



Residential and Civil Construction Alliance of Ontario

CL:AIRE Annual Conference /The Geological Society
September 26, 2013

Sustainable Land Management

Andy Manahan, Executive Director, RCCAO

Al Durand, consultant to RCCAO / SOiiL Project Manager



Presentation Outline

RCCAO – voice of construction industry and labour.

- Latest developments in Ontario
- Current Ontario political challenges and opportunities
- Excess Soil Management Issues in Ontario – backgrounder
- Lessons Learned – The Definition of Waste (Inert Fill)
- Development of Soil “Best Management Practices” – BMP/COP
- Ontario Excess Soil Challenges
- SOiiL – Supporting Ontario Infrastructure Investments and Lands
- Next Steps











Context

- Ontario taxpayers will be paying up to 15% more for disposal and transport of excess construction soils for standard municipal road, sewer and water projects.
- Transit projects such as the LRT across Eglinton Ave. will generate enormous quantities of soil (1.5 million cubic metres) and cost at least \$100 million to move.
- Difficult to determine but we estimate that a minimum of 20 million cubic metres of soil is generated each year in Ontario.



Current Ontario Political Challenges

- Minority Government in Ontario and lack of cooperation between parties has stymied progress of new Bills and policies.
- Municipal sector complains about being overburdened and underfunded.
- Provincial government is thus reluctant to dictate new policies which could be perceived as being a financial and administrative burden.
- On the positive side, all parties are supportive of our efforts to implement better soil management practices.



Excess Soil Management Issues in Ontario

- Historically, movement of “clean” soils has been an unregulated activity.
- No clear policy or regulatory direction.
- Ontario regulatory perspectives driven by property rights, legal liability and polluter pay case law.
- Ontario Ministry of the Environment enforcement activities based on interpretation of environmental “adverse impact.”
- Clean soil: definitional confusion around “inert fill.”



Excess Soil Management Issues in Ontario (continued)

- Emerging Contaminated Sites and Brownfield Regulations forced Environmental Qualified Professionals to apply clean-up criteria on non-brownfield sites.
- Dig and Dump became default practice.
- Growing media coverage about local community concerns, especially in Toronto Region.



Lessons Learned – Definition of Waste CoP

- MOE reached out to many stakeholders for solutions – consultation initiated in 2011.
- Current political situation in Ontario made regulatory change uncertain but action required on non-brownfield sites.
- Initial MOE draft had many issues and “gaps” pertaining to non-regulated activities that did not involve a Record of Site Condition (RSC).



Lessons Learned – Definition of Waste CoP (continued)

- MOE initiated drafting of a BMP “Soil Management – A Guide for Best Management Practices” through a formal consultation process in late 2012.
- Further concern regarding misapplication of standards.



Development of Soil Best Management Practices

- RCCAO conducted a series of industry stakeholder roundtable sessions on soil issues.
- A “jurisdictional review” of global practices identified responsible and sustainable approaches to managing excess soils.
- RCCAO formed a Soils Steering Committee in 2012 to work with MOE and stakeholders on clarifying and filling the regulatory gaps.
- Sept. 2012: Toronto – CL:AIRE / RCCAO Soils Workshop.
- Nov. 2012: release of BMP for Handling Excess Construction Soils (Version 1) based on CL:AIRE approach.



Ontario Excess Soil Challenges

- Legal and municipal sectors want the certainty of regulations.
- Soil movement periodically a media issue.
- Critical for outreach to municipal and regional levels of government, Conservation Authorities on best practices.
- Development of a model Site Alteration By-law covering soil movement and municipal procurement practices.
- Pilot testing of BMP process including tracking of trucks.
- New emphasis on sustainable and beneficial re-use of excess construction soils.
- Soil definition clarifications and user training.



SOiil

Supporting Ontario Infrastructure Investments and Lands



SOiiL – Supporting Ontario Infrastructure Investments and Lands

- Outcome from Sept. 2012 workshop.
- SOiiL established as a not-for-profit entity and web-based soil matching enterprise through RCCAO leadership.
- Seeking government funding through the Ministry of Infrastructure and/or MOE.
- Official launch to coincide with release of MOE's finalized "Soil Management – A Guide for Best Management Practices."
- Pilot testing of BMP process including tracking of trucks.
- Strong support in principle of concept but longer term commercialization will be critical to success.



Next Steps

- Await finalization of MOE's BMP Guide.
- Launch SOiiL web site in tandem (Oct. 2013).
- Work with provincial and municipal sectors on outreach, model site alteration by-law and pilot testing of BMP approach.
- Continue to support development of soil recycling centres linking impacted soil handling with beneficial reuse of clean soil.
- Further work on clarification of soil-related definitions.
- Examine further BMP implementation training and professional certification mechanisms.
- Version 2 of Code of Practice.

