

EXECUTIVE OVERVIEW

CHAPTER 3 – 3.7 Excess Soil Management

SUMMARY

The management of *excess soil* is critical to protect human health and the environment as our communities grow. *Excess soil* is soil that is not required at a construction or development site and must be moved to a new, off-site location. In some cases, *excess soil* may be temporarily stored at another location before being brought to a receiving site.

Provincial direction encourages on-site and local reuse of *excess soil* and requires best management practices for *excess soil*. Provincial direction for *excess soil* is new and has not been previously addressed in the Regional Official Plan.

- Excess soil is a multidisciplinary issue with implications for growth and development, agricultural land, the natural environment system, and transportation.
- The Provincial Excess Soil Management Policy Framework (2016) proposed a number of policy changes to create a life-cycle management approach to *excess soil* management. This includes placing greater responsibility on source sites, where soil is excavated and recognizing opportunities for *excess soil* re-use.
- Ontario Regulation 406/19: On-Site and Excess Soil Management established rules for when excess soil is not a waste and outlines soil quality standards for beneficial reuse. The implementation of this regulation is staggered beginning in January 2021.
- The policies in the Niagara Official Plan for excess soil management implement best management practices as outlined in the Province's Management of Excess Soil- A Guide for Best Management Practices (BMP).
- Policy direction for this chapter includes reusing excess soil on-site or locally where possible during development or site alteration and direction to local municipalities to implement best management practices and update site alteration and fill by-laws in accordance with the Municipal Act.

A Draft Policy set is provided with this sub-section document.

Integration Guide for Sub-sections Reported in PDS 32-2021			
<input checked="" type="checkbox"/>	Regional Structure	<input type="checkbox"/>	Archaeology
<input type="checkbox"/>	Housing	<input type="checkbox"/>	Employment
<input type="checkbox"/>	Land Needs	<input checked="" type="checkbox"/>	Agriculture
<input type="checkbox"/>	SABR	<input checked="" type="checkbox"/>	Aggregates
<input checked="" type="checkbox"/>	Transportation	<input type="checkbox"/>	Natural Heritage incl.
<input checked="" type="checkbox"/>	Infrastructure	<input type="checkbox"/>	Water Systems Options
<input type="checkbox"/>	District/Secondary Plans	<input type="checkbox"/>	Watershed Planning
<input type="checkbox"/>	Urban Design	<input checked="" type="checkbox"/>	Climate Change

OVERVIEW

Excess soil is defined as soil, or soil mixed with rock, that has been excavated as part of a project and removed from the project area for the project (O.Reg 406/19). The need to properly manage excess soil has arisen due to the large quantities of soil being generated through site alteration and construction activities in Ontario.

Excess soil is a growing concern for rural municipalities as there have been cases of illegal dumping, impacts to ground or surface water quality, and impacts to natural and agricultural land. Other issues arising from excess soil include contaminated soil when not properly managed, transportation of excess soil causing damage to roads and increased greenhouse gas emissions, and the introduction and spread of invasive species.

The Excess Soil Management Policy Framework document was prepared by the Ministry of the Environment, Conservation and Parks (MOECP) in 2016. This document identifies the need for a revised policy framework to manage excess soil with 22 key actions identified. Important to the updated policy framework is to provide for better life-cycle management, placing greater responsibility on the source sites, where soil is excavated.

Since the Excess Soil Management Policy Framework was published in 2016, there has been the introduction of excess soil re-use policies in Provincial planning documents, changes to the *Municipal Act*, a new regulation introduced under the *Environmental Protection Act (EPA)*.

Provincial land use policy direction emphasizes the need to incorporate best management practices into Official Plans for excess soil management. The Province prepared Management of Excess Soil- A Guide for Best Management Practices to provide guidance for handling excess soil when it is excavated, transported, received at a new site and where soil can be reused for a beneficial purpose.

Section 142 of the *Municipal Act, 2001* provides authority to local municipalities to establish by-laws to regulate the placement and dumping of fill. There are certain exemptions for sites licenced under the Aggregate Resources Act, normal farm practices, etc. However, changes have been made with respect to municipal site-alteration by-laws and conservation authority regulated areas. Municipal site-alteration by-laws now apply in conservation authority regulated areas, with repeal of section 142(8).

The policies of this chapter encourage local municipalities to create or update their site-alteration and fill by-laws in order to address the Best Management Practices on Excess Soil developed by the Province, changes to the *Municipal Act* in relation to conservation

authority regulated land, and the new excess soil management regulation under the *EPA*.

The attached Draft Policy, **Appendix 2.2** illustrates the direction the Niagara Official Plan is taking as it continues towards a completed final draft status.