How will Ontario's excess soil regulations impact your project? Learn how to prepare.

ON-SITE AND EXCESS SOIL MANAGEMENT
(O.Reg. 406/19)

GEI Consultants

As of January 1, 2022, many of Ontario projects will be subject to Phase Two (Testing, Tracking, and Registration) of the O.Reg. 406/19 Excess Soil Rules and Excess Soil Planning Requirements.

How will this affect new projects?

Be prepared! It's important that you begin the appropriate testing on your sites now. This will ensure that your project keeps moving, avoids delays, and complies with the new regulations.

The MECP's new regulations for on-site and excess soil management have several objectives, including:

- To recognize excess soil as a resource;
- To set clear rules that increase reuse opportunities and reduce soil relocation costs;
- To establish consistent reuse quality standards;
- To reduce clean excess soil going to landfill as waste;
- To protect human health and the environment; and
- To ensure compliance related to soil management and reuse through planning;

What is Excess Soil?

Excess Soil means soil, or soil mixed with rock, that has been excavated as part of a project and removed from the project area (or site).

How can you prepare for the new Excess Soil Management regulations?

In the past, without clear guidelines, project owners often attempted best management practices – with varying degrees of success. As a result there were inconsistencies throughout the industry. This led to an increased risk of human and environmental impact, large volumes of clean fill being directed to landfill sites, and brownfield redevelopment barriers. The Made-In-Ontario Environmental Plan (November 29, 2019) proposes to correct this patchwork of best management practices by establishing a regulatory framework pertaining to the management of excess soils.

As of January 1, 2022, you will require the following documentation to transport excess soil off-site to a Reuse Site, Class 1 Soil Management Site, or a Class 2 Soil Management Site.

1. Prepare an assessment of the past uses for the source site.
2. Prepare and implement a sampling and analysis plan.
3. Prepare a soil characterization report.
4. Prepare an excess soil destination assessment report.
5. Develop and implement a tracking system.

Step One
Prepare an Assessment of Past Use Report

This report is designed to identify any Areas of Potential Environmental Concern concerning the source material to be removed from a Project Area (Site).

Step Two
Soil Sampling and Analysis Plan

The Sampling and Analysis Plan will determine the volume of sampling required based on the amount of excess soil to be removed from the Site, and the minimum chemical testing requirements based on the results of the Assessment of Past Use.

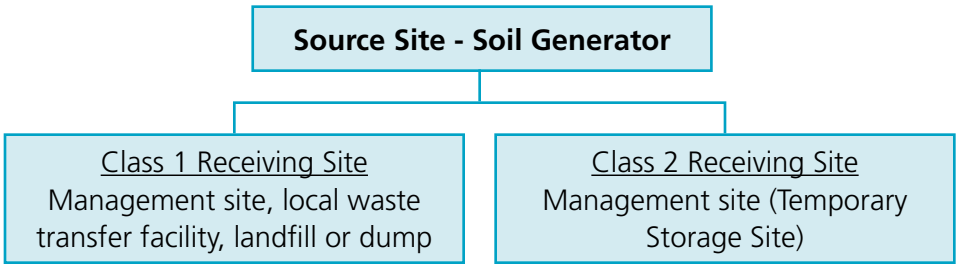
Please reach out for additional details regarding minimum sampling requirements (Rules for Soil Management and Excess Soil Quality Standards).

Step Three
Soil Characterization Report

The Soil Characterization Report will assess the quality of the excess soil to be removed off-Site by utilizing the soil sampling and chemical testing completed in accordance with the Sampling and Analysis Plan.

Step Four
Soil Destination Report

This report outlines when and where the soil will be exported. Options include:



Step Five
Develop and Implement a Tracking System

Going forward all excess soil transport must be adequately tracked and registered on the MECP's registry.

What is Your Plan of Action Moving Forward?

Every project site is different, and each one is subject to varying degrees of excess soil management requirements. Application of the excess soil management regulations will vary on a project type basis. Some projects may be exempt from rigorous sampling and testing requirements. Exemptions may apply based on the Assessment of Past Uses, determination of the type of excess material, and/or the source of the site (i.e. greenfield, parland, or infrastructure.)

Having a knowledgeable and experienced Qualified Person assess your specific site can help reduce potential risks associated with inadequate testing and assessments, future scheduling delays, and unanticipated costs. To learn specifically how these new regulations will impact your project, contact us for a site-specific plan.

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