

AMENDMENT TO OPSS 180, NOVEMBER 2016

Special Provision No. ENVR0014

Compliance With Ontario Regulation (O. Reg.) 406/19 for On-Site and Excess Soil Management**180.02 REFERENCES**

Section 180.02 of OPSS 180 is amended by the addition of the following:

Ontario Ministry of Transportation Publications

MTO Forms:

| | |
|-----------|---|
| PH-CC-181 | Site Selection Notification for Temporary Stockpiling Excess Materials Managed Through Re-use |
| PH-CC-182 | Site Selection Notification for Excess Material Managed as Disposable Fill and Excess Soil |
| PH-CC-183 | Property Owner's Release |
| PH-CC-185 | Excess Soil Quantity and Quality Report |

Provincial Statutes

O. Reg. 406/19: On-Site and Excess Soil Management, under the Environmental Protection Act, R.S.O. 1990, c. E.19, as amended

O. Reg. 153/04: Records of Site Condition - Part XV.1 of the Act, under Environmental Protection Act, R.S.O. 1990, c. E.19, as amended

Ministry of the Environment, Conservation and Parks Publications

Rules for Soil Management and Excess Soil Quality Standards

180.03 DEFINITIONS

Section 180.03 of OPSS 180 is amended by the addition of the following definitions:

Asphalt-impacted Excess Soil means as defined in O. Reg. 406/19.

Excess Soil means as defined in O. Reg. 406/19.

Excess Soil Standards means as defined in O. Reg. 406/19.

Environmentally Sensitive Area as defined in O. Reg. 406/19 and Soil Rules.

Liquid soil means as defined in O. Reg. 406/19.

Property Owner means the owner or operator of a re-use site, Class 2 soil management site, a landfill site, dump, or a local waste transfer facility.

Rock means as defined in O. Reg. 406/19.

Rock Block means rock as defined in OPSS 206.

Reuse Site means as defined in O. Reg. 406/19.

Salt-Impacted Excess Soil means a type of excess soil as described in the Soil Rules.

Soil Rules means “Rules for Soil Management and Excess Soil Quality Standards”, which was adopted by reference in O. Reg. 406/19 (On-Site and Excess Soil Management) made under the Environmental Protection Act, R.S.O. 1990, c. E.19 (EPA), as amended.

180.04 DESIGN AND SUBMISSION REQUIREMENTS

180.04.01 Submission Requirements

180.04.01.01 Notification of Site Selection, and Property Owner Release

Clause 180.04.01.01 of OPSS 180 is deleted in its entirety and replaced with the following:

180.04.01.01.01 General

The qualifications of the Contractor’s qualified person retained to oversee the management of excess soil according to O. Reg. 406/19 shall be submitted to the Contract Administrator at least 14 Days prior to any work involving soil movement.

When testing is required, the Contractor shall be responsible for sampling, delivery, and testing according to O. Reg. 406/19, the Soil Rules or O. Reg. 153/04.

When testing is required by a Property Owner as a condition of accepting excess soil, the Contractor shall be responsible for sampling, delivery, and testing at no additional cost to the Owner.

A copy of the completed MTO form PH-CC-181, Site Selection Notification for Temporary Stockpiling Excess Materials Managed Through Re-Use, or MTO form PH-CC-182, Site Selection Notification for Excess Material Managed as Disposable Fill and Excess Soil or both shall be submitted to the Contract Administrator and the Property Owner at least 14 Days prior to the use of the property. These forms are not required for property owned by the Owner or designated for use in the Contract Documents.

Within 14 Days of the completion of the work at every reuse site, a completed copy of the MTO form PH-CC-183 Property Owner's Release, shall be submitted to the Contract Administrator.

180.04.01.08 Excess Soil Documentation and Tracking

A minimum of 14 Days prior to commencing the removal of excess soil from the Working Area, the following excess soil documentation shall be submitted to the Contract Administrator for each reuse site that is subject to the requirements of O. Reg. 406/19 and Soil Rules:

- a) Where the excess soil is intended to be deposited for the purposes of final placement:
 - i. The location of the reuse site (the municipal address and/or the geographic coordinates of the centroid of the reuse site measured using a global positioning system receiver and projected on the Universal Transverse Mercator (UTM) coordinate system).
 - ii. A description of the property use of the reuse site and any characteristics associated with the reuse site or nearby properties (including, but not limited to, sensitive receptors) that may affect the excess soil quality standards applicable to the reuse site.
 - iii. A description of the undertaking or the beneficial purpose for which the excess soil is to be used.

- b) The estimated quantities of excess soil, including any salt impacted and/or asphalt impacted excess soil quantities, to be managed at the reuse site and that are necessary for the identified beneficial purpose.
- c) The applicable excess soil quality standards for the reuse site, as determined according to:
 - i. The excess soil standards, and/or;
 - ii. The site-specific excess soil quality standards developed for the reuse site by the Contractor's qualified person by using the Beneficial Reuse Assessment Tool (BRAT), an indication that this is the case and the name and contact information of the Contractor's qualified person who developed the site-specific excess soil quality standards.
- d) Documentation showing that appropriate Property Owner consultation and disclosure has taken place and confirmation of the Property Owner's / Operator's written permission to accept and receive excess soil.
- e) Completed copies of MTO form PH-CC-181, Site Selection Notification for Temporary Stockpiling Excess Materials Managed Through Re-Use and/or MTO form PH-CC-182, Site Selection Notification for Excess Material Managed as Disposable Fill and Excess Soil. Any change to the reuse site location shall require re-submission of newly completed forms.
- f) If the reuse site is or will be governed by a site-specific instrument, identify the instrument, attach a copy of the identified instrument, the public body responsible for issuing the instrument and any other information relevant to the reuse of excess soil at that site.
- g) Written confirmation of a Notice to be filed in the Registry according to O. Reg. 406/19 when required-
- h) Description of how hauling records will be completed according to O. Reg. 406/19 and an example of a hauling record.
- i) When an excess soil tracking system is required, a description of the excess soil tracking system that will be applied, according to the Soil Rules, to track each load of excess soil during its transportation and deposit at a reuse site.
- j) An excess soil destination assessment report, prepared by the Contractor's qualified person according to the Soil Rules if required as per O. Reg. 406/19. This report shall be based on the results of any required assessment of past uses of the Working Area, any required soil characterization report and any information gathered in respect of the potential sites at which the excess soil may be deposited.

[* Designer Option, see Notes to Designer]

[** Designer Option, see Notes to Designer]

180.04.01.09 Notice to be Filed in the Registry

If a notice to be filed on Registry is required according to O. Reg. 406/19, information under Schedule 1 of O. Reg. 406/19 shall be completed. The Registry shall be updated as soon as there are any changes of the information originally input to the Registry. Complete the Registry within 30 Days after the final load of excess soil for final placement of the work has been deposited at the reuse site and if as soon as there are any changes to the information originally added to the notice on the Registry. The Contract Administrator shall be notified in writing each time a notice is filed. The registration of the Working Area on the Registry shall be at no additional cost to the Owner.

180.07 CONSTRUCTION

Subsection 180.07.01 of OPSS 180 is deleted in its entirety and replaced by the following:

180.07.01 Conditions on Management of Excess Material**180.07.01.01 General**

A Contractor's qualified person shall be retained to oversee the management of excess soil according to O. Reg. 406/19.

Management of excess material shall be as described in Tables 1, 2 and 3, unless an instrument is in place issued by MECP.

When an excess material is a mixture of materials, it shall be managed in compliance with the most stringent conditions associated with any of the constituent excess material.

When excess material includes asbestos waste, the asbestos waste shall be managed as specified in the Contract Documents.

Excess materials shall not be permitted in waterbodies, and Environmentally Sensitive Area as identified in the Contract Documents, except when re-used as specified in the Contract Documents.

The Contract Administrator shall be notified 48 hours prior to any excess soil transferred from one location to another.

180.07.01.02 Excess Soil Within Environmentally Sensitive Area

Placement within Environmentally Sensitive Area as specified in the Contract Documents is prohibited unless the excess soil meets requirements of the Soil Rules.

180.07.01.03 Temporary Stockpile for Re-Use

Unless an instrument is in place that specifies alternative storage rules for temporary stockpiling of excess soil, excess soil storage at the Working Area, at a Class 2 soil management site, at a local waste transfer facility or a reuse site before it is finally placed shall be managed in accordance with the Soil Rules.

If the storage is taking place on the MTO right of way, written permission from the Contract Administrator is required prior to transferring Excess Soil.

Additional requirements for management of liquid soil shall be according to Section C of Part 1 of the Soil Rules.

180.07.01.04 Salt-Impacted Excess Soil

Salt-impacted excess soil shall be managed as specified in the Soil Rules.

Section 180.07 of OPSS 180 is amended by the addition of the following subsections:

180.07.08 Excess Earth Quantity and Quality Report

A completed MTO form PH-CC-185, Excess Soil Quantity and Quality Report, shall be submitted to the Contract Administrator a minimum of 5 Days prior to all regularly scheduled site meetings or within 3 Days of the Contract Administrator's request. The PH-CC-185 form shall be updated on a daily basis for each reuse site. The submittal shall account for all excess soil managed as disposable fill, by stockpiling, and by re-use. Revisions shall be highlighted. The form shall confirm the submission date of the corresponding Site Selection Notification and Property Owner Release forms to the Contract Administrator.

If an excess soil tracking system is required, as identified in the Excess Soil Documentation and Tracking clause, it shall be completed according to the Soil Rules. Access to the excess soil tracking system and/or hauling records shall be provided within 3 Days of the Contract Administrator's request.

A final completed MTO Form PH-CC-185, Excess Soil Quantity and Quality Report, shall be submitted to the Contract Administrator within 14 Days of deposit of the final load of excess soil.

180.07.09 Verification of Deposit of Excess Soil

Within 14 Days of the deposit of the final load of excess soil from the Working Area at the reuse site, a Deposit Verification Report shall be submitted to the Contract Administrator including the following:

- a) All records generated as part of the Excess Soil Documentation and Tracking clause.
- b) Verification that the excess soil has been placed at the correct reuse site(s) with the appropriate quality and quantity of excess soil for the beneficial purpose identified in the Excess Soil Documentation and Tracking clause.
- c) Completed copy of form PH-CC-183, Property Owner's Release showing the Property Owner of the reuse site has consented in writing to the deposit of the excess soil at the reuse site.
- d) Any applicable amendments to the sampling and analysis plan shall be identified in the report.
- e) If an excess soil destination assessment report is required as specified under Clause Excess Soil Documentation and Tracking and contains the items above a through d then a separate Deposit Verification Report need not be provided.
- f) Signed by the Contractor's QP.

Table 1 of OPSS 180 is deleted in its entirety and replaced by the following Table:

Table 1
Excess Material Management Conditions

| EXCESS MATERIAL DESCRIPTION | Subsection in This Specification | | | | |
|---|--|---|--|--|---|
| | Conditions on Management by Re-Use | Conditions on Management as Disposable Fill | Conditions on Management by Open Burning | Conditions on Management by Disposal as Non-hazardous Solid Industrial or Commercial Waste | Conditions on Management by Stockpiling |
| EARTH | Yes | Yes | n/a | Yes | Yes |
| EXCESS SOIL | Yes | Yes | n/a | Yes | Yes |
| SWAMP MATERIAL | Yes | Yes TABLE 2 | n/a | Yes | Yes TABLE 2 |
| AGGREGATE | Yes | Yes | n/a | Yes | Yes |
| ROCK BLOCK | Yes | Yes | n/a | Yes | Yes |
| BITUMINOUS PAVEMENT | Yes TABLE 2 | Not Permitted | n/a | Yes | Yes |
| CONCRETE | Yes TABLE 2 | Not Permitted | n/a | Yes | Yes |
| MASONRY | Yes TABLE 2 | Not Permitted | n/a | Yes | Yes |
| MANUFACTURED WOOD | Yes | Not Permitted | Not Permitted | Yes | Yes TABLE 2 |
| NATURAL WOOD | Yes | Yes TABLE 2 | Yes | Yes | Yes TABLE 2 |
| DEBRIS FROM OPEN FIRES | n/a | Yes TABLE 2 | n/a | Yes | Yes TABLE 2 |
| METAL/PLASTIC POLYSTYRENE PRODUCTS | Yes | Not Permitted | Not Permitted | Yes | Yes |
| SUBJECT WASTE | Subject waste shall be managed as specified in the subsection for Conditions on Management by Disposal as Subject Waste. | | | | |
| MATERIALS SUSPECTED OF BEING CONTAMINATED | When excess materials that were not generated by the Contractor's operations and are not specified in the Contract Documents, are suspected of being contaminated, direction on their management shall be obtained from the Owner. | | | | |
| OTHER MATERIALS | Excess materials that are not listed above shall be managed as specified in the subsection for Conditions on Management by Disposal as Non-Hazardous Solid Industrial or Commercial Waste, unless prior alternative management conditions are approved in writing by the MECP. | | | | |

OPSS 180 is amended by the addition of the following Table:

**Table 3
Generic Excess Soil Quality Standards**

| Township | Station (Offset) | Sample Depth Range <small>(Note 1)</small> | Generic Excess Soil Quality Standard <small>(Note 2, Note 4, Note 5)</small> | Property Use <small>(Note 3)</small> |
|---|-----------------------------|--|--|--|
| *** | *** | *** | *** | *** |
| <p>Notes:</p> <ol style="list-style-type: none"> Depth as measured from the original ground surface. Values refer to table numbers in Appendix 1 of Soil Rules Values are acronyms coinciding with table headings in Appendix 1 of Soil Rules AO = Agricultural and Other Property Use, RPIICC = Residential/Parkland/Institutional/Industrial/Commercial/Community Property Use, RPI = Residential/Parkland/Institutional Property Use, ICC = Industrial/Commercial/Community Property Use, (Surf) = Surface, and (Sub) = Subsurface. Not including EC and SAR. Not including Asphalt-impacted Excess Soil with PHC's F3, F4 and PAHs PHC = Petroleum Hydrocarbons PAHs = Polycyclic Aromatic Hydrocarbons | | | | |

[*** Designer Fill-Ins for Table 3, See Notes to Designer]

NOTES TO DESIGNER:

*Insert

OPTION 1: When the designer completes the assessment of past uses, sampling and analysis plan, and soil characterization report, the Contractor shall not be required to carry out any additional sampling and testing (with the exception of any additional sampling and testing requirements imposed by the Property Owner).

When this requirement applies, do not insert anything.

OPTION 2: When the designer completes the assessment of past uses, due diligence sampling and analysis plan, and preliminary soil characterization report, the Contractor shall be required to:

- a) Update the sampling and analysis plan,
- b) Complete any additional sampling and analysis, and
- c) Complete the soil characterization report.

Insert the following:

The excess soil documentation shall also include the following information from the site where excess soil originated:

- k) A sampling and analysis plan and a soil characterization report, prepared by the Contractor’s qualified person according to the Soil Rules when required according to O. Reg. 406/19.

OPTION 3: When the designer has not completed an assessment of past uses, a sampling and analysis plan, and a soil characterization report. Insert the following:

The excess soil documentation shall also include the following information from the site where excess soil originated:

- k) An assessment of past uses of the Working Area, prepared by the Contractor’s qualified person according to the Soil Rules.
- l) A sampling and analysis plan and a soil characterization report, prepared by the Contractor’s qualified person according to the Soil Rules when required according to O. Reg. 406/19.

OPTION 4: When the designer has completed the assessment of past uses. Insert the following:

The excess soil documentation shall also include the following information from the site where excess soil originated:

- k) A sampling and analysis plan and a soil characterization report, prepared by the Contractor’s qualified person according to the Soil Rules when required according to O. Reg. 406/19.

**** Designer Fill-Ins**

This is a different option that the designer deems necessary other than Options 1 to 4.

**Table A
Reports**

| Report Description |
|---------------------------|
| |

***** Designer Fill-Ins for Table 3:**

Fill-in Table 3 based on information supplied by environmental project and geotechnical engineering team members, or within an environmental or geotechnical report. When the appropriate soil quality standard is uncertain, specify the more restrictive standard.

Example Fill-Ins for Table 3:

| Township | Station (Offset) | Excavation Depth Range (Note 1) | Generic Excess Soil Quality Standard (Note 2 , Note 4, Note 5) | Property Use (Note 3) |
|-----------------|-----------------------------------|---|--|---------------------------------|
| Toronto | 9+975 (2.7 Rt) [21-03 (Sa 2)] | 0.4 - 0.6 m | Table 2.1: Full Depth Excess Soil Quality Standards in a Potable Ground Water Condition (not including EC and SAR standards) | AO, RPI, ICC |
| Toronto | 10+085 (4.2 Rt) [21-04 (Sa 1)] | 0.0 - 0.2 m | Table 3.1: Full Depth Excess Soil Quality Standards in a Non-Potable Ground Water Condition (not including EC and SAR standards) | ICC |
| Toronto | 10+085 (4.2 Rt) [21-04 (Sa 1)] | 0.2 – 0.4 m | Table 3.1: Full Depth Excess Soil Quality Standards in a Non-Potable Ground Water Condition (not including PHCs F3 -F4 and PHCs, EC and SAR standards) | ICC |

Notes:

1. Depth as measured from the original ground surface.
2. Values refer to the table numbers in Appendix 1 of Soil Rules.
3. Values are acronyms coinciding with table headings in Appendix 1 of Rules for Soil Management and Excess Soil Quality Standards.
AO = Agricultural and Other Property Use,
RPIICC = Residential/Parkland/Institutional/Industrial/Commercial/Community Property Use,
RPI = Residential/Parkland/Institutional Property Use,
ICC = Industrial/Commercial/Community Property Use,
(Surf) = Surface, and (Sub) = Subsurface.
4. Not including EC and SAR standards.
5. Not including Asphalt-impacted Excess Soil with PHC's F3 and F4 and PAHs

WARRANT: All Contracts that will generate excess soil. In consultation with the Regional Environmental Delivery Section and the Environmental Policy Office.

CUSTODIAN: Environmental Policy Office.