

From: [ClerksExternalEmail](#)
To: [Chambers, Michelle](#)
Subject: Decision on Excess Soil Regulation Amendments
Date: April 25, 2024 10:37:50 AM

Greetings,

I am reaching out to share that Ontario has finalized amendments to O. Reg. 406/19: On-Site and Excess Soil Regulation (“Excess Soil Regulation”) and Rules for Soil Management and Excess Soil Quality Standards (“Soil Rules”). These amendments increase soil management flexibility and support greater reuse of excess soil from housing, infrastructure, and other construction projects.

To reduce burden and increase opportunities for beneficial reuse of excess soil, while protecting our province’s people and environment and working to stop the illegal dumping of potentially contaminated soil, Ontario has now made the following amendments to the Excess Soil Regulation:

- Enhanced usability of project leader-owned or controlled storage sites (Class 2 soil management sites and local waste transfer facilities) and soil depots to allow for larger volumes of soil being managed without requiring a waste approval, now up to 25,000 m³ with additional flexibility for public bodies, and having greater alignment of rules across sites;
- Increased opportunities for reuse of salt-impacted soil in lower-risk circumstances;
- Exempting specified small projects and undertakings (generating or reusing 5m³ or less) from hauling records, and clarifying required information and responsibility for hauling records;
- Exempting landscaping projects at enhanced investigation project areas from reuse planning requirements, as long as the area of excavation is assessed as not likely to be impacted by contamination;
- Clarifying the responsibility of the qualified person when substances such as polymers are used for dewatering or solidification of liquid soil;
- Enabling temporary storage of sediment and soil near waterbodies for projects excavating in or adjacent to that waterbody;
- Clarifying sampling requirements for tunnelling projects, salt-impacted soils, stormwater management ponds, and use of past sampling reports to avoid over-sampling; and
- Providing additional clarifications to assist with better understanding and

consistent implementation of requirements.

The ministry had also consulted on proposed amendments to exempt additional soil management depots from needing a waste environmental compliance approval while following regulatory rules (i.e., aggregate reuse depots and small liquid soil depots), as well as proposals to file notices on the Excess Soil Registry for these depots and other existing sites. Based on the feedback received suggesting that more consideration and detail on the operational requirements is needed, the ministry has not yet finalized its decision on these matters.

More information on the finalized amendments may be found in the [decision notice](#) posted on the Environmental Registry. Links to the regulation and Soil Rules as well as existing guidance to help understand the regulatory requirements can be found on MECP's [Handling Excess Soil website](#). For information on using the Excess Soil Registry, please refer to the [Resource Productivity and Recovery Authority website](#).

MECP will continue to work collaboratively with stakeholders and Indigenous communities on implementation of these amendments and the Excess Soil Regulation in general.

Please pass this information along to colleagues, members of your organization, other organizations and anyone else that may be interested.

We would like to thank everyone who took the time to share input on this proposal. If you have any questions or would like to discuss these amendments or other aspects of the Excess Soil Regulation and Soil Rules, please contact Reema Kureishy or Chris Lompart at MECP.LandPolicy@ontario.ca.

Sincerely,

Original Signed by:

Robyn Kurtes

Director, Environmental Policy Branch

Ministry of the Environment, Conservation and Parks