



Excess Soil Key Info Sheet

What you need to know as an Infrastructure Project Leader

O.Reg. 406/19 is the Regulation that governs on-site and excess soil management in Ontario. The Ontario Ministry of the Environment, Conservation and Parks (MECP) has an informational website with links to various aspects of excess soil management here:

[Handling excess soil | ontario.ca](https://www.ontario.ca/handling-excess-soil)

O.Reg. 406/19 references another document called “Rules for Soil Management and Excess Soil Quality Standards”—this is often called the **“Soil Rules”**

The Soil Rules include various comparison tables called “Excess Soil Quality Standards” or ESQS, which are listed at the back of the Soil Rules document

A Qualified Person or “QP” is licensed under the Professional Engineer’s Act or the Professional Geoscientists Act (typically a P.Eng. or P.Geo.) and is experienced in environmental site assessment. A QP needs to be involved in the preparation of certain documents under O.Reg. 406/19.

Key information to provide your QP for Infrastructure Soil Movement projects:

- What are your Project Area limits (where is the site where you will be excavating soil)?
- How deep and where within your Project Area will you be excavating? What volume of soil do you expect to generate?
- How much of your excavated soil can you reuse on-site, and how much will have to go offsite? Try to maximize reuse of soil on-site wherever possible.
- What information do you know about your Project Area already: do you have any of these reports on hand: geotechnical report, hydrogeological report, environmental site assessments (Phase I or II ESAs), contamination overview study, soil sampling report, assessment of past uses, soil characterization report.
- Do you have another infrastructure project that requires fill?

You need to understand your excess soil quality so that it can be managed at an appropriate receiving site. This will require some level of due diligence investigation into soil quality. In some situations, a Notice will need to be filed on the **Excess Soil Registry** before soil can leave the site. This will likely require the completion of a series of reports known as the "Planning Requirements" by a QP.

Planning Requirements include:

- Assessment of Past Uses (APU)
- Sampling and Analysis Plan (SAP)
- Soil Characterization report (SCR)
- Excess Soil Destination Assessment Report (ESDAR)

The Project Leader files the Notice on the Registry, with support from the QP as needed. A tracking system must also be implemented if a Notice is filed.

Triggers for Planning Requirements and Notice filing:

- Cleaning up contamination
- Removing more than 2,000 m³ of soil within a settlement area
- Removing soil from a property that is or has been used for industrial use (including a rail line), a garage, a fuel or other bulk liquid dispensing facility, or a dry cleaners. Check what land you are taking adjacent to your road allowance.

There are rules for other aspects of soil management as well including:

1. On-site management of stockpiles (size and location restrictions)
2. Transportation of soil—dry vs liquid soil, truck design, hauling records
3. Record retention—site records for 7 years and haul records for 2 years.
4. Reuse of salt-impacted soil, allowed under certain circumstances, provided that:
 - a. Site is more than 100 m from a well or a property that would need a well
 - b. Site is more than 30 m from a water body
5. Processing liquid soil—some methods can be used on-site or at a transfer facility without additional approvals
6. Importing soil to your site—what to ask for:
 - APU, SCR, contact info for QP knowledgeable about the source site

Establishing a Class 2 Soil Management Site or Local Waste Transfer Facility:

- Provide written Notice to the **MECP District office**, do not need a waste ECA
- Allow 1-month advance notice to obtain acknowledgement to proceed

Contact a knowledgeable QP to talk through your project and understand your obligations.

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