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QPBRIEFING

Province set to overhaul regulations on construction site soil removal

By Brian Platt

The 39-page policy proposal document would have excavators of potentially contaminated soil take more responsibility for where that dirt goes and how it's used.

Construction firms removing large amounts of soil from building sites will soon have to take more responsibility for where that dirt goes and how it is used, based on a new and long-awaited [policy proposal document](#) released from Queen's Park this week.

The proposal is also designed to encourage more of the soil removed from construction sites to be reused locally, rather than shipped off and dumped in sites far away. It would bring in province-wide health and safety standards for the reuse of excess soil.

This specific overhaul was kicked off by an Environmental Bill of Rights application in 2013, but environmental groups, municipalities, construction firms and many other groups have been pushing for a comprehensive approach from the province for years; they say the current system is a patchwork of largely ineffective policies.

There were also media stories in 2014 about rural areas receiving truckloads of contaminated soil from large Toronto-area construction projects, with subsequent confusion over who was responsible for it. Critics said there was a lack of accountability on the contractors and project managers doing the excavating.

The province sees a strengthened and comprehensive policy on excess soil removal as particularly important right now as it implements infill land-use policies that will often see brownfield sites — sites that were formerly industrial or commercial operations — developed for residential use.

Excess soil is also generated from the large-scale infrastructure projects (particularly involving rail and highways) that the province is ramping up over the next decade.

The 39-page document from the Ministry of the Environment and Climate Change [that was released on Jan. 26 for public feedback](#) was developed through lengthy consultations involving five provincial ministries along with municipal and industry stakeholders.

It proposes to bring in a set of new regulations and legislative amendments that would eventually require the generators of excess soil to develop a comprehensive plan for how the dirt will be used. It also proposes to give municipalities more powers for regulating sites that receive potentially contaminated soil.

In addition, the province is trying to generate better awareness and implementation of [guidelines on excess soil management](#) that it produced in 2014.

The office of Environment Minister **Glen Murray** said the policy proposal is modelled on the approach used by the United Kingdom, called Contaminated Land: Applications in Real Environments.

“That model ensures that sites receiving excess soil only take appropriate materials and are well managed, while owners of sites generating excess soil must ensure materials are tracked to appropriate receiving sites,” a statement from Murray’s office said.

Andy Manahan, executive director of the **Residential and Civil Construction Alliance of Ontario**, said his organization has been pushing for this approach.

“It recognizes that there may be some inherent risks in soil, but what we’re trying to say to the province is, you should view soil as a resource and not a waste,” he said. “Currently it’s a dig-and-dump approach, where soil is taken from projects and put in a hole in the ground somewhere up north, whether it’s a regulated site or sometimes unregulated.”

The document contains 21 actions the ministry plans to take and a general timetable for implementation, but the biggest actions would still be a year or more away. The document proposes to eventually require an excess soil management plan from a project manager in order to get certain building permits, but that’s classified as “longer-term” in the timetable.