



MOE Encourages Industry, Municipalities and Conservation Authorities To Implement New Voluntary “Excess Soil” Guidelines

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The Ontario Ministry of the Environment (MOE) has released new voluntary guidelines for the handling, transport and temporary storage of “excess soil” generated during construction or redevelopment activities (Guidelines). The MOE is encouraging municipalities and Conservation Authorities to consider the [Management of Excess Soil – A Guide for Best Management Practices](#) when establishing by-laws and issuing permits or approvals. The MOE anticipates that industry will develop complementary codes of practice to support the Guidelines.

Excess soil is excavated, usually during construction, and moved off-site to be stored temporarily; reused at another development or commercial fill site; or processed, treated and/or disposed at an MOE-approved site.¹

MOE Recommendations

The MOE is encouraging owners/operators of both soil source and receiving sites to engage a Qualified Person (QP) to undertake a risk assessment of the proposed reuse opportunities, based on the analysis and characterization of the soil and the pre-existing condition at the receiving site.

In addition, the MOE recommends

- ◆ that each load of excess soil removed be accompanied by documentation (signed by the source site QP) that includes appropriate and representative soil analyses
- ◆ not mixing and diluting contaminated soils to reduce the concentrations of contaminants
- ◆ tracking all shipments and retaining records retained for at least seven years after the completion of all excess soil management activities or their removal from a temporary storage site
- ◆ identifying, mitigating and/or eradicating invasive species in excess soils
- ◆ that owners/operators of potential receiving sites conduct public consultation, as well as proactive engagement with First Nations and Métis communities and other stakeholders

¹ Soil treatment or processing facilities are not covered by the Guidelines and are subject to Environmental Compliance Approval requirements.

- ♦ not establishing temporary storage sites for more than two years, and ensuring that all activities are overseen by a QP. The Guidelines suggest operational best management practices for storage sites.

Limitations of the Guidelines

The MOE says the Guidelines “will provide essential guidance for site owners, developers and contractors and will promote a consistent approach to managing excess soil across the province.” However, the Guidelines do not provide an overall regulatory framework for soil management in Ontario, nor do they clarify when an excess soil is a “waste.” Standards that could be used to assess the suitability of excess soils sent to receiving sites are also “outside the scope of the guide.”

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