Excess Soil Engagement Group - May 22 2024

22 - 22 May 2024

Poll results

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What should a revised proposal address to ensure the proposed small liquid soil depots are practical, result in greater reuse of excess soil, and provide assurance of appropriate practices?

0 1 3

(1/5)

- I like the EASR comment
- Alignment of XS Soil rules and O. Reg 347 requirements.
- this is a necessary solution for managing liquid excess soils in all areas outside of the GTA where there are few centralized receiving sites for liquid soils. provide flexibility on methods for managing the liquid soils particularly the water management. audits or annual reporting can be considered for assurance activities
- Definition of excess soil has slump ratio and if it does not meet that no one wants it. Why would any one want the

What should a revised proposal address to ensure the proposed small liquid soil depots are practical, result in greater reuse of excess soil, and provide assurance of appropriate practices?

0 1 3

(2/5)

material? The water coming out of the soil won't meet sewer bylaw requirement as well. Significant cost to treat the water as well.

- while greater flexibility is required- it should only come with a robust audit process. Should also require insurance
- the practicality comes in by having many of these small depots, so travel distances to dump are not onerous.
- I think the RPRA registry process remains the best tool for communicating who the contacts are and what standards apply. You could add that FMPs or similar procedural documents need to be made available through RPRA to allow better auditing oversight from the MECP or other authorities having jurisdiction
- Considerations should enable the management of

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0 1 3

(3/5)

liquid soil from emergency infrastructure projects and not limit or make impractical the emergency response.

- Cannot answer this question as filling in for another person.
- Provide for greatest flexibility possible/appropriate on where such facilities can be opened. Set clear performance objective criteria to mitigate adverse impacts resulting from wet soils being placed on the site. Permit characterization of environmental quality of liquid soils at the depot sites.
- - Explore use of dewatering bags and sand as amendments - Reduce likelihood of water runoff (methods) - Would this include sediment from stormwater ponds? If yes, then

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0 1 3

(4/5)

clarify end use of this dewatered material. Sometimes these might not be geotechnically suitable even if it meets the excess soil reuse criteria. Amendment for compost?

- Truck traffic, using a typical soil quantity will be magnified for liquid soils because a typical truck could be mostly water.

Containment of liquid when dewatering is in progress to make sure that the dewatering process doesn't result in nuisance to surrounding properties.

- loosen rules on Liquid soils - QP evaluated and approved liquid soil should be permitted on licensed pits and quarries or reuse sites.
- Use by rule ... definitely have to register the site and operation -

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(5/5)

0 1 3

EASR type rules that have to be followed or site is closed!

What should a revised proposal address to ensure the proposed aggregate reuse depots are practical, result in greater reuse of excess soil, and provide assurance of appropriate practices?

0 1 4

(1/5)

- Permit mixing of materials to allow final product to meet gradation requirement (e.g., OPSS 1010)
- MECP with OPSS to explore areas of standard specs where aggregate reuse would be acceptable and appropriate
- Salt remains a challenge particularly the 100 m setback from potable wells. It would be helpful to allow a QP to consider (using lines of evidence) things like direction of groundwater flow and/or properties of aquifer (e.g. presence of an aquitard and depth of potable wells) to evaluate potential for adverse impact to potable wells
- Recognize that aggregate materials often contain materials that would, if being used as general fill (classical

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0 1 4

(2/5)

excess soils), be considered deleterious (recycled concrete, asphalt, even slag is permitted under OPSS 1010). Therefore provide a clear distinction between reuse of materials as subbase materials (e.g., below asphalt surfaces) vs. general fills. Limit analytical environmental characterization to general fills, NOT subbase materials.

- There is background boron in rock in GTA which exceeds excess soil criteria. Can the limit be changed?
- Must allow re-use if aggregate containing inert “waste” i.e., glass, concrete, brick, etc at __%’s Bonus points if contamination associated with asphalt (phcs) are allowable at higher concentrations than in the current SCS tables
- Clearly define source of the aggregate, whether it is concrete, asphalt or excess soils. Sampling,

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(3/5)

storage as per the soil rules etc are not required for crushing and reusing asphalt.

- aggregate is a natural resource, and aggregate products require blending of different resources, both virgin and excess soil. As such the needs to be flexibility to use this material as needed to create products that meet specifications.
- regulate the use of recycled concrete in the aggregate to be re-used.
- A lot of aggregate that is being excavated from infrastructure works is co-mingled with asphalt (e.g. pulverized) which can lead to elevated PHC concentrations. Perhaps consideration of guidance/exemptions to allow reuse of this material in areas anticipated to be impacted by similar processes (e.g. other roads, parking lots etc).
- The amendment needs to

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(4/5)

tread carefully on geotechnical suitability of reuse material and testing of environmental quality. Many aggregate samples will not meet ESQS or SCS, but would be fine to reuse as aggregate. However, aggregate moved about might be difficult to characterize for geotechnical properties. This will need a geotechnical solution, not necessarily an environmental quality solution.

- What is stopping aggregates from being reused? For example, is it being mixed with other materials that makes it inappropriate for reuse?
- Construction processes and education to ensure road base is not commingled during excavation... more education of municipalities on this use. Geotech considerations here. Involve Ossga and municipalities
- Clear definitions of

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(5/5)

what constitutes aggregate vs soils rather than just pointing to the O. Reg. 153/04 definition of soil

- I remain concerned that applying the ESQS to crushed rock is going create issues with natural concentrations in soil vs rock. There need to be considerations added to consider sand separately from soil as it is another valuable aggregate resource
- Do not require analytical testing Recognize there will be de minimize fines that are not likely to cause adverse effect in Aggregate reuse scenarios

How prepared do you think the industry is for the upcoming landfilling restriction?

0 2 0

(1/6)

- The infrastructure construction cost are increasing due to this policy
- Industry is wondering what will happen with soils that meet Table 2.1 rpi but that reuse sites cannot be identified. For example, soils that are aesthetically objectional, but are in fact analytically acceptable
- The regulation makes windfall profit for soil brokers. There is no competition in the market
- Pits and quarries alignment is needed
- to assist with capacity issues
- There are not enough sites that can accept Table 3.1 ICC ESQS material and it takes too long to get new sites on-line. It takes time to create the infrastructure of reuse sites and it looks like it should be measured in 5 year timescales rather than year over year.
- The soil brokers going to send the soil to remote landfills (Beyond possibly Ontario) and charge more? The

How prepared do you think the industry is for the upcoming landfilling restriction?

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(2/6)

cost of home building will increase. This does not work with provincial mandate to reduce home cost

- Not certain that all of industry or others are aware of the landfilling restriction. It would be helpful to understand the Ministry's plans to communicate this with the municipal governments, councils, chambers of commerce, etc.
- The industry is unprepared, further education is required for the different parties involved in soil management. There is lack of infrastructure that allows for 'soil matching ', allowing RPRA datasets to being downloadable or mapped would helpful towards this
- not at all. not aware of upcoming restriction, and not prepared with alternatives. until there are more usable, available excess soil receiving locations for all work that is not a large project (with an excess soil plan), this will be a significant challenge.
- I would be interested in understanding the

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(3/6)

current disposition of soils that will be subject to the restrictions before the restriction comes into effect. We have put out calls for materials that meet Table 2.1 ESQS for RPI land uses and get no response to our reuse requests.

- Can you clarify - the restriction does not apply to Class I soil treatment facilities?
- Here in the wild-west of Ontario, by that I mean west of RMOWaterloo, there appears to be ZERO understanding of the ES Regulation and Rules.
- Not well prepared. Significant education needs to be provided along with reuse alternatives. Are there any metrics on the quantity of soil that will have to be redirected as a result of this change
- There are too many restrictive processes preventing soil reuse (site alt, municipal approvals, registration). Contractors will be ill prepared to reuse soil. Although it is

How prepared do you think the industry is for the upcoming landfilling restriction?

0 2 0

(4/6)

beneficial that soil won't be taken to landfills, the MECP should work with municipalities for streamlined site alt agreements and approvals to allow for faster reuse.

- Based on the industry's response to excess soil, I don't believe that they are prepared. However, we support this initiative. Would it be possible to use soil that meets Table 3.1 for landfill covers in non-potable areas?
- The concern is the development of Soil Banks to fill the gap. There are seasonal weather restrictions or lack of developments which may limit available receiving sites.
- Some waste receiving facilities are uncertain how they are expected to manage incoming shipments of soil - do they need to conduct their own testing to confirm that it does not meet Table 2.1 reS?
- There is insufficient landfill capacity and reuse sites in Ontario.
- The test for geotechnical unsuitability is too

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(5/6)

high. Does not need to be a "safety" issue to prevent reuse, just needs to be geotechnically inappropriate for reuse.

- For those who are already complying with the regulation, I think most are ready. For everyone else, it will be a devastating shock when they get turned away at the landfill.
- Not at all, lack of alternatives/transparency of alternatives for the soil to go to.
- municipalities have been reaching out to our company asking for solutions.
- This will create a chaos and the limited number of brokers will increase the cost.
- Not at all ... coming fast. Education and outreach with guidance and fact sheets need to be done now ... nothing occurs in summer so the fall with be a crazy time around this
- Not at all. There is panic starting to set in for planning in 2025. There are not enough reuse sites.
- Among project leaders, the upcoming restriction

How prepared do you think the industry is for the upcoming landfilling restriction?

0 2 0

(6/6)

is generally not well recognized.
They don't know it's coming and so they aren't particularly prepared

- i think Municipalities will be in a really tough spot.
- Not at all.
- not very much. Further engagement with landfill operators is required.

What type of additional guidance/outreach might help when implementing this restriction?

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(1/7)

- There are a very limited number of landfills in Ontario. The MECP should undertake audits of existing facilities to understand how much Table 2.1 soil is currently being directed there and determine if this restriction will actually be helpful
- Education is not the solution. Real issues needs to be addressed
- simple plain language educational materials available to all on website. support the development of alternative solutions (creating guidance on how to permit, etc.) that encourage the development of businesses to provide alternative options for soil reuse
- I think municipalities are being left as the “bag holders” of this regulation in terms of determining how to manage a problem they did not need to consider before. They tend to be

What type of additional guidance/outreach might help when implementing this restriction?

0 2 2

(2/7)

the main generators of excess soil while also needing to decide where soil can go in their jurisdiction. I hope there are dedicated regular consultations with municipalities so they can adequately plan.

- focus is not on landfills but on options for legitimate options
- The Ministry has limited tools at its disposal. A long lead-in has been provided for the prohibition.

Unfortunately, the vast majority of project leaders aren't really paying attention to these issues, and are only ever going to learn of the prohibition once it actually affects them. That being said, I would encourage the Ministry to continue with fact sheets, discussions with municipalities, construction associations, developer groups, etc.

- Provide alternatives and case study material when doing educational sessions

What type of additional guidance/outreach might help when implementing this restriction?

0 2 2

(3/7)

that demonstrate best planning and beneficial reuse practices (Carrot) Provide examples of real penalties that have been imposed upon those who have not adhered to compliance (Stick)

- Q&A document that outlines the Regulation, what is happening with the changes, what needs to be done, who can be contacted and the importance of the changes. The RPRA registry needs to be mentioned and the Ministries on the call should be doing similar outreach using a common document so that there is consistent information. A helpline to address any questions.
- Clarification on the geotechnical unsuitability requirement for determining that the material can only go to landfill vs a reuse site. Geotechnically suitability may differ from

What type of additional guidance/outreach might help when implementing this restriction?

0 2 2

(4/7)

site to site, is this referring to suitability at the project area, or is there an average standard we are supposed to compare to?

- Fact Sheets catered to different parties in soil management MECP-led education sessions Discussions/working groups prior to and after implementation
- Talk to landfill owners. find out who brings them soil. Lnadill then hands them a fact sheet next time they come through the gate with soil
- Out reach is not a solution. We need Province to provide areas where excess soil can be stored.
- Recommendations/options on where to take 3.1 soil that isn't a soil processing site. 3.1 industrials are hard to find. Processes for streamlining and standardizing approvals for reuse, including at the municipal level. Currently municipalities can ask for whatever they want and slow down the process. Especially problematic where reuse sites are limited.

What type of additional guidance/outreach might help when implementing this restriction?

0 2 2

(5/7)

- Stakeholder-specific supporting materials. Flowcharts/checklists/SOPs for each type of user - haulers, developers, municipalities, consultants.
- Voluntary no-risk inspection opportunities
- Start to develop policies that encourage municipalities to use excess and recycled soils in building permits. There is an inconsistent trend across ontario where some do and some dont and if we want to hit housing targets, recycled and excess soil is the only way to ensure this will happen
- If there is a lack of options for soil other than landfill, no education or outreach can fix the issue. There needs to be a push on the market side to develop options for all various types of soil materials
- Project leader education, particularly municipalities. Many rely on the fit state of repair exemption, and

What type of additional guidance/outreach might help when implementing this restriction?

0 2 2

(6/7)

do no or limited sampling, this often leads contractors to carry landfill as default

- You will always miss some people, but reaching out through the consulting and BUILD, municipal engineering organizations and other development/infrastructure communities would be a good start.
- Letters to local Councils to ensure bylaws are up to date.
- Adding a mapping function to identify the locations of excess soil generating and receiving sites from the RPRA registry would be beneficial in helping generators find alternatives to landfill disposal.
- education on RPRA reuse site registration as a place to find legitimate beneficial resuse options
- There is room in the market for a really good soil matching program - the fact that soil brokers still exist is clear proof. But it needs

What type of additional guidance/outreach might help when implementing this restriction?

0 2 2

(7/7)

to include much more than analytical - also timing (real time), geotechnical, aesthetic considerations, searchable, mappable. Likely not best implemented by the province, rather private industry.

- Landfilling should continue up to 2030 and if there are willing takers. Where will the wet or liquid soil go. The cost of treatments are not sustainable to build infrastructure
- Clear and concise guidance documents - in plain English. Radio ads
- Any/all construction associations in Ontario need to be notified, it is the contractors bidding on jobs that need to understand this most of all.
- Fact sheets, discussion with Landfill industry associations, general industry awareness,
- No amount of outreach will help

What regulatory or other opportunities (e.g., guidance) can enable greater reuse of excess soil?

0 2 0

(1/7)

- Redefine fit state of repair - will help limit this exemption and registry filings etc
- Better clarity on the QP status, more geotechnical engrs and ecologists are reporting on soil chemical quality data but have no experience or qualifications to do so.
- Provincial identification of soil needed for large infrastructure projects
- Can you provide clarification from the earlier point on current land use needing to be considered when applying the ESQS? What is needed to support that soil is being imported for a future development?
- support more Table 3.1 reuse options not just Table 2.1
- Prevent consolidation of the industry
- Create a consortium of project leaders to kick start reuse opportunities between projects. Part of the

What regulatory or other opportunities (e.g., guidance) can enable greater reuse of excess soil?

0 2 0

(2/7)

challenge is aligning soil quality, quantity and timing of availability between projects to enable effective reuse

- Greater education about processing opportunities either through Class 1, or existing exemptions (e.g. screening) to facilitate reuse of soil that is otherwise being removed for geotechnical reasons (E.g. road base contaminated by fines).
- We are collecting a massive amount of data on soil quality across the province which could be used to inform standards at both a provincial and regional level. Is anyone consolidating this information to inform our decision making?
- Any possibility of excluding asphalt from impacting soil quality. It is very common that PAH from asphalt cause the soil to exceed all Tables and therefore

What regulatory or other opportunities (e.g., guidance) can enable greater reuse of excess soil?

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(3/7)

has to be landfilled. Until the presence of asphalt in soil is addressed there will still be massive amounts of soil landfilled that could be reused.

- In the long term, the ESQS will need to be amended to remove the excessive conservatism associated with their derivation, as well as the issues associated with applying OTR sampling results to bedrock. In the interm. there needs to be guidance provided to industry about the use of backgrouund exemptions, as well as evaluation of PHC F2 laboratory results to ensure than non-petrogenic impacts are not being considered exceedances of ESGS (the QP community needs to be involved, since QP conservatism is one of drivers of this issue).
- It would be helpful to understand what issues or the opportunities that the MECP has identified for greater reuse of excess soil.
- Can MECP provide land where soil can be stored?

What regulatory or other opportunities (e.g., guidance) can enable greater reuse of excess soil?

0 2 0

(4/7)

- continue the work to simplify requirements for specific low risk activities. have more EASR options. support the development of tools to enable business opportunities for soil transfer and reuse
- Less hurdles for reuse site to apply Table 3 non-potable standards. Many reuse sites in non-potable areas are defaulting to Table 2, as there is no incentive for them to take on more work and follow through with requesting permission from the municipality, conducting well surveys etc just to allow them to apply Table 3
- Parameters, parameters, parameters..... relax the requirements... does not make sense in having strict parameters when the natural soil exceed the parameters
- If an owner of vacant future development property does an engineering study that determines that

What regulatory or other opportunities (e.g., guidance) can enable greater reuse of excess soil?

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(5/7)

the property would need to be raised for optimal development, what, from a Provincial standpoint, would prevent the owner from accepting soil onto the property even before a development application is made? This could open up opportunities for local beneficial reuse.

- See prior comment RE: salt impacted soil and consideration of allowing a QP to gather other lines of evidence to evaluate for risk to potable well users. Efforts to support characterization and communication of regional understanding of background soil quality would be extremely helpful. Consideration of exemptions for like to like uses (e.g. soil and granulars from roads mixed with pulverized asphalt).
- Recent project - attempted to set up a temporary soil depot at a private property due to proximity to the municipal infrastructure project.

What regulatory or other opportunities (e.g., guidance) can enable greater reuse of excess soil?

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(6/7)

However, the O.Reg. 406/19 requirements were too onerous and the municipality opted against this option (which would have saved on trucking)

- Change the PHC F2 standard to increase opportunities for reuse.
- Municipal approvals strealining Go back to old tables (table 2 etc). Elimintate 2.1 etc. Increased functionality of RPRA showing reuse sites Enforcements so more sites register Make O. Reg 406/19 easier to understand for the layman
- More visible enforcement. If the community sees the infractions, and the ones complying (and how they do it), then there will be more compliance.
- Relax the standards. The soil in Ontario has parameters that exceed naturally and no one wants the soil or the cost is very high. Need a thorough review of the parameters if the MECP wants to promote reuse.
- Mapping similar to Access Environment for the RPRA Excess Soil Registry

What regulatory or other opportunities (e.g., guidance) can enable greater reuse of excess soil?

0 2 0

(7/7)

- PHCs F2 and other limiting contaminants should have a potential reuse opportunities such as those like salt - this will assist with landfilling issue when F2 is the limiting factor
- Develop table for soils within Niagara Escarpment lands with naturally occurring elements to enhance beneficial reuse
- getting municipalities to accept recycled and excess soils in building permits
- Creating and updating on a regular basis FAQ. Not just the fact sheets. Ensure that all FACT Sheets are posted
- The ability for Source Sites to apply risk based standards without relying on reuse sites to complete BRATs.
- Soil matching maps
- When it comes to the background standards discussion, is there any repository on soil quality data being maintained?