
Subject: Excess Soils Management Policy

Report to: Public Works Committee

Report date: Tuesday, August 9, 2022

Recommendations

1. That the Excess Soils Management Policy, attached as Appendix 1, **BE APPROVED** and **ADDED** to the Corporate Policy Manual.

Key Facts

- The purpose of this report is to seek approval of the Excess Soils Management Policy and its addition to the Corporate Policy Manual.
- As noted in C-A-001-001 Corporate Policy Framework – Administrative Processes and Review, changes to corporate policies require the approval of Regional Council.
- The Ministry of Environment, Conservation, and Parks (MECP) proposed the On-Site and Excess Soil Management Regulation, now regulated in Ontario under O.Reg. 406/19 to promote sustainable excess soil management by reducing the volume of reusable excess soils disposal at landfills, reducing the truck traffic associated with hauling excess soils to these landfills, and instead to identify sites looking for excess soil for the ultimate beneficial reuse.
- The purpose of the Excess Soils Management Policy is to ensure compliance with O.Reg.406/19, and associated documents, and to make sure that there is a consistent approach to the management of excess soil by all departments responsible for the generation of excess soil.

Financial Considerations

There are no financial considerations associated with this report.

Analysis

In Ontario, all construction projects that generate excess soils are regulated under O.Reg. 406/19 On-Site and Excess Soil Management. The goal behind the regulatory framework is to promote sustainable excess soil management by reducing the volume of reusable excess soils disposal at landfills, reducing the truck traffic associated with

hauling excess soils to these landfills, and instead to identify sites looking for excess soil for the ultimate beneficial reuse.

As a significant generator of excess soils through various capital construction projects, Niagara Region must comply with O.Reg.406/19 and ensure that there is a consistent approach to the management of excess soil by all departments responsible for the generation of excess soil.

The Excess Soils Management Policy will apply to all Niagara Region staff, consulting firms, and contractors who are working on projects where excess soil is generated and unable to be managed on-site, as well as project areas accepting fill material.

Alternatives Reviewed

Not Applicable

Relationship to Council Strategic Priorities

The recommendation in this report align with the following Council Strategic Priority:

- Responsible Growth and Infrastructure Planning

By adopting this policy, Niagara Region is ensuring that all capital construction projects protect Niagara's natural environment through the responsible management of excess soils.

Other Pertinent Reports

Not Applicable

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This report was prepared in consultation with Frank Tassone, Associate Director, and reviewed by Carolyn Ryall, Director, Transportation Services.

Appendices

Appendix 1 Excess Soils Management Policy

PW 5-2022

Appendix 1

Policy: Excess Soils Management Policy

Policy Category	Name of Policy
Administrative	Excess Soil Management Policy

Policy Owner Chief Administrative Officer

Approval Body Regional Council

Approval Date

Effective Date

Review by Date

1. Policy

That Niagara Region staff, and consultants or contractors retained by Niagara Region, manage excess soil generated by construction activities in compliance with the requirements of O.Reg.406/19 - On-Site And Excess Soil Management (The Regulation) made under the *Environmental Protection Act*, R.S.O, 1990, c. E.19.

2. Purpose

The Regulation sets out a regulatory framework aimed at (i) clarifying the responsibility of those projects that generate excess soil; (ii) establishing clear requirements governing the sampling and analysis of excess soil; and (iii) tracking of excess soil from the time of excavation to the time it is deposited at a receiving site. The goal behind the regulatory framework is to promote sustainable excess soil management by reducing the volume of reusable excess soils disposal at landfills, reducing the truck traffic associated with hauling excess soils to these landfills, and instead to identify sites required for excess soil for the ultimate beneficial reuse.

To ensure a consistent approach to applying the requirements of The Regulation, by all departments responsible for the generation of excess soil, Niagara Region will develop, maintain, and update a corresponding procedure outlining Niagara Region’s approach for the implementation of The Regulation.

An Excess Soils Steering Committee will be created, and shall comprise of representatives from Construction Energy & Facilities Management, Legal Services, and Public Works (Transportation, Waste management, and Water and Wastewater).

3. Scope

This Policy applies to all Niagara Region staff, consulting firms, and contractors who are working on projects where excess soil is generated and unable to be managed on-site, as well as projects accepting fill material.

Policy Category	Name of Policy
Administrative	Excess Soil Management Policy

3.1. Roles and Responsibilities

3.1.1. Project Managers

Project Managers shall be responsible for ensuring that any construction project for which he/she has responsibility complies with this Policy and accompanying procedures.

3.1.2. Chief Administrative Officer

The Chief Administrative Officer will ensure that new, or updated, procedures related to this Policy are approved as required.

3.1.3. Legal Services

Legal Services shall provide guidance, as required, on the applicability of O.Reg 406/19 to a particular project.

3.1.4. Excess Soils Steering Committee

The Excess Soils Steering Committee shall meet on an as needed basis to review and recommend updates, and or changes to this Policy or corresponding Procedure(s).

4. References and Related Documents.

4.1. Legislation, By-Laws and/or Directives

- Environmental Protection Act, R.S.O. 1990, c. E.19
- O.Reg.406/19: On-Site and Excess Soil Management
- MECP document Rules for On-site and Excess Soil Management

4.2. Procedures

- C-A-000 Excess Soil Management Procedure

5. Related Policies

6. Document Control

The electronic version of this document is recognized as the only valid version.

Policy Category	Name of Policy
Administrative	Excess Soil Management Policy

7. Approval History

Approver(s)	Approved Date	Effective Date

Revision History

Revision No.	Date	Summary of Change(s)	Changed by