



# Management of Excess Soil Workshop

## March, 3, 2014



# MANAGEMENT of EXCESS SOIL WORKSHOP



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### Workshop Objectives:

- To provide an overview of the Ontario MOE's recently released Management of Excess Soil – A Guide for Best Management Practices
- To discuss and answer workshop participants BMP related questions
- Outline planned MOE review of fill disposal policies in Ontario (new )
- Provide update on supporting excess soil handling initiatives currently underway



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### AGENDA

- Noon Registration / Sign-in  
Light Lunch/Refreshments
- 12:45 p.m. RCCAO – SOiiL Welcome and Introductions
- 1:00 p.m. Management of Excess Soil-A Guide for Best Management Practices
- Ontario MOE overview
  - BMP implementation plans and support
  - Submitted workshop BMP questions and discussion
- 2:30 p.m. Planned MOE review of fill disposal policies in Ontario
- 2:45 p.m. Current BMP related excess soil handling initiatives in Ontario
- SOiiL – electronic soil matching registry and database
  - Case study Region of Peel temporary soil storage site
  - City of Toronto management of excess soil requirements
- 3:45 p.m. Summary and closing remarks



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## Ongoing BMP Development Support


- Outreach initiatives continue :
  - Stakeholder input to Ontario MOE Soil Management BMP Guide
  - CL:AIRE annual conference
  - Regional Public Works Commissioners of Ontario
  - York Region Liaison Committee
  - City of Toronto Planning & Growth Committee
  - ONEIA, CPEQ, OSSGA promotion
- Next Steps:
  - BMP and soil matching implementation at municipal and working level
  - Timely implementation of soil recycling, soil handling facilities
  - Municipal supporting model by-law and procurement practices
  - Continued outreach




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RESIDENTIAL AND CIVIL CONSTRUCTION ALLIANCE OF ONTARIO  
An Independent Study Commissioned by  **RCCAO** *Securing Ontario's Future*



**Eglinton LRT Project:  
Estimated Costs  
and Impacts of  
Addressing Excess  
Construction Soils**

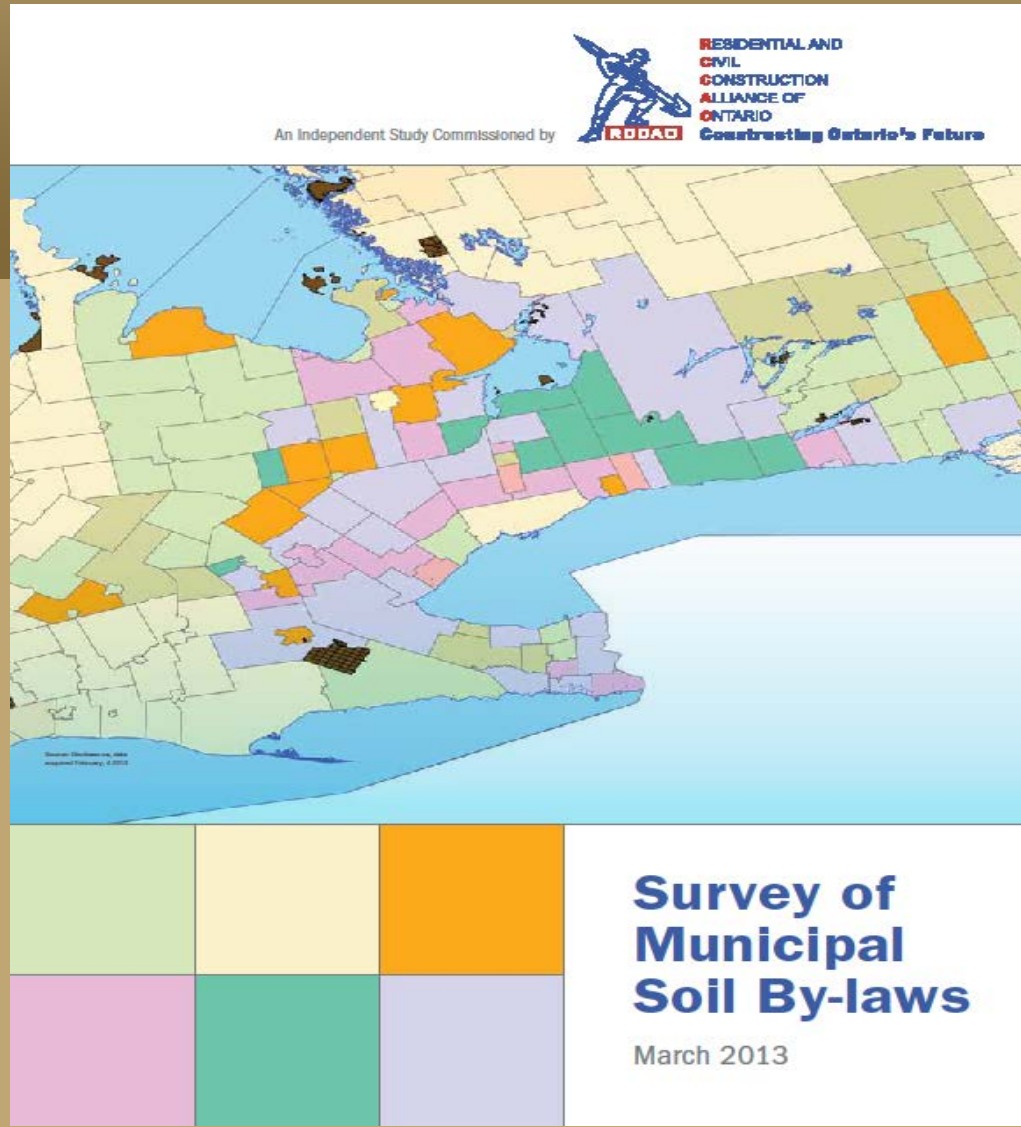






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An Independent Study Commissioned by



**RESIDENTIAL AND  
CIVIL  
CONSTRUCTION  
ALLIANCE OF  
ONTARIO**  
**RCCAO** *Constructing Ontario's Future*



**Best Management Practices for Handling Excess Construction Soils in Ontario**

Version 1



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# Ontario MOE

## Management of Excess Soil

### A Guide for Best Management Practices

Jonathan Fernandes  
Ontario MOE





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### Legal/ Regulatory Theme

(1) There were a couple of questions regarding “why a BMP guideline and not a regulation” and what are the next MOE steps to clarify and position this fact?

- Legal concerns on how onerous this new “standard of care is” on parties involved in soil handling activities and how do you make BMP legally binding?
- Polluter pay and fairness principle, who is responsible to mitigate and remediate activities done under a guideline?
- How do you demonstrate in advance technical and financial means to assess and manage risks involved in handling excess soil?
- Without a regulation what is the “enforcement role” of the MOE and under what authority?

(2) Need discuss on the potential adverse physical and chemical effects of Excess Soil Management from three stages of generation, transport and temporary storage and filling in relation to the regulatory requirements, including land alteration bylaws, future land use planning, and landform conservation policies. How does this all come together? What is the process model for practitioners and municipalities to follow tied to regulatory compliance, planning and approval requirements?



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### Temporary Soil Storage Site Theme

(1) Wording in the Guide says that "Temporary Soil Storage Sites should not be established for a period greater than two years." With reference to both temporary soil treatment facilities and to permanent soil treatment and soil recycling centres. Municipalities will likely not go through onerous zoning by-law amendments for a site that will be open for only two years (or a little longer). To facilitate long term proper soil movement planning, a network of long term soil storage sites is required. What will the MOE do to encourage and support municipalities in developing and operating soil storage sites beyond two year temporary reference. Can this be expedited through the ECA or other appropriate approval pr



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### QP Training/Certification Theme

- (1) Will the MOE look at additional training or specialization, certification for QP's involved in handling excess soils. A number of active participants in the handling of excess soils are not P.Eng's
- (2) Will the MOE be doing any formal Municipal/ Developers/ Contractor training and outreach on the new BMP requirements ?



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### Technical Theme

– Generally a lot of questions along the lines that QP’s and practitioners need more clarification and supporting details, what is the MOE planning to do to support BMP implementation and the beneficial reuse of excess soils in Ontario ?

- Could the MOE please elaborate further on the Standards development rationale and the QP’s task of the site-specific assessment of the contaminant loadings in relation to that rationale?

3. - Could the MOE please provide quantitative and qualitative criteria for the exemption of small, low-risk or maintenance activities?

- Does the Guide apply to the mining operations?

- To establish a level-playing field for the QPs across the Province, will the MOE be preparing an Excess Soil Management Manual or supporting training material for both practitioners and municipalities?

Specifically referenced sections and pages of BMP.

(1) pg.4 – Aggregate exclusion Table 1/2

(2) pg. 6 – Beneficial reuse – need to clarify options beyond just berms ie. recommended use examples

(3) pg. 8 – Soil quality, where does “professional judgement” on a site specific basis apply and fit with O.Reg 511 RSC requirements ?



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### Technical Theme – Continued

(4) pg. 9 – Invasive Species – This is a new one versus original draft. Where is the supporting detail and reference to handle this? Need a lot more detail and specifics. What are the testing protocols and criteria/listing of species involved? What do you do with soil that exceeds whatever the criteria is?

(5) pg. 11&12 – Source Sites - Each load should be accompanied by documentation signed by the Source Site QP for intended Receiving Site – In the field this is logistically impractical if not impossible and has confidentiality issues involved. Also applies for temporary storage sites each load requirement and would have to be tied to municipal development Plan which has to be done in advance. Onerous and does not fit with planning, development approval process. Need to have professional judgement test or audit type mechanism to make this work .

(6) pg. 12 – Receiving Sites – Public Consultation – Requirements for importing soil are typically handled under site plan amendments through local municipality and their requirements. Will this be in addition to those requirements? Is this an additional public consultation requirement beyond normal development plan activities? Does it apply to temporary soil storage sites?

- Appropriateness of Receiving Site- Should this not be part of the Development Plan?

- Procedures to Prevent Introduction of Invasive Plant or Animal Species – How do you do this and where is the reference list or supporting guide ?





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### Technical Theme – Continued

(7) pg. 13 – Protocol for Incoming Excess Soil Specifics – As with each load signed QP documentation for source sites how would you realistically accomplish this and how would this be done for subdivisions? Contact signage for subdivisions?

Financial Assurance – This is an important one. When does MOE get involved and how will this be determined? Municipalities regulate soil importation through development plans. Will they request financial assurances – how, what formula and how much ?

(8) pg. 14 – Temporary Storage Sites – What is the MOE’s role in encouraging and approving these types of sites ? If financial assurance involved and what form would it take. What is the approval model to help municipalities approve temporary sites?

(9) pg. 17 – Reference to Rationale for the Development of Soil and Groundwater Standards for Use at Contaminated Sites in Ontario (April 15, 2011). Can the MOE seriously look at removing the SAR and EC from site criteria? From a risk based standpoint this is a low risk issue but has significant impact on the beneficial reuse of excess soils. An “adult conversation” is required regarding SAR and EC impacts.

Reference Section 6 O.Reg. 153/04 – Need to clarify the role of RA QP here. Can limits be raised for a site undergoing an RA ? Can existing RA sites take higher contaminated loaded soils?



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### Lessons Learned Region of Peel Temporary Soil Storage Site

- BMP – O.Reg. 153/04 – RSC – CPU Linkages
- Soil matching
- Testing protocols and risk management
- EC and SAR challenges
- Temporary storage approval process



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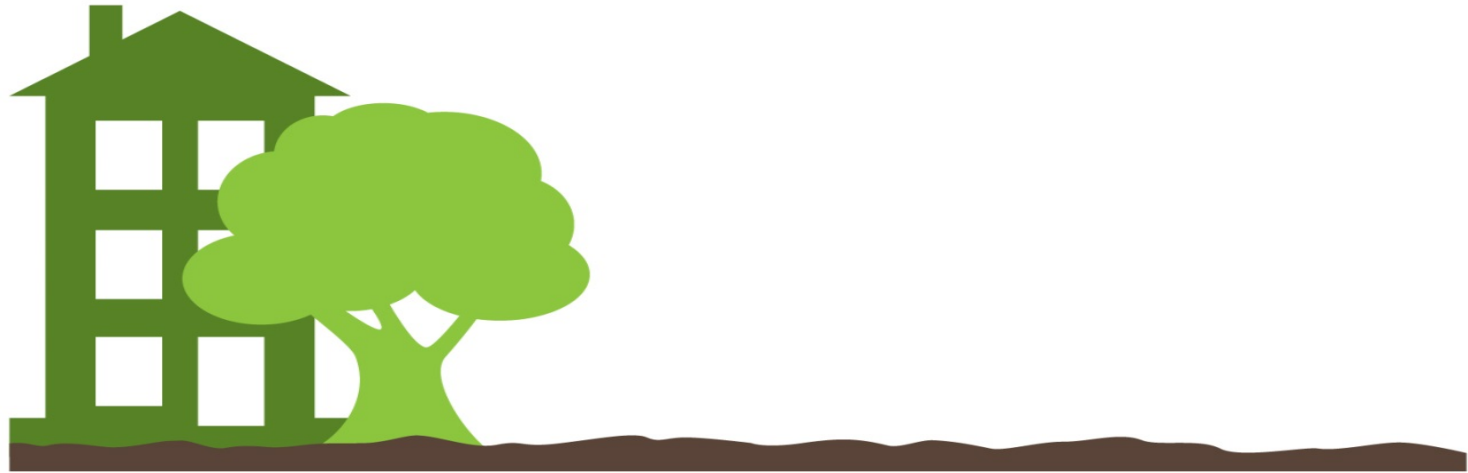


### City of Toronto Management of Excess Soil from Large Redevelopment and Construction Projects

- City of Toronto Planning and Growth Management Committee Item
- Adopted by City Council December 16, 17, 18, 2013
- Outcome of January 25, 2013 Large Scale Fill Soil Symposium held in Port Perry Ontario
- Involves 8 recommendations for adoption



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**SOiil**

Supporting Ontario Infrastructure Investments and Lands