



RCCAO

Soil Management Best Practices

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Residential and Civil Construction Alliance of Ontario

- Logo reflects Management and Labour.



Reasons for Formation

- Major Challenges related to Infrastructure Investment and Renewal.
- RCCAO will work to offer solutions to governments and others ... with one voice.



Commission Independent Research Reports

- To date, 17 major reports.
- First report on ‘The Infrastructure Funding Deficit: Time to Act’.
- More detailed reports on Transportation, Bridges, Water & Sewer Systems, Benchmarking, EA reform, Procurement and Building Permit Processes.



Amendments to RSC Regulation

- Amendments to O. Reg 153/04 in Dec. 2009 to “include a more predictable and transparent process.”
- There is no express provision in O.Reg. 511/09 that regulates the movement of construction soil. The Minister’s office indicated that the new Reg. is intended to deal with brownfield clean-ups.



Management of Excess Construction Soils

- New regulations came into force on July 1, 2011 but application of new standards began prior to this.
- Legal opinions indicated that moving surplus project soils would be more expensive and complex.
- Additional compliance costs will impact the ability of governments to deliver infrastructure cost effectively.
- Utilities will pass on higher costs on to consumers.



Management of Excess Construction Soils

- In practice, lenders and municipalities as a condition of mortgage financing or as a condition for rezoning require Table 1 or other tables under Brownfield regs. to reduce potential future liability.
- Although municipalities are the owners of most roads and many utilities, the obligations to assess soil qualities and dispose of excess materials are most often contracted out to construction firms.



Management of Excess Construction Soils

- Quarry operators have typically accepted ‘clean’ soils but reduced tolerances would likely eliminate pits and quarries as sites for surplus fill.
- Road bed soils contain higher concentrations of sodium and automotive compounds.
- MOE’s definition of inert fill is most usually Table 1 and therefore restrictive for any type of excess material use.



Management of Excess Construction Soils

- Road building sector had already been developing a best practices document during 2008-09.
- Excess soils be reused on site, wherever possible.
- Linear landfill options such as berms, stockpiling and placement in right-of-way cannot be applied in most civil construction projects.



Management of Excess Construction Soils

- RCCAO hosted a series of meetings beginning in September 2010 with representation from the construction, legal and engineering sectors as well as MOE, MTO, a financial institution and municipalities.
- A review of municipal by-laws found that there is great inconsistency in the approach to fill quality criteria. Of 85 reviewed, only 25 have a relevant by-law that mentions soil quality.



Possible Approaches

- It was recognized that legislative and non-legislative approaches should be explored. The following potential solutions were discussed:
 - alternative criteria table for sites not subject to RSC
 - exemption for road ROW fill on properties subject to RSC
 - municipal/provincial “soil banks” to stockpile and supply soil
 - amendment of pits and quarry license and closure conditions



Procurement/Insurance Considerations

- Procurement/purchasing best practices were also recognized as being significant.
- High standards are applied to minimize risk but this inhibits practical solutions.
- Perhaps an insurance mechanism could be instituted for receiving sites.
- Better education of all stakeholders.



New Regs Could Have Unfortunate Consequences

- Level playing field is important.
- Low bidders might win the job but will these players follow the rules? (e.g., illegal dumping)
- Monitoring proper disposal will be important.
- Governments could work cooperatively with industry to help establish appropriate disposal sites and to identify best practices from other jurisdictions.



Recent Initiatives

- RCCAO met with Environment Minister in January 2011 and proposed that there be jointly funded research into the practices and regulations in other jurisdictions.
- This did not transpire but MOE did organize meetings with a Dutch delegation in June.
- MTO has prepared a best practices document for the Hwy. 407 East extension but this is for “internal use.”



Next Steps

- On July 20, 2011 RCCAO distributed a letter to all MPPs with the heading “Excess Construction Soils Can Make or Break Provincial Infrastructure Budgets.”
- Sought commitment following the provincial election to develop a new regulatory framework for managing excess construction soils by the summer of 2012.