

Excess Soil Management Bulletin

January 2021

Update on Recent Amendments

Ontario has finalized amendments to the Excess Soil Management Regulation (O. Reg. 406/19), the Record of Site Condition Regulation (O. Reg. 153/04) and the General Waste Management Regulation (Reg. 347), including:

- Extending the date to enter into a contract in order to be grandfathered (exempt) from soil reuse planning provisions from January 1, 2021 to January 1, 2022.
- Recognizing soil assessments and geotechnical studies completed before January 1, 2022, as acceptable under O. Reg. 406/19.
- Replacing waste-related Environmental Compliance Approvals with standard rules for low-risk activities, such as processing excess soil for resale as a garden product and managing clean soils for residential development projects.
- Providing added flexibility to the Rules for Soil Management and Excess Soil Standards, including rules for soil storage and reuse of soil impacted by salt.

What to Consider - Haulers

1. **It is the responsibility of the Hauler to ensure they collect all required information for the Hauling Record.**
2. **From January 1, 2021 to January 1, 2022, drivers must be prepared to provide the following information verbally: loading location, date and time loaded, quantity of soil in the load, contact name for inquiries, name of the company transporting the soil, driver's name, plate number and receiving site location.**
3. **Commencing January 1, 2022, Haulers must implement tracking systems and retain Hauling Records for two years from the date of delivery.**
4. **It is the responsibility of the Project Leader/Contractor/Qualified Person, not the Hauler, to determine an appropriate receiving location and to arrange for a contingency site location.**

[ONEIA](#) has released a Best Practices for Hauling guide that may be of interest to our members.

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 2021. 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

