

O. Reg. 406/19 On-Site and Excess
Soil Management:

Procurement & Contract Best Management Practices

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Overview

- Roles & Responsibilities
- Contract Types & Tender Scenarios
- Effective Planning & Best Management Practices for:
 - Project Leaders
 - QPs
 - Contractors
- Early Lessons Learned



Roles & Responsibilities

Project Leader (PL) – Person or persons who are ultimately responsible for making decisions relating to the planning and implementation of the project.

Qualified Person (QP) – Employee or subconsultant with the qualifications outlined in O.Reg.153/04 (i.e., experienced P.Eng. or P.Geo) who is retained to prepare the reuse planning reports and other duties

Contractor (C) – Retained to undertake the duties of the project in accordance with the contract specifications, including O. Reg. 406/19 related requirements.



Contract Types & Tender Scenarios

Not Ideal :

- 1. Traditional Approach with 'O. Reg. 406/19 Inclusion'**
- 2. All O. Reg 406/19 delegated to Contractor and should assume:**
 - a) No soil contamination; or
 - b) All soil must be disposed of as waste.
- 3. Everything thrown in – 'kitchen sink'**



Contract Types & Tender Scenarios

Preferred:

1. Project Leader (PL) tenders all *Excess Soil Reuse Planning Requirements* under 1 contract (*i.e., 1 QP*) and retains & manages a Contractor (C)
2. 'PL QP' retained to complete APU, SAP, SCR under 1 contract to support construction tender under a separate contract that includes 'C QP' to prepare ESDAR, tracking & registration



Effective Planning & Best Management Practices



If you are the Project Leader:

- Develop Roster, Standing Offer, or 'Requirements Sheet' for QPs:
 - Stipulate min.# years experience
 - Demonstrate technical knowledge
 - Review project experience & references
 - For PL QP and C QP – preapproved list of QPs
- Retain a QP to assist with the development & review of tender language to:
 - Avoid 'kitchen sink'
 - Provide clarity for triggers & exemptions
 - Develop provisional line items



Effective Planning & Best Management Practices



If you are the Project Leader (Continued):

- Provide pertinent project information (i.e., volumes, excavation areas etc.) and clarify roles & responsibilities
- Retain a Contract Administrator or 'PL QP' to review documents & deliverables contracted to others. Mandate an SMP.
- Establish relationships with or develop your own receiving sites
- Consider obtaining a license or developing tracking software



Effective Planning & Best Management Practices



If you are the Qualified Person:

- Develop a checklist for reviewing tender documents & specs to ensure required details have been provided:
 - Volumes, areas of excavation, cut/fill analysis, tunnel spoils/crushed rock, importation of soils, SMP/FMP requirements etc.
 - For PL: clarify application of exemptions
 - For C: available reports, sampling equipment, permits, identification of receiving sites, construction schedule/sequencing
- Clarify roles and responsibilities, including for costs (tracking software, registration, etc.)



Effective Planning & Best Management Practices

If you are the Contractor:

- Clarify roles & responsibilities
- Develop relationships with receiving sites:
 - Learn their requirements for disposal
 - Request from PL
- Work with experienced QPs. Involve them in the bidding process
- If sampling is required, consider timing and associated implications:
 - Methodology (e.g., in-situ BHs, ex-situ stockpiles)
 - Number of samples
 - Rush analysis



Early Lessons Learned

Specifications:

- Review existing specifications and work with a QP on revisions to get a good "middle ground" specifications:
 - Definitions/Responsibility for the various roles
 - Specified Excess Soil Standards where soils are deemed to be contaminated
 - e.g., Table 2.1 ICC
 - Having bidders provide costing with proposed receiver sites
 - Clarity on exemptions



Early Lessons Learned

Early Planning:

- Involvement of a QP during the design process to have a better understand of the volume of excess soils:
 - Preliminary investigations for geotechnical with some limited soil sampling for design purposes
 - Follow up soil investigations at 60-75% design completion
 - Develop specifications and tender documents with clarity of excess soil volumes and location of impact



Early Lessons Learned

Liability:

- Important to understand and develop specifications to meet *your* requirements:
- Full regulatory requirements:
 - Reporting, etc.
- Contract specific specifications:
 - Exemptions, limited reporting, etc.

Other:

- Important to keep in mind that re-use sites may have other specified requirements as well



Questions ??

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