



# **Policy and Procedures for Managing Excess Soils**

January 2024

**TABLE OF CONTENTS**

- 1. Introduction..... 3**
  - 1.1 Objective ..... 4
- 2. Definitions ..... 5**
- 3. Procedures for Management of Excess Soil at a Project Area..... 10**
  - 3.1 Situations in Which O.Reg. 406/19 Does Not Apply ..... 10
  - 3.2 Application of O.Reg. 406/19 ..... 10
    - 3.2.1 Determination of Whether a Notice is Required to be Filed in the Registry ..... 11
    - 3.2.2 Exemptions from Reuse Planning Requirements..... 12
    - 3.2.3 Other Regulatory Considerations..... 14
    - 3.2.4 City-Specific Due Diligence Requirements for Registration-Exempt Projects ..... 16
  - 3.3 Excess Soil Reuse Planning Documentation Requirements ..... 16
    - 3.3.1 Assessment of Past Uses ..... 17
    - 3.3.2 Sampling and Analysis Plan ..... 17
    - 3.3.3 Soil Characterization Report ..... 19
    - 3.3.4 Excess Soil Destination Assessment Report ..... 19
    - 3.3.5 Tracking System ..... 20
  - 3.4 Filing a Notice on the Excess Soil Registry ..... 20
  - 3.5 Planning Documents and Project Procurement / Construction Cycle ..... 21
    - 3.5.1 Investigations / Pre-Design ..... 21
    - 3.5.2 Design and Specifications ..... 21
    - 3.5.3 Tendering and Award (Bid Submittals) ..... 22
    - 3.5.4 Construction Submittals..... 22
    - 3.5.5 Reuse Site..... 23
- 4. Procedures for Management of Excess Soil at a Reuse Site..... 23**
  - 4.1 Municipal Control of Quality and Quantity - Site Specific Instruments ..... 23
  - 4.2 Beneficial Purpose..... 24
  - 4.3 Reuse Rules for Specific Circumstances ..... 25
    - 4.3.1 Environmentally Sensitive Areas..... 25
    - 4.3.2 Soil for Growing Crops and Pasture ..... 25
    - 4.3.3 Local Background Concentrations ..... 25
    - 4.3.4 Reuse of Salt Impacted Soils ..... 25
  - 4.4 Requirements for Larger Reuse Sites ..... 26
    - 4.4.1 Filing a Notice for a Larger Reuse Site ..... 27
    - 4.4.2 Procedures for Deposit of Excess Soil at a Larger Reuse Site ..... 27
- 5. Best Practices..... 28**
  - 5.1 Project Areas ..... 28
  - 5.2 Reuse Sites ..... 29
- 6. Resources ..... 30**
- 7. References ..... 31**

**LIST OF TABLES**

Table 1 – Soil Sampling Requirements..... 18  
Table 2 - Stockpile Sampling Requirements..... 18

**APPENDICES**

Appendix A    Flowcharts  
  
Appendix B    Step-by-Step Instructions for Filing a Notice in the Registry  
  
Appendix C    Checklists

# 1. Introduction

The Ontario Ministry of the Environment, Conservation and Parks (MECP) introduced Ontario Regulation (O.Reg.) 406/19: On-Site and Excess Soil Management on December 4, 2019 under the Environmental Protection Act (EPA) to regulate and support improved management of excess soil in Ontario. This regulation intends to support the proper management of excess soil, ensuring valuable resources don't go to waste, and provide clear rules on managing and reusing excess soil.

According to the MECP, the key elements of O.Reg. 406/19 include the following:

- Clear excess soil reuse rules and clarity around when excess soil is not a waste.
- Clarity on reusing excess soil and replacing of waste-related approvals with regulatory rules for low-risk soil management activities.
- Enhanced reuse through improved reuse planning for larger (greater than 2,000 cubic metres) and riskier sites (for example, gas stations and industrial sites), including tracking, registration, an assessment of past uses, and if necessary, soil sampling and characterization.
- Greater assurance that reuse sites are not receiving waste soil and requiring larger reuse sites (10,000 cubic metres) to register and develop procedures to track and inspect soil received.
- Restrictions on sending clean soil that is suitable for reuse at a sensitive site (for example, schools and agricultural sites) to a landfill site.

O.Reg. 406/19 lays out handling and storage requirements for management of excess soils on-site and off-site. It also establishes clear generic quality standards for the reuse of excess soil, as well as a process for developing site specific risk-based standards.

O.Reg. 406/19 applies to all construction projects that generate and import excess soil and affects municipalities, developers, contractors, property owners and engineering consulting firms. There are also rules specific to on-site soil handling, even if excess soil is not generated.

O.Reg. 406/19 has been phased in over time, as described below:

- **January 1, 2021** - reuse rules, including risk-based standards, waste designation and approvals.
- **January 1, 2023** - testing, tracking and registration requirements/rules (with some exemptions)
  - These requirements were in place briefly between January-April 2022 and were then temporarily suspended until January 1, 2023.
  - The MECP has labelled these as the Excess Soil Reuse Planning Requirements.

- **January 1, 2025** - restrictions on landfilling of soils that can qualitatively be reused.
- **January 1, 2026** - end of exemption period for grandfathered contracts in place before January 1, 2022.

The most recent amendment of O.Reg. 406/19 came into effect on December 9, 2022.

## 1.1 Objective

This document is intended to provide City of Markham project managers with guidance on how to apply O.Reg. 406/19 to municipal projects and to better understand the procedures involved with managing excess soils on City projects to ensure compliance with O.Reg. 406/19 (refer to actual regulation).

It should be noted that this document is not intended to be all-encompassing regarding the requirements of O.Reg. 406/19. Prior to commencing a City Project involving the movement of excess soils, it is recommended that City project managers familiarize themselves with [O.Reg. 406/19](#) and the companion document entitled “[Rules for Soil Management and Excess Soil Quality Standards](#)” for reference purposes.

The overall objective of this document is to:

- Define the scope, purpose, principles and procedures regarding management of excess soil for different City Projects;
- Outline the applicability of this document for different City Projects, including Projects related to land development applications where conveyance of lands is required as condition of approval, capital/infrastructure Projects, park construction, operations and maintenance Projects, stormwater management (SWM) ponds maintenance and retrofits, etc.;
- Establish roles and responsibilities of the City as owner/operator/Project Leader of the Project Area (source site) or the owner/operator of the Reuse Site (receiving site);
- Identify requirements for each type of Project including land development (land conveyance only), capital/infrastructure Projects, parks development, SWM ponds maintenance and retrofit;
- Advise on retaining a Qualified Person (QP) to assist the City’s Project Leader or the City as owner/operator of the reuse site for completing various Projects and ensuring compliance with the requirements of O.Reg. 406/19; and
- Outline Best Management Practices (BMPs) for City Projects in relation to the management of excess soils.

## 2. Definitions

The following definitions in relation to excess soils management are included in O.Reg. 406/19 as of the date of the most recent amendment (December 2022). These definitions are subject to change as amendments to O.Reg. 406/19 are released. As such, it is recommended that City project managers confirm that the following definitions are applied as intended in the latest amendment of O.Reg. 406/19 as the definitions in the regulation will supersede those listed below. City project managers should have a basic understanding of these terms in order to be better aligned with the goals of City Projects involving the movement of excess soils. Further explanations of **Project Leader**, and **Project Area** in the context of O.Reg. 406/19 are provided following the table.

<b>BRAT</b>	Beneficial Reuse Assessment Tool
<b>Class 1 Soil Management Site</b>	a soil bank storage site or a soil processing site
<b>Class 2 Soil Management Site</b>	a waste disposal site at which excess soil is managed on a temporary basis and that is: (a) located on a property owned by a public body or by the Project Leader for the Project from which the excess soil was excavated and (b) operated by the Project Leader for the Project from which the excess soil was excavated
<b>Crushed Rock</b>	a naturally occurring aggregation of one or more naturally occurring minerals that is mechanically broken down into particles that are smaller than 2 mm in size or that pass the US #10 sieve
<b>Dry Soil</b>	soil that is not liquid soil (see Liquid Soil definition below)
<b>Dump</b>	a waste disposal site where waste is deposited without cover material being applied at regular intervals
<b>Enhanced Investigation Project Area</b>	a Project Area used: (a) for industrial use (b) as a garage (c) as a bulk liquid dispensing facility, including a gasoline outlet (d) for the operation of dry-cleaning equipment
<b>Excess Soil</b>	soil, crushed rock or soil mixed with rock or crushed rock, that has been excavated as part of a Project and removed from the Project area for the Project
<b>Excess Soil Standards</b>	the document entitled “Part II: Excess Soil Quality Standards”, published by the Ministry and dated December 8, 2020, available on a website of the Government of Ontario as Part II of the document entitled “Rules for Soil Management and Excess Soil Quality Standards”
<b>Infrastructure</b>	all physical structures, facilities and corridors relating to: (a) public highways, (b) transit lines and railways, (c) gas and oil pipelines, (d) sewage collection systems and water distribution systems, (d.1) drainage works within the meaning of the Drainage Act,

	<ul style="list-style-type: none"> <li>(e) stormwater management systems,</li> <li>(f) electricity transmission and distribution systems,</li> <li>(g) telecommunications lines and facilities, including broadcasting towers,</li> <li>(h) bridges, interchanges, stations and other structures, above and below ground, that are required for the construction, operation or use of the items listed in clauses (a) to (g), or</li> <li>(i) rights of way required in respect of existing or proposed infrastructure listed in clauses (a) to (h)</li> </ul>
<b>Landfilling</b>	the disposal of waste by deposit, under controlled conditions, on land or on land covered by water, and includes compaction of the waste into a cell and covering the waste with cover materials at regular intervals
<b>Liquid Soil</b>	soil that has a slump of more than 150 mm using the Test Method for the Determination of “Liquid Waste” (slump test) set out in Schedule 9 to Regulation 347
<b>Local Waste Transfer Facility</b>	<p>a site:</p> <ul style="list-style-type: none"> <li>(a) at which waste from field operations is received, bulked, temporarily stored and transferred,</li> <li>(b) that is owned or controlled by the person who undertakes the field operations referred to in clause (a) or by a person on whose behalf those field operations are undertaken,</li> <li>(c) at which no waste is received other than waste from field operations, and</li> <li>(d) that is used primarily for functions other than waste management;</li> </ul>
<b>Ontario Regulation 153/04</b>	Ontario Regulation 153/04 (Records of Site Condition - Part XV.1 of the Act) made under the Act
<b>Project</b>	<p>any Project that involves the excavation of soil and includes:</p> <ul style="list-style-type: none"> <li>(a) any form of development or site alteration,</li> <li>(b) the construction, reconstruction, erecting or placing of a building or structure of any kind,</li> <li>(c) the establishment, replacement, alteration or extension of infrastructure, or</li> <li>(d) any removal of liquid soil or sediment from a surface water body</li> </ul>
<b>Project Area</b>	in respect of a Project, a single property or adjoining properties on which the Project is carried out
<b>Project Leader</b>	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
<b>Public Body</b>	<ul style="list-style-type: none"> <li>(a) a municipality, local board or conservation authority,</li> <li>(b) a ministry, board, commission, agency or official of the Government of Ontario or the Government of Canada,</li> <li>(c) a port authority under the Canada Marine Act, or</li> <li>(d) the Toronto Waterfront Revitalization Corporation under the Toronto Waterfront Revitalization Corporation Act, 2002</li> </ul>

<b>Qualified Person</b>	<p>a person meets the qualifications to be a qualified person for the purposes of conducting or supervising specific environmental work (ie. Environmental Site Assessments) and is free of conflict of interest, if:</p> <p>(a) the person holds a licence, limited licence or temporary licence under the Professional Engineers Act; or</p> <p>(b) the person holds a certificate of registration under the Professional Geoscientists Act, 2000 and is a practising member, temporary member or limited member of the Association of Professional Geoscientists of Ontario. O. Reg. 66/08, s. 2.</p> <p>Different tasks may define QP with different or more specific requirements related to the task written within the relative regulation.</p>
<b>Registry</b>	<p>the registry described in section 50 of the <i>Resource Recovery and Circular Economy Act, 2016</i> ( <a href="https://rpra.ca/programs/excess-soil-registry/">https://rpra.ca/programs/excess-soil-registry/</a>)</p>
<b>Regulation 347</b>	<p>Regulation 347 of the Revised Regulations of Ontario, 1990 (General — Waste Management) made under the Act</p>
<b>Residential Development Soil Depot</b>	<p>a soil bank storage site that is temporarily operated for the purpose of managing, on a temporary basis, excess soil that will ultimately be transported to a reuse site for final placement in respect of an undertaking at a reuse site</p>
<b>Retail Landscaping Soil Depot</b>	<p>a soil bank storage site that is operated for the purpose of producing excess soil for landscaping or gardening products that is to be promptly packaged for retail sale to meet a realistic market demand, or to be offered for retail sale to meet a realistic market demand</p>
<b>Reuse Site</b>	<p>a site at which excess soil is used for a beneficial purpose and does not include a waste disposal site</p>
<b>Rock</b>	<p>a naturally occurring aggregation of one or more naturally occurring minerals that is 2 mm or larger in size or that does not pass the US #10 sieve</p>
<b>Soil</b>	<p>unconsolidated naturally occurring mineral particles and other naturally occurring materials resulting from the natural breakdown of rock or organic matter by physical, chemical or biological processes that are smaller than 2 mm in size or that pass the US #10 sieve</p>
<b>Soil Bank Storage Site</b>	<p>a waste disposal site, other than a Class 2 soil management site, at which excess soil is managed on a temporary basis and that is operated, by a person who is not the Project Leader for all of the Projects from which the excess soil was excavated, for the primary purpose of storing the excess soil from one or more Projects until the excess soil can be transported to a site for final placement or disposal</p>
<b>Soil Processing Site</b>	<p>a waste disposal site, other than a Class 2 soil management site or a soil bank storage site, at which excess soil is managed on a temporary basis, that is operated for the primary purpose of</p>



	processing excess soil, including processing in order to reduce contaminants in the excess soil and reuse??
<b>Soil Rules</b>	the document entitled “Part I: Rules for Soil Management”, published by the Ministry and as amended from time to time, available on a website of the Government of Ontario as Part I of the document entitled “Rules for Soil Management and Excess Soil Quality Standards”
<b>Supervisee</b>	an individual who is supervised by a qualified person
<b>Topsoil</b>	those horizons in a soil profile, commonly known as the “O” and the “A” horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat
<b>Vehicle</b>	includes a trailer or other equipment attached to the vehicle

Source: Ontario Regulation 406/19

**Who is/are “Project Leader(s)” under O.Reg. 406/19?**

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. The Project Leader has the ultimate responsibility to ensure that O.Reg. 406/19 is followed. Under O.Reg. 406/19, contractors/constructors and/or QPs would **not** become the Project Leader. Key decisions and compliance ultimately rests with the Project Leader. The Project Leader is responsible for ensuring that excess soils generated on a site are managed as per the requirements of the excess soil regulation. This can be achieved through the assistance of a QP, but the Project Leader is ultimately responsible.

Examples of Project Leader for a Project:

- A municipality or public body responsible for an infrastructure Project (i.e., Capital Projects).
- 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.

It is important to note that the City of Markham would not be considered to be the Project Leader for a land development site, unless it is owned by the City.

**What is a “Project Area” under O.Reg. 406/19?**

Under O.Reg. 406/19, a Project Area is the site where any Project is undertaken that involves the excavation of soil including for the purposes of redevelopment or site alteration. A Project Area is often referred to as a source site.

A Project Area may comprise of a single property or parcel of land or two or more adjoining properties or parcels of land. Under O.Reg. 406/19, properties are adjoining if the boundary of one property touches or, were it not for an intervening highway, road allowance, railway line, railway allowance or utility corridor, would touch the boundary of the other property.

Some key factors when delineating a Project Area for the purposes of the Excess Soil Regulation include:

- The Project Area relates to the entire area where a Project will be undertaken, such as a redevelopment Project. It is not just the part of a property where soil excavations will occur as part of the Project. Accordingly, it includes areas of soil storage, processing or loading, and other areas of construction, material storage or operations and soil reuse that are part of the Project.
- The Project Area may span two or more properties with multiple owners provided they are being used as part of the same Project and are contiguous (unless only separated by an intervening highway, road allowance, railway line, railway allowance or utility corridor); the Project would also have common control by the Project Leader(s).
- Separated properties are considered to be distinct Project Areas.
- For linear infrastructure Projects being undertaken in locations without distinct property boundaries on all sides, such as a road corridor, the area of continuous operations defines a Project Area and the entire road corridor would not be treated as one Project Area; as such, multiple separated work locations throughout a corridor or in different corridors would be distinct Project Areas.
- Multiple Projects under one contract do not necessarily become a single Project or Project Area, unless the Project Areas are contiguous.
- One Project or Project Area could relate to multiple types of infrastructure or other works; for example, one Project could be installing water, sewer and storm water infrastructure in a contiguous area, and in this case, these do not have to be treated as separate Projects under the Excess Soil Regulation even if they are under separate contracts.
- Off-site, temporary storage areas would not be part of the Project Area unless they are adjoining.

### 3. Procedures for Management of Excess Soil at a Project Area

The following section outlines the procedures involved in managing excess soils when the City is engaged in Projects in which it is the Project Leader in charge of a Project Area. Examples of such Projects include capital/infrastructure Projects, parks development, land development (only where the City is leading the construction), and SWM pond maintenance and retrofit. It should be noted that the City would not be the Project Leader for a development site unless it is the owner. However, the City project manager for a development site should ensure that the assigned Project Leader from the developer is in compliance with O.Reg. 406/19 in relation to excess soil management. Agreements (such as draft plans, subdivision agreements etc.) with developers, including but not limited to site plan agreements, subdivision agreements and other development agreements will include language indicating that the management of excess soils must be in adherence with the requirements of O.Reg. 406/19. Flowcharts outlining the process for the determination of the requirements for regulatory compliance are provided in **Appendix A** to this document.

#### 3.1 Situations in Which O.Reg. 406/19 Does Not Apply

The first step in determining the obligations of the Project in relation to O.Reg. 406/19 is to understand if it applies to the Project at all. O.Reg. 406/19 does not apply to the following activities:

1. The excavation of soil that is hazardous waste or asbestos waste, both within the meaning of Regulation 347.
2. The operation of a pit or quarry from which consolidated or unconsolidated aggregate within the meaning of the *Aggregate Resources Act* is excavated, including the use and production of recycled aggregate in the pit or quarry.
3. The excavation of topsoil in accordance with a permit issued under the *Aggregate Resources Act*.
4. The production of peat from a peat extraction operation.
5. The final placement of excess soil on the bed of a surface water body.

It should be noted that O.Reg. 406/19 applies to the deposit and final placement of excess soil at a pit or quarry for reuse at the pit or quarry, including for the purpose of rehabilitating the pit or quarry.

#### 3.2 Application of O.Reg. 406/19

If O.Reg. 406/19 applies to the Project, the next step is to determine if the soil movements associated with the Project are subject to registration on the public registry. For Projects generating excess soil from a Project Area, the Project Leader is required to ensure that a Notice is filed in the Excess Soil Registry before removing excess soil from a Project Area. The Project is exempt from this requirement if one of

the sets of circumstances described in Schedule 2 of O.Reg. 406/19 applies (provided in more detail in Section 3.2.2 of this document), or if the Project Leader entered into a contract with another person with respect to the management of excess soil from the Project before January 1, 2022.

Projects that are required to file a Notice in the Excess Soil Registry are also required to complete other excess soil reuse planning requirements. This includes the following documentation completed for the Project Area with more detailed descriptions in Section 3.3 of this document:

1. An **Assessment of Past Uses**, which is similar to a Phase One ESA (under O.Reg. 153/04).
2. A **Sampling and Analysis Plan**, which outlines the locations where excess soil is planned to be excavated and provides for an appropriate level of sampling and analysis according to requirements of O.Reg. 406/19. This is only required if Areas of Potential Environmental Concern (APECs) have been identified in the Project Area in the Assessment of Past Uses.
3. A **Soil Characterization Report**, which is similar to a Phase Two ESA (under O.Reg. 153/04). This is only required if APECs have been identified in the Project Area in the Assessment of Past Uses.
4. An **Excess Soil Destination Assessment Report**, which outlines what soil will be removed, its quality and where it will be moved to.
5. Development and implementation of a **Tracking System** to track the movement of each truckload of soil from the Project Area to its final destination.

Note that other regulatory requirements under the Excess Soil Regulation still apply to the Project, even if exemptions from the Registry and excess soil reuse planning requirements are in place. These regulatory requirements include rules surrounding reuse site requirements, the transportation of excess soils, the keeping of hauling records for each load of soil moved as well as the retention of records for a period of seven years.

### 3.2.1 Determination of Whether a Notice is Required to be Filed in the Registry

In order to determine if the soil movements associated with the Project are subject to registration on the public registry (and therefore the excess soil reuse planning documents mentioned above are required), at least one of the following three circumstances outlined in Section 8 of O.Reg. 406/19 must apply to the Project Area (unless an exemption applies):

1. Projects for which all or part of the Project Area has a past or present use that is an “enhanced investigation project area” (for example, a gas station). This does not apply if a Record of Site Condition (RSC) was filed in respect of the Project Area and there was no risk assessment, and if no part of the Project Area was used as an enhanced investigation project area since the filing of the RSC.
2. If any part of the Project Area is in an area of settlement within the meaning of the *Planning Act* (such as cities and towns) and the amount of soil to be removed from the Project Area is 2,000 m<sup>3</sup> or more, except if the Project Area is currently, or was most recently, used for residential, institutional, parkland, or agricultural or other uses (as defined under O. Reg. 153/04). If the whole Project Area is located outside of an area of settlement, this trigger does not apply even if 2,000 m<sup>3</sup> or more of soil will be removed, but one of the other two circumstances may still apply. *It should be noted that the entirety of the City of Markham falls within an “area of settlement” as defined in the Planning Act.*
3. All or part of the Project Area is being remediated by removing excess soil from the Project Area for the purpose of reducing the concentration of contaminants (including remediating a Project Area to file an RSC).

### 3.2.2 Exemptions from Reuse Planning Requirements

Once it has been determined that the Project is subject to registration on the public registry based on the circumstances outlined above, the next step is to determine if any of the exemptions set out in Schedule 2 of O.Reg. 406/19 apply to the Project. If any of the exemptions apply to the Project, the Project Leader is not required to file a Notice on the Registry and the excess soil reuse planning requirements would not apply. The exemptions listed in Section 2 of O.Reg. 406/19 include the following:

1. less than 100 m<sup>3</sup> of excess soil is being removed from the Project Area and it is being directly transported to a waste disposal site that is not a Class 2 soil management site, such as a landfill
2. the reason for the excavation and removal of excess soil is in response to an emergency, such as a current danger to the health or safety of any person, a serious risk of injury or damage to any property or to any plant or animal life, to respond to a spill, to respond to an order, or to maintain infrastructure in a “fit state of repair” (except if the excavation of excess soil (sediment) is from a SWM pond)

*In general, maintaining in a fit state of repair would be repairing infrastructure or replacing existing infrastructure with similar infrastructure; it would not result in increased capacity or a different alignment, although some minor widening or re-aligning may be appropriate (for e.g., to meet updated standards)*

3. topsoil is excavated and transported directly for reuse as topsoil at a reuse site, there is a low risk of contamination as the Project Area (in whole or in part) has never been an enhanced investigation project area, and the primary purpose of the Project where the soil was excavated was not the remediation of contaminated land
4. the excess soil is excavated as a part of an undertaking related to infrastructure and after removal from the Project Area, the excess soil is being reused (finally placed) at a reuse site that is owned by the same Project Leader or a public body and that is part of another undertaking related to infrastructure
5. the excess soil is being deposited at a local waste transfer facility and the amount of excess soil to be deposited is 100 m<sup>3</sup> or less

It should be noted that activities related to maintaining infrastructure in a “fit state of repair” include cleaning out infrastructure, repairing infrastructure or replacing existing infrastructure with similar infrastructure (i.e., it would not result in increased capacity or a different alignment). Examples would include culvert replacement, roadbed repair or pipe replacement, including temporary infrastructure that is part of the maintenance process, such as a by-pass pipe or minor road diversion or replacing pipe by laying a new parallel pipe to allow the old one to stay in service until the new one is finished. Examples of activities that do not constitute maintaining a “fit state of repair” include excavation of sediment from a SWM pond, new construction such as building a road, or a transit right of way, digging a tunnel for a new subway or digging a new sewage/watermain tunnel, re-aligning (vertically or horizontally), twinning, or adding capacity or widening of a pipe or road.

If a designer, contractor or consultant is unclear if a “fit state of repair” applies to any specific City of Markham project, they should consult with the Project Leader (City of Markham) prior to implementation, or bidding if the Project is in the tendering phase.

### **Partial and Temporary Exemptions**

Section 8 of O.Reg. 406/19 also provides for an exemption from filing a Notice in the Registry and completing the excess soil reuse planning requirements if the Project Leader entered into a contract with another person with respect to the management of excess soil from the Project before January 1, 2022. This exemption applies until January 1, 2026. If a Project working under this exemption has not been completed by January 1, 2026 and meets any of the circumstances in listed in Section 3.2.1 above to complete planning requirements, and none of the circumstances described in Schedule 2 of O.Reg. 406/19 apply to exempt the Project from excess soil reuse planning, then at that time, the excess soil reuse planning requirements would become applicable to that Project.

Sections 11 and 12 of O.Reg. 406/19 provide for exemptions from completing the Assessment of Past Uses, Sampling and Analysis Plans and Soil Characterization Reports for specific Projects if similar studies or assessments have been completed for that Project before January 1, 2023. In that circumstance, these studies and assessments can be deemed to satisfy the regulatory requirements. Otherwise, planning documents prepared greater than 18 months prior to filing a Notice on the Registry are deemed to be stale-dated and would, in effect, need to be updated.

### 3.2.3 Other Regulatory Considerations

Even if the excess soil reuse planning requirements are not triggered, there are still a number of regulatory requirements and responsibilities at the Project Area.

#### **Receiving Site Requirements**

Regardless of the volume of excess soil being moved, or if the excess soil reuse planning requirements are triggered or not, excess soil quality must be determined to be appropriate for the planned reuse site(s) of interest.

A reuse site owner or operator must agree in writing to accept soil from a Project Area. It is necessary for a Project Leader or QP to confirm with the reuse site owner or operator which excess soil quality standard, site-specific standard or instrument-specific standard applies to that reuse site.

- A reuse site owner or operator has the discretion to set more stringent standards than O.Reg. 406/19 requires and to ask for additional information to demonstrate that the excess soil meets those standards.

- If there is a site-specific instrument, such as a municipal fill permit, that recognizes a need for fill to complete an undertaking, and it includes conditions related to the quality of excess soil that may be deposited, then the conditions in that site-specific instrument apply.

### **Transportation of Excess Soil and Hauling Records**

In addition to reuse site requirements, regulatory requirements surrounding the transportation of excess soil and the keeping of hauling records still apply regardless of the volume of excess soil being moved, or if the excess soil reuse planning requirements are triggered or not. The owner or operator of a vehicle transporting excess soil is required to ensure that the excess soil is collected and transported in accordance with the following:

1. The excess soil shall only be collected and transported in a vehicle that has been constructed to enable the excess soil to be transferred safely and without nuisance.
2. Bodies of vehicles shall be constructed to withstand abrasion and corrosion from the excess soil.
3. Bodies of vehicles shall be leakproof and covered where necessary to prevent the emission of offensive odours, the falling or blowing of material from the vehicle or the release of dust or other airborne materials that may cause air pollution.
4. If the excess soil is liquid soil,
  - i. valves that are part of the vehicle shall have a locking system and shall be locked when the vehicle contains the liquid soil and the owner or operator of the vehicle is not in attendance, and
  - ii. whenever liquid soil is being transferred to or from the vehicle, the owner or operator of the vehicle must be present.

The owner or operator of a vehicle transporting excess soil is also required to ensure that a record of each load is available at all times and includes the following information:

1. The location at which the excess soil was loaded for transportation.
2. The date and time the excess soil was loaded for transportation.
3. The quantity of excess soil in the load.



4. The name of an individual who may be contacted to respond to inquiries regarding the load, including inquiries regarding the soil quality.
5. The name of the corporation, partnership or firm transporting the excess soil, the name of the driver of the vehicle and the number plates issued for the vehicle under the *Highway Traffic Act*.
6. The location at which the excess soil is to be deposited.
7. The date and time the load of excess soil is deposited.
8. The name and phone number of the individual at the receiving site who acknowledges that the excess soil has been deposited on the date and at the time specified above.
9. A declaration by the individual at the receiving site acknowledging the deposit of the excess soil.

The hauler is also required to ensure that the receiving site representative is given a copy of the hauling record for each load.

#### **3.2.4 City-Specific Due Diligence Requirements for Registration-Exempt Projects**

Although a City Project may be exempt from the requirement to file a Notice on the public registry and therefore not required to complete the excess soil reuse planning documentation, there are City-specific due diligence requirements that would still need to be followed:

- Soil Management Plans
- Soil sampling minimum requirements (if applicable)

Since the excess soil quality must be determined to be appropriate for the planned reuse site(s) of interest, or the reuse sites will have minimum requirements for accepting soil, it is strongly encouraged for City project managers to collect samples based on the minimum requirements of the Regulation, even when the project is exempt from filing a Notice on the public registry. The sampling should be done before the soil is removed from the source site. Ultimately, City project managers will need to make the determination whether or not to have the excess soil reuse planning documentation completed (i.e., Assessment of Past Uses, Soil Characterization Report, etc.).

### **3.3 Excess Soil Reuse Planning Documentation Requirements**

As mentioned in Section 3.2 of this document, Projects that are required to file a Notice in the Excess Soil Registry are also required to complete other excess soil reuse planning requirements. This includes the following documentation completed for the Project Area:

1. Assessment of Past Uses
2. Sampling and Analysis Plan
3. Soil Characterization Report
4. Excess Soil Destination Assessment Report
5. Tracking System

### **3.3.1 Assessment of Past Uses**

When the filing of a Notice is required, a Project Leader must ensure a QP prepares an Assessment of Past Uses for the Project Area. The requirements for an Assessment of Past Uses are set out in the document entitled “Rules for Soil Management and Excess Soil Quality Standards”. Many of the requirements set out in this document also form part of a Phase One Environmental Site Assessment. As such, a Project Leader can satisfy the requirement to prepare an Assessment of Past Uses by producing a generally compliant O.Reg. 153/04 Phase One ESA for the Project Area.

This study involves such methods as records reviews, interviews and site reconnaissance (field visits) to determine the likelihood that one or more contaminants have affected the soil and to identify areas of potential environmental concern and the contaminants of potential concern.

The Assessment of Past Uses report will essentially allow City of Markham to have a more in-depth review of the Site and a general understanding of the quality of the soil that would be anticipated. It should be noted that if the excess soil comes from a SWM pond, the Assessment of Past Uses report is not required as a sampling exercise is automatically required under O.Reg. 406/19.

### **3.3.2 Sampling and Analysis Plan**

If the Assessment of Past Uses identifies an APEC in the Project Area, the Project Leader is required to engage a QP to undertake a Sampling and Analysis Plan in accordance with O.Reg. 406/19. A Sampling and Analysis Plan is also required if the Project Area meets the definition of an enhanced investigation area (as defined in O.Reg. 153/04) or if the excess soil comes from a SWM pond. The “Rules for Soil Management and Excess Soil Quality Standards” document specifies the sampling requirements (including frequencies) for the Project Area. In addition, the parameter groups that are required to be sampled are also specified in the Rules document. These are: petroleum hydrocarbons including benzene, toluene, ethylbenzene and xylenes; metals; sodium adsorption ratio and electrical conductivity; leachate analysis; and any additional contaminant of potential concern as identified by the Assessment of Past Uses.

It should be noted that a Sampling Analysis Plan may not be necessary depending on the results of the Assessment of Past Uses, the type of site it is, or where the excess soil is taken (i.e., it is not required if soil is going to a Class 1 Soil Management Site, unless specified in the Class 1 Soil Management Site instrument).

Minimum sampling requirements are as follows:

Type of Sampling	Volume of Excess Soil			
	< 600 m <sup>3</sup>	600 - 10,000 m <sup>3</sup>	10,000 - 40,000 m <sup>3</sup>	> 40,000 m <sup>3</sup>
<b>In Situ Sampling</b> <sup>b</sup>	3 (min)	1 per 200 m <sup>3</sup>	1 per 450 m <sup>3</sup>	1 per 2,000 m <sup>3</sup>
<b>Stockpile Sampling</b>	As per the stockpile sampling requirements in Table 2 below			
<b>SWM Pond Sediment (post dewatering and segregation)</b> <sup>c</sup>	3 (min)	1 per 200 m <sup>3</sup>	1 per 450 m <sup>3</sup>	1 per 2,000 m <sup>3</sup>

<sup>b</sup> in situ sampling consists of collecting samples from the ground as opposed to collecting samples from a stockpile

<sup>c</sup> in order for these sampling frequencies to be utilized, SMW pond sediment must be removed, segregated into stockpiles by zone (i.e., inlet, centre and outlet) and dewatered or solidified. If these actions are not completed, the stockpile sampling frequencies are utilized. It should also be noted that if an instrument such as an ECA is applicable to the SWM pond, the sampling frequencies outlined in the instrument take precedence.

Minimum sampling requirements to be satisfied for stockpile sampling are as follows:

Volume of Stockpile (m <sup>3</sup> )	Number of Samples
≤130	3
>130 to 220	4
> 220 to 320	5
> 320 to 430	6
> 430 to 550	7
> 550 to 670	8
> 670 to 800	9
> 800 to 950	10
> 950 to 1100	11
> 1100 to 1250	12
> 1250 to 1400	13
> 1400 to 1550	14
> 1550 to 1700	15

Table 2 - Stockpile Sampling Requirements	
Volume of Stockpile (m <sup>3</sup> )	Number of Samples
> 1700 to 1850	16
> 1850 to 2050	17
> 2050 to 2200	18
> 2200 to 2350	19
> 2350 to 2500	20
> 2500 to 2700	21
> 2700 to 2900	22
> 2900 to 3100	23
> 3100 to 3300	24
> 3300 to 3500	25
> 3500 to 3700	26
> 3700 to 3900	27
> 3900 to 4100	28
> 4100 to 4300	29
> 4300 to 4500	30
> 4500 to 4700	31
> 4700 to 5000	32
> 5000	$N = 32 + (\text{volume} - 5000)/300$

### 3.3.3 Soil Characterization Report

The Soil Characterization Report documents the results of sampling and analysis, if required, and provides a description of excess soil which may be reused, with or without processing, at the Project Area, and which excess soil may be deposited at a Class 1 Soil Management Site or landfill. This report will also identify the type of potential reuse sites to which excess soil from the Project Area may be transported.

### 3.3.4 Excess Soil Destination Assessment Report

The Excess Soil Destination Assessment Report documents information on the reuse sites or other sites (such as landfills, dumps, Class 1 Soil Management Sites, and Class 2 Soil Management Sites) at which excess soil will be deposited. The information helps to verify that reuse sites are willing to accept excess soil from the Project Area and that the excess soil is of appropriate quality and quantity for the intended beneficial reuse. Written consent from the reuse site's owner/operator or other representatives (along with contact details for the individuals at the reuse site) to receive excess soils from the Project Area for beneficial reuse must also be demonstrated in the Excess Soil Destination Assessment Report.

Contingency measures must also be identified in the report in the event that excess soil cannot be deposited at an intended site, including the location of an alternate deposit site (which may include returning the excess soil to the Project Area where it originated). The Excess Soil Destination Assessment Report must also provide an estimate of the quality and quantity of excess soil to be deposited at each location identified above.

### 3.3.5 Tracking System

Finally, the Project Leader shall, before removing excess soil from the Project Area, develop and apply a tracking system in accordance with the Soil Rules document. The tracking system must track each load of excess soil during its transportation and deposit at a reuse site, Class 1 Soil Management Site, local waste transfer facility or landfill; and any transportation to and from a Class 2 Soil Management Site.

The tracking system will include procedures to account for each load of excess soil moved from a Project Area, including its general quality, quantity and verification of the final site at which it was deposited.

The hauling record, required to be available from a hauler of excess soil as discussed in Section 3.2.3, is an integral part of the tracking system. The tracking system would also inform the hauling record by ensuring that the appropriate quality of soil for a deposit site is loaded and reflected in the hauling record.

## 3.4 Filing a Notice on the Excess Soil Registry

To record excess soil generation and movement, the MECP authorized the Resource Productivity and Recovery Authority (RPRA) to establish and maintain the [Excess Soil Registry](#).

The Registry Portal allows industry users (i.e., Owners, Operators, Project Leaders, Authorized Persons, Transporters, etc.) to complete and view their excess soil Notice filings (i.e., initiating, completing, and submitting and finalizing excess soil Notice filings).

Note that it is recommended, though not essential, for the City project manager to initiate the filing. The City's project manager may also authorize a QP to complete the filing and pay fees on their behalf.

The information that is required to be included in the Notice filing is outlined in Schedule 1 to O.Reg. 406/19. A summary of the information required is provided below:

- A description of the Project.
- A description of the Project Area.
- The contact details of the Project Leader, Operator(s), Authorized Person(s), QP(s), and other relevant person(s) involved with the management of the excess soils.

- An estimate of the volume of excess soils to be removed from the Project Area broken down by any applicable Table in the Excess Soil Standards that the excess soil meets (if going to a reuse site).
- A list of substances or other materials used to condition or solidify the excess soil.
- The contact details of the person responsible for the transportation of the excess soil from the Project Area.
- Descriptions of the reuse site, Class 1 Soil Management Site, Class 2 Soil Management Site or local waste transfer facility to which the excess soil is to be transported.
- The applicable Excess Soil Quality Standards or site-specific excess soil quality standards to be used in the evaluation of the quality of the excess soil to be transported.
- Whether or not the Project Leader will be undertaking a peer review process and the details of such process.
- A declaration by the Project Leader indicating that all information provided in the Registry has been conducted as per O.Reg. 406/19.

A step-by-step set of instructions on how to set up and enter all information into the Registry is provided as **Appendix B** to this document.

### 3.5 Planning Documents and Project Procurement / Construction Cycle

City project managers are required to address the following phases of the Project to be in compliance with O.Reg. 406/19. A set of checklists which outline the required steps for managing excess soils on City Projects are provided in **Appendix C** to this document.

#### 3.5.1 Investigations / Pre-Design

- Identify an individual from within the City to act as the Project Leader
- Procure the Project Leader's QP
- Preparation of Planning Documents by the Project leader's QP (Estimated Excavation Volumes)
  - Assessment of Past Uses
  - Sampling and Analysis Plan
  - Soil Characterization Report

#### 3.5.2 Design and Specifications

- Preparation of drawings and specifications which highlight that adherence to regulatory requirements relating to excess soils management is mandatory

- Define submittals - bid and post award
- Preparation of updated Planning Documents by the Project Leader's QP, if necessary (Detailed Cut / Fill Volumes)
  - Assessment of Past Uses
  - Sampling and Analysis Plan
  - Soil Characterization Report
- Preliminary Excess Soil Destination Assessment Report (Project Area)
- Contractor roles and responsibilities

### 3.5.3 Tendering and Award (Bid Submittals)

- Contractor to identify Contractor's QP who will be responsible for management of excess soils in adherence with regulatory requirements. Contractor's QP will liaise with the Project Leader's QP to provide all regulatory requirements executed during the Project.
- Excess Soil Management Plan prepared by the Contractor and/or Contractor's QP
- Identify reuse sites for Excess Soil Destination Assessment Report
- Identify soil tracking system and hauler
- Determination of whether the importation of clean fill is required (the Project Area may also become a reuse site)

### 3.5.4 Construction Submittals

- Excess Soil Management Plan submittals including collected excess soil quality data
- Updates to Planning Documents, if required
  - Assessment of Past Uses
  - Sampling and Analysis Plan
  - Soil Characterization Report
- Contractor and/or Contractor's QP to finalize Excess Soil Destination Assessment Report with input/review by the Project Leader and Project Leader's QP
- Tracking system updates and hauling records to be provided to the Project Leader and Project Leader's QP on a regular basis throughout the life of the Project to ensure that regulatory hauling requirements are being adhered to.
- Written approval from the identified reuse site(s)
- Registry filing (if required)

### 3.5.5 Reuse Site

- Site Alteration / Fill Management Plan
- Written approval to the Project Leader
- Registry filing (if required)

## 4. Procedures for Management of Excess Soil at a Reuse Site

The following section outlines the procedures involved in managing excess soils when the City is engaged in Projects in which it is managing a reuse site.

### 4.1 Municipal Control of Quality and Quantity - Site Specific Instruments

Under the Excess Soil Regulation there is recognition of quality and/or quantity of excess soil in a “site-specific instrument”. The following types of site-specific instruments have been identified in O.Reg. 406/19:

- i. A permit that is issued under a by-law passed under section 142 of the Municipal Act, 2001 . Note that the City’s Site Alteration By-law 2011-232 is applicable.
- ii. Provisions of a by-law passed under section 142 of the Municipal Act, 2001 . Note that the City’s Site Alteration By-law 2011-232 is applicable.
- iii. A licence or permit issued under the Aggregate Resources Act.
- iv. An approval under the Planning Act.
- v. A certificate of property use issued under section 168.6 of the Environmental Protection Act.
- vi. Any other site-specific instrument under an Act of Ontario or Canada that may regulate the quality or quantity of soil that may be deposited for final placement at the reuse site.

If one of these types of site-specific instruments is available for a reuse site and sets requirements related to quality and/or quantity of excess soil to be received at a reuse site, the requirements set out in the instrument prevail over the requirements of O.Reg. 406/19. More details are below.

**1. Reuse sites governed by a site-specific instrument** (Section 4 of O.Reg. 406/19) - the quality and/or quantity of soil appropriate for the beneficial purpose at that reuse site may be stipulated by the site-specific instrument and, if so, the rules specified by the instrument apply. Typically, for excess soil quality, this would be a specific table of standards referenced in the instrument. The site -specific instrument may include a volume of soil that may be deposited for a particular undertaking, or it may include other information that informs the applicable quantity such as the area for placement of fill or the fill elevation to be achieved. If the site-specific instrument is silent on soil quality or quantity matters then the rules in the Excess Soil Regulation govern, including the applicable standards and rules in the Rules document.



**2. Reuse sites not governed by a site-specific instrument** (Section 5 of O.Reg. 406/19) - the rules set out in Section 5 must be met. This includes ensuring the excess soil meets the applicable soil quality standards for that reuse site as set out in the Excess Soil Quality Standards (i.e., the generic standards) - which would in part depend on the type of use of the reuse site (e.g., agricultural, residential, etc.). Section 5 of O.Reg. 406/19 also requires ensuring that no more excess soil is brought to the reuse site than is necessary for the beneficial purpose. Depending on site characteristics, there may also be specific rules that apply to the final placement of the excess soil, as noted previously. And, if a reuse site is not governed by an instrument, it can be stored (stockpiled) at a reuse site for up to two years after it is received for final placement at the reuse site; this can be extended for an additional five years with written permission from an MECP Director. This time limit does not apply if the excess soil is to be finally placed at a reuse site that is part of an undertaking related to infrastructure.

Prior to accepting excess soils at a City-managed reuse site, it should be determined whether the reuse site is governed by a site-specific instrument. If so, the requirements outlined in the instrument shall prevail over the quality and/or quantity related requirements of O.Reg. 406/19.

## 4.2 Beneficial Purpose

O.Reg. 406/19 sets requirements to prevent excess soil from becoming waste. This focusses on ensuring excess soil from a Project Area is reused for a beneficial purpose, or disposed of, and that the quality and quantity of excess soil being received at reuse sites align with that needed for the beneficial purpose. Some generic excess soil management rules are set in the Excess Soils Regulation and Rules document, but they do not provide site-specific operational requirements for management of soil or fill at a reuse site. Through a site-specific instrument (as defined in Section 4.1 above), a municipality can set operational requirements and set alternate storage rules. Similarly, the Excess Soils Regulation and Rules document do not determine whether a specific beneficial purpose is appropriate for a specific site. Site-specific site alteration or fill operations management oversight remain the responsibility of municipalities, as does any determination of appropriate beneficial purposes in conjunction with land use planning, and transport activities on municipal roads.

Overall, while some generic excess soil management rules are set in the Excess Soils Regulation and Rules document, they do not determine the appropriate beneficial uses or undertakings at a property, set site-specific operational requirements at an excess soil reuse site, or clarify or customize rules (e.g., appropriate standards) for a particular site. Municipal by-laws and permits or other site-specific instruments could provide those site-specific controls.

### **4.3 Reuse Rules for Specific Circumstances**

The following sections outline some specific circumstances for placing excess soil at reuse sites. These situations will need to be considered for any reuse site owned by the City where excess soil is being imported. The QP retained by the City should liaise with the QP representing the party importing the excess soil to ensure that soils being imported to City-owned reuse sites are adhering to these requirements prior to placement of excess soils at the reuse site. In addition, when managing a Project Area where excess soils are leaving the Project Area, City project managers should be aware of these requirements when determining suitable reuse sites for acceptance of excess soil materials.

#### **4.3.1 Environmentally Sensitive Areas**

Excess soil shall only be placed within an environmentally sensitive area if the excess soil meets Table 1 of the excess soil quality standards, and the results of any required leachate analysis meets Table 1 of the leachate screening levels.

#### **4.3.2 Soil for Growing Crops and Pasture**

Excess soil shall only be finally placed for the beneficial purpose of growing crops or pasture if the following criteria are met:

- No excess soil will be placed on top of existing topsoil unless the excess soil is topsoil; and
- The excess soil meets Table 1 of the excess soil quality standards, and the results of any required leachate analysis meets Table 1 of the leachate screening levels, unless the excess soil is finally placed at a depth that is below 1.5 m from the surface.

#### **4.3.3 Local Background Concentrations**

An excess soil quality standard is deemed to be met if a QP demonstrates that the excess soil contains a parameter that is naturally occurring at the reuse site, and not seen as an exceedance of the naturally occurring range of concentrations typically at the site. Documented evidence of the naturally occurring concentrations must be provided to the reuse site owner/operator.

#### **4.3.4 Reuse of Salt Impacted Soils**

Soil that is impacted with salt due to salting for vehicle and pedestrian safety can be reused if the following criteria are met:

1. The excess soil is finally placed at one of the following locations:

- a) Where it is reasonable to expect that the soil will be affected by the same chemicals as a result of continued application of a substance for the safety of vehicular or pedestrian traffic under conditions of snow or ice;
  - b) At an industrial/commercial property to which non-potable standards apply; or
  - c) At least 1.5 m below the surface.
2. The salt impacted soil cannot be reused in any of the following circumstances:
- a) Within 30 m of a waterbody
  - b) Within 100 m of a potable water well or an area intended for a future potable well
  - c) A location that will be used for growing crops or pasturing livestock unless the soil is placed 1.5 m or greater below the surface.

If salt impacted soil is brought to a reuse site, the reuse site must be notified that the soil is salt-impacted, and the Project Leader or Operator of the Project Area must communicate any relevant risks. If any sampling of the soil has taken place prior, these sampling results must be provided to the reuse site owner or operator.

Other reuse rules for specific types of soil and reuse sites are also outlined within the Excess Soils Regulation and Rules document and include:

- Excess soil blended with compost
- Reuse of dewatered or solidified soil
- Excess soil with pH levels outside of acceptable range

#### 4.4 Requirements for Larger Reuse Sites

The following requirements came back into effect on January 1, 2023 for larger reuse sites (i.e., reuse sites accepting 10,000 m<sup>3</sup> or more of excess soil for an undertaking):

Before excess soil for final placement may be deposited at the reuse site, the owner or operator of the reuse site shall ensure that the following steps are taken:

- Larger reuse sites will be required to file a Notice on the public registry
- Develop and implement procedures to track and inspect each load of excess soil being received
- Develop and implement procedures to ensure that the storage of excess soil at the reuse site does not cause an adverse effect

It should be noted that these requirements do not apply to reuse sites that are part of an undertaking related to an infrastructure Project.

The intention of these additional requirements is to help ensure that these reuse sites are receiving excess soil that meets the appropriate reuse conditions and that the storage of excess soil for final placement in respect of an undertaking at the reuse site does not cause an adverse effect.

#### 4.4.1 Filing a Notice for a Larger Reuse Site

As with the Project Area Notice filing on the public registry, the larger reuse site filing provides public transparency and assists with the ministry's compliance activities. It also enables others such as Project Leaders that generate excess soil, to be aware of larger, longer-term reuse sites to enable matching and reuse of excess soil from Project Areas. The reuse site Notice must include prescribed information such as:

- A description of the reuse site
- The undertaking at that site
- The amount and quality of excess soil needed
- The applicable excess soil quality standards for the reuse site
- If site-specific excess soil quality standards have been developed for the reuse site
- If an instrument has been issued governing the reuse site, details should be provided
- Other key information on the site's operation

The Notice on the public registry must be updated with information such as the total amount of excess soil received and the date the final load was received within 30 days of the final load being received.

#### 4.4.2 Procedures for Deposit of Excess Soil at a Larger Reuse Site

Larger reuse sites must put in place procedures to account for every load of excess soil being deposited at the reuse site for final placement and to ensure that the storage of excess soil does not cause any adverse effects.

The procedures are intended to help ensure that excess soil received is appropriate for the beneficial use and will not become waste. The procedures should include:

- Identification of the site where the excess soil is coming from
- Collection of relevant reports related to the excess soil (i.e., planning documents)

- Inspection procedures to assess the excess soil as it is received (i.e., visual signs of contamination, litter, etc.)

## 5. Best Practices

### 5.1 Project Areas

#### Early Planning and On-Site / Local Reuse

- Maximize the on-site reuse of excess soils or crushed rock at the Project Area through use of innovative design (e.g., berms, new paths or roads) to reduce the regulatory rules while achieving a number of economic and environmental benefits (e.g., reduced hauling and reuse/disposal needs).
- If on-site reuse is limited, seek local reuse opportunities through liaison with your soil community and by checking out the online registry. Reuse between local infrastructure Projects is also promoted within O.Reg. 406/19.
- Early planning at the design stage of the Project (e.g., integrate soil reuse into project design, sub-division or site planning, or site alteration permits) to maximize reuse potential.
- Project Leaders for Projects exempt from mandatory assessments may consider it prudent to plan for some evidence to be available indicating that the soil from the Project is of appropriate quality for a reuse site as reuse sites may dictate sampling requirements outside of regulatory requirements.

#### Contracts

- Establish clear and concise contractual arrangements for any tasks that will be delivered by other parties.
- Project specifications should include language indicating that excess soil regulatory requirements be adhered to during execution of the Project.

#### Project Area

- Clearly define your Project Area and ensure your Project Area includes the areas used for storage, processing, loading and potential reuse on-site.

#### Soil Sampling and Tracking

- Sampling requirements are in place for larger and riskier Project Areas; however, all sites are recommended to consider hiring a QP to undertake sampling of excess soil, particularly if the soil is going to a reuse site. Assessing past and current uses may be sufficient in lower risk sites.
- Maximize efficiencies of tracking systems in all aspects of soil management. Significant cost savings are to be harnessed through utilization of live real time platforms which can be used to meet hauling record and tracking system requirements of O.Reg. 406/19, to monitor and make improvements in operational efficiencies and provide immediate notification of activities and any issues that may arise.

#### Interactions with Reuse Site Operators and Soil Haulers

- With reuse sites, sharing excess soil assessment information to help confirm that they are willing to accept excess soil from a particular Project, **written confirmation from reuse sites confirming that they agree to take excess soil from that Project Area**, and coordination of tracking procedures to confirm receipt of excess soil.
- Information provided to haulers transporting excess soil by the Project Leaders, that confirms where the excess soil is to be deposited, contact information and contingency sites if that deposit site is not available.
- Record keeping by the haulers and sharing of such information with the Project Leader is required.

## 5.2 Reuse Sites

#### Involvement of a QP at the Reuse Site

- Reuse sites generally are not required by O.Reg. 406/19 to involve a QP, unless the BRAT or an RA is used to develop site-specific standards.
- However, the owner/operator of a reuse site should consider retaining the services of a QP to help ensure excess soil management planning meets requirements and best practices.
- The QP can assess the current site conditions of soil and ground water at the reuse site and also review reports to confirm the appropriate quality of excess soil to be received, giving thought to the reuse site conditions and future use of the property.
- They can also develop required procedures for receiving excess soil at a reuse site and can develop complete fill management plans. This is particularly advisable for reuse sites receiving larger amounts of excess soil or sites receiving excess soil from many different Project Areas.

### Site Specific Instruments

- Reuse site owners and operators should proactively undertake the due diligence necessary to determine what site-specific instruments (if any) may be required for an undertaking and before excess soil may be placed on their lands.
- These instruments may include requirements related to the location, depth, quality and/or quantity of excess soil appropriate for the proposed beneficial purpose and undertaking on the reuse site.

### Fill Management Plans

- The owner or operator of a large reuse site should consider preparing a Fill Management Plan, which assesses site conditions, determines appropriate fill quality for the site, and details fill management procedures for the planned undertaking.
- A QP could be hired to complete and implement such a plan, if required. Such plans may be required through municipal by-laws.
- The Fill Management Plan may be a useful tool to integrate all regulatory requirements, and may include:
  - Copies of any documentations related to municipal or conservation authority licenses/permits;
  - Identification of the appropriate types/quality of soil to be received at the site;
  - Site plans and grading plans;
  - Protocols for incoming excess soil (inspections, contingency measures, recordkeeping);
  - Audit sampling protocols; and
  - Soil placement and segregation protocol to identify where excess soil has been placed at the reuse site, for assessment if required.

## 6. Resources

For additional information, including guidance and tools developed by external partners:

- Ontario Government Excess Soil Page: <https://www.ontario.ca/page/handling-excess-soil>
- Excess Soil Fact Sheets: <https://www.ontario.ca/document/excess-soil-fact-sheets>
- RPRA's Excess Soil Registry: <https://www.rpra.ca/excess-soil-registry>

- Ontario Environment 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>
- Qualified Person Community of Ontario (QPCO): QPCO –Qualified Persons Community of Ontario
- Ontario Society of Professional Engineers (OSPE) -Best Practices for Aggregate Pit and Quarry Rehabilitation: <https://ospe.on.ca/excess-soil-reports/>
- 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/)
- Canadian Urban Institutes (CUI) -Excess Soil By-Law Language Tool: <https://canurb.org/initiatives/excess-soil-by-law-tool/>

## 7. References

O.Reg. 406/19: On-Site And Excess Soil Management filed December 4, 2019 under Environmental Protection Act, R.S.O. 1990, c.E.19.

Rules For Soil Management And Excess Soil Quality Standards, Ontario Ministry of Environment, Conservation and Parks, 2020, ISBN 978-1-4868-3709-0.

O.Reg. 347, as amended: General- Waste Management under Environmental Protection Act, R.S.O. 1990, c.E.19.

O.Reg. 153/04: Records of Site Condition- Part XV.1 Of the Act under Environmental Projection Act, R.S.O. 1990, c.E.19.

MECP. November 30, 2022. Excess Soil Webinar, Project Area Requirements [Webinar].

MECP. December 7, 2022. Excess Soil Webinar, Reuse Site Requirements [Webinar].



---

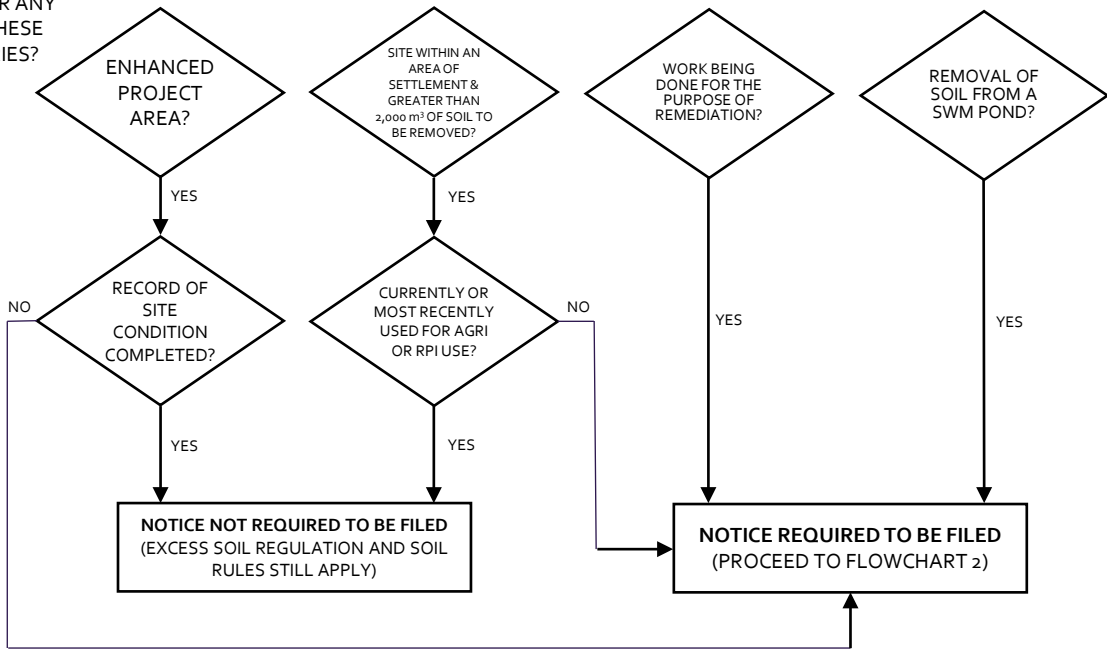
## **APPENDIX A**

Flowcharts

---

# FLOWCHART 1 - REQUIREMENTS FOR NOTICE TO BE FILED ON THE EXCESS SOIL REGISTRY FOR A PROJECT AREA

DOES THE PROJECT AREA FALL UNDER ANY ONE OF THESE CATEGORIES?



NOTICE ALSO NOT REQUIRED TO BE FILED IF ANY OF THE FOLLOWING EXEMPTIONS FROM SCHEDULE 2 OF O.REG. 406/19 APPLY, OR IF THE PROJECT STARTED PRIOR TO JANUARY 1, 2022:

THE PROJECT IS EXCAVATING LESS THAN 100m<sup>3</sup> AND TRANSPORTING THE SOIL DIRECTLY TO A WASTE DISPOSAL SITE THAT IS NOT A CLASS 2 SOIL MANAGEMENT SITE

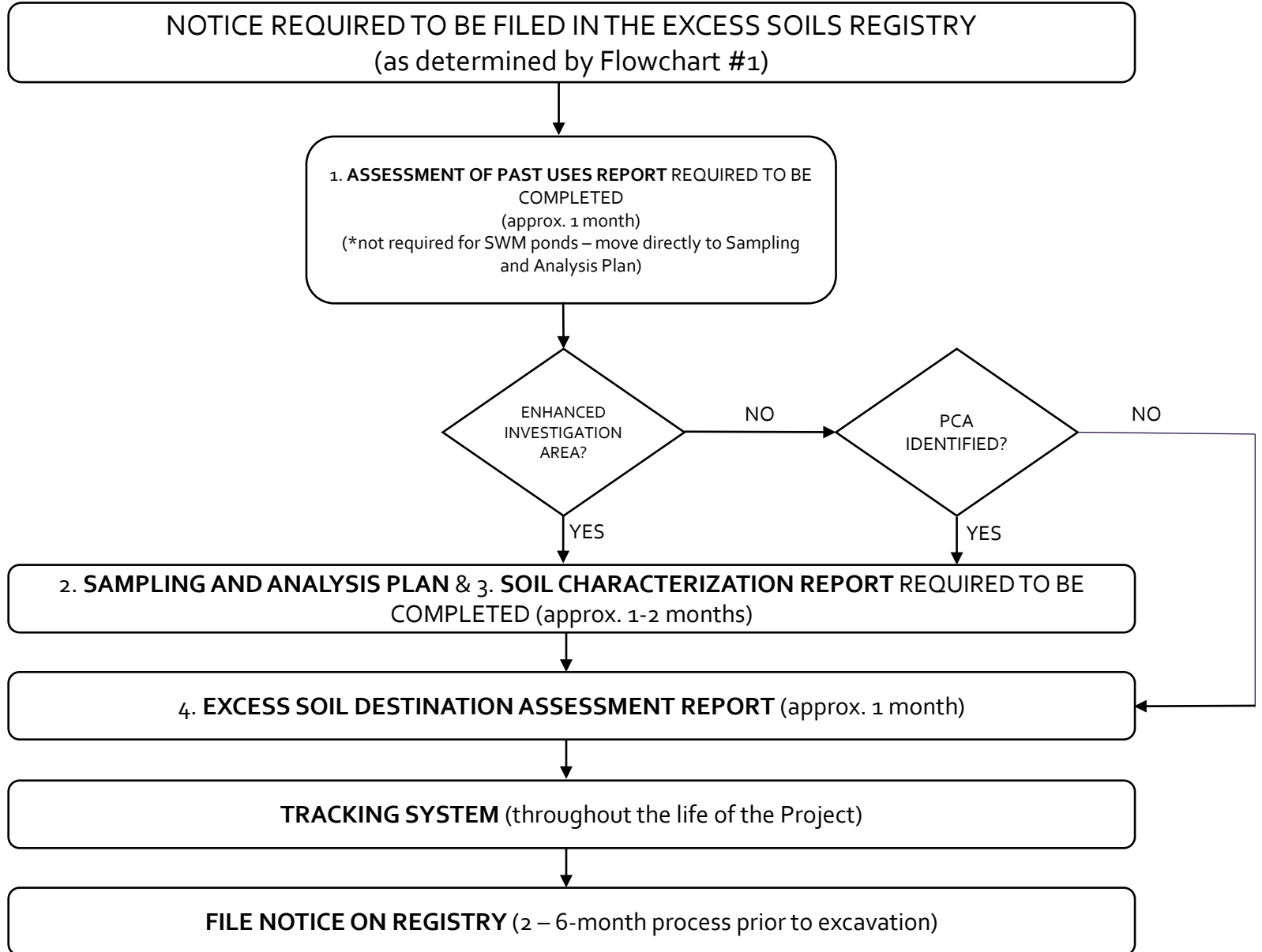
THE PROJECT IS EXCAVATING 100m<sup>3</sup> OR LESS OF EXCESS SOIL AND TRANSPORTING DIRECTLY TO A LOCAL WASTE TRANSFER FACILITY

TOPSOIL THAT IS:  
 A) BEING REMOVED TO BE DIRECTLY REUSED AS TOPSOIL, AND  
 B) FROM A PROJECT AREA THAT HAS NEVER BEEN AN ENHANCED INVESTIGATION PROJECT AREA, AND  
 C) THE PRIMARY PURPOSE OF PROJECT WAS NOT REMEDIATING CONTAMINATED LAND

SOIL BEING REMOVED FROM:  
 A) AN INFRASTRUCTURE-RELATED UNDERTAKING AND  
 B) FINALLY PLACED AT A REUSE SITE THAT IS OWNED BY THE SAME PROJECT LEADER OR A PUBLIC BODY, AND IS PART OF ANOTHER INFRASTRUCTURE-RELATED UNDERTAKING

EXCESS SOIL BEING REMOVED FOR ANY OF THE FOLLOWING REASONS:  
 AN EMERGENCY (DANGER TO HEALTH OR SAFETY OR IMPAIRMENT TO NATURAL ENVIRONMENT)  
 A SPILL  
 TO RESPOND TO A MINISTRY ORDER  
 FOR INFRASTRUCTURE MAINTENANCE (EXCEPT SWM PONDS)

# FLOWCHART 2 – NOTICE REQUIRED TO BE FILED IN THE EXCESS SOILS REGISTRY



---

## **APPENDIX B**

Step-by-Step Instructions for Filing a Notice in the Registry

---

# Excess Soil Registry Overview

**RPR A**  
Resource Productivity & Recovery Authority

Joe Bloggs | Logout

Company A | Notice ID: N000003

Excess Soil Registry Homepage

Excess Soil Switch Programs

You have a new notification  
You have project filings in progress. Click **Continue** to complete the filing.

Initiate New Notice

### Notice Filings

Notices with the status Initial Submission, Updated Submission or Final Submission are visible on the public Registry.

**Legend:**  
RDSD = Residential Development Site Depot  
PA = Project Area  
RS = Reuse Site

Notice ID	Notice	Site/Project Name	Last Updated By	Last Updated On	Status	Shared Access	Action
N000001	RDSD	Sheppard - Yonge Proj.	James McNulty	June 22, 2021	In Progress	✓	<a href="#">Continue</a>
N000002	PA	Danforth East	Timothy Burbank	June 11, 2021	In Progress		<a href="#">Continue</a>
N000003	PA	Site 1	Rick Jones	May 4, 2021	Initial Submission	✓	<a href="#">Update/ Finalize</a>
N000004	RS	Cherry Street	Mark Dey	May 16, 2021	Final Submission		<a href="#">View</a>
N000005	RDSD	Queen/Spadina	James Parker	April 23, 2021	Updated Submission		<a href="#">Update/ Finalize</a>

6 entries | Page 1 of 2 | 5 entries per page

Have a question? Search our [FAQs](#). Can't find the answer? [Contact Us](#)

**Contact Us**  
[Terms of Use](#) | [Privacy](#) | [Accessibility](#) | [Services en français](#)

## What is the Registry?

The Registry Portal is an online solution for regulated parties to register, report information, and provide payments for excess soil management.

## What data is collected?

As part of the Excess Soil program, each Filing contains key contact information, soil details (e.g., volume, quality) and location data.

## What degree of Security and Privacy is required?

Data submitted in the resource recovery programs can be commercially sensitive. Security has therefore always been a critical consideration in the design, build, and operationalization of the Registry.

# Excess Soil Registry - Portals



## Registry Portal

The Registry Portal allows industry users to complete and view their Excess Soil Notice Filings

### Users:

- Industry Users (Owners, Operators, Project Leaders, Authorized Persons, Transporters and more...)

### Use Cases:

- Initiating, completing, and submitting and finalizing Excess Soil Notice Filings

### What Users See:

- Filings your company has initiated
- Filings your company has been provided notice access to

### How to Access:

[registry.rpra.ca](https://registry.rpra.ca)



## Public Portal

The Public Portal provides the general public read-only access to Notice Filings

### Users:

- General public and anyone with an interest in Filing data

### Use Cases:

- Viewing Initial, Updated, and Final submissions
- Downloading PDF summaries & declarations

### What Users See:

- All Filings in initial, updated, and finalized status, and related PDFs

### How to Access:

[excesssoilnotices.rpra.ca](https://excesssoilnotices.rpra.ca)



## Ministry Portal

The Ministry Portal provides ministry users in-depth access to Notice Filing and Registry data.

### Users:

- District Office Employees
- Compliance Office Employees
- Investigation & Enforcement Branch Employees
- Policy Branch

### Use Cases:

- Search for all Filings and related data
- Access and view all Filing data
- View key metrics and charts
- Generate Reports/Dashboards

### What Users See:

- All Filings, regardless of status, with the exception of fees and payment information

# Excess Soil Registry – Create an Account

RPR  
Resource Productivity  
& Recovery Authority

## Registry Sign In

Email

Password

Sign In

Forgot Password

Don't have an Account? Create a new Account

1

Access the Registry login page and select create a new account



## Create Account

Business Address Individual Review

### Business number and name

If your business does not have a CRA Business Number, please contact us.

CRA Business Number (BN) ⓘ

Legal Business Name ⓘ

Business Operating Name ⓘ [Copy Legal Name](#)

Next Step >

2

Follow the create account chevrons



Hi Sample  
Welcome to The Registry!  
Your username is boris901\_h250s@gexik.com  
To access your account, click [here](#)

Thank you,  
Compliance and Registry Team

## Create Password

### Set your password

Your password must:

- ✓ be at least 8 characters long
- ✓ contain at least one upper case
- ✓ contain at least one lower case
- ✓ contain at least one number
- ✓ contain at least one special character (e.g. !, \$, %, \_)

New Password

Confirm Password

Cancel [Set Password](#)

3


Check your email for a link to set your new password for the Registry

# Excess Soil Registry - Programs

After you log into the Registry, you will land on the **Programs** screen. This screen will show all programs available to register in.

1. Select **'Excess Soil'**
2. Click on the check boxes to confirm that you want to register for the **Excess Soil** program
3. Click **'Done'** to proceed

Programs you are not registered in. Select one to register.



Batteries

Excess Soil

ITT/AV

1

2

### Role Selection

Select the checkbox below to register for Excess Soil program

Excess Soil Program

I confirm that I want to register for Excess Soil program. I understand that after I click **Done**, I will have to contact Registry Support if I want to deregister from the program.

3

Cancel Done



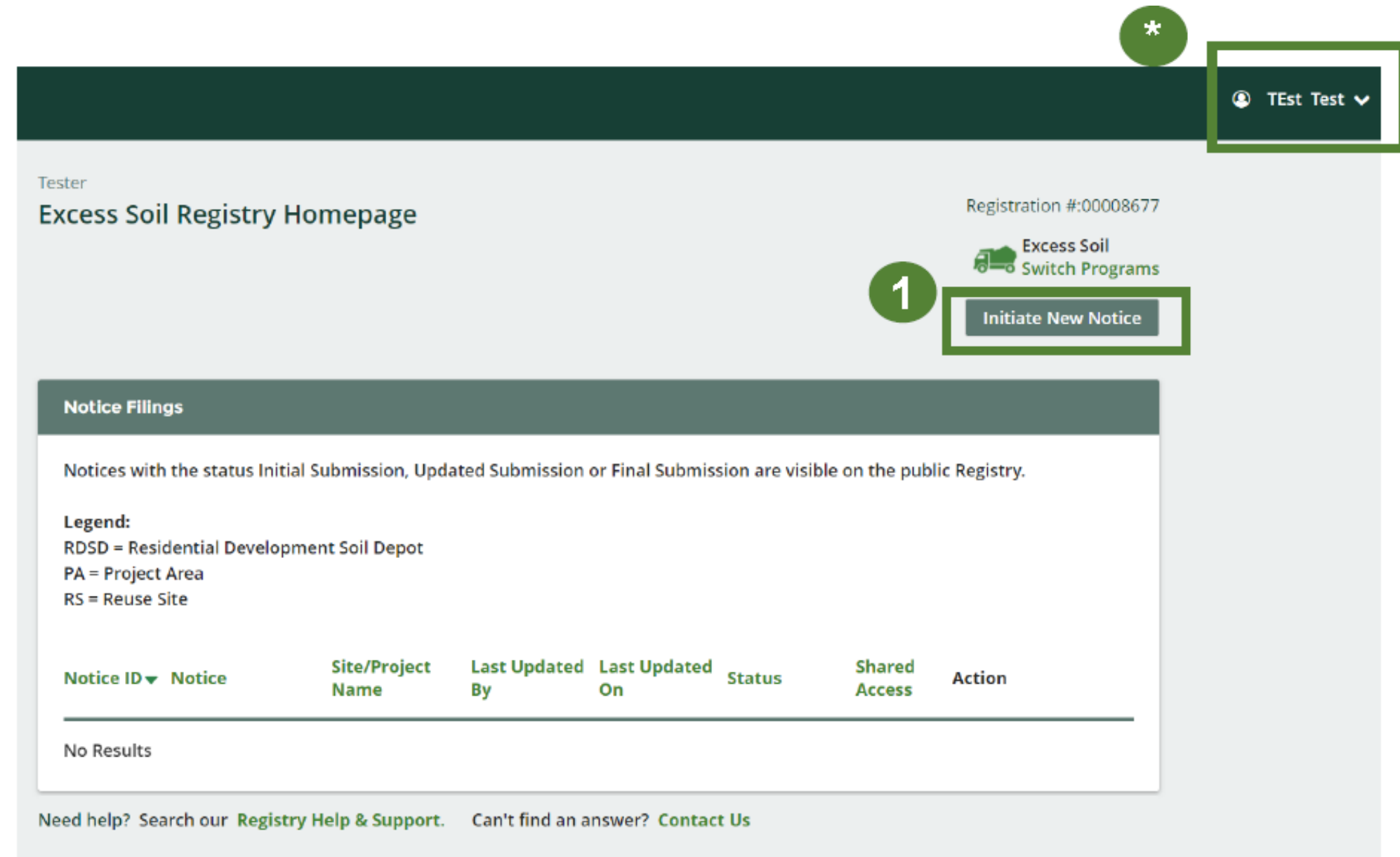
# Excess Soil Registry – Initiating a New Notice

After clicking on the **Excess Soil** icon, you will land on the **Homepage** Screen. This screen will show all notice filings that have been made using your account.

1. Click **'Initiate New Notice'** to file a notice

\* Click on the drop-down arrow next to your name to:

- View and edit your profile
- Change your password
- View and edit your business profile
- Manage the users who have access to your account



The screenshot shows the 'Excess Soil Registry Homepage' for user 'Tester'. The registration number is 00008677. A green box highlights the 'Initiate New Notice' button under the 'Excess Soil Switch Programs' section, with a '1' in a green circle next to it. Another green box highlights the user's name 'TEst Test' in the top right corner, with a '\*' in a green circle next to it. Below the header, there is a 'Notice Filings' section with a legend and a table. The legend defines RDSD as Residential Development Soil Depot, PA as Project Area, and RS as Reuse Site. The table has columns for Notice ID, Notice, Site/Project Name, Last Updated By, Last Updated On, Status, Shared Access, and Action. The table currently shows 'No Results'. At the bottom, there is a footer with links for 'Registry Help & Support' and 'Contact Us'.

# Excess Soil Registry – Initiating a New Project Area Notice

To initiate a **Project Area Notice**:

1. Select **Project Area Notice** and click 'Next' to begin filing your notice. Note that only one notice filing type can be selected at a time.
2. Click 'Next' to proceed

\* You can click 'Back to Dashboard' at any point to return to the Excess Soil Registry Homepage. Progress will be automatically saved

The screenshot shows a web interface for 'Excess Soil Filing'. At the top left, there is a button labeled '< Back to Dashboard' with an asterisk icon above it. The main heading is 'Excess Soil Filing'. Below this is a section titled 'Select notice filing type' with a horizontal line underneath. A text block below reads: 'Select the type of notice filing you would like to submit. For more information about notice filing requirements, visit our [Excess Soil webpage](#).' There are three radio button options: 'Residential Development Soil Depot Notice', 'Reuse Site Notice', and 'Project Area Notice'. The 'Project Area Notice' option is selected and highlighted with a green box and a green circle containing the number '1'. At the bottom of the form, there are three buttons: '< Back' (disabled), 'Cancel', and 'Next >' (highlighted with a green box and a green circle containing the number '2').

## Residential Development Soil Depot

## Reuse

## Project Area

### Residential Development Soil Depot

An RDSD is a soil bank storage site that is temporarily operated for the purpose of managing Excess Soil that will ultimately be transported to a reuse site.

R  
D  
S  
D

### Reuse Site

A Reuse Site is a site at which Excess Soil is used for an identifiable beneficial purpose (and does not include a waste disposal site).

R  
S

### Project Area

The Project Area refers to a single property or adjoining properties on which a project is carried out. That project being any that involves the excavation of soil for any form of development, or site alteration, construction or removal of liquid soil or sediment from a surface water body.

P  
A

# Excess Soil Registry – Initiating a New Project Area Notice

## Select your Role

To proceed with filing a Project Area Notice Filing:

1. Select your role. You can choose either 'Project Leader' or 'Authorized Person'. *\*If you select 'Authorized Person' tick the box to confirm that you are making the Notice Filing on behalf of the Project Leader*

2. Click Next

*\*Click on the 'i' icon for the definition of an Authorized Person.*

The screenshot shows a web form titled "Project Area Filing" with a "< Back to Dashboard" link at the top left. The main heading is "Project Area Filing". Below it, the instruction reads "Select your role to start a Project Area Notice:". There are two radio button options: "Project Leader" (unselected) and "Authorized Person" (selected). A green circle with the number "1" is next to the "Authorized Person" option. An information icon (a small 'i' in a circle) is next to the "Authorized Person" label, with a green circle containing an asterisk "\*" next to it. Below the radio buttons is a green box containing a checkbox and the text "I hereby certify that I am filing on behalf of a Project Leader and I also take responsibility for fee payment". A green circle with an asterisk "\*" is next to this checkbox. Below the green box is the text: "If you are not the project leader or an authorized person of the project area, please contact your project leader or authorized person to complete the filing." At the bottom of the form, there are three buttons: "< Back", "Cancel", and "Next >". A green circle with the number "2" is next to the "Next >" button.

# Excess Soil Registry – Sharing Access with Another Company

\*

Delegates > Contact Details > Project Details > Soil details > Review

### Notice Access

To provide another company with access to this notice, click **Manage Notice Access**, otherwise, click, click **Save & Next**. Providing access allows the company to support the completion of the fields within this notice.

No companies have been provided access to this notice

Providing a company with notice access is not required. If you determine at a later date that you would like to give access to another company, click **Manage Notice Access**.

1 **Manage Notice Access**

< Back Cancel **2 Save & Next >**

*Please note that notice access is shared between companies and not individuals, and the company you select to share notice access with must be registered with RPRA.*

### Manage Notice Access

Use the drop down menu to search and select a company and contact person to provide access to this notice. The contact person defaults to the Primary Contact for the company.

2 Company Name	Contact Person	Contact Email	Access to this filing
Q Disney x	Mickey Mouse	mike@vomoto.com	<input checked="" type="checkbox"/> 4
	3	1	<b>+ Add Company</b>

5  I acknowledge that by granting access to a company they are authorized to view and edit all notice filing fields on my behalf. I am aware that they cannot make a fee payment or submit the notice.

< Back **6 Save**

*Once added the contact will receive a notification email with details on how to proceed.*

# Excess Soil Registry – Contact Details

Contact details will be required to be entered into the Registry for all parties involved including:

- Project Leader
- Operator
- Authorized Person
- Person(s) Responsible for Transportation
- Site Contact
- Additional Project Leaders or Operators

Pickering Soil  
Project Area Filing

Delegates > Contact Details > Project Details > Soil details > Review

**Contact Information of Project Leader**

Enter the contact information for the project leader. A project leader is a person (or persons) ultimately responsible for making decisions relating to the planning and implementation of the project.

Company Name  
Pickering Soil

First Name Last Name  
Jane Doe

Business Phone Number Email  
2345678901 grabogreufeddeu-8347@ycpmail.com

Project Leader is also the contact for this site

Office has a Canadian Address \*

Street  
123 Sandy Beach Road

City Province  
Pickering Ontario

Postal Code  
L1W 2B6

< Back Cancel Save & Next >

1 2 3



# Excess Soil Registry – Project Details

To add project details:

1. Select an option from the available project types
2. Click the forward arrow to add the project type to the '**Selected**' field.
3. Enter the '**Project Name**'
4. Enter a '**Description of the Project**' (250-character limit)
5. Enter a '**Description of the Location of the Project Area**'
6. Click '**+Add New Property or End Point**' to add the necessary details

Project Area Filing

Delegates > Contact Details > **Project Details** > Soil details > Review

**Project Details**

Follow the steps below to add the project details including project type and description. Click Next once you have finished entering data.

Project Type

Available

1 Residential - subdivision/low-rise

2 Residential - mid/high-rise

3 Agricultural

Selected

4 \*

3 Project Name

Description of the Project

5 Description of the Location of the Project Area

Property Locations

Property Locations within Project Area

Type	Location	Geographic Coordinates	Primary Action
No Results			

6 + Add New Property or End Point

< Back Cancel Save & Next >

# Excess Soil Registry – Project Details (Qualified Person Details)

*If a Qualified Person was not retained, click 'No' and click 'Save & Next' to proceed.*

If a Qualified Person was retained:

1. Click 'Yes'

2. Click 'Add Qualified Person'

**Add Qualified Person**

Enter the contact details of the qualified person.

Company Name

First Name  Last Name

Business Phone Number  Email

Office has a Canadian Address ⓘ

Street

City  Province

Postal Code

**Project Area Filing**

Delegates > Contact Details > **Project Details** > Soil details > Review

**Qualified Person**

Was a Qualified Person retained to prepare or oversee the preparation of documents required under the regulation?

Yes  
 No

**Note:** You cannot unselect this option if there is data entered in the table below

**Add Qualified Person(s)**

Qualified Person retained to prepare or oversee the preparation of documents.

Company	Contact	Business Phone	Action
Pickering Soil	Frances Sloane	(234) 543-2122	<input type="button" value=" Update"/> <input type="button" value=" Remove"/>

\*

# Excess Soil Registry – Soil Details

Soil details will be required to be entered into the Registry. Information required includes:

- Applicable Excess Soil Quality Standards
- List of Substances
- Destination Sites

\* This information should be entered with the assistance of the Qualified Person

## Applicable Excess Soil Quality Standards

Project Area Filing

Delegates > Contact Details > Project Details > **Soil details** > Review

Applicable Excess Soil Quality Standards

Add an estimate of how much excess soil will be removed from the project area, broken down by any applicable Table in the Excess Soil Quality Standards. For more information, visit our [Excess Soil Registry webpage](#).

Table	Type of Property Use	Estimated Amount of Excess Soil (m3)	Action
No Results			

Total Estimated Amount of Excess Soil (m3): 0

1 Add Additional Standard

< Back Cancel Save & Next >

Add Quality Standard Details

Table	Type of Property Use	Estimated Amount of Excess Soil (m3)	Action
Table 4 - Stratified, ...	Residential/Parkland/Institutional	20,000	Update Remove
Table 3.1 - Full Dept...	Residential/Parkland/Institutional	30,000	Update Remove

Total Estimated Amount of Excess Soil (m3): 50000

2 Add Additional Standard

< Back Cancel Save & Next >

3



# Excess Soil Registry – Soil Details

## List of Substances

Project Area Filing

Delegates > Contact Details > Project Details > Soil details > Review

### List of Substances

Provide a list of all substances or other materials, including any natural or synthetic polymers but not including water, that are in the excess soil for the purposes of excavation, dewatering or solidification

Use of Substance	Category	Name of Substance	Action
No Results			

1

+ Add a Substance

< Back Cancel Save & Next >

Delegates > Contact Details > Project Details > Soil details > Review

### List of Substances

Provide a list of all substances or other materials, including any natural or synthetic polymers but not including water, that are in the excess soil for the purposes of excavation, dewatering or solidification

Use of Substance	Category	Name of Substance	Action
To facilitate excavation	Natural Substance	Test	Update Remove

1

2 + Add a Substance

3 Save & Next >

< Back Cancel

# Excess Soil Registry – Soil Details

## Destination Sites

To add Destination Sites:

1. Select the applicable 'Type of Destination Site' from the drop-down list
2. Click 'Add' to proceed

Destination Sites include:

- Residential Soil Depot Site
- Class 1 Soil Management Site
- Class 2 Soil Management Site
- Landfill or Dump
- Local Waste Transfer Station
- Reuse Site

Notice Access > Contact Details > Project Details > **Soil details** > Review

### Add Destination Sites

Add destination sites and the estimated amount of excess soil going to each site. You must add at least 1 destination site to proceed

#### Destination Sites

Summary of Destination Sites and Excess Soil Amounts				
Site Type	Site Name	Location	Estimated Amount of Excess Soil (m3)	Action
No Results				

Total Estimated Amount of Excess Soil (m3): 0

Select type of destination site:   **2**

**1**

< Back Cancel Save & Next >

# Excess Soil Registry – Review

## Review initial submission of notice filing

In the review tab, you can look over all the information you submitted.

1. Click 'Edit' under each section to change any of the information you submitted
2. Click 'Next' to proceed

The screenshot displays the 'Review' tab of the Excess Soil Registry interface. At the top, a navigation bar shows five steps: Delegates, Contact Details, Site Details, Soil details, and Review, with 'Review' being the active step. Below the navigation bar, there are two main sections: 'Notice Access' and 'Soil Details'. The 'Notice Access' section shows a table with three columns: 'Company', 'Contact Person Notified', and 'Access to this Filing'. The table is currently empty, displaying 'No Results'. An 'Edit' button is located at the bottom right of this section. The 'Soil Details' section contains a table with three rows of data: 'Start Date' (2022-10-28), 'Amount of Soil as of Jan 1, 2022(m3)' (5985), and 'Maximum Amount of Soil(m3)' (8965). An 'Edit' button is positioned to the right of the 'Maximum Amount of Soil(m3)' row. At the bottom of the interface, there are three buttons: '< Back', 'Cancel', and 'Next'. The 'Next' button is highlighted with a green box and a green circle containing the number '2'. The 'Edit' button in the 'Soil Details' section is also highlighted with a green box and a green circle containing the number '1'.

Notice Access		
Company	Contact Person Notified	Access to this Filing
No Results		

Soil Details	
Start Date	2022-10-28
Amount of Soil as of Jan 1, 2022(m3)	5985
Maximum Amount of Soil(m3)	8965

< Back   Cancel   Next

# Excess Soil Registry – Review

\* After reviewing the initial submission, the submission status will state 'In Progress'.

\* Click on the 'i' icons for explanations

At this stage you can:

1. Click 'Edit' under each section to change any of the information you submitted
2. Click 'Download blank Declaration form' to download and fill out the mandatory Initial Submission Declaration.
3. Click 'Upload' to upload the Declaration form

Project Area Notice

**Notice Filing Summary**

Please review all notice filing details that you have entered.

**Notice Access**

Company	Contact Person Notified	Access to this Filing
X-ess Soils	Daniel Thomas	<input checked="" type="checkbox"/>

Notice Access details last updated by: Isabella Kima on Oct 19, 2021 11:42 AM

**1** [Edit](#)

**2** [Download blank Project Area Initial declaration form](#)

**3** [Upload Declaration](#) [Upload](#)

**\*** **Submission Status**  
In Progress

**\*** **Initial Submission**

**Registry Fee Payment** ⓘ  
\$0.00  
[Select Payment Method](#)

[Download PDF](#)  
You can download the notice as PDF

# Excess Soil Registry – Review

\* Confirmation will appear once the declaration form has been uploaded.

Once you have uploaded the declaration form, you can:

1. Click **'Remove'** to delete the declaration form on your notice filing
2. Click **'Replace'** to upload a different version of the declaration form

**Notice Filing Summary**

Please review all notice filing details that you have entered.

✓ Notice Access

Company	Contact Person Notified	Access to this Filing
Disney	Mickey Mouse	<input checked="" type="checkbox"/>

Notice Access details last updated by: TEst Test on Nov 17, 2021 21:56 PM

[Edit](#)

**Initial Submission**

File has been successfully uploaded

Initial Submission Declaration ⓘ

Initial Declaration Template (3).pdf

[Remove](#) [Replace](#)

[Download blank Project Area initial declaration form](#)

Review and validate the initial filing data entered prior to selecting your



# Excess Soil Registry – Submit

## 1. Add payment details

*This step must be completed by the Project Leader or an Authorized Person. It can not be completed by a delegate who has been granted access to the notice filing.*

## 2. Submit the initial Notice Filing

Once you have chosen the payment method:

\* The submission status will change to **'Initial Submission'**

\* Click on the **'Declaration form'** submitted to download it

\* Click **'Edit'** under each section to change any of the information you submitted

\* See confirmation of your payment or more details about how to complete your payment

\* Click on **'Initial Submission'** to download the invoice for your notice filing

\* Click **'Download PDF'** to download your notice filing as a PDF

The screenshot shows a web interface for submitting an initial notice filing. It is divided into two main columns. The left column, titled 'Notice Filing Summary', contains sections for 'Notice Access' and 'Contact Details', each with an 'Edit' button. The right column, titled 'Initial Submission', shows the status as 'Initial Submission', a confirmation message, the registry fee of \$250.00, and a 'Download PDF' button. Green callout boxes with asterisks highlight key elements: the 'Initial Submission' status, the 'Initial Declaration Template.pdf' download link, the 'Edit' button under 'Notice Access', the 'Cheque' payment method, the 'Download Invoice(s)' section, and the 'Download PDF' button.

Company	Contact Person Notified	Access to this Filing

Contact	Company	Email	Contact Type

# Excess Soil Registry – Update the Notice

## Update a Notice Filing

To update a notice filing:

1. Navigate back to the Dashboard from the notice filing

\*In the Excess Soils Registry Homepage under Notice Filings, you will see all your notice filings and their status: either as 'In Progress', 'Initial Submission', 'Updated Submission', or 'Final Submission'

2. To update a notice filing that is not yet final, click 'Update/Finalize'

1

< Back to Dashboard

Project Area Notice

Submission Status  
Initial Submission

Notice Filing Summary

Please review all notice filing details that you have entered.

Initial Submission

Initial Declaration ⓘ

Initial Declaration Template.pdf

Excess Soil Registry Homepage

Excess Soil Switch Programs

⚠ You have a new notification.  
You have filings in progress. Click **Continue** to complete the filing.

Initiate New Notice

Notice Filings

Notices with the status Initial Submission, Updated Submission or Final Submission are visible on the public Registry.

Legend:  
RDSD = Residential Development Soil Depot  
PA = Project Area  
RS = Reuse Site

Notice ID	Notice	Site/Project Name	Last Updated By	Last Updated On	Status	Shared Access	Action
N00000194	PA	Test	Isabella Kima	Oct 19, 2021	Initial Submi...	<input checked="" type="checkbox"/>	Update/Finalize
N00000193	PA		Automated ...	Oct 19, 2021	In Progress	<input checked="" type="checkbox"/>	Continue

2

# Excess Soil Registry – Finalize the Notice

## Finalize a Notice Filing

\* After editing the information in the Initial Submission, the submission status of the notice will change to 'Updated Submission'

1. To begin finalizing an updated notice filing, scroll down to 'Destination sites' and click 'Update' to enter the final soil amounts for each destination site.
2. After clicking 'Update' input final soil amounts for each destination site.
3. Click 'Add' to proceed

< Back to Dashboard

Project Area Notice

Submission Status  
Updated Submission

Destination Sites

Please enter a final amount of Excess Soil for every destination site associated with your filing

Site Type	Site Name	Location	Estimated Excess Soil Amount (m3)	Total Amount of Excess Soil (m3)	Action
Local Waste T...	Test	Test, Test	5,000	0	Update
Landfill or Du...	Test	Test, Test	5,000		Update
Class 2 Soil M...	Test	Test, Test	5,000		Update
Class 1 Soil M...	Test	Test, Test	5,000		Update
Residential D...	ES-2	234 Clay St, Pickeri...	5,000		Update
<b>Totals</b>			<b>30,000</b>	<b>0</b>	

ty

Landfill or Dump

Test

Test, Test

Aamjiwnaang

5000

< Back

Add



# Excess Soil Registry – Finalize the Notice

## Finalize a Notice Filing

\* After clicking 'Add' to proceed, scroll up to the top of the page and;

1. Enter the 'Date of Last Load Removed' and click 'Save'
2. Download, complete and upload the 'Project Area final declaration form'
3. Click 'Select payment method' to submit confirmation of how you will complete the payment. You will only be able to 'Select Payment Method' once all the steps listed in this slide and the previous slide are complete. *You will not be prompted to select a payment method if the registry fee payment is \$0 for that step. This step cannot be completed by a delegate who has been granted access to the notice filing.*

**Notice Filing Summary**

Please review all notice filing details that you have entered.

✓ Notice Access

Company	Contact Person Notified	Access to this Filing
Disney		

Notice Access Edit

✓ Contact Details

Contact	Company	Email	Contact Type
TEst Tes			
TEst Test			
TEst Tes			
TEst Test			
TEst Test	Test	test@email.com	Site Contact

**Final Submission**

Date of Last Load Removed  
18-Nov-2021 Save

Initial Submission Declaration ⓘ  
Initial Declaration Template (3).pdf  
File has been successfully uploaded

Final Submission Declaration ⓘ  
Final Declaration Template (4).pdf  
Remove Replace

[Download blank Project Area final declaration form](#)

Review and validate the initial filing data entered prior to selecting your payment method. Once your payment is successful, the notice will be submitted automatically.

Registry Fee Payment ⓘ  
**\$3,556.04**  
Select Payment Method

# Excess Soil Registry – Finalize the Notice

## Finalize a Notice Filing

\*After final submission payment is complete, the submission status will change to 'Final Submission'

1. Click on the links 'Initial Declaration' and 'Final Declaration' to download a copy of both submitted declaration forms
2. Click on both links below 'Download Invoice' to download a PDF copy of the Registry Fee Payment invoices for the Initial and Final Submission of your notice
3. Click 'Download PDF' to download a PDF copy of the final notice filing submission

The screenshot displays the 'Project Area Notice' interface. It is divided into several sections:

- Submission Status:** Shows 'Final Submission'.
- Final Submission:** Includes a 'Date of Last Load Removed' field with an asterisk icon.
- Initial Submission Declaration:** Lists 'Initial Declaration Template (3).pdf' and 'Final Submission Declaration'.
- Final Submission Declaration:** Lists 'Final Declaration Template (4).pdf'.
- Thank you. Your submission has been received.** Section includes 'Registry Fee Payment' of \$3,556.04 and 'Payment Method' of 'Cheque'. A message states: 'Your submission has been received. You will be sent an email with information on how to complete your cheque payment.'
- Download Invoice:** Lists 'Initial Submission 19/11/2021' and 'Final Submission 19/11/2021'.
- Download PDF:** A button with the text 'You can download the notice as a PDF'.

The main content area includes:

- Notice Filing Summary:** A message: 'Please review all notice filing details that you have entered.'
- Notice Access:** A table with columns: 'Company', 'Contact Person Notified', and 'Access to this Filing'.
- Contact Details:** A table with columns: 'Contact', 'Company', 'Email', and 'Contact Type'.

At the bottom, there is a pagination control showing '6 entries', 'Page 1 of 2', and '5 entries per page'. A footer note reads: 'Contact Details last updated by: TEst Test on Nov 19, 2021 13:20 PM'.

<b>Purpose: To be completed by PMs for all projects involving excavation, loading, transportation, reuse, or disposal of excess soil.</b>			
<b>Key Assumptions:</b> Planning requirements apply			
<b>Completed by:</b>		<b>Date:</b>	
Checklist Items		Location/Supporting Information	Additional Comments or Instructions
<b>1.0</b>	<b>For Project Leader(s)</b>		
1.1	Project Leader is familiar with their own responsibilities.	<input type="checkbox"/>	
<b>2.0</b>	<b>Relevance of Planning Requirements</b>		If yes to any, the Planning Requirements may not be in effect for the project. Please consult with the Qualified Person (QP) to confirm the requirements for the work.
2.1	Is the soil to be generated from an infrastructure project and will it be reused at another infrastructure project owned by the City?	<input type="checkbox"/>	
2.2	Is the soil to be generated from an infrastructure project that is maintaining the infrastructure in a fit state of repair (i.e., maintenance work) and is not related to a Stormwater Management (SWM) Pond?	<input type="checkbox"/>	
2.3	Is any of the soil to be moved offsite uncontaminated topsoil that will be transported directly to a reuse site for use as topsoil?	<input type="checkbox"/>	
2.4	Will the project transport <100 m <sup>3</sup> of soil directly to a waste disposal site or to a local waste transfer facility?	<input type="checkbox"/>	Record soil volume, soil hauler (company name), and waste disposal site name and location.
2.5	Will the project transport <2,000 m <sup>3</sup> of soil generated within an area of settlement (such as cities and towns) that is uncontaminated?	<input type="checkbox"/>	
2.6	For projects completed by January 1, 2026 (i.e., end of exemption period for grandfathered contracts), was contracting for the project or the completion of environmental soil quality testing completed before January 1, 2022?	<input type="checkbox"/>	
<b>3.0</b>	<b>Imported Fill Assumptions</b>		
3.1	The material for use as backfill, borrow, or grading, will be restricted to virgin material from a licensed aggregate pit or quarry?	<input type="checkbox"/>	
<b>4.0</b>	<b>Pre-design Studies/Requirements</b>		

---

## **APPENDIX C**

Checklists

---

4.1	A QP per Ontario Regulation 406/19 has been retained by the City	<input type="checkbox"/>		
4.2	Report delivery dates are clearly defined in the contracting process for the QP.	<input type="checkbox"/>		
4.3	Assessment of Past Uses Report (APU) or Phase One Environmental Site Assessment (ESA) has been completed and signed by QP.	<input type="checkbox"/>		
4.4	Sampling and Analysis Plan (SAP) has been prepared and signed and implemented by QP.	<input type="checkbox"/>		
4.5	Soil Characterization Report (SCR) outlining results of SAP is complete and signed by QP.	<input type="checkbox"/>		
4.6	QP has confirmed soil sampling meets the requirements of O.Reg. 406/19 for frequency and parameters sampled, and no further sampling is required.	<input type="checkbox"/>		
4.7	Other required environmental or geotechnical studies been completed:	<input type="checkbox"/>		
4.7.1	Soil Management Plan (if relevant).	<input type="checkbox"/>		
4.7.2	Others (as necessary)			
<b>5.0</b>	<b>Tendering Considerations</b>			If the planning requirements are deemed necessary per Section 2 above, then all items in this section are necessary per O. Reg. 406/19.
5.1	The contract includes direct reference to the requirements and definitions included within O. Reg. 406/19 and appropriately note the precedence of these requirements (grandfathered projects, such as phased development projects to be managed by the City).	<input type="checkbox"/>		If there is an instrument governing the work (i.e., ECA, CofA, etc.), the instrument takes precedence.
5.2	Will liquid soil be generated?	<input type="checkbox"/>		Liquid soil: soil that has a slump of more than 150 mm using the Test Method for the Determination of "Liquid Waste" (slump test) set out in Schedule 9 to Regulation 347. Confirm site is licensed to accept liquid soil.
5.3	Will excess rock be generated?	<input type="checkbox"/>		Rocks are not covered by O. Reg. 406/19. Refer to Definition of Soil in this Guidance Document package.
5.4	Will soil need to be processed on-site?	<input type="checkbox"/>		

5.5	The preferred process for establishing soil storage rules been confirmed (e.g., use of Environmental Compliance Approval, use of exemptions, other).	<input type="checkbox"/>		
5.6	Soil will be transported to any temporary facilities (such as Class 1 or 2 Soil Management Sites, waste transfer station contractor's yard, etc.) prior to final placement.	<input type="checkbox"/>		Ensure all destinations are well documented, and that the RPRRA Registry is update with the final excess soil destination.
5.7	Will any or all soil be generated from a Stormwater Management Pond excavation?	<input type="checkbox"/>		If SWMP soil is generated in your project, and it is not covered under an ECA, stop and discuss with the QP.
5.8	Will some soil be handled as waste?	<input type="checkbox"/>		
5.9	The QP is prepared to upload information to the RPRRA registry.	<input type="checkbox"/>		PM to complete declaration to submit registration on Resource Productivity and Recovery Authority (RPRRA): <a href="https://registry.rpra.ca/">https://registry.rpra.ca/</a> . QP to support PM.  PM may authorize the QP, such that the QP can complete the registration and updates on behalf of the PM.
<b>6.0</b>	<b>Construction and Contract Administration</b>			
6.1	The Contractor has provided the receiving site information.	<input type="checkbox"/>		
6.2	The Excess Soil Destination Assessment Report (ESDAR) has been prepared via collaboration between the Contractor and City QP, and signed by City QP.	<input type="checkbox"/>		
6.3	Written consent via Property Owner's Release Form for Accepting Excess Soil for Beneficial Reuse has been obtained from each reuse site, as required by O. Reg. 406/19, and included within the ESDAR for record-keeping.	<input type="checkbox"/>		
6.4	A system has been established and implemented by the Contractor to monitor each soil hauler has been provided information regarding each soil load they are hauling and are appropriately prepared to complete and provide documentation at the receiving site when the excess soil is deposited per O. Reg. 406/19? (as documented in the Contractor's Excavation, Hauling and Tracking Plan).	<input type="checkbox"/>		
6.5	Haul trucks meet the requirements of the regulation (e.g., provides safe transfer without nuisance, leakproof and covered when needed).	<input type="checkbox"/>		

6.6	If the construction process will lead to generation and transportation of liquid soils, do haul trucks have valves with a locking system?	<input type="checkbox"/>		
6.7	A system has been established and implemented by the Contractor to track each soil load from the project area to the receiving sites per O. Reg. 406/19? (as documented in the Contractor's Excavation, Hauling and Tracking Plan).	<input type="checkbox"/>		
6.8	A system has been established and implemented by the Contractor to facilitate storage of soil per O.Reg. 406/19.	<input type="checkbox"/>		
6.9	An inspection process has been established for the Contract Administrator to confirm storage requirements are met.	<input type="checkbox"/>		
6.10	A system has been established and implemented by the Contractor to document that only virgin material from a licensed aggregate pit or quarry is being used as import, borrow, or backfill at the site (i.e., license numbers confirmed and recorded, weigh tickets retained, etc.).	<input type="checkbox"/>		
6.11	A system has been established and implemented to facilitate uploads to the registry when and as required by O.Reg. 406/19.	<input type="checkbox"/>		
<b>7.0</b>	<b>Record Keeping</b>			
7.1	APU, SAP, SCR and ESDAR have all been received and filled out.	<input type="checkbox"/>		It is recommended that QP supports PM to meet Record Keeping requirements of O. Reg. 406/19.
7.2	If the ESDAR required any updates during delivery, the updated version been received and filled out.	<input type="checkbox"/>		
7.3	Documentation has been received, reviewed, and approved for imported virgin granular material (i.e., license numbers, weigh tickets, etc.).	<input type="checkbox"/>		
7.4	Data generated via the tracking system been received and filled out.	<input type="checkbox"/>		
7.5	Registry uploads are completed in accordance with the timing and information requirements of O. Reg. 406/19.	<input type="checkbox"/>		
<b>8.0</b>	<b>Project Closure</b>			
8.1	Reports have been archived for storage for at least 7 years.	<input type="checkbox"/>		It is recommended that QP supports PM during project closure phase.
8.2	No outstanding environmental liability issues remain (e.g., incomplete truck tracking records, missing data or reports, etc.).	<input type="checkbox"/>		

Other Notes/Comments: