

# Excess Soil Management Bulletin

*September 2020*

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



## Effective January 1, 2021

New risk-based soil and leachate quality standards  MECP Excess Soil Quality Standards Tables 1 - 9.1	Dependant on: <ul style="list-style-type: none"><li>• type of property use for the reuse site (ex residential)</li><li>• volume of excess soil</li><li>• reuse site characteristics (ex shallow soil)</li><li>• whether site is within 30m of a water body</li><li>• whether the reuse site is in an area serviced by a municipal drinking water system</li></ul>
Designation as waste	Soil becomes a waste when it leaves a site unless: <ul style="list-style-type: none"><li>• it meets the new excess soil standards, or</li><li>• is being transported to a reuse site, soil bank or storage site, soil processing site or local waste transfer facility.</li><li>• all liquid soils are considered waste until they have been dewatered or meet the slump test criteria.</li></ul>

### What to Consider - Estimators

1. How much soil will be removed from the site and of what quality?
2. Will soil be removed from the site in 2021 or 2022?
3. How much testing will be required based on the quantity removed?
4. Has the client identified a beneficial reuse site?
5. Have the additional administrative costs of excess soil management been considered?
6. What approvals will be required?
7. Does the owner have any environment assessments? Do you need to engage a Qualified Person to investigate the site?

### 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 regulation 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.

