of excess soil needed for the undertaking
- the applicable excess soil quality standards for the reuse site
- the contact information of the QP that developed any site-specific excess soil quality standards for the site (BRAT, RA)
- information on any site-specific instruments that govern the reuse site
- estimated dates for when the first and final loads of excess soil will be deposited
- a declaration by the owner or operator (may be facilitated by an authorized person, but not signed)

# Information Required for updated or finalized notice

## After an initial notice is filed it must be updated or finalized:

- The notice must be updated within 30 days of the owner or operator becoming aware that any information in the notice is incomplete or inaccurate.
- Within 30 days of the final load of excess soil being received, the notice on the Registry must be updated and finalized with:
  - a confirmation that all excess soil in respect of the undertaking has been deposited at the reuse site
  - the total amount of excess soil received
  - the date the final load was deposited
  - a declaration by the owner or operator re-confirming that all information is accurate to the best of their knowledge

# Filing requirements for residential development soil depots

- Residential development soil depots (depot) are temporary soil storage sites that store and manage excess soil that meets residential reuse quality standards.
- From the depot, the excess soil will be eventually redistributed for reuse at a residential property or other less sensitive property use.
- The amount of excess soil at any one time at the depot must not exceed **10,000 m<sup>3</sup>**.
- **Section 7 (4)** of the Regulation requires that a notice be filed on the Registry by the operator of the depot.
  - The notice must be filed before any excess soil is deposited at the site, or if the depot was operating prior to January 1, 2022, then the notice must be filed on January 1, 2022.

# Information included in a initial residential development soil depots notice

- A notice filed on the Registry for a residential development soil depot must include the information listed in Section 7(4) of the Regulation .
  - a description of the depot, including name, narrative description & address
  - contact information of the owner and operator
  - the date of operation
  - the expected total amount of excess soil to be stored on site, including the inventory amount stored on the site if the depot was operating before January 1, 2022
  - details on any legal instruments that govern the operation of the depot, and
  - declarations by the owner or operator (may be facilitated by an authorized person, but not signed)

# Information Required for updated or finalized notice

**The notice must be updated with the following information:**

- within 30 days of ceasing operations, providing the date of the depot's closure
- within 30 days of finding inaccurate or incomplete information in the notice
- a declaration by the owner or operator re-confirming that all information in the notice is accurate to the best of their knowledge

# Who is responsible for filing the notice

Type of Notice	Who is Responsible	Additional Individuals that may file a notice
<b>Project</b>	<b>Project Leader</b> <ul style="list-style-type: none"> <li>Ensures notice is filed</li> <li>completes the declarations</li> </ul>	<b>Authorized Person*</b> <ul style="list-style-type: none"> <li>May file the notice on behalf of the project leader</li> <li>Facilitates but does not sign declarations.</li> <li>This authorized person could be a QP, a site operator, or another company contracted to manage the project for the project leader.</li> </ul>
<b>Reuse Site</b>	<b>Owner or operator</b> <ul style="list-style-type: none"> <li>Ensures notice is filed</li> <li>completes the declarations</li> </ul>	<b>Authorized Person*</b> <ul style="list-style-type: none"> <li>May file the notice on behalf of the owner or operator</li> <li>Facilitates but does not sign declarations.</li> <li>This authorized person could be a QP, a site operator, or another company contracted to manage the project for the project leader.</li> </ul>
<b>Residential Development Soil Depots</b>	<b>Owner or operator</b> <ul style="list-style-type: none"> <li>Ensures notice is filed</li> <li>completes the declarations</li> </ul>	<b>Authorized Person*</b> <ul style="list-style-type: none"> <li>May file the notice on behalf of the owner or operator</li> <li>Facilitates but does not sign declarations.</li> <li>This authorized person could be a QP, a site operator, or another company contracted to manage the project for the project leader.</li> </ul>

\*Ensure that the authorization to file a notice is documented.

# Voluntary notice filing

- The Regulation specifies the circumstances requiring the filing of a notice to the Registry. However, in other circumstances voluntary filings for project areas and reuse sites may be completed by project leaders, site owners and operators as well.
- The notices will be publicly available and will follow the same processes as the mandatory notice filings, including any applicable filing fees.
  - Voluntary in this context means not required by the Regulation . It may however be required under a contract, by-law or other legal instrument.



# Registry Launch and Training

- The Excess Soil Registry is due to Launch on **December 1<sup>st</sup>, 2021**
- **Webinars** will provide live demos of the Registry lead by RPRA Registry Support and PwC, the technology vendor for the Registry project:
  1. Introduction: a brief overview of the Registry, account creation, program enrolment and the program dashboard. This session will also include a demonstration of the Public Registry. **November 25, 2021**
  2. Project area: a live walkthrough of an initial project area filing, payment and submission of a final notice. **November 30, 2021**
  3. Reuse site: a live walkthrough of an initial reuse site filing, payment and submission of a final notice. **December 2, 2021**
- **Training materials** including step-by-step instruction documents, FAQs and videos for each notice type will be available on RPRA's website
- **1 on 1 support** for questions related to use of the Registry, including completion of notices. Contact RPRA Registry Support at [Registry@rpra.ca](mailto:Registry@rpra.ca) or 647-496-0530 or toll-free 1-833-600-0530

For more information and to register for the webinars above, visit: <https://rpra.ca/excess-soil-Registry/>

If you have not been receiving updates from RPRA, you can email [excesssoilRegistry@rpra.ca](mailto:excesssoilRegistry@rpra.ca) to be added to the mailing list.

# Key Definitions

**Project:** 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

**Project leader** means, in respect of a project, the person or persons who are ultimately responsible for making decisions relating to the planning and implementation of the project

- They are the person or person(s) who is the proponent for a project
- Under the Regulation , contractors and/or QPs would not become the project leader, as the responsibility for key decisions and compliance ultimately rests with the project leader
- Examples of project leaders for a project:
  - a municipality or public body responsible for an infrastructure project
  - the owner of a property or a developer of a property that may own or lease the property for the purposes of development
  - an employee of a corporation that has the responsibility and authority to bind the corporation

**Owner:** a person who owns the land; there may be multiple owners of a property

**Operator:** a person who has the charge, management, or control of a site. An operator may be an owner of a property, lease a property or be contracted to operate a project area, reuse site or residential development soil depot.

# Key Definitions

**Authorized person:** A person who is authorized by the project leader, owner, or operator of a site, to complete a notice filing and pay fees on their behalf.

- The authorized person can initiate a notice on the Registry if permitted to by the project leader, owner, or operator of a site, and can complete all required notice information, except the declaration, and pay applicable fees on their behalf. An authorized person may not sign declarations but can facilitate the signing and uploading of declarations.

**Qualified Person or QP** is a professional engineer or professional geoscientist for the purpose of completing or supervising excess soil planning requirements under the Regulation, consistent with section 5 of the Record of Site Condition Regulation. If the Beneficial Reuse Assessment Tool (BRAT) is used to develop site-specific excess soil quality standards, a QP may also meet the requirements for a risk assessment (RA) QP as described in section 6 of the Record of Site Condition Regulation.

- A QP may be designated as an authorized person by the project leader or by an owner/operator to file a notice on the Registry on their behalf.

# Frequently Asked Questions and Answers

# FAQ's

- **How do I access the Excess Soil Registry?**
  - <https://rpra.ca/excess-soil-Registry/>
- **How do I create an account on the Excess Soil Registry?**
  - Attend RPRA's training webinars on November 25, 30, & December 2 and access the training guides and videos developed by RPRA for more information.
- **What If I am having issues on the Registry webpage?**
  - Please direct all questions related to the Registry to RPRA via [excesssoilRegistry@rpra.ca](mailto:excesssoilRegistry@rpra.ca)
- **Who do I contact I am unsure if I need to file a notice to the Excess Soil Registry?**
  - Contact the MECP at [MECP.LandPolicy@ontario.ca](mailto:MECP.LandPolicy@ontario.ca)
  - For site-specific questions related to Excess Soil movement, please contact the ministry's local district office. To find an office, please use the [District Locator](#).
- **Who will be responsible for enforcement of the Registry requirements?**
  - Compliance and enforcement responsibilities remain with MECP
- **Will detailed sampling reports, studies and/or standard values developed be made public on the Excess Soil Registry?**
  - No, even though these reports support the information filed to the Excess Soil Registry, these reports will not be required to be uploaded or available on the Excess Soil Registry
- **Can anyone complete the voluntary Registry or are there rules on who can use this?**
  - Yes, the Excess Soil Registry does allow voluntary notices to be filed, however you will be required to pay the applicable fees and your notice will be publicly available.
  - There will be free public access to the Registry, and the public can view any/all the information required by the Regulation as part of a notice on the Excess Soil Registry

# FAQ's

- **When are other key supporting programs for the Registry anticipated?**
  - The Excess Soil Registry is currently being developed in two phases. Phase one includes all the regulatory components that are required by the Regulation, while additional systems and other nonregulatory programs are to be developed in 2022 as part of a second phase.
- **How are fees calculated**
  - Fees associated with project area notices are calculated at a variable rate based on the volume of soil being moved. Flat fees will be applied to Project Area Notices for soil volumes below and above certain thresholds.
  - Fees associated with Reuse Site Notices are tiered, with increasing flat fees applied according to the volume of soil being accepted at the reuse site.
  - There is one flat fee associated with Residential Soil Depot Notices.
  - RPRA is consulting on its proposed 2022 Registry fees for Excess Soil from September 27, 2021, to November 12, 2021.
  - <https://rpra.ca/consultations/current-consultations/proposed-2022-Registry-fees-for-excess-soil/>
- **When will fees be charged**
  - Fees are charged upon completion of the initial notice filing, whether it's a Project Area Notice, Reuse Site Notice, or Residential Development Soil Depot Notice. For Project Area and Reuse Area Notices, there may be a fee charged at the final filing (close-out), depending on whether the volume of soil generated or accepted has increased from what was reported in the initial notice filing.

# 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](https://ontario.ca/page/handling-excess-soil)
- 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](https://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/](https://www.ossga.com/rehabilitation_and_excess_soil/)

# Our Coordinates

## MECP Contacts:

- **Policy** - Laura Blease [laura.blease@ontario.ca](mailto:laura.blease@ontario.ca), Karan Jandoo [Karan.Jandoo@ontario.ca](mailto:Karan.Jandoo@ontario.ca) and Reema Kureishy [Reema.Kureishy@ontario.ca](mailto:Reema.Kureishy@ontario.ca)
- **Regional Operations** - Lisa Tanaka [lisa.tanaka@ontario.ca](mailto:lisa.tanaka@ontario.ca)
- **Standards** - Paul Welsh [paul.g.welsh@ontario.ca](mailto:paul.g.welsh@ontario.ca)
- **Approvals** - Andrew Neill [andrew.neill@ontario.ca](mailto:andrew.neill@ontario.ca)
- **Brownfields** - Dean Therrien [dean.therrien@ontario.ca](mailto:dean.therrien@ontario.ca)

# Appendix

# Schedule 2

## NON-APPLICATION OF SECTION 8 OF THE REGULATION

1. All of the following circumstances apply:

- 1. After making reasonable efforts to take into consideration any past reports about past uses and activities respecting the project area, the project leader is of the opinion that the project area is not and has never been, in whole or in part, an enhanced investigation project area.
- 2. The primary purpose of the project is not remediating contaminated land.
- 3. In the case of a project area, any part of which is located in an area of settlement within the meaning of the *Planning Act*, the amount of soil to be removed from the project area is less than 2,000 m<sup>3</sup>.

2. Both of the following circumstances apply:

- 1. The amount of soil to be removed from the project area is less than 100 m<sup>3</sup>.
- 2. The excess soil is directly transported to a waste disposal site that is not a Class 2 soil management site.

3. The reason for excavating the soil that will become excess soil is one of the following:

- 1. Danger to the health or safety of any person.
- 2. Impairment or serious risk of impairment of the quality of the natural environment for any use that can be made of it.
- 3. Injury or damage or serious risk of injury or damage to any property or to any plant or animal life.
- 4. The duty imposed by subsection 93 (1) of the Act.
- 5. An order made by any authority with jurisdiction to make the order.
- 6. Maintaining infrastructure in a fit state of repair, except if the excavation of soil is from a stormwater management pond for the purpose of maintaining the facility in a fit state of repair.

4. All of the following circumstances apply:

- 1. The excavated soil is topsoil.
- 2. The topsoil is transported directly to a reuse site from the project area for use as topsoil at the reuse site.
- 3. After making reasonable efforts to take into consideration any past reports about past uses and activities respecting the project area from which the excavated soil was transported, the project leader is of the opinion that the project area is not and has never been, in whole or in part, an enhanced investigation project area.
- 4. The primary purpose of the project from which the excavated soil was transported was not remediating contaminated land.

5. REVOKED: O. Reg. 775/20, s. 18 (2).

6. Both of the following circumstances apply:

- 1. The excess soil is excavated as part of an undertaking related to infrastructure.
- 2. The project leader for the undertaking related to infrastructure intends, after removing the excess soil from the project area, to finally place it at a reuse site that is owned by the project leader or a public body and that is part of another undertaking related to infrastructure.

7. Both of the following circumstances apply:

- 1. The soil is being deposited at a local waste transfer facility.
- 2. The amount of soil to be deposited at the local waste transfer facility is 100 m<sup>3</sup> or less.