

How will Ontario's proposed excess soil management policy work?

By Chris G. Paré and Andrew Tymec

Excess soil is defined as soil that is excavated, typically from a construction site, that will not be used there, and is transported to a receiving site. But what is the proper way to manage these excess soils with regards to regulations, environmental risks and best management practices?

The existing framework of regulations and policies in Ontario does not directly address the issue of excess soil. The majority are transported from source sites to disposal sites without oversight or regulation by the Ministry of the Environment and Climate Change (MOECC).

According to the Residential and Civil Construction Alliance of Ontario, there are an estimated 20 million cubic metres of excess soil excavated annually. Most of this is probably being transported from a source site to a disposal site without any records, documentation or testing.

Concerns with excess soils

Improper management of excess soil is a province-wide issue. Soils that are impacted with contaminants (natural or manmade) can end up being transported and applied to a sensitive site, farmland, or a residential development. There have been several media stories covering issues with "excess soils." In one instance, an Ontario farmer accepted "free" soils in the summer of 2011, only to find out later that it contained polycyclic aromatic hydrocarbons and heavy metals.

In contrast to excess soils at construction sites, soils on brownfield sites are regulated. The qualified person (a professional engineer or geoscientist) manages these projects.

Tasks include collection of soil samples for site-specific parameters, arrangement for disposal at a receiving site, and documentation of the volume transported to landfill. A final report will also be prepared, which documents soil management.

This "gap" in handling excess soils is why the MOECC is proposing a



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framework of action items to address this issue. The ministry has posted the "Proposed Excess Soil Management Policy Framework" on the Environmen-

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tal Registry, for review and comment. It has provided a guidance document that was published in January 2014 titled "Management of Excess Soil – A Guide for Best Management Practices".

Although the document is being used, there have been some questions. For example, what exactly the soil man-

agement plan needs to provide, what standards should be used, and what are the responsibilities of the source site?

Goals

The implementation of the provincial framework is guided by two main goals: protection of human health and the environment; and to enhance opportunities for beneficial reuse of excess soils.

New regulation (soil management plans)

The MOECC plans to develop a new regulation, under the *Environmental Protection Act*, requiring larger and/or "riskier source sites" to develop soil management plans prepared by a qualified person. They would need to be readily available to the MOECC or local authorities.

The proposed regulation would apply to "larger sites," which would be defined by a soil-volume threshold, such as large infrastructure or large-scale residential developments. It would also apply to industrial, commercial, or other properties in which there has been a potentially-contaminating activity, or if there is a potential risk of having impacted soil on the site.