
HALDIMAND COUNTY

Memorandum RDS-M02-2021 Update - Roadside Ditching

For Consideration by Council in Committee on October 5, 2021



To: Mayor Hewitt and Members of Council
From: David Pressey, Director - Roads Operations

Overview

On January 1, 2021, Phase One of Ontario's New On-Site and Excess Soil Management Regulation, O. Reg 406/19, and supporting amendments (the "Regulation"), took effect under the province's Environmental Protection Act (EPA). The Regulation introduces a new framework for the excavation, removal, and transportation of "excess soils" between two or more sites.

Subject to certain exceptions, the new framework will now apply to all construction projects that generate "excess soil". These regulatory changes will affect property owners (public and private), developers, consultants, and the construction industry as a whole, exposing its participants to new risks and legal requirements.

Impacts to Haldimand

In order to ensure activities undertaken by Haldimand County, and its contractors, comply with the Regulation, Staff retained XCG Consulting Limited to provide a review of the regulatory frame work and to provide new procedures to implement of various projects. Various divisions within the Public Works Operations Department and the Engineering Department complete projects and tasks that result in excess soils. Some of those activities include but are not limited to roadside ditch cleaning/grading, culvert replacement, general road repairs, sewer and waterman repairs, sidewalk/curb replacement, and soils generated from vac-truck operations.

The procedures developed, to ensure compliance with O. Reg 406/19, include information and direction on activities such as:

1. Identification/confirmation of a Project Leader for each excess soils project;
2. Where necessary, filing notification on the Excess Soils Registry;
3. Completion of the site evaluation related to current and past practices, as well as identification of potentially contaminating activities and associated areas of potential environmental concern;
4. Preparation of sampling and analysis plan to evaluate the soil quality;
5. Completion of soil sampling activities to characterize soil quality;
6. Identification and evaluation of County-owned temporary storage sites or final destination (reuse or deposit sites) for excess soils;
7. Completion of necessary documentation of excess soil management activities; and
8. Protocols associated with short-notice excavation activities (i.e. emergency repairs).

The Roads Operations Division, undertakes annual activities to ensure the roadside ditch system is functioning as designed. These activities include ditch cleaning, grading, culvert cleaning, culvert replacement, etc. With the implementation of the Regulation on January 1, 2021, staff were forced to delay the annual ditching program while procedures were developed to ensure these operational activities are completed in accordance with the Regulation.

Staff have identified the top priority ditch sections, in each district (Dunnville, Oneida, Cayuga, and Walpole) that require cleaning or grading this year. To date, the following have been completed; Site evaluations, identification of potential contaminating activities, soil sampling and analysis, preparation of characterization reports, and identification of final destination sites. Sampling has identified that soil conditions vary greatly across the county and will require new practices for storing, reusing, and disposal of the excess soils.

Staff are currently waiting on locates at specific locations and are planning to complete the ditching work by the end of October. As the new protocols and procedures related to excess soil management are now established, Staff are able to proactively plan the ditching program for 2022. Early in the spring of 2022, the activities described above will be completed for the ditch sections requiring maintenance in 2022, therefore allowing staff to complete their work throughout the summer. The work program will necessarily be dependent on the budget allocation in terms of the amount of work that can be completed. To complete the current amount of ditching in the existing program the budget will need to be increased going forward.