

# Excess Soil Management Bulletin

December 2020

## Key Considerations for Infrastructure Projects

Effective January 1, 2021

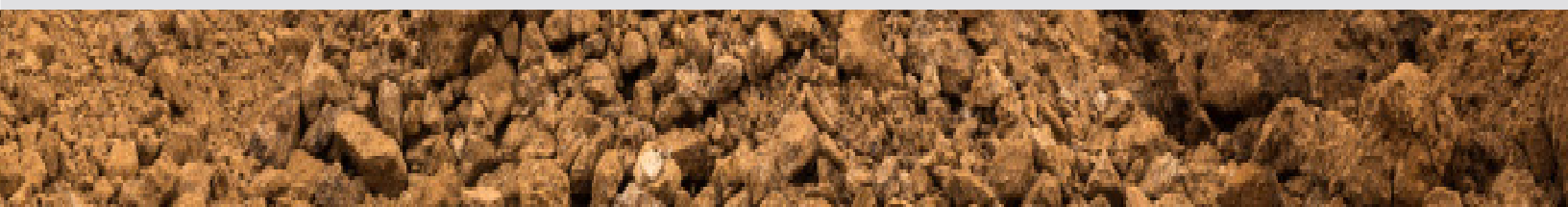
- Local Waste Transfer Facilities can be used for certain low risk storage and processing activities (dry and liquid soils) without an approval if managed by a public body or infrastructure project. (O.Reg. 406/19, Condition 25)
- When the [Beneficial Reuse Assessment Tool](#) is used with the six site use characteristics (e.g. adding a hard cap barrier, building prohibition, etc.) an approval is not required if the reuse site is an infrastructure project. (Rules for Soil Management, Condition 3 BRAT (5))
- Excess soil is to be reused within 2 years of being received at a reuse site (O.Reg. 406/19, Condition 5, (1)5). For infrastructure projects the time for reuse is as long as is needed to complete the project. (O.Reg. 406/19, Condition 5, (1)7))

## What to Consider - Owners

1. **Ultimate liability lies with the owner even when it is not acting as Project Leader.**
2. **Do you have an environmental assessment that considers the requirements in O.Reg. 406/19? Do you need to engage a Qualified Person to investigate the site?**
3. **How much soil will be removed from the site and of what quality?**
4. **How much testing will be required based on the quantity removed? Is this cost included in your budget?**
5. **Will soil be removed from the site in 2021 or 2022?**
6. **Have you identified a beneficial reuse site or will your contractor be responsible for this?**
7. **Have you adequately addressed excess soil in your tender documents?**

## Excess Soil and the City of Ottawa

1. The City is in the process of identifying potential storage and disposal sites for City projects.
2. Specs are being developed regarding excess soil management requirements on City projects and are expected to be ready in 2020. Currently, the City is using general wording such as “must comply with O.Reg. 406/19”.
3. The City suggests that the City and contractors should be using the same tracking software when tracking requirements come into effect in 2022. No software has been chosen by the City yet.



# 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

