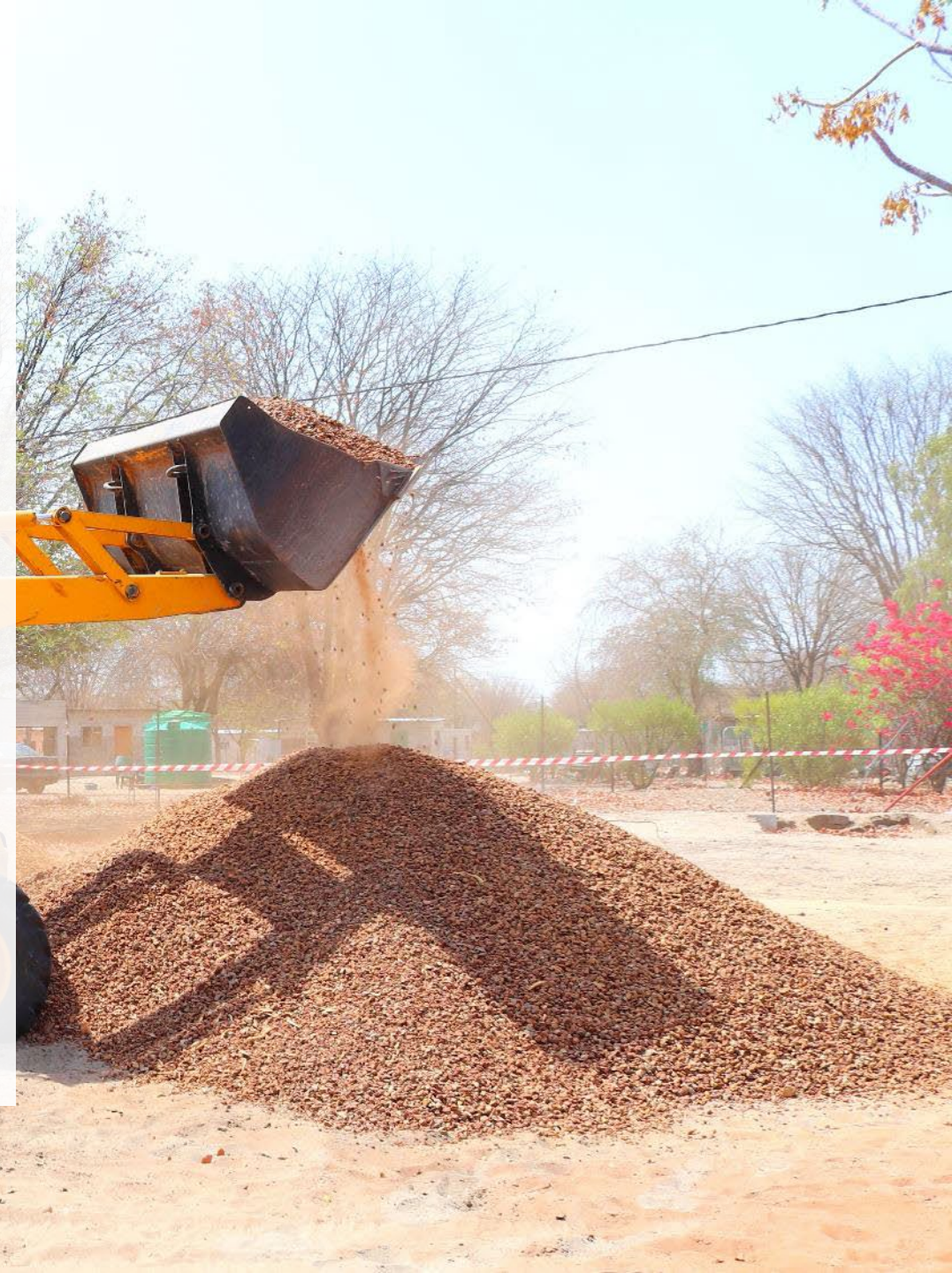


Understanding Ontario's Excess Soil Regulation's Notice Filing Requirements as a Municipality

RPRA's Circular Economy Learning Series

July 24, 2025



Agenda

1. Ministry Presentation

- Overview of the Excess Soil Regulation
- Who is required to file notices and when exemptions apply

2. RPRA Presentation

- RPRA's role in supporting Ontario's Excess Soil Program
- How to use the Excess Soil Registry
- RPRA's Program Fees
- Excess Soil Registry Resources and Support

3. Q&A



Excess Soil Registry – Overview of Regulatory Requirements

Disclaimer:

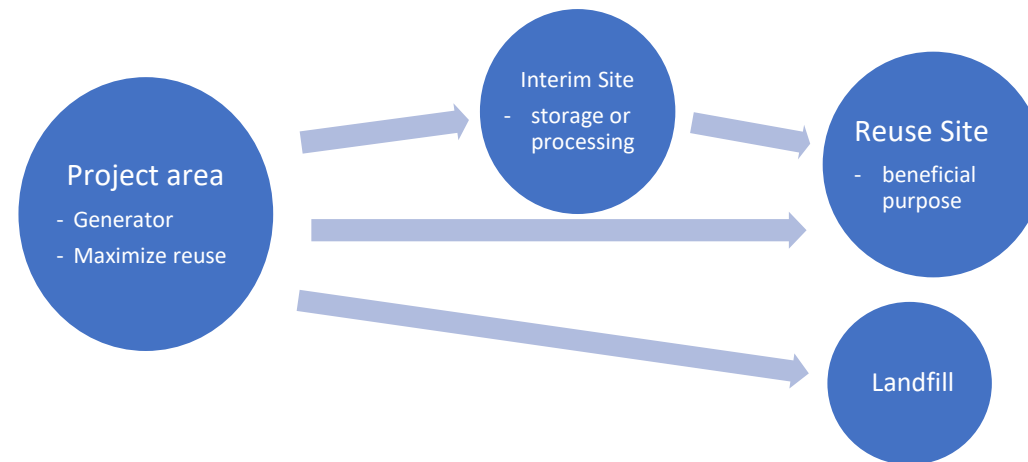
This presentation is intended to be a brief summary of some of the requirements of Ontario Regulation 406/19 - On-Site and Excess Soil Management (the Regulation) made under the Environmental Protection Act. This is for information purposes only and should not be construed as legal advice or substitute for seeking independent legal advice on any issues related to the Regulation. Any person seeking to fully understand how the Regulation may apply to any of the activities they are engaged in must refer to the Regulation. In the event of any inconsistency between the Regulation and this presentation, the Regulation will always take precedence.

Presentation Overview

- Overview of regulatory requirements and Excess Soil Registry
- Role of Resource Productivity & Recovery Authority (RPRA)
- Requirements for notices:
 - Projects
 - Reuse sites
 - Residential development soil depots (RDSDs)
- Appendices
 - A: Reuse planning requirements for projects - flowchart
 - B: Frequently asked questions
 - C: Schedule 2 exemptions from project notice filings
 - D: Information required for each notice
 - E: Additional resources

Overview of the regulatory requirements

- Excess soil is soil that is excavated at a project area and cannot be reused on-site; it includes soil from construction activities (e.g. buildings, infrastructure, stormwater sediment).
- [O. Reg. 406/19: On-Site and Excess Soil Management](#) (the Excess Soil Regulation) under the *Environmental Protection Act* (EPA), was finalized in December 2019.
- The Regulation recognizes reusable excess soil as a resource, and its reuse is encouraged either in the project area or for a beneficial purpose at a reuse site; if not beneficially reused, it's waste.
- To help achieve excess soil reuse and proper management, the Excess Soil Regulation includes exemptions and requirements that apply to:
 - **Project areas** that generate excess soil
 - **Reuse sites** at which excess soil is beneficially reused
 - **Interim sites** for temporary soil storage and processing
 - **Hauling** of excess soil
 - **Landfilling** of excess soil



Overview of the Excess Soil Registry

- A notice filing requirement, and other requirements such as sampling and tracking, are typically triggered for sites that have a greater risk of generating excess soil with contaminants, that have a greater need for information to inform soil reuse, and for which compliance may be a greater priority.
- The **Excess Soil Registry**, specifically, is an important aspect of the Excess Soil Regulation and is intended to:
 - Provide public transparency and accountability for those managing excess soil
 - Provide information to assist with compliance and enforcement
 - Be a potential resource for finding soil source or reuse sites
- The regulation requires notices to be filed on the Excess Soil Registry for the following:
 1. Larger or riskier **project areas**, being:
 - i. Industrial sites or gas stations
 - ii. Soil remediation sites, including Record of Site Condition (RSC) sites
 - iii. Larger commercial or community use sites
 2. Large **reuse sites**
 3. All **residential development soil depots** (a type of interim site for temporary storage and processing of soil)

Role of Resource Productivity and Recovery Authority (RPRA)

- The Registry is operated and maintained by the **Resource Productivity and Recovery Authority (RPRA)**
- RPRA is responsible for the implementation and maintenance of the Registry, for regulated persons to file their required notices as per the Excess Soil Regulation.
- RPRA's role includes the following:
 - Operate the Registry to enable regulated persons to comply with registration and notice filing requirements outlined in the Regulation
 - Enable public access to the information contained in notice filings
 - Support stakeholders with training and resources to enable effective and efficient use of the Registry
 - Enable the Ministry access to notice filings and associated data, including to support compliance efforts
 - Set and collect fees in a transparent and consultative manner to recover the costs for the Registry development, deployment and ongoing support to regulated persons

Notices for projects

Projects required to file a notice

Projects meeting any one of the following three triggers outlined in **subsection 8(1.1)** must file a notice in the Excess Soil Registry unless an exception applies:

1. Projects for which part of the project area has a past or present use that is an **“enhanced investigation project area”** (e.g., used for industrial use, as a garage, as a bulk liquid dispensing facility, including a gasoline outlet, or for the operation of dry cleaning equipment), which are sites often associated with contaminated soil
 - This does not apply if, prior to the excavation, an RSC was filed in respect of the enhanced investigation project area, there was no risk assessment as part of the RSC, and no part of the project area has been used since as an enhanced investigation project area. Industrial levels of contamination at these sites would likely have already been removed from these sites.
2. Projects **generating 2000m³ or more** of excess soil and that are **in a settlement area** (such as cities and towns)
 - This applies to sites used for commercial or community property uses. This does not apply if the project area is currently, or was most recently used for a residential, parkland, institutional, or agricultural or other use (as described in Ontario Regulation 153/04) as these property uses are of lower risk of containing contaminated soil
 - This does not apply to projects in rural areas outside of settlement areas
3. Project areas that are **being remediated by excavating and removing excess soil** in order to reduce the concentration of contaminants, including for the purposes of **filing an RSC**.
 - For example, a site intending to file a Phase 2 RSC that had to remove soil to be able to file that RSC (even if the soil is also to be removed as part of a development), must file a notice in the Registry before that soil is removed from the site.

Other reuse planning requirements

- The requirement for a project area to file a notice on the Registry typically triggers additional requirements:
 - Completion of an **assessment of past uses** and, if necessary, a **sampling and analysis plan** and a **soil characterization report**
 - Completion of an **excess soil destination report**
 - Development and application of a **tracking system**
- If these requirements apply and a qualified person (QP) is retained to complete these reports and assessments for the project, they must be completed before the notice is filed. The information from the reports will inform the required information to be included as part of the notice, such as the quality of the excess soil being removed.

If none of the triggers to file a notice apply to a project, then the reuse planning requirements are not mandated by the regulation.

Note that they may be followed as a best practice and **similar actions, such as sampling excess soil, may still be necessary to satisfy a reuse site or others that the excess soil being managed is in compliance with the regulation.**

If these actions are not being undertaken because of a regulatory requirement, they do not necessarily have to be completed to the extent set out in the regulation. **Discretion may be applied** by a qualified person and project leader, and **other industry best practices could be considered.**

Exemptions from notice and other planning requirements

- Some projects triggered to complete excess soil reuse planning requirements may be exempt; these exemptions reflect low risk scenarios, scenarios where delaying soil removal may cause a concern, or scenarios to help encourage reuse in similar projects
- These exemptions include the following (see **Schedule 2** of the regulation and Appendix C for the regulated wording):
 1. If **100 m³ or less of excess soil is being directly transported to a waste disposal site**, such as a landfill (this does not apply a Class 2 soil management site), or a local waste transfer facility
 2. The excess soil is excavated as a part of an **infrastructure project and is being reused (finally placed) as part of an undertaking related to another infrastructure project** with the same project leader or a public body
 3. **Projects related to maintaining infrastructure in a “fit state of repair”**, other than excavation of excess soil from a stormwater management pond (i.e. pond cleanouts)
 4. The **reason for removal of excess soil is to alleviate an immediate danger** to human life, health of any person, the natural environment, property, or to respond to a spill
 5. To **respond to an order**
 6. **Topsoil**, that is not from an enhanced investigation project area or remediation site, is **being reused as topsoil**
 7. **If 100 m³ or less of excess soil is removed from a landscaping project** from an enhanced investigation project area and is **confirmed by a QP to be unimpacted by contamination**

Timing of filing a notice

- A notice is required to be filed before the excavated soil or crushed rock is removed from a project area.
- The project leader may move excess soil to a Class 2 soil management site or a local waste transfer facility (i.e., sites under the control of the project leader) before a notice is filed, only if it is unfeasible to conduct the required sampling at the project area.
 - In this circumstance, the project leader must ensure that the **sampling is conducted promptly** when the excess soil is taken to the Class 2 soil management site or the local waste transfer facility and the notice must be filed/updated before excess soil proceeds from these sites to another deposit site.
- **Note that as a best practice,** a notice may also be initially filed in advance of soil moving to a Class 2 soil management site or a local waste transfer facility, and updated as needed with new soil quality information.

Notices for reuse sites

Filing requirements for reuse sites

- **Section 19** of the Regulation requires that, if a reuse site will be receiving at least **10,000 m³** of excess soil for final placement in an undertaking, before it can be received at the site, the owner or operator of the reuse site will be required to:
 - File a notice on the Registry
 - Establish procedures to account for every load of excess soil being deposited at the reuse site and ensure that the storage of excess soil does not cause any adverse effects. Owners or operators filing a notice are required to confirm through a declaration on the Registry that these procedures have been put in place.
- **Note:** if a public body has issued an instrument that regulates a reuse site (e.g. a municipal bylaw or permit under section 142 of the *Municipal Act*, or a permit or site plan under the *Aggregate Resources Act* for rehabilitation at a pit or quarry), registration requirements may still need to be fulfilled for that site.

Timing of filing a notice

- The notice must be filed before the site begins receiving the excess soil

Exemptions from notice requirements

- The requirement to file a notice as a reuse site **does not apply to reuse sites that are part of an undertaking related to infrastructure**
 - This exemption applies to infrastructure as defined in the regulation (e.g., roads, sewage works, drinking water systems, etc.) which requires excess soil
 - This exemption does not apply to “community infrastructure”, such as a library or city hall or airports, or for an undertaking such as a community centre development that may be using some excess soil for services (infrastructure) within that undertaking.
- **Transition exemption:** if the reuse site was accepting soil prior to January 1, 2023, and is receiving less than 10,000 m³ of excess soil after January 1, 2023, the owner or operator is not required to file a notice.
 - For example, if a site received 10,000 m³ of excess soil prior to January 1, 2023, and only received an additional 5,000 m³ after that date to fulfill the need for the beneficial reuse, they do not need to file a notice even though the total amount at the site has been more than 10,000 m³.

Notices for residential development soil depots (RDSDs)

Filing requirements for RDSDs

- RDSDs are temporary soil storage sites that store and manage excess soil that meets residential reuse quality standards.
- RDSDs are exempt from acquiring an environmental compliance approval, but regulatory rules must be followed (e.g., sites can only manage a maximum of 25,000m³ of excess soil).
- All RDSDs must file a notice in the Excess Soil Registry

Timing of filing a notice

- Before an RDSD can start to accept excess soil, a notice must be filed on the registry by the operator of the depot.
- If the depot was operating prior to January 1, 2023, then the notice must have been filed on January 1, 2023.

Additional information

Responsibility for filing the notice

Who is responsible for ensuring a notice is filed and for completion of declarations?

- **Project** – project leader
- **Reuse site** – owner or operator
- **Residential Development Soil Depot** – owner or operator

Can other individuals file a notice?

- An **authorized person**, being a person who has documented authorization from the responsible person listed above, to file a notice, may:
 - file the notice on behalf of the project leader or owner/operator
 - facilitates but does not sign declarations
- An authorized person could be a QP, a site operator, or another company contracted to manage the project for the project leader

Municipalities as project leaders, site owners or operators

- Where a municipality is the proponent for a project, they will be considered the “project leader” under the Excess Soil Regulation. “Project leader” means, in respect of a project, the person or persons who are ultimately responsible for making decisions relating to the planning and implementation of the project
- Others may be retained by the municipality to complete many of the soil management requirements under the regulation, including filing a notice or completing other planning requirements (e.g., qualified persons)
- However, the overall responsibility remains with the municipality for ensuring the proper management of excess soil in accordance with the regulation. **This includes if a full project is contracted out.**
- Responsibilities and expectations for various parties should be clearly laid out in contracts or specifications during the municipal tendering process
- All municipalities must review the regulatory requirements to file notices, which may be typically filed for projects including but not limited to the following (unless an exemption applies):
 - New sewer and watermain construction
 - Stormwater management pond cleanouts
 - New municipal buildings (cut and fill, excavations)
 - Road widenings
 - Remediation of a site by removing excess soil to reduce contaminants, including when filing a Record of Site Condition

Municipalities as project leaders, site owners or operators

- A municipality may also be the owner or operator of a reuse site requiring fill over 10,000m³, triggering a notice for reuse site, including:
 - a new park, community centre, or other municipal facility
 - rehabilitation of any site requiring fill
- Municipalities may be the project leaders or site owners of infrastructure projects, for which the regulation provides various exemptions from the requirement to file notices

Compliance and enforcement

- Through its pro-active risk-based inspection program, the ministry assesses compliance with the excess soil regulation and standards at project areas, receiving sites and for transportation vehicles, that are selected based on compliance history as well as environmental and health-based risks.
- The ministry also conducts responsive inspections and site visits as part of its follow up to reports of incidents of pollution, notifications of spills, and complaints from the public.
- Where non-compliance is found during a planned or responsive inspection ministry staff employ a variety of tools to ensure that the responsible party is taking appropriate measures to bring their operations into compliance.
- Where waste excess soil is illegally dumped, any person who caused, permitted, or arranged for the dumping of the excess soil can be ordered to remove the excess soil and ensure its proper disposal.
- This would include any person who hires a contractor to undertake a project that involves the excavation, management and disposal of excess soil, the contractor, any person involved in the transportation of the excess soil and the person who owns or operates the site where the excess soil was deposited. It is important that each person involved in excess soil management do their part to ensure excess soil is appropriately managed.

Thank you

RPRA's role in supporting Ontario's Excess Soil Program



Who is the Resource Productivity and Recovery Authority (RPRA)?

- The Resource Productivity and Recovery Authority (RPRA) is a regulator created by the Government of Ontario to:
 1. Support the transition to a circular economy by winding up and transitioning legacy waste diversion programs under the *Waste Diversion Transition Act, 2016* (WDTA) and implementing the new producer responsibility framework under the *Resource Recovery and Circular Economy Act, 2016* (RRCEA)
 2. Provide registration and reporting services for a wider range of waste and resource recovery programs beyond producer responsibility, such as for excess soil and hazardous waste
- Accountable to the Minister of the Environment, Conservation and Parks
- No government funding — operations are funded through fees from regulated parties

RPRA's delivery of the Excess Soil Registry

- RPRA was mandated by the ministry to:
 - Create and maintain a digital registry (i.e., [Excess Soil Registry](#)) for obligated parties to file notices under Ontario's [Excess Soil Regulation](#)
 - Set and collect fees to recover program costs
 - Support users of the Excess Soil Registry
- RPRA developed the registry in collaboration with ministry staff and industry stakeholders to meet regulatory, ministerial, and user needs
- The ministry is responsible for policy related to the Excess Soil Regulation and conducting compliance and enforcement activities

What is the Excess Soil Registry?

- The Excess Soil Registry provides an easy-to-use solution where regulated parties can meet their notice filing requirements
- As of **January 1, 2023**, notices must be filed for:
 - certain project areas
 - certain reuse sites
 - residential development soil depot sites

How the registry supports policy objectives

Increases transparency and accountability for those responsible for excess soil with a reporting platform



Enables notice filing for larger excess soil movements, larger Reuse Site soil placements and opening and closures of Residential Development Soil Depots



Provides ministry access to information contained in filings



Provides public access to information contained in filings

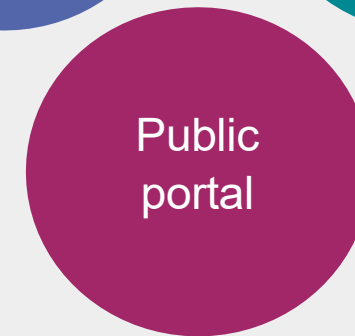
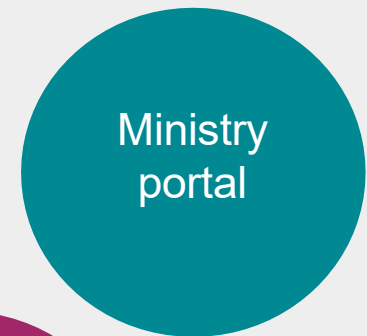
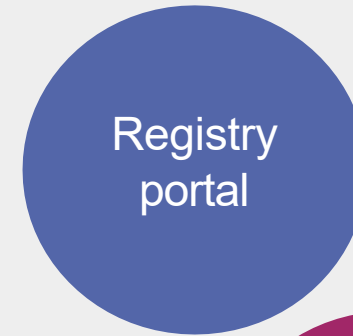
How the registry supports the excess soil industry



Minimizes administrative burden of filing requirements

Enables efficient and accurate reporting

Excess Soil Registry portals



How to use RPRA's Excess Soil Registry

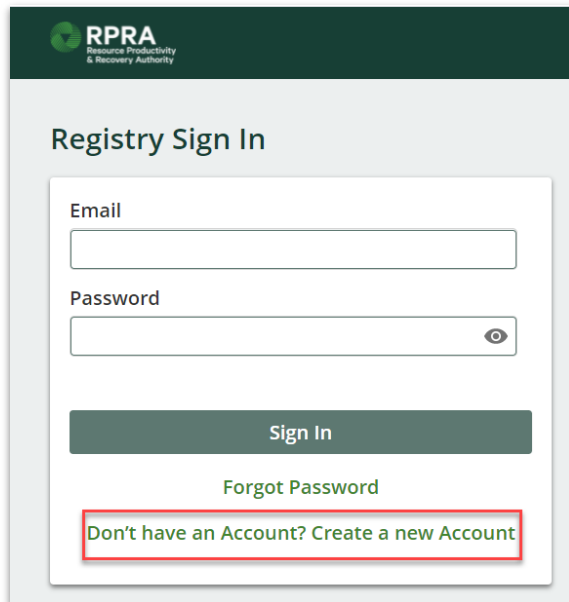


Accessing the registry and creating an account

Creating a registry account is a simple process. Each new business will require a unique CRA Business Number and each new user requires a unique email address. A user who creates a new account on behalf of their organization is the **Account Administrator** by default.

1

Access the registry login page and select create a new account



RPRA
Resource Productivity
& Recovery Authority

Registry Sign In

Email

Password

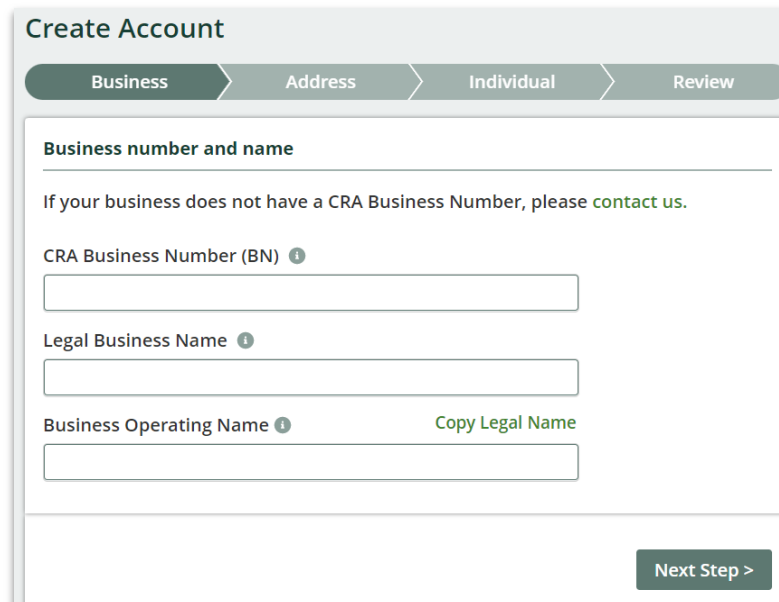
Sign In

[Forgot Password](#)

[Don't have an Account? Create a new Account](#)

2

Follow the create account chevrons



Create Account

Business Address Individual Review

Business number and name

If your business does not have a CRA Business Number, please [contact us](#).

CRA Business Number (BN) ⓘ

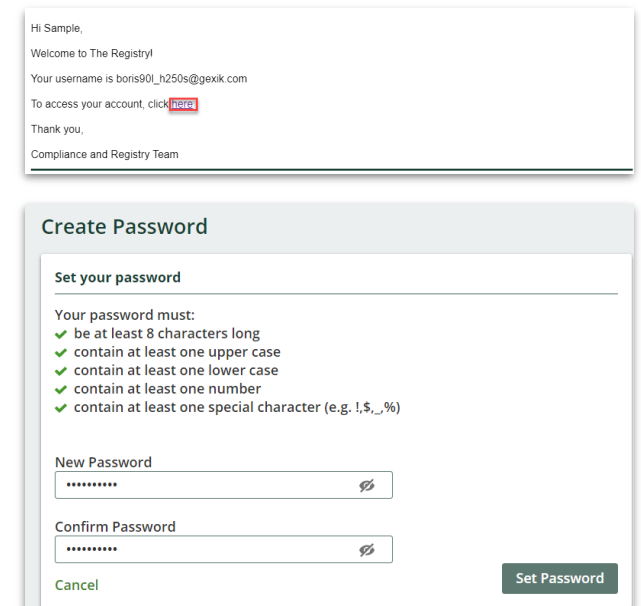
Legal Business Name ⓘ

Business Operating Name ⓘ [Copy Legal Name](#)

Next Step >

3

Check your email for a link to set your new password for the registry



Hi Sample,
Welcome to The Registry!
Your username is boris90l_h250s@gexik.com
To access your account, click [here](#).
Thank you,
Compliance and Registry Team

Create Password

Set your password

Your password must:

- ✓ be at least 8 characters long
- ✓ contain at least one upper case
- ✓ contain at least one lower case
- ✓ contain at least one number
- ✓ contain at least one special character (e.g. !, \$, %, _)

New Password

Confirm Password

[Cancel](#) [Set Password](#)

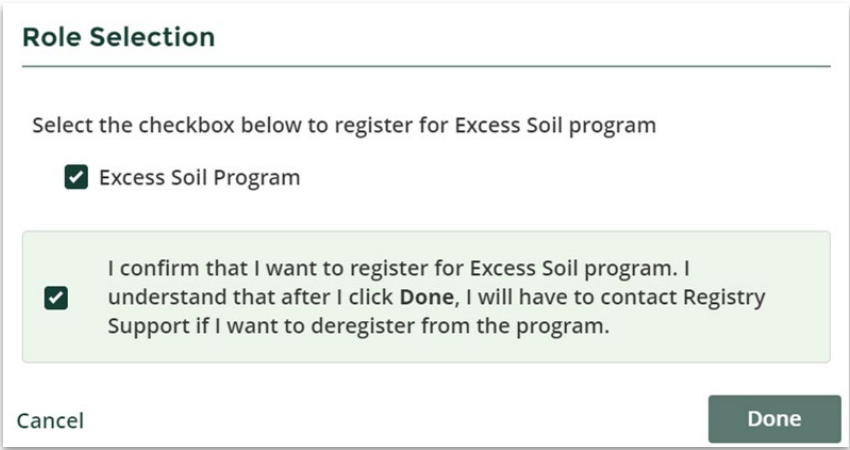
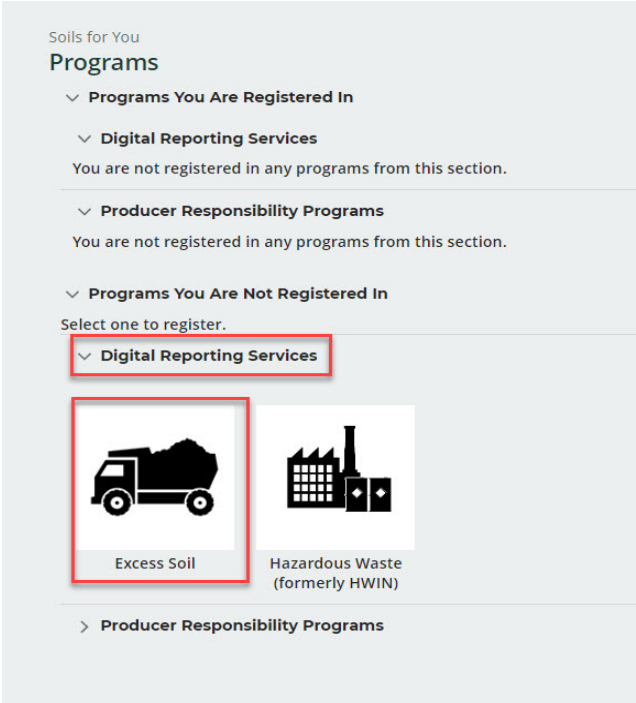
Program enrollment

Registry users will be directed to the Programs selection screen when they log in to the registry which will indicate which programs you are already enrolled in, if applicable. Select the Excess Soil icon to enroll in the program.

1 Once logged in to the registry, click the Excess Soil program icon to register

2 Select the program checkbox and confirmation message, then click the Done button

3 The program icon will turn green. Click the icon to be taken to the program's homepage



Types of filings

Select notice filing type

Select the type of notice filing you would like to submit. For more information about notice filing requirements, visit our [Excess Soil webpage](#).

☒ Residential Development Soil Depot Notice

☐ Reuse Site Notice

☐ Project Area Notice

[< Back](#) [Cancel](#) [Next](#)



Residential Development Soil Depot (RDSD)

An RDSD is a soil bank storage site that is temporarily operated for the purpose of managing Excess Soil that will ultimately be transported to a reuse site.



Reuse Site

A Reuse Site is a site at which Excess Soil is used for an identifiable beneficial purpose (and does not include a waste disposal site).



Project Area

The Project Area refers to a single property or adjoining properties on which a project is carried out. That project being any that involves the excavation of soil for any form of development, or site alteration, construction or removal of liquid soil or sediment from a surface water body.

User access

Once an account has been created within the registry system, the Account Admin can enable access for as many users as necessary - provided that the users have unique email addresses.

User Access Levels

Account Admin

Each Account can have one Account Admin. This user has the ability to enrol in a program, create and disable users, and has the most overall account access.

Each account will have one Account Admin with a **unique email address**. This role can only be transferred to another user by contacting a RPRA Registry Support Officer

Primary User

Each Program that an Account is registered for can have one Primary User. This user has the ability to add Secondary Users. They can also enter data, make payments, and submit Filings.

Secondary User

Each Program can have as many Secondary Users as is needed. These users have the ability to enter data, make payments, and submit Filings.

Permissions by Access Level

User Access Level	Create or Disable All Users	Add Secondary Users	Perform all functions <i>within</i> program
Account Admin	✓	✓	✓
Primary User		✓	✓
Secondary User			✓









Note: Account Admins are, by default, considered Primary Users. They may then add another user as the Primary User, if needed.

User management vs authorized person vs notice access

User Management

Bob adds his Project Manager, Sarah as a Secondary User to his Registry account.






She now also has access to all the Filings within the **Soil Co** account.

		
	Bob Owner Soil Co	Sarah PM Soil Co
N00022		
N00023		
N00024		

Authorized Person

Bob chooses not to create an account.









Instead, he provides **Composoil** authorized permission to complete notice filings and pay fees on **Soil Co**'s behalf.

		
	Bob Owner Soil Co	Terry Authorized Person Composoil
N00022		
N00023		
N00024		

Notice Access

Bob provides Notice Access to **Big Dirt Inc** for just one of his Filings (**N00023**).

Any registered **Big Dirt Inc** users can now edit that specific filing, but they cannot make a submission, make payments, or see any financial information.

		 	
	Bob Owner Soil Co	Jane CEO Big Dirt Inc	Phil PM Big Dirt Inc
N00022			
N00023			
N00024			

Managing shared notice access

Through the Notice Access feature, the account who initiates the filing can provide other accounts (i.e., businesses) with shared access to that filing. This allows businesses to share the workload and collaborate on a filing to complete all requirements. Once notice access has been granted, an email notification will be sent to the contact person selected from the company who receives the shared access.

How?



Only users from the **account who initiated** the Filing can use the Notice Access section and share access to a Filing



The account receiving shared access (i.e., companies) must be registered in the Excess Soil program

Permissions

The account receiving shared access can

- ✓ Edit Contact Details
- ✓ Edit Site/Project Details
- ✓ Edit Soil Details
- ✓ Upload declaration(s)

The account receiving shared access can not

- ✖ Manage notice access
- ✖ Complete the initial or final submission
- ✖ Make payments or view fees/payment information

Manage Notice Access

Use the drop down menu to search and select a company and contact person to provide access to this notice.
The contact person defaults to the Primary Contact for the company.

Company Name ⓘ	Contact Person ⓘ	Contact Email	Access to this filing
Soil Corporation Inc.	James Parker	james@soilcorp.ca	<input checked="" type="checkbox"/>
Dream Builders Inc.	Mark Zuman	mark.zuman@dream.ca	<input checked="" type="checkbox"/>
<div><input type="text" value="Top soil Ltd."/><div><div>+ Top Soil Ltd. 123 Fake st. Vaughan, ON M5J</div><div>+ Soil Corporation Inc. 14710 EllerSW, York, ON M6W</div></div></div>	<div><input type="text" value="Sandra Dey"/><div></div></div>	sandra@topsoil.ca	<input type="checkbox"/>

+ Add company

☐ I acknowledge that by granting access to a company they are authorized to view and edit all notice filing fields on my behalf. I am aware that they cannot make a fee payment or submit the notice.

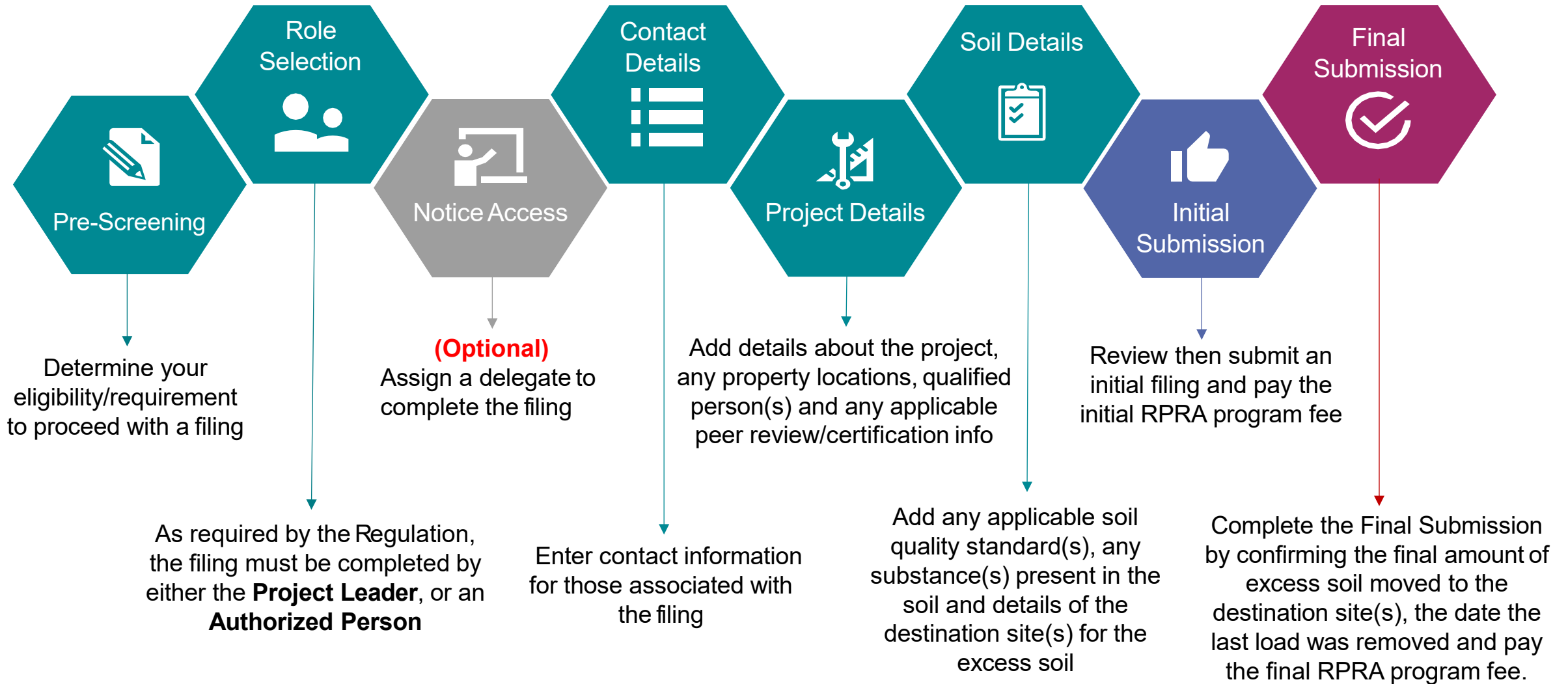
< Back

Save

Note: Sharing access provides all (registered Excess Soil program) users within the selected company's account with the ability to access the shared Filing. The Contact Person shown here is for communication purposes only.

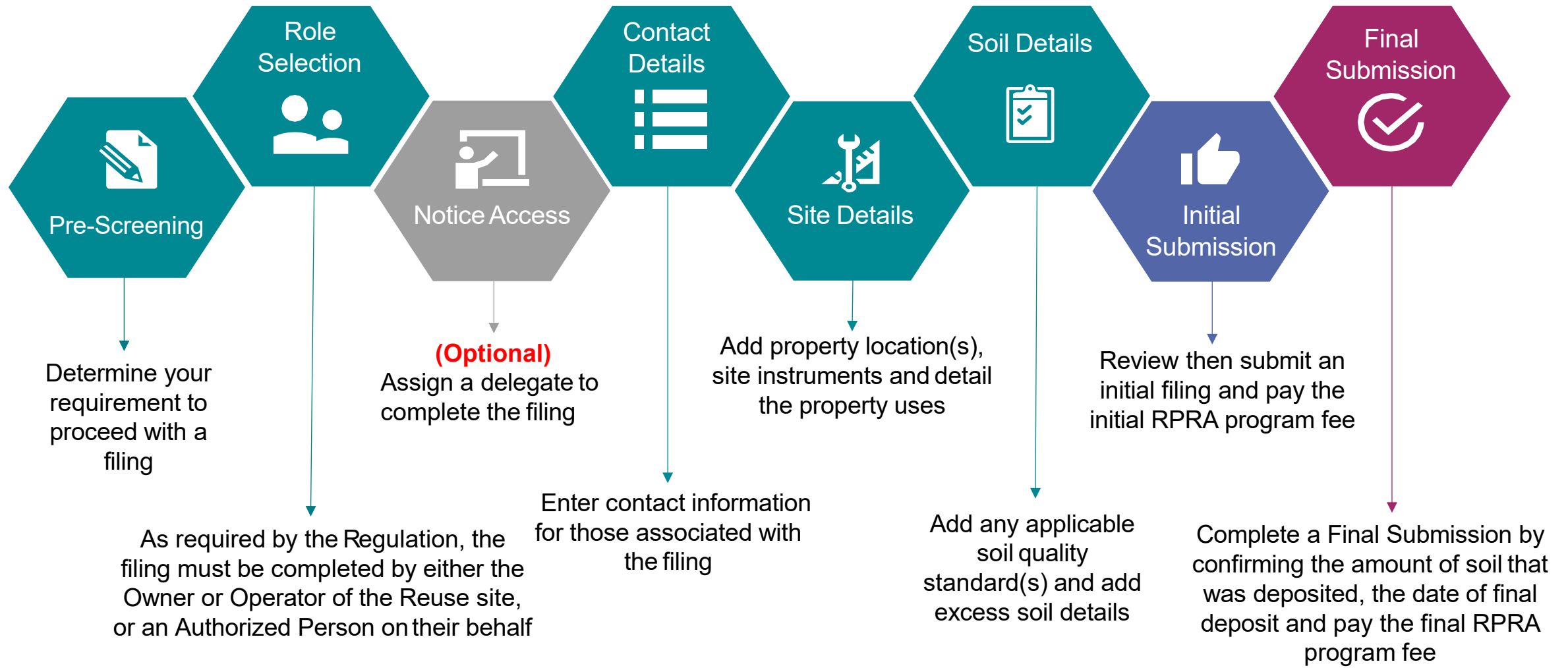
Submitting a filing

Project Area



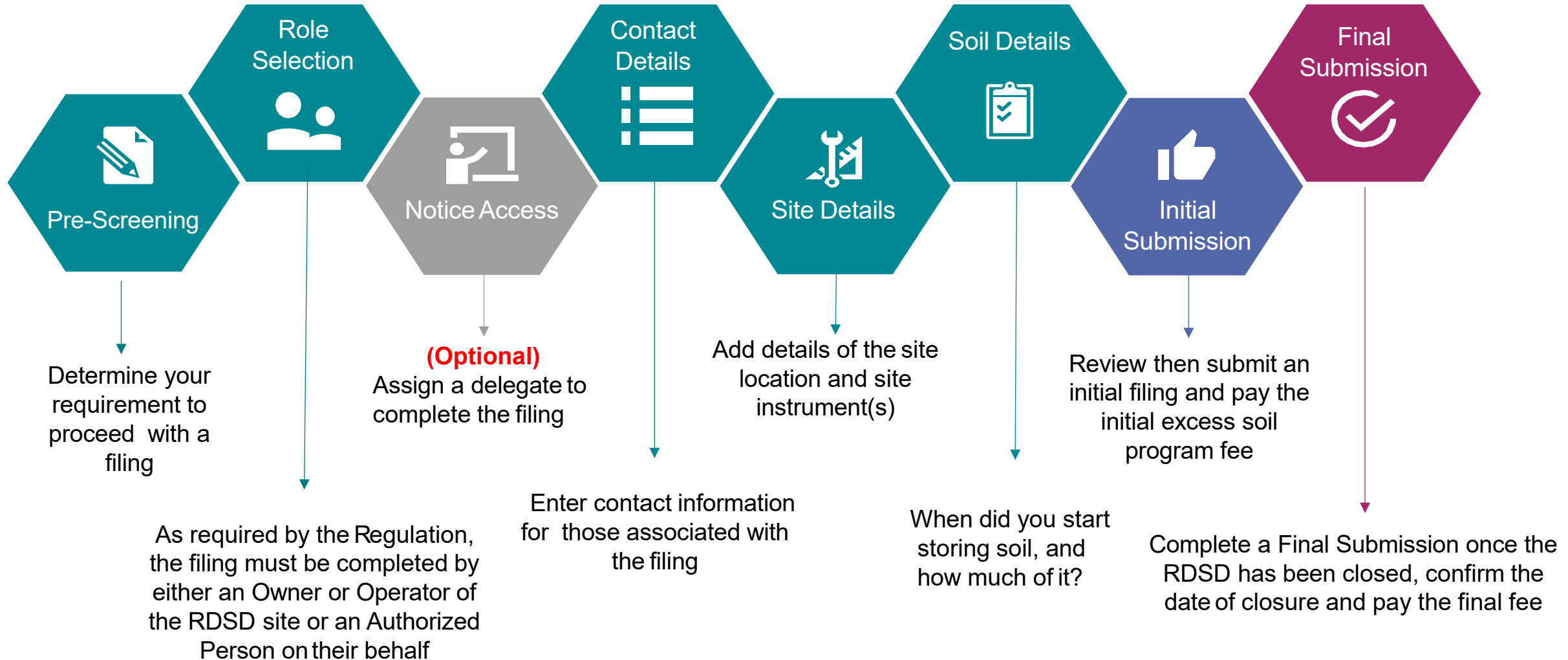
Submitting a filing

Reuse Site

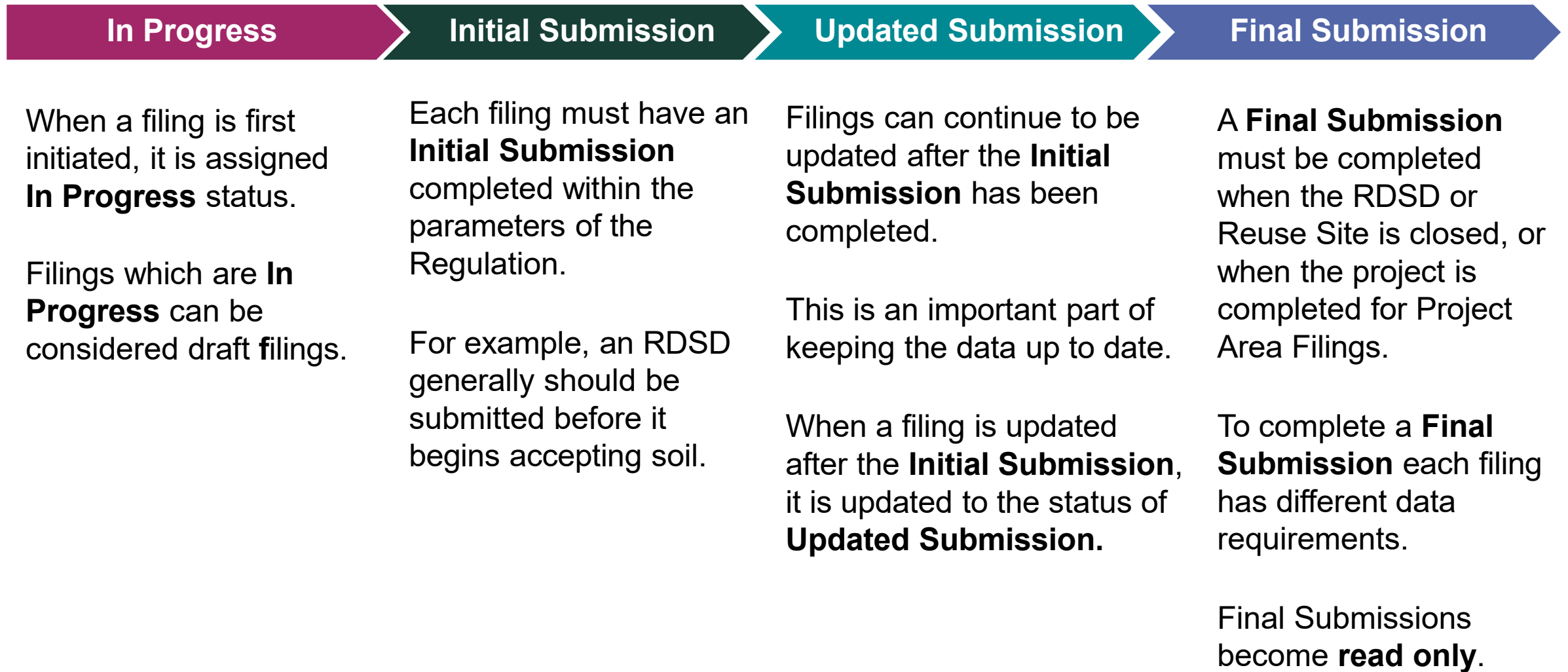


Submitting a filing

Residential Development Soil Depot (RDSD)



Lifecycle of an Excess Soil Registry notice filing



Requirement during the notice filing process

Filing Status	In Progress	Initial Submission	Updated Submission	Final Submission
All data must be provided	✗	✓	✗	✓
Available on Public Registry	✗	✓	✓	✓
Available on Ministry portal	✓	✓	✓	✓
Filing may be updated	✓	✓	✓	✗
Declaration required	✗	✓	✗	✓
Fee Payment required	✗	✓	✗	✓

RPRA's program fees

Why does RPRA collect fees?

- RPRA charges fees to cover the cost of building and operating RPRA's registries, providing service to registrants, and for undertaking compliance and enforcement activities for producer responsibility programs
- As an administrative authority of the Government of Ontario, RPRA does not receive government funding and operates on a cost-recovery basis

How are excess soil program fees calculated?

- Fees associated with **Project Area Notices** are calculated at a variable rate based on the volume of soil being moved. Flat fees will be applied to **Project Area Notices** for soil volumes below and above certain thresholds.
- Fees associated with **Reuse Site Notices** are tiered, with increasing flat fees applied according to the volume of soil being accepted at the reuse site
- There is one flat fee associated with **Residential Development Soil Depot Notices**

To learn more, visit [RPRA's Program Fees webpage](#)

Resources for using the Excess Soil Registry



Registry resources

Including walk-through guides, how-to videos and webinar presentations

[View resources](#)



FAQs

Answers to commonly asked questions about the registry

[View FAQs](#)



RPRA's Compliance and Registry Team

Contact the team at registry@rpra.ca or 833-600-0530

For questions related to the regulation, email the ministry at MECP.LandPolicy@ontario.ca.

For site-specific questions related to excess soil movement, contact the ministry's local district office. To find an office, please use the [District Locator](#).



Questions?

A yellow excavator bucket is shown in the process of dumping a load of brown soil onto a large pile of earth. The bucket is tilted downwards, and a stream of soil is falling from its edge. The background is a clear blue sky with some wispy white clouds. The text "Thank you" is superimposed in the center of the image.

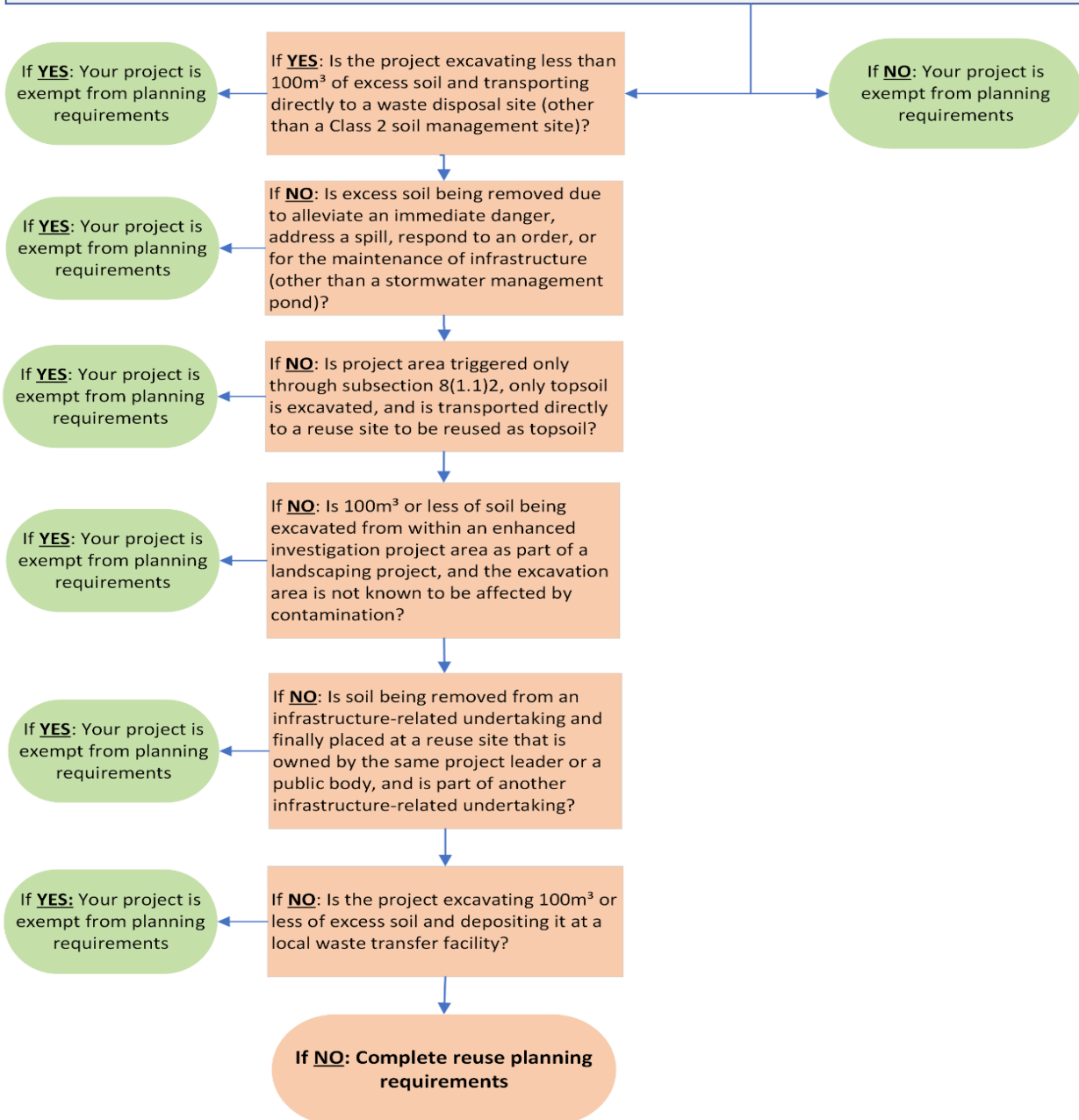
Thank you

Appendix A: Reuse Planning Requirements for Projects - Flowchart

Is my project required to file a notice and complete reuse planning requirements?

Does at least one of these circumstances apply to your project?

- 1) The project area has a past or present use, in whole or in part, as an enhanced investigation project area (e.g., gas stations, industrial use), unless a Record of Site Condition (RSC) has been filed which does not involve a risk assessment and the project area has not been used as an enhanced investigation project area since
- 2) Any part of the project area is in an area of settlement (e.g., cities and towns) and 2000 m³ or more of excess soil will be removed, unless the whole project area is currently or most recently used for residential, institutional, parkland or agricultural or other use
- 3) All or part of the project area is being remediated by excavating and removing excess soil from the project area for the purpose of reducing the concentration of contaminants, including for the purpose of filing an RSC



Appendix B: Frequently Asked Questions

Frequently Asked Questions

1) What is the “fit state of repair” exemption from reuse planning requirements?

- This is an exemption under Schedule 2 of the Excess Soil Regulation
- It does not apply to excess soil excavated from a stormwater management pond for the purpose of maintaining the facility
- In general, fit state of repair refers to maintenance and would include repairing infrastructure or replacing existing infrastructure with similar infrastructure.
- Generally, it would not result in increased capacity or a different alignment - those would be considered new infrastructure
- Examples of infrastructure maintenance may include culvert replacement, roadbed repair or pipe replacement
- Temporary infrastructure that is part of the maintenance or replacement process and that will be removed, such as a by-pass pipe or a minor road diversion, may be considered part of maintenance
- New construction, such as building a road, or a transit right of way, digging a tunnel for a new subway or digging a new sewage/watermain tunnel, would not be considered maintenance
- Re-aligning (vertically or horizontally), twinning, adding capacity or widening of a pipe or road would also not fall under this exemption, although some minor increase in capacity or realignment to meet more current operating standards may be acceptable

Frequently Asked Questions

2) Is a notice required if all excess soil is going to a landfill or Class 1 soil management site as waste?

- If all of the excess soil from a project area is being disposed of at a landfill or Class 1 soil management site as waste, and not going to a reuse site, there is still a general requirement to file a notice on the Registry and complete the associated planning requirements to document where that soil was taken.
- However, there may be partial or full exemptions under the Regulation that may apply:
 - A Schedule 2 exemption may apply
 - For example, paragraph 2 provides an exemption from notice filing and associated planning requirements, if 100 m³ or less of excess soil is being removed from the project area and being directly transported to a waste disposal site, such as a landfill
 - A sampling and analysis plan is not required if all soil is going to a Class 1 soil management site
 - If, based on limited sampling, a QP has determined that excess soil is impacted (i.e., exceeds Table 3 standards for residential, parkland and institutional uses) and where the only practical option is disposal at a landfill, the QP may depart from the sampling and analysis requirements when completing the sampling and analysis plan (see [Rules Document](#))

Frequently Asked Questions

3) How do I access the Excess Soil Registry?

- <https://rpra.ca/excess-soil-Registry/>

4) Who do I contact about setting up an account or issues with the system?

- Please direct all questions related to use of the Registry to RPRA via Registry@rpra.ca

5) Who do I contact I am unsure if I need to file a notice to the Excess Soil Registry?

- Contact the MECP at MECP.LandPolicy@ontario.ca
- For site-specific questions, please contact the ministry's local district office. To confirm which office can be contacted for a specific area, please use the [District Locator](#).

6) Who is responsible for compliance and enforcement of the Registry requirements?

- Compliance and enforcement responsibilities remain with MECP

7) Can I voluntarily file a notice, even if not required to under the regulation?

- Voluntary filings for project areas and reuse sites may be completed by project leaders, site owners and operators as well. The notices would be publicly available and follow the same processes as the mandatory notice filings, including any applicable filing fees

Appendix C: Schedule 2 Exemptions

Schedule 2

NON-APPLICATION OF SECTION 8 OF THE REGULATION

1. REVOKED: O. Reg. 555/22, s. 7.
2. Both of the following circumstances apply:
 1. The amount of soil to be removed from the project area is 100 m³ or less.
 2. The excess soil is directly transported to a waste disposal site that is not a Class 2 soil management site.
3. The reason for excavating the soil that will become excess soil is one of the following:
 1. To alleviate an immediate danger to human life, the health of any persons, the natural environment, or to property.
 2. The duty imposed by subsection 93 (1) of the Act.
 3. An order made by any authority with jurisdiction to make the order.
 4. Maintaining infrastructure in a fit state of repair, except if the excavation of soil is from a stormwater management pond for the purpose of maintaining the facility in a fit state of repair.
4. All of the following circumstances apply:
 1. The project area is subject to section 8 by reason only of paragraph 2 of subsection 8 (1.1).
 2. The excavated soil is only topsoil.
 3. The topsoil is transported directly to a reuse site from the project area for use as topsoil at the reuse site.

Schedule 2

NON-APPLICATION OF SECTION 8 OF THE REGULATION

5. All of the following circumstances apply:

1. The soil is excavated from an area within an enhanced investigation project area.
2. The amount of excavated soil is 100 m³ or less.
3. The project is a landscaping project, involving only landscape care and maintenance services, installing or replacing lamp posts, light poles, trees, shrubs, plants, lawns or gardens, and the construction of walkways, retaining walls, decks, fences and ponds.
4. Based on a report prepared by or under the supervision of a qualified person, including an assessment of past uses under section 11, it has been demonstrated that the part of the enhanced investigation project area from which the soil will be excavated is not likely to have been affected by the discharge of a contaminant.

6. Both of the following circumstances apply:

1. The excess soil is excavated as part of an undertaking related to infrastructure.
2. The project leader for the undertaking related to infrastructure intends, after removing the excess soil from the project area, to deposit it for final placement at a reuse site that is owned by the project leader or a public body and that is part of another undertaking related to infrastructure.

7. Both of the following circumstances apply:

1. The soil is being deposited at a local waste transfer facility.
2. The amount of soil to be deposited at the local waste transfer facility is 100 m³ or less.

Appendix D: Information required for each notice

Information required for project area notice

When filing a notice on the Registry for a project, it must include the information listed in **Schedule 1** of the Regulation, which includes the following:

- a description of the project (e.g., condo development, commercial development, etc.),
- a description of the project area (property addresses, geographic coordinates, etc.)
- names and contact information of the project leader(s), operator of the project area, QP(s), any person doing the filing as authorized by the project leader, and person ultimately responsible for the transportation of excess soil from the project area
- the intended location and description of the destination sites at which the soil is to be deposited, including the following (if applicable):
 - reuse sites (including information on the undertaking and property use)
 - landfills or dumps, Class 1 soil management sites (such as soil banks and soil processing sites), local waste transfer facilities, and Class 2 soil management sites
- applicable excess soil quality standards and quantity of soil that is intended to be deposited at each reuse site
- if applicable, a description of any peer review or certification processes
- a declaration signed by the project leader (may be facilitated by an authorized person, but not signed)

Information required for updated or finalized project area notice

After a notice is filed it must be updated or finalized in the following situations as applicable:

- to identify any new planned excess soil deposit sites prior to their use
- within 30 days of completion of the project to reflect actual soil movements. This includes:
 - how much excess soil was removed and which sites it was sent to
 - date that the last load of excess soil was removed from the project area, or if applicable, from the Class 2 soil management sites or local waste transfer facility
- within 30 days of finding inaccurate or incomplete information in the notice
- to include a declaration by the project leader re-confirming that all information is accurate to the best of their knowledge

Information on how to enter this information into a notice on the Registry, including blank declaration forms, is available through RPRA's [website](#).

Information required for reuse site notice

When filing a notice on the Registry for a reuse site, it must include the information listed in **Section 19** of the Regulation, including:

- a description of the reuse site, including name, narrative description & current and future property uses
- the location of each property located within the reuse site and geographic coordinates of the centroid
- a description of the undertaking at that site, including the scope, duration, purpose and beneficial reuse
- the contact information of the owner and operator of the reuse site
- The estimated amount of excess soil needed for the undertaking
- the applicable excess soil quality standards for the reuse site
- the contact information of the QP that developed any site-specific excess soil quality standards for the site (i.e., using the Beneficial Reuse Assessment Tool or a risk assessment)
- information on any site-specific instruments that govern the reuse site
- estimated dates for when the first and final loads of excess soil will be deposited
- a declaration signed by the owner or operator confirming that required steps have been and will continue to be taken

Information required for updated or finalized reuse site notice

After a notice is filed it must be updated or finalized in the following situations as applicable:

- The notice must be updated within 30 days of the owner or operator becoming aware that any information in the notice is incomplete or inaccurate.
- Within 30 days of the final load of excess soil being received, the notice on the Registry must be updated and finalized with:
 - a confirmation that all excess soil in respect of the undertaking has been deposited at the reuse site
 - the total amount of excess soil received
 - the date the final load was deposited
 - a declaration signed by the owner or operator re-confirming that all information is accurate to the best of their knowledge

Information required for RDSD notice

- A notice filed on the Registry for an RDSD must include the information listed in **subsection 7.2 (4)** of the Regulation, which includes the following:
 - a description of the depot, including name, narrative description & location
 - contact information of the owner and operator
 - the date of operation
 - the expected total amount of excess soil to be stored on site, including the inventory amount stored on the site if the depot was operating before January 1, 2023
 - details on any legal instruments that govern the operation of the depot, and
 - declarations by the owner or operator

Information required for updated or finalized RDSD notice

The notice must be updated with the following information:

- within 30 days of ceasing operations, providing the date of the depot's closure
- within 30 days of finding inaccurate or incomplete information in the notice
- a declaration by the owner or operator re-confirming that all information in the notice is accurate to the best of their knowledge

Appendix E: Additional Resources

Additional Resources

- Ontario Government Excess Soil Page: [ontario.ca/page/handling-excess-soil](https://www.ontario.ca/page/handling-excess-soil)
- Excess Soil Fact Sheets: <https://www.ontario.ca/document/excess-soil-fact-sheets>
- Ontario Provincial Standard Specification (OPSS) 180 - General Specification for the Management of Excess Materials: [MTO Technical Publications](#)
- RPRA's Excess Soil Registry: rpra.ca/excess-soil-registry
- Ontario Environment Industry Association (ONEIA) - Best Practices and Templates:
 - Hauling Best Practices and Template: <https://www.oneia.ca/excess-soils/hauling-best-practices>
 - Temporary Sites Best Practices: <https://www.oneia.ca/Temporary-Sites-Best-Practices>
 - Qualified Persons Best Practices: <https://www.oneia.ca/qp-best-practices>
- Qualified Person Community of Ontario (QPCO): [QPCO – Qualified Persons Community of Ontario](#)
- Ontario Society of Professional Engineers (OSPE) - Best Practices for Aggregate Pit and Quarry Rehabilitation: <https://ospe.on.ca/excess-soil-reports/>
- OSSGA document on Excess Soil Best Management Practices for Pits/Quarries: https://www.ossga.com/rehabilitation_and_excess_soil/
- Canadian Urban Institutes (CUI) - Excess Soil By-Law Language Tool: <https://canurb.org/initiatives/excess-soil-by-law-tool/>