

Excess Soil Checklist

For developers, builders and contractors: what Ontario's Excess Soil Regulation expects before and during excavation, and what a Ministry inspector will ask to see.

New from January 1, 2027

Excess soil that meets the cleanest standards (Table 2.1) is generally restricted from going to landfill, with limited exceptions. Line up reuse destinations early, before excavation starts.

1 Does reuse planning apply to your project?

Reuse planning, including a notice on the Excess Soil Registry, is required if **any one** of these applies (s. 8(1.1)), unless an exemption covers the project:

A. Enhanced investigation site

A past or present higher-risk use on any part of the site, e.g. a gas station (unless an RSC was filed with no risk assessment, and no such use since).

B. 2,000 m³ or more, in a settlement area

Removing 2,000 m³ or more from a site in a city or town, unless its current or most recent use is residential, institutional, parkland or agricultural.

C. Remediation

Removing soil to reduce contaminant concentrations, including remediation to file a Record of Site Condition.

Common exemptions (Schedule 2): under 100 m³ going directly to a landfill; excavation to deal with an immediate danger, a spill or an order; infrastructure maintenance (not stormwater pond sediment); topsoil reused directly as topsoil; infrastructure soil reused on another public or same-owner infrastructure project; 100 m³ or less to a local waste transfer facility. *Exemptions have conditions: have a Qualified Person confirm.*

2 Before any soil leaves the site

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| ☐ Notice filed on the Excess Soil Registry s. 8, Sch. 2
Filed before soil is removed, if reuse planning applies. | ☐ Assessment of past uses s. 11
Prepared by a Qualified Person. |
| ☐ Sampling and analysis plan s. 12
Prepared by a Qualified Person. | ☐ Soil characterization report s. 12
Prepared by a Qualified Person, based on the sampling. |
| ☐ Excess soil destination assessment report s. 13
Prepared by a Qualified Person. | ☐ Soil tracking system in place s. 16
Set up and used for every load, following the Soil Rules. |
| ☐ Destination sites known
Type of site and full address for each one (e.g. reuse site, Class 2 site). | ☐ Haulers known
Company, contact person and phone number for each hauler. |

3 During excavation

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| <p>☐ Procedure ready for suspect soil s. 23
Written steps to follow if soil looks or smells like it may be contaminated.</p> <p>☐ Stockpiles stored per the Soil Rules s. 24
Set back from water; sampled and unsampled soil kept apart; liquid soil accessible for inspection.</p> <p>☐ Dewatering or solidifying liquid soil s. 6, Soil Rules C5
Mixing in a drying or solidifying material requires a Qualified Person and set procedures.</p> | <p>☐ Soil managed to prevent any discharge EPA s. 14
Measures in place so excavated soil causes no adverse effect.</p> <p>☐ On-site processing allowed without an ECA s. 6
Passive aeration or dewatering, mechanical dewatering, soil turning, size-based or debris sorting, mixing similar-quality soil (never to dilute).</p> |
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4 Hauling and reuse

- ☐ **Hauling record completed before each load** s. 18
The required information is recorded before the truck leaves.
- ☐ **Drivers have a contingency plan** s. 18.1
Where to go if the receiving site refuses the load (alternate site or back to origin).
- ☐ **Reuse site conditions met** s. 3(2)
Soil goes directly there; written consent from the site owner; a beneficial use; quality and quantity suit that use; soil is dry.

5 After removal and records

- ☐ **Registry notice updated** s. 9
Within 30 days after all soil is removed, or when information changes.
- ☐ **Records kept** s. 28
Reports, written consents, hauling and tracking records, for the period the regulation requires.

▼ If a Ministry inspector visits, have ready:

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|-----------------------------------|-------------------------------------|
| • Names of your Qualified Persons | • Last 30 days of tracking records |
| • Sampling and analysis plan | • Last 30 days of hauling records |
| • Soil characterization report | • Written consents from reuse sites |
| • Destination assessment report | • Driver contingency measures |
| • Destination sites and haulers | • Suspect-soil procedure |

PLAN IT BEFORE YOU DIG

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General guidance based on O. Reg. 406/19, the Soil Rules and the questions used in Ministry excess soil inspections. It is not legal advice, and requirements depend on your project: confirm with a Qualified Person. Section numbers refer to O. Reg. 406/19 unless noted.