

Town of Greater Napanee

Excess Soil (Fill) Disposition Policy



Approval Date:	July 14, 2026	Resolution #	319/26
Revised Date:		Resolution #	
Review Scheduled:	[Next Review Date]		
Department:	Growth & Infrastructure	Contact:	GM – Growth & Infrastructure
Approval Authority:	Council	Policy No:	GI-2026-02

1. Purpose

The purpose of this policy is to establish a transparent, fair, and legally compliant framework for the disposition of excess soil generated from municipal works, support beneficial reuse where appropriate, and protect municipal interests. This policy is intended to be applied in a manner consistent with Ontario Regulation 406/19 (as amended) for On-Site and Excess Soil Management, the Environmental Protection Act, and any applicable municipal site alteration and fill by-laws.

2. Legislative Authority

This policy is governed by and shall be interpreted in accordance with the Environmental Protection Act; Ontario Regulation 406/19, as amended (On-Site and Excess Soil Management); and any applicable municipal site alteration, fill, grading, drainage, or related by-laws.

3. Scope

This policy applies to excess soil generated through municipal capital works, maintenance, or infrastructure projects (the source site) and to private landowners seeking to receive excess soil for beneficial reuse (the receiving site).

4. Definitions

Excess Soil has the same meaning as set out in Ontario Regulation 406/19, as amended.

Project Leader includes, where applicable, the party responsible for planning and implementing the excess soil management aspects of a project under Ontario Regulation 406/19, as amended.

Qualified Person (QP) means a person who meets the qualifications required under Ontario Regulation 406/19, as amended, for any required assessments, sampling, documentation, or oversight.

Receiving Site means the property where excess soil is proposed to be placed

for beneficial reuse.

5. Responsibilities

5.1. Council of the Corporation of the Town of Greater Napanee

Council is responsible for:

- a) Approval of this policy and any amendments thereto.

5.2. General Manager – Growth & Infrastructure

Responsibility and authority is delegated to the General Manager – Growth & Infrastructure to:

- a) Direct the review and recommend updates of this policy to reflect legislative changes, operational experience, or Council direction, as required.

5.3. Director of Capital Works

Responsibility is delegated to the Director of Capital Works, or designate, to:

- a) Reviewing applications, in coordination with other staff as necessary, to determine eligibility and manage allocation; and
- b) Ensure department staff are aware of and trained in this policy.

6. Policy

Excess soil will be allocated on a first-come, first-served basis, subject to operational feasibility and the eligibility requirements in this policy.

The Town reserves the right, at its sole discretion, to refuse, suspend, or terminate soil placement or delivery where access, safety, compliance-related concerns, or operational requirements are not met.

The Town will not undertake detailed technical review of receiving-site compliance; however, the Town may request and retain administrative evidence of eligibility and recordkeeping and may cease deliveries where information is not provided or where non-compliance is suspected.

6.1. Town (Source Site) Responsibilities

- a) Where the Town is the source site owner and/or project leader for a municipal project, the Town will manage excess soil from municipal projects in accordance with applicable requirements under Ontario Regulation 406/19, as amended, as they apply to the project.
- b) This may include where applicable:
 - i. planning for excess soil reuse/disposition;
 - ii. characterization and sampling;
 - iii. tracking and hauling documentation; and
 - iv. retaining required records.
- c) Nothing in this policy shall be interpreted to waive or diminish any statutory obligation that applies to the Town as a source site owner or

project leader under Ontario Regulation 406/19, as amended.

6.2. Eligibility Requirements (Receiving Sites)

- a) As a condition of receiving excess soil from the Town, landowners must satisfy the following minimum requirements. The Town may require completion of Appendix A (Receiving Site Screening Checklist) prior to any delivery.
 - i. Acknowledgement that compliance with Ontario Regulation 406/19, as amended, and any other applicable law is the sole responsibility of the receiving landowner and any Qualified Persons retained by them.
 - ii. Confirmation that the receiving site is legally eligible to accept excess soil, including compliance with any applicable municipal site alteration/fill by-law and any required approvals from external agencies (e.g., conservation authority) where applicable.
 - iii. Confirmation that the quantity of soil proposed to be received will not exceed the site's capacity to manage the material in compliance with applicable law and without adverse drainage, slope stability, or off-site impacts.
 - iv. Execution of the Town's Excess Soil Receipt and Release Agreement (Appendix B).
 - v. Provision of safe and reasonable access for delivery vehicles and for municipal access as set out in Section 10.
 - vi. Agreement that the Town may request administrative evidence of eligibility and recordkeeping (e.g., confirmations, declarations, or documentation required under Ontario Regulation 406/19, where applicable), and may cease deliveries if such information is not provided upon request.
- b) The Town does not provide environmental, engineering, legal, or regulatory advice to landowners and does not certify that any receiving site is compliant. Landowners are responsible for obtaining their own professional advice.

6.3. Application and Allocation Process

- a) Landowners may express interest in receiving excess soil by contacting the Town department responsible for the applicable municipal project.
- b) Where multiple requests are received, allocation will generally be managed on a first-come, first-served basis, subject to operational constraints (haul routes, volumes, scheduling, safety, and site access).
- c) The Town may prioritize receiving sites that reduce hauling distances, minimize greenhouse gas emissions, or support beneficial reuse outcomes, provided eligibility requirements are met.

6.4. Compliance and Records (Receiving Site)

- a) Compliance with Ontario Regulation 406/19, as amended, including any required documentation, approvals, and recordkeeping, is the sole responsibility of the receiving landowner and any professionals retained by

them. Where multiple requests are received, allocation will generally be managed on a first-come, first-served basis, subject to operational constraints (haul routes, volumes, scheduling, safety, and site access).

- b) The Town will not conduct detailed technical review of receiving-site compliance. The Town may, however, request reasonable administrative confirmation that required records are being maintained and that the receiving site remains eligible.

6.5. Delivery, Access, and Operational Requirements

- a) Deliveries will be scheduled at the Town's discretion based on project needs and operational feasibility.
- b) The landowner is responsible for ensuring safe site conditions for delivery vehicles, including appropriate ingress/egress, turning radius, and traffic management on the property.
- c) The landowner shall provide reasonable municipal access to the receiving site for administrative and operational purposes related to deliveries, including the ability to verify site access and to confirm that deliveries are occurring at the agreed location.
- d) The Town may stop deliveries at any time for safety, operational, weather, access, or compliance-related concerns, without liability for resulting impacts.

6.6. Suspension and Termination

- a) The Town may refuse, suspend, or terminate deliveries and/or the agreement at any time, including where:
 - i. The landowner fails to provide requested confirmations or documentation within a reasonable timeframe;
 - ii. Site conditions are unsafe or access becomes unsuitable;
 - iii. The Town receives complaints or information suggesting potential non-compliance or adverse off-site impacts;
 - iv. There is a breach of the agreement or of any conditions set out in this policy; or
 - v. The Town's operational needs change.

7. Liability and Risk

Excess soil is placed at the sole risk of the receiving landowner. The Town assumes no responsibility for settlement, erosion, drainage impacts, tile damage, crop loss, impacts to wells or surface water, effects on adjacent properties, or any limitations on future land use arising from soil placement. The Town's provision or delivery of excess soil does not constitute approval, endorsement, or confirmation of receiving-site regulatory compliance.

8. Indemnification

The receiving landowner shall release and indemnify the Town, its elected officials, officers, employees, and agents from and against any and all claims,

losses, damages, liabilities, costs, expenses, actions, causes of action, and proceedings arising from or related to the receipt, placement, management, or use of the excess soil, including, without limitation, any regulatory orders, remediation costs, damage to persons or property, third-party claims, and legal costs on a full indemnity basis.

9. Administration and Review

This policy shall be administered by the Town and may be updated from time to time to reflect legislative changes, operational experience, or Council direction.

10. Related Documents

Ontario Regulation 406/19

Appendices

Appendix A – Receiving Site Screening Checklist (Administrative Declaration)

Appendix B – Excess Soil Receipt and Release Agreement

Revision History

Date	Number	Description
July 14, 2026	GI-2026-02	New

**Appendix A - Receiving Site Screening Checklist
(Administrative Declaration)**

Receiving Landowner Name(s): _____

Receiving Property Address: _____

Roll Number: _____

Phone / Email: _____

Proposed intended use of soil (e.g., grading, berm, restoration):

Estimated volume to be received (m³): _____

By initialing each item below, the landowner declares the following:

Initials: _____ The receiving property is legally eligible to accept excess soil and is not subject to any prohibition that would prevent placement.

Initials: _____ Any applicable Town site alteration/fill by-law requirements have been met, including permits/approvals if required.

Initials: _____ Any required approvals from external agencies (e.g., conservation authority) have been obtained, where applicable.

Initials: _____ The proposed placement will not adversely affect drainage, slope stability, or adjacent properties.

Initials: _____ The proposed placement will not adversely impact wells, surface water features, wetlands, or other sensitive receptors.

Initials: _____ The quantity of soil to be received will not exceed the site's capacity to manage the material in compliance with applicable law.

Initials: _____ I understand that I am responsible for Ontario Regulation 406/19 compliance (where applicable) and for retaining any required Qualified Persons and maintaining required records.

Initials: _____ I understand the Town may request administrative confirmation of eligibility and recordkeeping and may cease deliveries if information is not provided.

Landowner Signature: _____ Date: _____

(For Town use) Request Received: _____

Approved for Scheduling: _____

Scheduled Start Date: _____

Appendix B – Excess Soil Receipt and Release Agreement



Landowner Name(s): _____

Property Address: _____

Roll Number: _____

Phone / Email: _____

The undersigned acknowledges receipt of excess soil from the Town of Greater Napanee (the "Town").

The undersigned acknowledges and agrees that:

- Compliance with Ontario Regulation 406/19, as amended, and all other applicable law is solely the responsibility of the landowner and any Qualified Persons retained by them;
- The receiving property is legally permitted to accept excess soil and all required approvals and permits (if any) have been obtained;
- The landowner has confirmed the receiving site's capacity to accept the estimated quantity of soil without adverse impacts;
- The Town does not undertake detailed technical review of receiving-site regulatory compliance and does not provide environmental, engineering, or legal advice;
- The Town may request reasonable administrative evidence of eligibility and recordkeeping and may cease deliveries if such information is not provided; and
- The excess soil received may include material consistent with specifications permitted under applicable legislation and project requirements, which may include salt-impacted and/or asphalt-impacted soil where permitted and managed in accordance with applicable law.

The undersigned accepts the excess soil at their own risk and releases and indemnifies the Town of Greater Napanee, its elected officials, officers, employees, and agents from any and all claims, losses, damages, liabilities, costs, expenses, actions, causes of action, and proceedings arising from or related to the receipt, placement, management, or use of the soil, including, without limitation, regulatory orders, remediation costs, third-party claims, and legal costs on a full indemnity basis.

The Town may stop delivering excess soil at any time for safety, operational, weather, access, or compliance-related concerns and is not responsible for any resulting impacts.

Landowner Signature: _____ Date: _____

Municipal Signature: _____ Date: _____