



Member Bulletin

October 22, 2024

Province Announces New Amendments To Excess Soils Regulation (O.Reg 406/19)

The Government of Ontario has introduced a new set of regulatory amendments to the Excess Soils regulation (O.Reg 406/19). This regulation has been phasing in to place over the last five years, with the final phase set to take effect on January 1, 2025. These new amendments make a number of adjustments, including extending the Phase 3 implementation until January 1, 2027. The intent of these changes is to further encourage the beneficial reuse of excess soils.

Changes include:

1. Landfilling Restrictions Delayed

- The amendment postpones the restriction on landfilling excess soil that meet residential standards until 2027 (presently set to take effect on January 1, 2025).
- Certain soils, like those with invasive species or geotechnical instability, can still be landfilled after this date if reuse is unsafe.

2. Soil Depots for Engineered Aggregate Products

- Facilities handling excess soil to create engineered aggregate products for roads or buildings are exempt from waste Environmental Compliance Approval (ECA) requirements. These depots can process and store excess soil (up to 25,000 m³), facilitating its reuse in infrastructure projects, while ensuring soil quality standards are met.
- This provision reduces barriers for reusing excess soil in infrastructure construction, especially for roads, as it allows reuse of soil mixed with recycled materials like asphalt or concrete.

3. Reuse of Stormwater Sediments

- Excess soil from stormwater ponds used in infrastructure projects is provided flexibility regarding quality standards for contaminants related to asphalt roads.



- This benefits road construction and maintenance projects by easing restrictions on using soil impacted by road activities, such as tire wear or asphalt runoff.

4. Coordination Between Infrastructure Projects

- Soil reuse between similar infrastructure projects (e.g., road-to-road) under the same project leader is simplified. Soil can be moved and reused between project sites without additional regulatory burdens, as long as it meets specific criteria.
- This reduces the need for complex soil tracking and reporting, promoting efficiency in large infrastructure undertakings.

5. Reduced Reuse Planning Requirements

- Excess soil moved between infrastructure projects will be exempt from detailed reuse planning (e.g., sampling, tracking), simplifying the soil management process.
- This applies particularly to public infrastructure projects, reducing administrative tasks while ensuring environmental safety.

6. In-Situ Sampling for Stormwater Sediment

- Infrastructure projects involving stormwater management can sample sediment in place before removal, speeding up soil testing processes and reducing costs for infrastructure projects dealing with water management.

7. Regional Soil Quality Mapping

- The proposal suggests using regional mapping to establish natural background soil quality standards, which could be applied to infrastructure projects. This would help in reusing excess soil in areas where natural contamination exceeds regulatory limits.

By delaying landfill restrictions, exempting certain depots from waste permits, and simplifying the reuse planning process, the amendments aim to further reduce regulatory hurdles for reuse.

To review the proposed amendments in more detail and to provide your feedback, please visit [ERO #019-9196](#) on the Environmental Registry of Ontario.

OSWCA will be developing a submission and encourage anyone interested in providing feedback to email Stephanie Bellotto (stephanie.bellotto@oswca.org) with your thoughts and comments by **no later than Thursday, November 14th**.