

## Appendix II Regulatory Changes for Reuse of Excess Soil in Pits and Quarries

Summary of Decision – Regulatory Changes for the Beneficial Reuse of Excess Soil at Pits and Quarries in Ontario

### Proposed regulatory changes for the beneficial reuse of excess soil at pits and quarries in Ontario

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019-4801

**Notice type**

Regulation

**Act**

Aggregate Resources Act, R.S.O. 1990

**Posted by**

Ministry of Northern Development, Mines, Natural Resources and Forestry

**Notice stage**

Decision

**Decision posted**

April 29, 2022

**Comment period**

January 10, 2022 - February 24, 2022 (45 days) Closed

**Last updated**

April 29, 2022

This consultation was open from:

**January 10, 2022  
to February 24, 2022**

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**Decision summary**

The Ministry of Northern Development, Mines, Natural Resources and Forestry made changes to the regulation under the *Aggregate Resources Act* to manage the beneficial reuse of excess soil to facilitate rehabilitation at pits and quarries.

**Decision details**

Changes were made to Ontario Regulation 244/97 under the *Aggregate Resources Act* that are consistent with provincial requirements that exist under the *Environmental Protection Act* for excess soil that is moved off-site during construction activities to another site for a beneficial reuse. Ontario Regulation 406/19, On-site and Excess Soil Management, and referenced Rules for Soil Management and Excess Soil Quality Standards include risk-based quality standards for the safe reuse of excess soil.

Aggregate licence and permit holders are required to perform ongoing rehabilitation over the lifetime of operations and final rehabilitation must be completed when aggregate excavation has been completed at the site. These regulatory changes provide clarity and flexibility to aggregate licence and permit holders who are authorized to import excess soil to facilitate rehabilitation, while maintaining environmental protections.

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The following amendments to Ontario Regulation 244/97 have been finalized:

- the site plan, licence or permit for a pit or quarry must authorize the importation of soil (e.g., fill, inert fill, clean fill)
- excess soil stored at a pit or quarry shall be in accordance with section C of the Soil Rules referenced in Ontario Regulation 406/19 On-site and Excess Soil Management (i.e., Soil Rules)
- excess soil finally placed at a pit or quarry shall be in accordance with section D of the Soil Rules
- the quality of excess soil finally placed at an aggregate site must meet the applicable excess soil quality standards in accordance with the Excess Soil Standards referenced in Ontario Regulation 406/19 On-site and Excess Soil Management (i.e., Excess Soil Standards) and the end use identified in the approved rehabilitation plan for the site
- excess soil placed below the water table must meet the quality standards in table 1 in the Excess Soil Standards
- excess soil placed on Crown land must meet the quality standards for agricultural and other use in the Excess Soil Standards
- licensees and permittees shall keep records that detail:
  - where the excess soil was transported from (i.e., source site),
  - the quality and quantity of excess soil received, and
  - if receiving from more than one source site, the location where excess soil has been placed at the pit or quarry
- licensees and permittees that import more 10,000 m<sup>3</sup> of excess soil or place excess soil below the water table must retain a qualified person (i.e., professional engineer or geoscientist) to:
  - assess the site to determine and record the suitable excess soil quality standard,
  - develop a plan for the storage and placement of excess soil, and
  - confirm that storage and placement were completed in accordance with the Rules for Soil Management and Excess Soil Quality Standards referenced in the On-site and Excess Soil Management Regulation at the pit or quarry.
- for licences/permits approved before July 1, 2022, rules have been added that, when followed, enable some conditions to be removed from a site plan when filed with the ministry (i.e., self-filing). These include:
  - soil quality,
  - on-site soil sampling,
  - annual reporting, and
  - notification requirements

In addition to the regulatory changes the following policies have been finalized:

- applicants requesting to import excess soil must demonstrate that the quantity of soil is needed for a beneficial reuse that is consistent with the rehabilitation plan for the pit or quarry
- when the approved rehabilitation plan does not identify an end use, the excess soil quality standard is restricted to agricultural or other use in accordance with the Excess Soil Standards

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- licensees and permittees will follow Best Management Practices when storing and placing excess soil in pits and quarries
- applicants requesting to fill-to-grade must consider potential impacts to the community from the fill operation (e.g., truck traffic, noise, dust, and prolonged life of the site)
- liquid soil (as defined by [Ontario Regulation 406/19](#)) will not be authorized for importation at a pit or quarry under the *Aggregate Resources Act*

If a licensee or permittee wishes to import liquid soil for processing and reuse, they should continue to seek authorization under the *Environmental Protection Act* for this activity. This activity is to be conducted outside of the licenced/permited area. Operators should be aware that other restrictions may apply (e.g., zoning, site alteration bylaws, partial site surrender).