Ontario Regional Common Ground Alliance

Dig Safe Workshops

Dates and Time: March 8, 10, 15, 16
29 and 31, 2022
8:00am to Noon

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Presentation Overview

- Overview of Excess Soil Reuse under O. Reg. 406/19
- January 1, 2022 - Regulatory Requirements
- Considerations for Low-Risk Projects
- Frequently Asked Questions and Answers
- Additional Resources

- Appendices
    - Appendix A: Soil Storage Rules - Dry and Liquid
    - Appendix B: Qualified Person Requirements in O. Reg. 406/19
    - Appendix C: Types of Interim Sites
    - Appendix D: Generic Excess Soil Quality Standards

Environment, Conservation, and Parks

Overview of Excess Soil Reuse under O. Reg. 406/19

DISCLAIMER

This presentation is intended to be a brief summary of some of the requirements of Ontario Regulation 406/19 On-Site and Excess Soil Management (the regulation) made under the Environmental Protection Act and the Rules for Soil Management and Excess Soil Quality Standards - a document incorporated by reference in the regulation. This is for information purposes only and should not be construed as legal advice or substitute for seeking independent legal advice on any issues related to the regulation. Any person seeking to fully understand how the regulation may apply to any of the activities they are engaged in must refer to the regulation. In the event of any inconsistency between the regulation and this presentation, the regulation will always take precedence.

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Overview of Regulatory Requirements

- Regulation titled **O. Reg. 406/19: On-Site and Excess Soil Management** under the Environmental Protection Act (EPA), was finalized in December 2019, supported by:
  - Rules for Soil Management and Excess Soil Quality Standards
  - Beneficial Reuse Assessment Tool (BRAT)
  - Complementary provisions in O. Reg. 153/04 (Brownfields Remediation Regulation), Reg. 347 and O. Reg. 351/12 (Waste Management Regulations)

Phased Regulatory Implementation	Timing
Reuse Rules and Waste Designation Clarification - Including excess soil reuse standards	January 1, 2021

Excess Soil Reuse Planning Requirements
- For larger or riskier generating projects (some exemptions)
  - Assessment of past uses, and if required sampling and characterization
  - Destination assessment report
  - Tracking and registration
- Hauling record
- Larger reuse site registration
	January 1, 2022

Restriction on the deposit of clean soil at landfill sites	January 1, 2025

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O. Reg. 406/16 - What is In and Out of Scope?

In Scope

- O. Reg. 406/19 (Excess Soil Regulation) applies to the management of excess soil, which may include liquid soil and/or crushed rock as defined in the regulation, including contaminated excess soil that are not considered hazardous waste
- Sediment cleaned out and removed from stormwater management (SWM) ponds
- 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 a pit or quarry managed under the *Aggregates Resources Act*
- The removal and relocation of excess soil from the bed of a surface water body

Out of Scope

- Hazardous waste, asbestos waste or other types of waste within the meaning of Regulation 347 including liquid industrial waste, or removing debris or sewage from a catch basin
- Hauled sewage managed under O. Reg. 351/12 and rock that does not fit within the definition of soil and/or excess soil under O. Reg. 406/19
- Consolidated or unconsolidated aggregate as part of the operation of a pit or quarry within the meaning of the *Aggregate Resources Act* that is excavated and moved off-site, including the use and production of recycled aggregate in the pit or quarry
- The production of peat from a peat extraction operation
- The final placement of excess soil on the bed of a surface water body

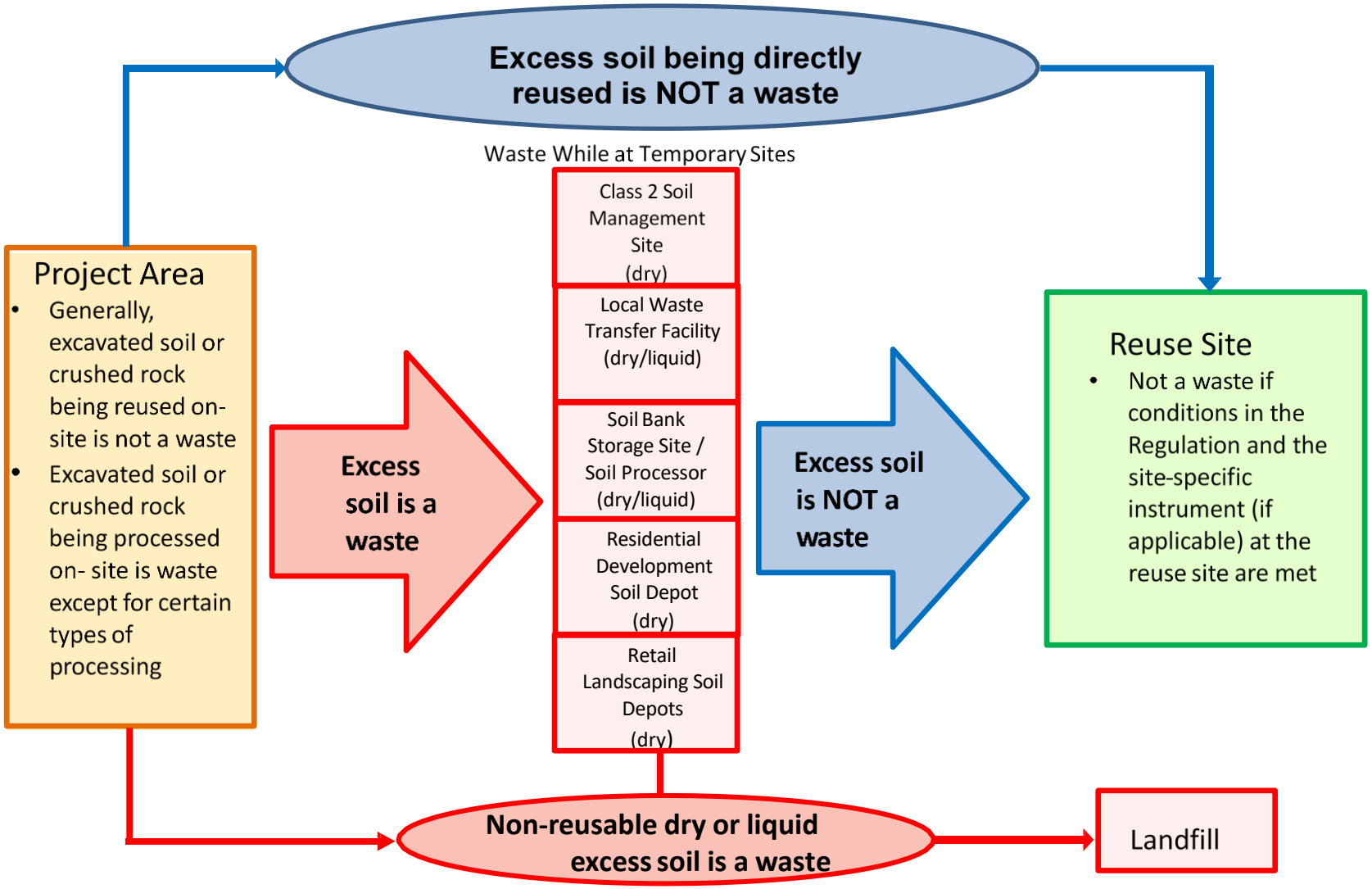
Rules for Excess Soil Reuse

- Excavated soil or crushed rock becomes excess soil upon leaving a project area.
- Generally, soil and rock staying in the project area is not a waste and can be reused.
- The rules for reuse of excess soil are found in sections 3, 4 and 5 of the regulation, which then refer to other key sections of the regulation and both parts of the Rules for Soil Management and Excess Soil Quality Standards.
- In order to be reused and not designated as waste, excess soil being reused at another site must meet all of these conditions:
    1. The excess soil is directly transported to a reuse site from a project area, a Class 1 soil management site or Class 2 soil management site, or local waste transfer facility
    2. The owner or operator of the reuse site has agreed in writing to deposit the excess soil at the reuse site
    3. There is a beneficial use for that excess soil and the quality and quantity of excess soil being taken to that site are consistent with the beneficial use
    4. The excess soil is dry soil and remains dry soil until it is finally placed at the reuse site, or, if it is liquid soil, a site-specific instrument authorizes the excess soil to be deposited at the reuse site
- These criteria are intended to ensure that the excess soil will be reused at the reuse site for a beneficial purpose and that the quality and quantity of the excess soil to be deposited at the reuse site for final placement are appropriate for that purpose

Opportunities for Reuse under O. Reg. 406/19

- **On-site reuse** of excavated soil or crushed rock at the project area is recommended, where practical, feasible and appropriate
- If direct reuse of the excess soil cannot be achieved at the project area, the project leader may consider the following approaches to managing the excess soil:
  - If soil quality is a factor, **either on-site low risk processing or processing at a soil processing site**, after which the excess soil may be able to be beneficially reused and no longer be considered a waste
  - If a reuse site is not ready to accept the excess soil, **temporary storage** on the project area or at another site (such as a Class 2 soil management site or a local waste transfer facility if applicable) until the reuse site becomes available
  - Other local interim sites if soil is of appropriate quality such as **a residential development soil depot or a retail landscaping soil depot**
  - If a reuse site has not been identified, transportation of reusable excess soil to a **soil bank storage site**, this soil then becomes the responsibility of the soil bank storage site operator
  - Transportation to a landfill for use in **landfill operations or disposal**, with some restrictions as of January 1, 2025
  - If the excess soil is liquid soil, often generated through hydro-excavation, tunneling and removal of sediment from stormwater management ponds, **dewatering or solidifying** the excess soil so it could be reused as dry soil, if appropriate quality

Waste Designation Flowchart



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January 1, 2022 - Regulatory Requirements

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Excess Soil Reuse Planning Requirements

- To help ensure reuse of excess soil from a project area is being planned and undertaken appropriately, the Excess Soil Regulation includes planning requirements as of **January 1, 2022**, for some projects generating excess soil
- The excess soil reuse planning requirements apply to the following types of projects which are, generally, larger in scale or more likely to generate excess soil with some contaminants:
    1. Projects generating **2000m³ or more** of excess soil and that are in a settlement area* (such as cities and towns); this trigger does not apply to projects in rural areas
    2. Projects for which part of the project area has a past or present use that is a gas station, garage, used for the operation of dry-cleaning equipment, or industrial use (uses associated with an "**enhanced investigation project area**" as defined in O. Reg. 406/19)
    3. Projects for which the **primary purpose is to remediate contaminated lands** (note that if a new property use cannot proceed without completion of soil remediation, such as soil removal, this should be considered a primary purpose)
- *Settlement areas are defined in the *Planning Act* and identified in official plans, areas outside of a "settlement area" are typically rural countryside which are <u>not designated</u> for development as part of a city, town or other settlement area

Excess Soil Reuse Planning Requirements

- The **responsibility** for the proper management and disposal of excess soil is on the generator of the excess soil - the project leader/the owner/operator of the project area
- The excess soil reuse planning requirements include the following, those bolded require Qualified Person (QP) oversight:
    1. Registration of a notice in the Excess Soil Registry for the project
    2. **Completion of an assessment of past uses and, if necessary, a sampling and analysis plan and a soil characterization report**
    3. **Completion of an excess soil destination assessment report**
    4. Development and application of a tracking system, in accordance with the Soil Rules
- To read more about the key requirements associated with the reuse planning requirements, see sections 8-16 of the Excess Soil Regulation and Part I, Section B of the Soil Management Rules

Exemptions from Reuse Planning Requirements

- The regulation includes several exemptions from all or some of the planning requirements related to soil reuse planning.
- These exemptions reflect some low risk scenarios, some scenarios where responsibility for the soil is not changing, and some scenarios to help encourage reuse in similar projects:

1. If 100 m^3 or less of excess soil is being removed from the project area and being directly transported to a waste disposal site, such as a landfill (this does not apply a Class 2 soil management site)
2. The reason for removal of excess soil is to respond to an emergency, such as an existing 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, or to respond to a spill
3. Projects that are related to maintaining infrastructure in a “fit state of repair” other than excavation of excess soil from a stormwater management pond
4. The excavation of topsoil which is transported directly for reuse as topsoil at a reuse site, and there is a low risk of contamination (the project area has never been an enhanced project investigation area, and the primary purpose of the project where the excess soil was removed from was not the remediation of contaminated land)
5. The excess soil is excavated as a part of an infrastructure project and after removal from the project area, the excess soil is being reused (finally placed) as part of an undertaking related to another infrastructure project with the same project leader or a public body
6. The excess soil is being deposited at a local waste transfer facility and the amount of excess soil to be deposited is 100 m^3 or less

Additional Exemptions

Existing Contract Exemption

- The regulation exempts soil management contracts entered into before January 1, 2022 from the reuse planning requirements (i.e., registration, assessment of past uses, sampling and analysis, tracking, etc.).
- If a contract has not been completed by January 1, 2026, it would be required to complete the excess soil reuse planning requirements in relation to excess soil movements from that date forward.
- Other regulatory rules would continue to apply, including provisions specifying excess soil reuse rules to avoid the waste designation.

Completed Assessments Exemption

- The regulation also recognizes past use assessments, sampling and analysis plans and soil characterization reports completed for a specific project before January 1, 2022 as assessments, plans and reports under the regulation for that project.
- This ensures these studies do not have to be repeated for a project continuing based on those studies. This would not apply to a different project.
- Other aspects of reuse planning , e.g., registration, continue to apply.

Requirements for Transportation of Excess Soil

- As of January 1, 2021 hauling record information was able to be provided verbally and requirements for vehicles that are used in the transportation of excess soil must ensure safe containment during transportation, with additional requirements for liquid soil

As of **January 1, 2022** the ability to provide verbal hauling information was replaced with the need for a more **formalized hauling record**

- Haulers are required to carry a **physical or electronic hauling record** during all times of transport
- Hauler must **provide the hauling record to the site** which will be accepting the excess soil for deposit for a beneficial reuse, or for temporary storage, processing or disposal
- Under the regulation, a waste environmental compliance approval (**ECA**) or environmental activity and sector registry (**EASR**) is not required for the transportation of dry or liquid soil, these have been replaced with regulatory rules

Hauling Record Requirements - January 1, 2022

The hauling record must contain the following information:

- The **location** where the excess soil was loaded for transportation
- The **date and time** at which the excess soil was loaded for transportation
- The **quantity** of excess soil in the load
- The name of an **individual who may be contacted** regarding inquiries about the load, including the **excess soil quality**
- 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*
- The **location** of where the load is to be deposited

If the excess soil is denied at a deposit location due to concerns regarding its quality, it should never be taken to an unplanned deposit site - any alternate site at which excess soil is deposited must be **directed by the project leader** or the operator of a project area and must reflected on the hauling record

ONEIA - Hauling Template for Multiple Loads

<Insert your company logo here>

Excess Soil Multiple Pickup Hauling Record

P/O Ticket _____

REGISTERED GENERATOR: Location 1		P/O Ticket #:	
Contact Name:		Tel:	
Signature:		Email:	
Generating Company	Address	City, Province	Postal Code

GENERATING SITE			
	Street Address	City	Quantity
Location 1			
Soil Information			
Profile/ID #:	Other Notes:		
Quantity Loaded:			
Contact Name: (For soil quality info)	Tel:	Email:	

REGISTERED GENERATOR: Location 2		P/O Ticket #:	
Contact Name:		Tel:	
Signature:		Email:	
Generating Company	Address	City, Province	Postal Code

GENERATING SITE			
	Street Address	City	Quantity
Location 2			
Soil Information			
Profile/ID #:	Other Notes:		
Quantity Loaded:			

REGISTERED GENERATOR: Location 3		P/O Ticket #:	
Contact Name:		Tel:	
Signature:		Email:	
Generating Company	Address	City, Province	Postal Code

Highlighted sections denote required information to meet Section 18 (Information to be Provided) of Ontario Regulation 406/19: On-Site and Excess Soil Management

Template produced by the Ontario Environment Industry Association, 2020

GENERATING SITE			
	Street Address	City	Quantity
Location 3			
Soil Information			
Profile/ID #:	Other Notes:		
Quantity Loaded:			
Contact Name: (For soil quality info)	Tel:	Email:	

REGISTERED GENERATOR: Location 4		P/O Ticket #:	
Contact Name:		Tel:	
Signature:		Email:	
Generating Company	Address	City, Province	Postal Code

GENERATING SITE			
	Street Address	City	Quantity
Location 4			
Soil Information			
Profile/ID #:	Other Notes:		
Quantity Loaded:			
Contact Name: (For soil quality info)	Tel:	Email:	

TRANSPORTER			
Transport Company	Address	City	Postal Code
Driver Name:		Tel:	
License Plate #:		Email:	

RECEIVER			
Receiving Company	Address	City	Postal Code
Date Unloaded:	Time Unloaded:	Lat.:	
		Long.:	

I hereby certify that the above listed material has been accepted and that the materials are representative of the materials outlined in the above.

Authorizer Name:	Tel:
Signature:	Email:

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Excess Soil Registry and RPRA

- On March 15, 2021, the Minister of the Environment, Conservation and Parks directed the Resource Productivity & Recovery Authority (RPRA) to develop, implement and maintain a Registry for regulated persons to file their required notices as per the Excess Soil Regulation under the *Environmental Protection Act*

RPRA's Role

- Operate the Registry to **enable regulated persons to comply with registration** and notice filing requirements outlined in the Regulation
- Enable the **Ministry access** to notice filings and associated data
- Enable **public access** to the information contained in notice filings
- **Set and collect fees** in a transparent and consultative manner to recover the costs for the Registry development, deployment and ongoing support to regulated persons
- Support **stakeholders with training and resources** to enable effective and efficient use of the Registry

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Requirements for Larger Reuse Sites

- Reuse sites accepting at least 10,000m^3 of excess soil for an undertaking will be required to:
  - **file a notice** on the public Registry
  - **establish procedures to account for every load** of excess soil being deposited at the reuse site and ensure that the storage of excess soil does not cause any adverse effects
- For existing reuse sites, this requirement only applies if they accept more than 10,000m^3 **after** January 1st, 2022
- These requirements also don't apply to reuse sites that are part of an undertaking related to an **infrastructure project**
- These additional requirements will help to ensure that these reuse sites are receiving 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

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Considerations for Low-Risk Projects

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Small Scale Low Risk Excess Soil Movements

- Most small-scale low risk projects are not subject to sampling, tracking and registration requirements under O. Reg. 406/19, however a few regulatory rules would apply

On-Site Excavation and Reuse

- On-site reuse of soil generated from a project is always recommended wherever practical and feasible, most of the requirements in O. Reg. 406/19 do no apply to soils that are managed on-site
- When managing soil on-site, basic rules around storage and processing may apply to your project or may not be relevant if the excess soil is excavated then taken immediately for reuse or disposal
- If during excavation an observation is made that the excess soil being excavated has been affected by a contaminant, procedures must be applied to ensure all soils affected by a contaminant are segregated before excavations continue and that contaminated soils are disposed of in accordance with O. Reg. 406/19

Transporting Excess Soil

- When excess soil is begin relocated for reuse or disposal, a hauling record is required to travel with each load of excess soil, providing key details on where the soil is coming from and going to with dates and times and contact details for inquires on the load, including those related to soil quality
- Typically, the project leader from the project area would provide this information to the hauler, however for small scale residential projects such as pool and landscape excavations, this may be difficult for the homeowner, it may be advisable to list the contractor / excavator who is arranging for the relocation of their excess soil as the key contact to answer questions on the load(s)

Relocating Low Risk Excess Soils

Taking Excess Soil for Reuse

- If excess soil is being taken for reuse, arrangements need to be made with the reuse site owner, to seek their consent in writing to accept the excess soil that will be relocated there, before the soil is transported
    - A copy of this consent from the reuse site owner should be provided to the owner from the project area where excess soil originates
- If there are no concerns with contamination identified, then excess soil can travel to a similar site for reuse e.g., like to like principle where residential soils are reused in other residential projects
    - Excess soil could also be taken to other less sensitive sites e.g., residential soils taken to an industrial site for reuse, or to a retail landscaping depot or to a residential development soil depot, if appropriate quality
    - Excess soil should only be taken to an Environmentally Sensitive Area or to be reused on an agricultural property for the purpose of crops or pasture if the soil quality standards and related leachate levels are of Table 1 quality, as such, residential quality soils are not appropriate to be taken to these types of reuse sites

Taking Excess Soil for Disposal

- Excess soils being taken to landfill do not require the landfill to consent in writing, however it is always advisable to check with the landfill in advance to confirm if there is any information which they may require to accept the excess soil
- After January 1, 2025 excess soil that meets the excess soil quality standards and therefore reusable will not be permitted to be taken to landfill, unless the excess soils are used for daily or final cover or to support another beneficial reuse of the landfill facility

Hauling Record and Record Retention

Completing the Hauling Record

- Once excess soil has been dropped off for reuse or disposal and the hauling record has been completed, a copy of the hauling record must be provided to the project area owner where the soil originated
- Upon deposit of the excess soil at any site, the person who is transporting the excess soil shall ensure that the hauling record is updated to include details on the date and time the load was deposited and a declaration from the individual authorizing the deposit from the deposit site

Record Retention

- Hauling records are to be kept by all parties for a period of 2 years, all other documents generated under O. Reg. 406/19 are to be kept by all relevant parties for a period of 7 years

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Frequently Asked Questions and Answers

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Frequently Asked Questions and Answers

1. What constitutes maintenance in a fit state of repair for an infrastructure project?

- Maintaining infrastructure in a fit state of repair is an exemption from the excess soil planning requirements under Schedule 2 to the regulation; this exemption does not, however, apply to excess soil excavated from a stormwater management pond for the purpose of maintaining the facility
- In general, maintaining in a fit state of repair would include cleaning out infrastructure, repairing infrastructure or replacing existing infrastructure with similar infrastructure; it would not result in increased capacity or a different alignment
- In scope examples may 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 a minor road diversion or replacing a pipe by laying a new parallel pipe to allow the old one to stay in service until the new one is finished
- Out of scope examples include 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

Frequently Asked Questions and Answers

2. What rules apply to dewatering liquid soil, is an *Ontario Water Resources Act* (OWRA) approval required?

- If dewatering takes place at a project area or a local waste transfer facility, as outlined under sections 6 and 25 of the regulation, an exemption from a waste-ECA is generally provided.
- If the liquid from dewatering the liquid soil is to be drained or be discharged directly or indirectly into a ditch, drain or storm sewer or to a well or to any surface water body including a stream or reservoir, an OWRA approval would be required. Projects that establish sewage works to manage the liquid would also require an OWRA approval. There is also an option to get an approval for a mobile dewatering unit that treats and discharges any wastewater from liquid soil processing.
- Some instances of dewatering may be exempt from an OWRA approval. For instance, if liquid soil is excavated from a project area and placed in the same area for passive dewatering or infiltration, it may be exempt from an OWRA approval. Liquid may also be discharged into a sanitary sewer without requiring an OWRA approval, but municipalities may have rules around discharging to sanitary sewers which should be taken into consideration.
- Consideration should also be given to the quality and quantity of the wastewater from the liquid soil, and prevention of any negative impacts to the environment.
- If liquid soil is stored at a project area or local waste transfer facility for eventual transportation or reuse at another site, the rules around storage for liquid soil in the Rules document would apply (such as placing liquid soil on an impermeable surface).

Frequently Asked Questions and Answers

3. What is considered a beneficial purpose for reuse of excess soil?

- In order to avoid the waste designation when excess soil is being reused, there must be a beneficial purpose for the excess soil at the reuse site
- Generally, a beneficial purpose for the reuse of excess soil is use of excess soil in an undertaking that requires additional soil in order to complete that undertaking
- The regulation gives a list of potential beneficial purposes, including backfill or raising the grade for a planned development, but it is not an exhaustive list and other beneficial purposes can be identified
- Often a site-specific instrument would relate to the beneficial purpose, giving permission for soil management for a specified undertaking or including plans that would require excess soil for the project at the reuse site to be achieved
- Simple disposal or stockpiling of excess soil is not a beneficial reuse

Frequently Asked Questions and Answers

4. What outreach is the Ministry doing on the new Regulatory requirements?

Building on a number of years of engagement in development of the regulation, the ministry continues to outreach to those involved in excess soil management through:

- Delivery of 8 topic focused webinars in October and November 2021, and 3 in February and March 2022 with a focus on the new regulatory requirements coming into force January 1, 2022
- Release of a number of topic specific fact sheets to provide guidance on the regulatory requirements along with sharing of best practices
- Working with RPRA to deliver outreach and awareness of the new public Registry
- Continuing to respond to questions from the stakeholder community
- Responding to invitations to speak at conferences, workshops and events
- Working with industry on the development of a variety of supporting tools and guidance documents
- Ongoing engagement of the Excess Soil Engagement Group, a multi-stakeholder group representing a variety of key organizations from all sectors of excess soil management

Additional Resources

Additional Resources

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

- Ontario Government Excess Soil Page: ontario.ca/page/handling-excess-soil
  - First set of 3 factsheets launched January 25, 2022
- Ontario Provincial Standard Specification (OPSS) 180 - General Specification for the Management of Excess Materials: currently being updated by MTO
- RPRA's Excess Soil Registry: 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/
- Canadian Urban Institutes (CUI) - Excess Soil By-Law Language Tool: https://canurb.org/initiatives/excess-soil-by-law-tool/
- RSC Guide (*currently in draft, to be updated soon*): https://ero.ontario.ca/notice/019-2551

Our Coordinates

For Further Questions:

- **Policy** - Laura Blease laura.blease@ontario.ca and Reema Kureishy Reema.Kureishy@ontario.ca
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THANK YOU!

Appendices

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Appendix A - Soil Storage Rules

The following applies to **dry soil** stored at any site, including a project area:

- Soil to be stored and managed to prevent any adverse effects associated with its receiving, processing, storage and movement - to manage noise, dust, mud tracking, leaching, run-off and erosion as well as any potential air or odour impacts
- Soil must be stored in stockpiles and the maximum size of each stockpile shall not exceed 2,500m³
- Any soil that is sampled and analysed must be kept segregated from other soil and soil of different qualities intended for different beneficial uses
- The soil must not be stored within 30 metres of a waterbody and within 10 metres of the property line (boundary), unless any of the following apply:
    - 500m³ or less of excess soil will be stored at any one time at the project area
    - Excess soil storage at the project area for a week or less
    - The storage location has a physical barrier (e.g., concrete wall) between the excess soil and the property boundary
    - The storage is taking place in a public road right-of-way
- Soil shall be stored in a manner that prevents any contaminants from the soil from leaching into the ground water

Appendix A - Soil Storage Rules

The following applies to **liquid soil** stored at either a project area or a local waste transfer facility:

- All storage and processing locations of liquid soil, processed or dewatered or solidified soil and process residues shall be readily accessible for inspection by a provincial officer
- No more than 10,000m³ of liquid soil, processed or dewatered or solidified soil and process residues may be present at the site at any one time
- All liquid soil, processed or dewatered or solidified soil and process residues that are liquid shall be stored in a leakproof container on an impermeable surface in a manner sufficient to contain and prevent the material from escaping into the natural environment

Appendix B - QP Requirements for O. Reg. 406/19

- The following table summarizes which type of QP (section 5 and/or 6 as defined in O. Reg. 153/04) is required for various elements of the Excess Soil Regulation:

Activity and Location	Relevant Sections and Date	Regulatory Reference
Project Area - Planning Requirements	Section 5 - Jan 1, 2022	Sections 8 to 16
Project Area - Registry	Section 5 or 6, as applicable - Jan 1, 2021	Section 13 of Schedule 1
Reuse Site - Use of BRAT - Site-Specific Standards	Section 5 and 6 - Jan 1, 2021	Subsections 5 (2) to (5) and section 20
Reuse Site - Use of RA - Site-Specific Standards	Section 6 - Jan 1, 2021	Soil Rules - Part 1 - Section D - 4
Reuse Site - Larger Sites	Section 5 and 6 - Jan 1, 2022	Paragraph 7 of subsection 19 (4)
Any Site - Dewater/Solidify with Natural/Synthetic Polymers	Section 5 and 6 - Jan 1, 2021	Subsection 6 (4)
Any Site - Waste Designation, Processing and Storage	Section 5 - Jan 1, 2021	All remaining sections of O. Reg. 406/19

Appendix C - Types of Interim Sites

- There are **several different types** of interim sites under the Excess Soil Regulation that can be utilized for the purpose of storage on a temporary basis and/or processing excess soil and/or liquid soil
- In most cases, these interim sites do not require a waste Environmental Compliance Approval (ECA) if regulatory rules are followed, however some interim sites would require a waste-ECA
- The following table summaries the types of interim sites in the Excess Soil Regulation and where a waste-ECA would be required:

Type of Interim Site	Waste-ECA Required?
Residential Development Soil Depot	No
Retail Landscaping Soil Depot	No
Local Waste Transfer Facility	No
Class 2 Soil Management Site	No
Soil Bank Storage Site (Class 1 Soil Management Site)	Yes
Soil Processing Site (Class 1 Soil Management Site)	Yes

Appendix D - Generic Excess Soil Quality Standards

Table Description	Small Volume O. Reg. 153/04 (up to 350 m^3)	Volume Independent (350 m^3 +)
Full Depth, Background	Table 1	Table 1
Full Depth, Potable	Table 2	Table 2.1
Full Depth, Non-Potable	Table 3	Table 3.1
Stratified, Potable	Table 4	Table 4.1
Stratified, Non-Potable	Table 5	Table 5.1
Full Depth, Shallow Soil, Potable	Table 6	Table 6.1
Full Depth, Shallow Soil, Non-Potable	Table 7	Table 7.1
Full Depth, Within 30 m of a Water Body, Potable	Table 8	Table 8.1
Full Depth, Within 30 m of a Water body, Non-Potable	Table 9	Table 9.1