

Protocol for Reviewing Development Applications with Respect to Contaminated or Potentially Contaminated Sites

Regional Official Plan Guidelines



Halton Region Official Plan Guidelines

The Regional Official Plan is Halton's guiding document for land use planning. It contains policies that guide decisions related to, among other things, managing growth and its effects on Halton's social, economic, and natural environment.

The **Regional Official Plan Guidelines and Protocols** are a set of documents that clarify, inform, and aid in the implementation of the Plan's policies.

The Guidelines and Protocols have been prepared in accordance with Section 192 of the Regional Official Plan. They provide direction and outline approaches that can be used to satisfy the relevant policies of the Plan. They do not introduce additional policy requirements, and, in the event of a conflict between the Guidelines, Protocols, and the Regional Official Plan, the Plan shall prevail.

The Guidelines may be updated from time to time as required through a report to Regional Council.

For more information, visit [halton.ca/The-Region/Regional-Planning/Regional-Official-Plan-\(ROP\)-\(1\)](http://halton.ca/The-Region/Regional-Planning/Regional-Official-Plan-(ROP)-(1)) or [halton.ca/The-Region/Regional-Planning/Regional-Official-Plan-\(ROP\)-\(1\)/Regional-Official-Plan-Guidelines](http://halton.ca/The-Region/Regional-Planning/Regional-Official-Plan-(ROP)-(1)/Regional-Official-Plan-Guidelines), or call 311.

“This Plan calls for the preparation of certain guidelines or protocols to provide more detailed directions in the implementation of its policies.”

Halton Region Official Plan – Section 192

as adopted by Regional Council, December 16, 2009

Protocol for Reviewing Development Applications with Respect to Contaminated or Potentially Contaminated Sites

The **Protocol** ensures that contaminated land is restored to an environmental condition suitable for its intended land use and that Regional water resources, human health, and ecological health are protected.

<p>Purpose</p>	<p>The purpose of the Protocol is to:</p> <ul style="list-style-type: none"> • Outline the steps and conditions that must be met by a proponent when submitting a development application with respect to contaminated or potentially contaminated sites; • Clarify the steps and conditions for requiring a Record of Site Condition and considering the application of a non-potable approach for site cleanup or risk assessment; and • Ensure that contaminated land is restored to an environmental condition suitable for its intended land use.
<p>Application & Use</p>	<p>Section 147(17) of the Regional Official Plan requires the proponent of a development proposal to determine whether there is any potential contamination on the site they wish to develop, and if there is, to undertake the steps necessary to bring the site to a condition suitable for its intended use. The Protocol should be used for this purpose by a variety of users, including:</p> <ul style="list-style-type: none"> • Regional, local, and external agency staff: as a resource when reviewing development applications involving potentially contaminated sites. • The development industry: for clarity on the development process for contaminated or potentially contaminated sites and other requirements. • The public: to understand how contaminated sites are addressed and restored to an environmentally suitable condition through the development process.
<p>Supporting Documents</p>	<p>In addition to the policy direction provided by the Regional Official Plan, the most recent versions of the following documents should be considered alongside this Guideline, as appropriate:</p> <ul style="list-style-type: none"> • Provincial Policy Statement, 2020 • The Niagara Escarpment Plan, 2017 • The Greenbelt Plan, 2017 • A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 • Environmental Protection Act, R.S.O. 1990, Chapter E.19 • Soil, ground water and sediment standards for use under Part XV.1 of the Environmental Protection Act • O. Reg. 153/04, Records of Site Condition • O. Reg. 406/19, On-Site and Excess Soil Management • Records of Site Condition – A Guide on Site Assessment, the Cleanup of Brownfield Sites and the Filing of Records of Site Condition, 2004 • Local Official Plan & Zoning By-law
<p>Version</p>	<p>Version 3.0 This version of the Protocol was brought before the Inter-Municipal Liaison Committee on March 3, 2022. It replaces the version adopted by the Committee on June 18, 2014.</p>

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1. Introduction

This Protocol for Reviewing Development Applications with Respect to Contaminated or Potentially Contaminated Sites (Protocol) outlines the steps that must be completed and conditions that must be met by a proponent when submitting a development application. The Region will adhere to this Protocol when reviewing, commenting, and approving select development applications and will encourage the Local Municipalities to do the same.

The primary objectives of the Protocol are to ensure that contaminated land is restored to an environmental condition suitable for its intended land use, that soil is sustainably managed, and that Regional water resources, human health, and ecological health are protected. Documents that form the basis of the guidance presented in this Protocol include:

Records of Site Condition and Environmental Site Assessments

- Environmental Protection Act, R.S.O. 1990, c. E.19;
- Ontario Regulation 153/04, Records of Site Condition (O. Reg. 153/04);
- Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act;
- Guide: site assessment, cleanup of brownfields, filing of Records of Site Condition ([ontario.ca/page/guide-site-assessment-cleanup-brownfields-filing-records-site-condition](https://www.ontario.ca/page/guide-site-assessment-cleanup-brownfields-filing-records-site-condition));

On-Site and Excess Soil Management

- Ontario Regulation 406/19, On-Site and Excess Soil Management (O. Reg. 406/19);
- Rules for Soil Management and Excess Soil Quality Standards (2020), adopted by reference in O. Reg. 406/19; and,
- Management of Excess Soil – A Guide for Best Management Practices ([ontario.ca/page/management-excess-soil-guide-best-management-practices](https://www.ontario.ca/page/management-excess-soil-guide-best-management-practices))
- Bringing Soil to a Record of Site Condition Property (<https://www.ontario.ca/page/bringing-soil-record-site-condition-rsc-property>)

These and other related documents are available on the Ministry of the Environment, Conservation and Parks (Ministry) website at [ontario.ca/page/brownfields-redevelopment](https://www.ontario.ca/page/brownfields-redevelopment) and [ontario.ca/page/handling-excess-soil](https://www.ontario.ca/page/handling-excess-soil).

This Protocol replaces the Protocol adopted by the Committee on June 18, 2014.

Community Improvement Plans

Cleaning up contaminated and potentially contaminated sites and reusing the land (for purposes such as high-density residential developments and employment uses) slows urban sprawl and supports intensification, neighbourhood rejuvenation, and the use of existing infrastructure while also reducing the demand for greenfield developments.

To encourage redevelopment of contaminated and potentially contaminated properties, municipalities in Halton Region have established incentive programs to promote the assessment, remediation, development, redevelopment, and adaptive reuse of such properties. Incentive programs differ between municipalities and a summary of those available can be found in each municipality's Community Improvement Plan.

Proponents of developments at potentially contaminated sites are encouraged to contact the Local Municipality to determine if their project is within a Community Improvement Project Area and if it qualifies for one or more incentives offered via the local Community Improvement Plan.

Abbreviations

The following acronyms, some of which are used in this Protocol, are commonly found in environmental reports prepared for contaminated or potentially contaminated sites. They have the following meanings:

APEC: Area of Potential Environmental Concern

CoC: Contaminant of Concern

CPU: Certificate of Property Use

CSA: Canadian Standards Association

ESA: Environmental Site Assessment

Ministry: Ministry of the Environment, Conservation, and Parks

O. Reg.: Ontario Regulation

PCA: Potentially Contaminating Activity

QP: Qualified Person

QP_{ESA}: Qualified Person – Environmental Site Assessment

QP_{RA}: Qualified Person – Risk Assessment

RSC: Record of Site Condition

SSQ: Site Screening Questionnaire

2. Environmental Reporting and Records of Site Condition

Provincial regulations as well as regional and local by-laws may require a proponent to submit environmental reports to the Region or Local Municipalities. These reports may be used to confirm, for example, the environmental site conditions, the potability of groundwater, or the quality of excess soil at a development property. The reports must be submitted before certain permits may be issued and before some conditions may be removed from a development application.

For developments where there is a change to a more sensitive land use as defined by the Environmental Protection Act and Section 14 of O. Reg. 153/04, filing a Record of Site Condition (RSC) in the province’s Environmental Site Registry is mandatory (Table 1). A Record of Site Condition is a summary of the environmental condition of a property, based on the completion of Environmental Site Assessment (ESA) reports that have been conducted by a Qualified Person (QP).

Filing an RSC in the Environmental Site Registry can reduce potential liability under certain environmental orders for persons including current and future property owners. This limited protection is only in respect of a contaminant that was discharged into the natural environment before the RSC certification date and that was on, in or under the property as of that date. The longer the time between the certification date and the filing date, or the certification date and the current date, the more uncertainty there is about the environmental condition of the property. For properties where significant time has passed since an RSC was filed, further studies may be required to validate site conditions.

A proponent may use the RSC filing and its corresponding ESA reports to address regional or local environmental reporting requirements. For sites where an RSC is mandatory, some municipal permits may be issued prior to its filing, but a building permit may not be issued for most works until the RSC filing is acknowledged by the Ministry.

For applications where this is no change to a more sensitive land use, an RSC is not mandatory but ESA reports may be required. If a proponent opts to file a non-mandatory RSC for a development, it may be used to meet local reporting requirements. For those sites at which neither a mandatory nor a non-mandatory RSC is filed, the Region and/or Local Municipality may request peer review of the ESA document(s) by a Qualified Person (as defined under O.REG 153/04 – see Section 2.3).

Table 1: Common land use changes with mandatory requirements for Record of Site Condition filing under Section 14, O. Reg. 153/04.

	Property Use Category 1 "ICC"		Property Use Category 2 "RPI"	Property Use Category 3 "Agriculture and others"
More Sensitive Land Use (applies to ICC Only)	Industrial	RSC Required to Redevelop to More Sensitive Land Use	Residential	Agricultural
	Commercial		Parkland	Other e.g., any land or building use other than an ICC or RPI use
	Community except Section 14(10)		Institutional e.g., churches, play centres, daycare centres	
	RSC Required to Redevelop to More Sensitive Community Use			
	Community Section 14(10) e.g., indoor pool, indoor arena, enclosed stadium, indoor sports field, or indoor gymnasium			
More Sensitive Land Use				

Regardless of whether an RSC will be filed for a property or not, Phase One and Phase Two ESA reports submitted to the Region must be prepared in accordance with the requirements set out in O. Reg. 153/04.

- Phase One ESA reports must be completed in accordance with Part XII, Schedule D of O. Reg. 153/04 and based on current work (as per Section 28 of O. Reg. 153/04).
- Phase Two ESA reports must be completed in accordance with Part XII, Schedule E of O. Reg. 153/04 and based on current work (as per Section 33 of O. Reg. 153/04).

The Region will not accept Phase One or Phase Two reports prepared in accordance with other reporting standards, such as Canadian Standards Association CSA Z768-01 and CSA Z769-00.

2.1. Pre-Consultation and Reporting Requirement Summary

Halton Region’s Development Review Section is a team of professional land-use planners and other staff members who are responsible for the processing and review of applications filed under the Planning Act. The team ensures that development proposals are consistent with Council’s vision for the municipality.

The Development Review Section provides services to Council, the general public, the development industry, and Local Municipalities. Services include administration of a pre-consultation service which is available to anyone who would like to submit a development application under the Planning Act to ensure that the formal application can be processed efficiently, and that decisions are made as quickly as possible.

The documents typically requested by Halton Region and the Local Municipalities to inform determinations regarding development applications for contaminated and potentially contaminated properties are presented in Table 2. Requirements differ depending on a range of factors, including those summarized in the table. All anticipated environmental reporting requirements for a given project will be discussed with proponents during the pre-consultation meeting.

Table 2: Summary of environmental assessments document requirements for developments at potentially contaminated sites. X denotes the indicated document is typically required to be submitted in support of development applications for properties that meet the indicated condition.

Document	Intended land use more sensitive than current land use ²	Intended land use not more sensitive than current land use ²		Land Dedication
		Property Subject to Further Evaluation ³	Property Not Subject to Further Evaluation ³	
Site Screening Questionnaire ¹	X	X	X	X
Any Existing ESA Studies	X	X	X	X
Phase One ESA (If required)		X		X
Phase Two ESA Study (If required)		X		X
Letter of Reliance		X	X	X
RSC and all supporting reports	X			X ⁴

¹ Refer to Appendix B

² Refer to Table 1

³ Refer to Appendix A

⁴ Lands dedicated for a sensitive use, such as parkland, will require filing of an RSC.

2.2. Reporting and RSC Requirement Process Flow Chart

When assessing the environmental condition of a property subject to a development application, the Region applies the O. Reg. 153/04 process. This Protocol provides guidance both for properties where an RSC is mandatory and for properties at which an RSC is not mandatory but where environmental reporting may be required, or where a non-mandatory RSC may be requested by the Region or Local Municipalities.

A process flow chart for determining environmental reporting requirements and whether an RSC is required as a condition of approval is shown in Figure 1. Each step in the process is explained in the following sections.

1. Is the application subject to the Site Identification Process?

The Site Identification Process (Appendix A) outlines the various development applications for which further environmental investigations may be required.

1a. Identified development applications must be accompanied by a completed Site Screening Questionnaire

A Site Screening Questionnaire (Appendix B) must be completed by the property owner and/or a Qualified Person (as defined under O.REG 153/04). The Questionnaire will be used by Halton Region staff to determine if there is evidence of actual or potential contamination in connection with the property and whether there is adequate information regarding the environmental condition of the property.

The Region and Local Municipalities will work together to ensure that the Site Screening Questionnaire is completed early in the development application process, such as during pre-consultation with the proponent. For sites at which a Phase One ESA has recently been completed, the report, along with a Reliance Letter (see Section 2.4) from the QP who prepared the ESA, may be submitted to Halton Region in lieu of the Site Screening Questionnaire.

1b. The Region reviews the Questionnaire, Environmental Protection GIS Database, and other sources.

The Contaminated Sites GIS Database assists in the identification of contaminated or potentially contaminated sites throughout Halton Region. The current and historical land uses of the property and adjacent properties will be evaluated, in addition to potential issues identified in Provincial data such as waste generation and spills, to determine if contamination or the potential for contamination exists. Information received from local municipal staff, agencies (including the Ministry), and the public will be evaluated to determine if there are any potential sources of contamination present on the property.

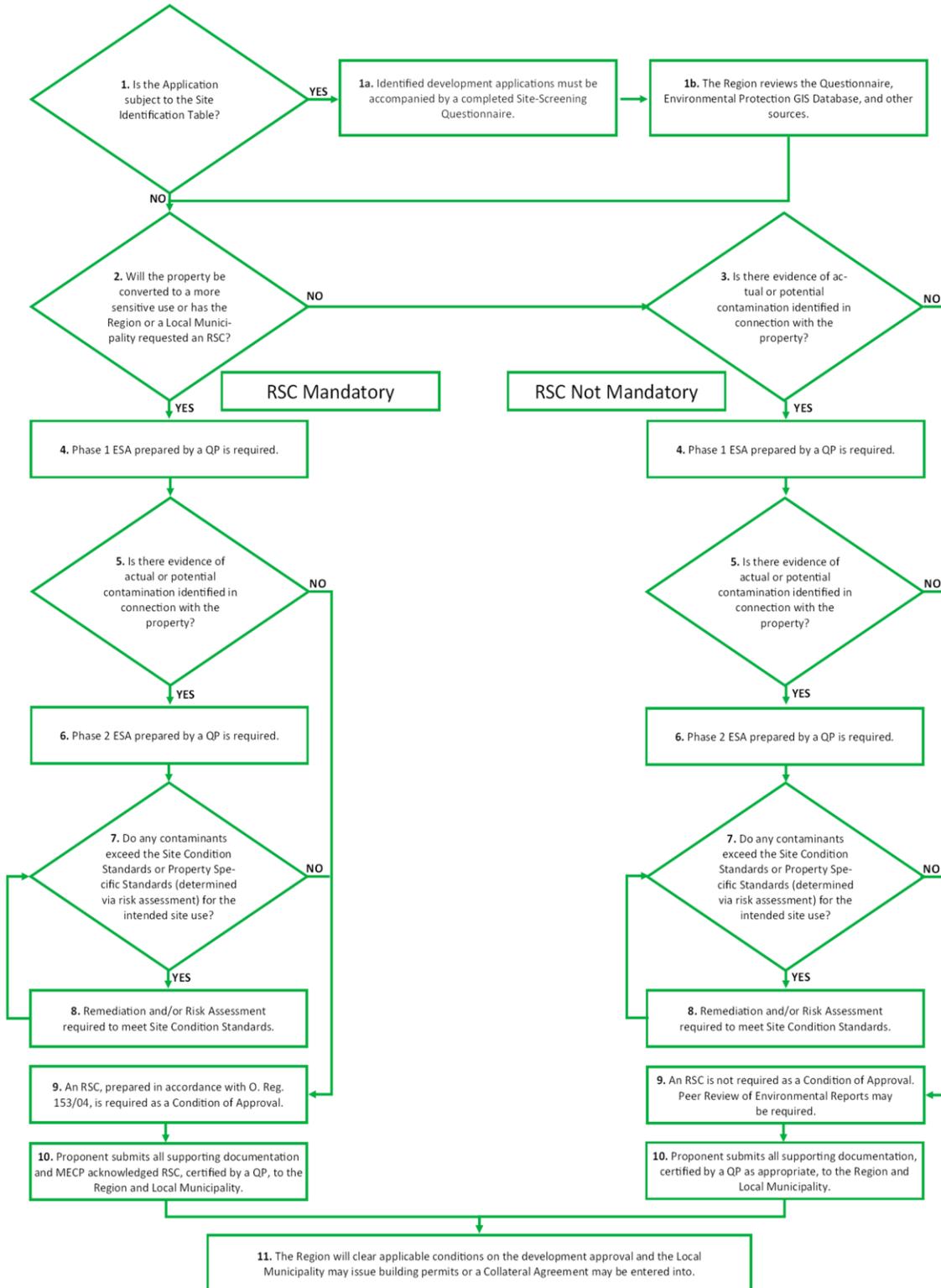
2. Will the property be converted to a more sensitive use or has the Region or a Local Municipality requested an RSC?

Section 168.3.1 of the Environmental Protection Act requires the filing of an RSC in the Environmental Site Registry prior to a change in property use from commercial or industrial to residential or parkland use, or any other change in use specified in Part IV of O. Reg. 153/04. Common changes in use that require an RSC are summarized in Table 1.

Notwithstanding the Provincial requirements relating to change in land use, Halton Region or the Local Municipalities may request an RSC to secure protections from future environmental orders under the Environmental Protection Act and the Ontario Water Resources Act.

Note that for the purpose of an RSC the term “change in use” does not refer to a change in the zoning of the property under a municipal by-law. Rather it refers to a change in the actual use of the property.

Figure 1: Process for Determining Environmental Reporting Requirements and Whether a Record of Site Condition is Required as a Condition of Approval.



Mandatory Records of Site Condition and the Building Code

The mandatory RSC filing provisions under the Environmental Protection Act are linked to the Building Code Act by requiring that an RSC is filed before a building permit may be issued for construction of any building to be used in connection with the change in use. This means that some building permits cannot be issued until an RSC is filed and acknowledged by the Ministry for a mandatory RSC property.

So that work necessary for filing an RSC can be completed, O. Reg. 153/04 provides exemptions from this requirement for building activities relating to environmental remediation, such as excavation and shoring.

Applicants should review the Environmental Protection Act and O. Reg. 153/04 to confirm the specific RSC requirements and applicable exemptions for their property prior to submitting a development application.

Exemptions to Mandatory Records of Site Condition

If a property is not classified as an “enhanced investigation property” (i.e., it is not and has never been developed for industrial use, bulk liquid dispensing (e.g., a gas station, or dry-cleaner), or as a garage), some redevelopments may be exempt from submitting and filing an RSC.

For example, O. Reg. 153/04 provides exemptions relating to the conversion of the upper floors of a low-rise building (six stories or less) that is fully commercial or community use to mixed-use (i.e., commercial/community and residential/institutional uses). However, mixed-use developments that propose to convert the ground and/or subsurface floors or to convert buildings greater than six stories require an RSC.

Applicants should review the Environmental Protection Act and Sections 14.1 and 15 of O. Reg. 153/04 to confirm the specific RSC exemptions for their property prior to submitting a development application.

3. Is there evidence of actual or potential contamination identified in connection with the property?

If an RSC is not mandatory and there is no evidence of actual or potential contamination at a property, no further environmental reporting may be required in support of a development application.

Any documentation used to determine RSC requirements and the potential for contamination should be provided to the Region and Local Municipality for review, potentially including Peer Review (see Section 2.3).

If an RSC is not mandatory but there is evidence of actual or potential contamination, the Region requires, at a minimum, that a Phase One ESA be completed for the property.

4. A Phase One ESA report prepared by a Qualified Person is required

Where evidence of potential contamination at a development property exists, a Phase One ESA will be required. In the case of Consent Applications, where approval is requested to subdivide land without the requirement of a plan of subdivision, the Phase One ESA and subsequent reports shall include an evaluation of the severed portion(s) of the subject property (but not including abutting lands in lot additions).

RSC mandatory

If an RSC is mandatory for the proposed development, at a minimum a Phase One ESA must be completed whether there is evidence of actual or potential contamination or not.

RSC not mandatory

Prior to any approval, or any servicing or grading of the site, the owner is required to submit to Halton Region, at a minimum, a Phase One ESA. The Phase One ESA must be certified by a QP as defined in O. Reg. 153/04 and the author of the report must extend third party reliance to the Region and Local Municipality (see Section 2.4).

5. Is there evidence of actual or potential contamination identified in the Phase One ESA report?

The Region requires that the QP indicates in the Phase One ESA report either that the environmental condition of the site is suitable for its intended land use or that a Phase Two ESA is warranted to address actual or potential contamination on the property.

Under Part VIII, Section 32, Paragraph (1) of O. Reg. 153/04, a Phase Two ESA is mandatory to file an RSC if either:

- a. during a Phase One Environmental Site Assessment of the property, a potentially contaminating activity is identified on, in, or under the property; or
- b. the property is used, or has ever been used, in whole or in part, for any of the following (Enhanced Investigation) activities:
 - i. An industrial use.
 - ii. Any of the following commercial uses:
 - a. As a garage.
 - b. As a bulk liquid dispensing facility, including a gasoline outlet.
 - c. For the operation of dry-cleaning equipment.

If either the QP indicates that a Phase Two ESA is warranted or if one is mandatory under Section 32 of O. Reg. 153/04, then the Region requires a Phase Two ESA for the property.

RSC mandatory

If the QP indicates that the environmental condition of the property is suitable for its intended land use and no further investigation is required, the Phase One ESA may be used to file an RSC in the Environmental Site Registry. The proponent must submit all supporting documentation and an MECP acknowledged RSC, certified by a QP, to the Region and Local Municipality.

RSC not mandatory

If the QP indicates that the environmental condition of the property is suitable for its intended land use and no further investigation is required, the Phase One ESA and any supporting documentation must be submitted to the Region and Local Municipality for review, potentially including Peer Review (see Section 2.3).

6. A Phase Two ESA report prepared by a Qualified Person is required

Prior to any approval, or any servicing or grading of the site, the owner must submit to Halton Region a Phase Two ESA. The Phase Two ESA must be certified by a QP and the author of the environmental report(s) must extend third party reliance to the Region (see Section 2.4).

In the case of Consent Applications, the Phase Two and any subsequent reports shall include an evaluation of the severed portion(s) of the subject property (but not including abutting lands in lot additions).

7. Do any criteria exceed the applicable Site Condition Standards?

The Region requires that the QP indicate in the Phase Two ESA report either that the environmental condition of the site is suitable for its intended land use or that one or more criteria exceed the applicable Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act or property specific standards determined via risk assessment conducted in accordance with

Schedule C of O. Reg. 153/04. If the QP indicates that samples contain contaminants at concentrations that exceed the applicable standards, remediation and/or risk assessment works will be required prior to change in land use.

Additionally, if the concentration of one or more contaminants measured in the natural environment during the Phase Two ESA exceeds the applicable standard or is likely to cause an adverse effect, the site owner or person responsible for the source of contaminant must notify the Ministry. The owner is also required to submit all applicable reports to Halton Region and the relevant municipality for circulation to Planning Services for comment regarding water resources and public health issues.

RSC mandatory

If the QP indicates that the environmental condition of the property is suitable for its intended land use and no further investigation is required, the Phase Two ESA may be used to file an RSC in the Environmental Site Registry. The proponent must submit the Phase Two ESA, all supporting documentation (including Risk Assessment and Remediation reports), and an MECP acknowledged RSC, certified by a QP, to the Region and Local Municipality.

RSC not mandatory

If the QP indicates that the environmental condition of the property is suitable for its intended land use and no further investigation is required, the Phase Two ESA and any supporting documentation (including Risk Assessment and Remediation reports) must be submitted to the Region and Local Municipality for review, potentially including Peer Review (see Section 2.3).

8. Remediation and/or Risk Assessment Required to meet Site Condition Standards

Halton Region requires that all proponents determine whether or not site remediation or a risk assessment is required by comparing analytical results to the applicable Site Condition Standard in the Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act.

The applicable standard should be carefully considered by the proponent. This will depend on a variety of factors such as the most sensitive intended future land use of the property, whether or not the site is environmentally sensitive, or whether or not the site is required to meet the potable groundwater criteria. For sites at which one or more criteria exceed the applicable Site Condition Standard, remediation and/or risk assessment works will be required until such time as a QP determines the site is suitable for its intended land use.

For lands subject to risk assessment, all risk management measures specified in the Certificate of Property Use or the risk assessment report (for sites at which an RSC is not filed) and used to develop property specific standards will be added as conditions on the property title. For lands that are to be conveyed to Halton Region or a Local Municipality, the QP must ensure that all proposed risk management measures have been reviewed and approved by the Region or Municipality prior to submission of the risk assessment to the Ministry or for peer review.

So that an RSC required due to a change in land use can be filed, O. Reg. 153/04 provides exemptions from the mandatory requirement to file an RSC prior to issuing a building permit for environmental remediation works, such as excavation and shoring. Applicants should review the Environmental Protection Act and O. Reg. 153/04 and should consult with Planning and Building Officials to confirm the specific requirements and any applicable exemptions for their property prior to commencing remediation activities.

Where the property owner does not require approval prior to site remediation, the proponent may demonstrate through an RSC filing that the site has been remediated to appropriate standards. In the case of a plan of subdivision, this would involve a specific condition to be satisfied prior to registration.

In the case of a rezoning where no plan of subdivision is involved, the Region will consider the use of a Holding provision (see Section 2.5), to be lifted only when the site has been properly remediated and the Region has received the Ministry-acknowledged RSC.

At the completion of remediation and risk assessment work, the Phase Two ESA should be revised to include the results of this work and to demonstrate that the environmental condition of the site is suitable for its intended land use. For sites at which a risk assessment is conducted, all risk assessments must be submitted to, and will be reviewed by, Planning Services at the completion of the work.

9. Record of Site Condition Requirements

The key factor determining if an RSC is mandatory for a development property is the difference in sensitivity between the current land use and the intended land use following redevelopment. For all sites with a proposed change to a more sensitive land use, as defined by the Environmental Protection Act and O. Reg. 153/04 (Table 1), an RSC is mandatory.

For sites where an RSC is not mandatory due to change in land use, proponents may nevertheless be asked to file an RSC. For example, to secure protections from future environmental orders under the Environmental Protection Act and the Ontario Water Resources Act, Halton Region or the Local Municipalities may request an RSC for land conveyances or parkland dedications, or for development of where there is no proposed change to a more sensitive land use but where contamination has been confirmed or where off-site impacts originating from the property are likely.

RSC mandatory

For sites redeveloped to a more sensitive land use as defined in Section 168.3.1 of the Environmental Protection Act or Part IV of O. Reg. 153/04 (Table 1), or where one has been requested by the Region or a Local Municipality, an RSC is required as a Condition of Approval.

RSC not mandatory

For sites that are not redeveloped to a more sensitive land use and where one has not been requested by the Region or a Local Municipality, an RSC is not required as a Condition of Approval.

Non-Mandatory RSC filings and supporting documents prepared in accordance with O. Reg. 153/04 will be accepted by the Region in support of a development application. In the absence of an RSC, the Region and Local Municipalities may require peer review of ESA, remediation, or risk assessment reports submitted for non-mandatory RSC developments (see Section 2.3).

10. Proponent submits all supporting documentation to the Region and Local Municipalities

At the completion of environmental site assessment, remediation, and risk assessment works (if conducted), the owner is required to submit all supporting environmental documentation to Halton Region, in digital format, to demonstrate that the environmental condition of the site is suitable for its intended land use. The author(s) of the environmental reports and RSC must extend third party reliance to the Region of Halton (see Section 2.4).

The Local Municipalities and the Region will circulate a summary of environmental reports and Records of Site Condition (where available) to the Region's Planning Services section for inclusion in Halton's Contaminated Sites GIS Database.

RSC mandatory

Proponents must submit a Ministry-acknowledged RSC for the intended land use at the site, certified by a QP, and all supporting documentation (including Phase One and/or Phase Two ESA

reports, as appropriate) to the Region and Local Municipality. The RSC must be submitted prior to approvals being granted in most cases.

RSC not mandatory

Proponents must submit all supporting documentation (including Phase One and/or Phase Two ESA reports, as appropriate) to the Region and Local Municipality. Non-Mandatory RSC filings and supporting documents prepared in accordance with O. Reg. 153/04 will be accepted by the Region in support of a development application.

In the absence of an RSC, the Region and Local Municipalities may require peer review of ESA, remediation, or risk assessment reports submitted for non-mandatory RSC developments (see Section 2.3).

11. The Region may clear applicable conditions on the development application and the local municipality may issue building permits

Once all documents have been submitted to the satisfaction of the Region and Local Municipality and all reviews are completed, including peer review, the Region may clear any applicable conditions for the development application.

2.3. Peer Review

When reviewing environmental reports submitted in support of a development application at a site where an RSC was not filed, the Region may request a peer review of the ESA and other document(s). The Region also may request a peer review of documents if a Regional interest is at stake, for example if the site is adjacent to Regional or Municipal lands, if the site is located within one of the Region's Wellhead Protection Areas or if there is a public health issue.

The peer reviewer will be a third-party Qualified Person retained by the Region or Local Municipality. All costs associated with the peer review will be borne by the proponent, including all administrative costs to the Region and/or Local Municipality.

Key questions the peer reviewer will be asked to consider in relation to the development application will include:

- Are the ESA, remediation, and risk assessment reports (where relevant) prepared in accordance with applicable Provincial and Regional requirements and are they fit for purpose?
- Do the documents provided by the proponent provide sufficient evidence to determine the environmental condition of the site and its suitability for the intended land use or is additional investigation required?
- Do you agree with the statements, opinions, and conclusions in the report(s) pertaining to the environmental condition of the development property, including the selected Site Condition Standards or the property specific standards determined via risk assessment?

The development application will not be approved until the Region and Local Municipality are satisfied that the environmental conditions at the site are suitable for its intended use. For lands subject to risk assessment that are to be conveyed to Halton Region or a Local Municipality, the QP must ensure that any proposed risk management measures have been reviewed and approved by the Region or Municipality prior to submission of the risk assessment to the Ministry or for peer review. Any risk management measures specified in the risk assessment report and used to develop property specific standards may be added as conditions on the property title.

2.4. Reliance Letter

Where environmental reports are submitted to the Region or Local Municipality in support of a development application, applicants must provide a Reliance Letter.

The Reliance Letter must confirm that the Region, Local Municipality, and Peer Reviewer (as applicable) may rely upon the work and conclusions presented in the reports when making a determination regarding the development property. A Reliance Letter template for submission to the Region or Local Municipalities on the proponent's or consultant's letterhead is provided in Appendix C.

2.5. Municipal Requirements and Provisions

Planning Act by-laws may introduce requirements outside of those specified in the Environmental Protection Act, O. Reg. 153/04, and O. Reg. 406/19 which may be applied to the development property via conditions in permits or on the development application.

Holding Provision

Under Section 36(1) of the Planning Act, the council of a Local Municipality may, in a by-law passed under Section 34 of the Planning Act, by the use the holding symbol "H" (or "h") in conjunction with any use designation, specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law. A holding provision may be applied via Local Municipal zoning by-laws to achieve an orderly staging of development when an Official Plan contains provisions relating to the use of the holding symbol.

The purpose of the holding provision is to identify what use(s) a property may be used for in the future once the specified conditions are met. A holding provision does not limit the use of a property for its current purpose; rather, it freezes transition from the current use to a future use until such time as the specified conditions are met.

Local Official Plans in Halton Region set out the circumstances when a holding zone may be applied through a zoning by-law amendment. For example, local Official Plans enable the application of a holding zone for lands affected by "adverse environmental effects" or "other constraints on development" which can be resolved to the Municipality's satisfaction. At contaminated or potentially contaminated sites, the holding provision may be applied to ensure completion of proposed measures to mitigate adverse environmental effects, such as remediation, an RSC, or the implementation of risk management measures before the future land use will be permitted. This provides owners with clarity around a municipality's requirements and certainty regarding how the property may be used once the conditions of the holding provision are met.

2.6. RSC and ESA Requirements at Aggregate Pits and Quarries

Quarries and aggregate pits are classified as industrial use under O. Reg. 153/04. When changing to a more sensitive land use, filing an RSC in the Environmental Site Registry is mandatory for pits and quarries and, at a minimum, a Phase One Environmental Site Assessment must be completed before an RSC can be filed.

The need for a Phase Two ESA for a pit or quarry depends on the results of the Phase One ESA. If a contaminating activity is identified on, in, or under the property, a Phase Two ESA is required. Otherwise, Part VIII, Section 32, Paragraph (1) of O. Reg. 153/04 exempts quarries and aggregate pits from a Phase Two ESA that is mandatory for other types of industrial properties.

3. Applications to use Non-Potable Groundwater Site Condition Standards

Groundwater sources provide water for one in eight Halton residents. This includes municipal systems for the communities of Georgetown, Acton, Campbellville, and the older parts of Milton, as well as private wells in the rural areas of Halton.

Additionally, several Wellhead Protection Areas, Highly Vulnerable Aquifers, and Significant Recharge Areas are identified in the Region’s Source Protection Plan. Due to the highly vulnerable nature of these areas and the Region’s reliance on groundwater-based drinking water systems, maintaining water quality is of paramount importance to the Region and its residents. Therefore, the geographic location of a contaminated or potentially contaminated property in Halton Region will determine if potable or non-potable ground water Site Condition Standards apply.

For developments where one or more properties within 250 m are not supplied by a municipal drinking water system or where the RSC will specify “agricultural or other” as the type of property use, potable ground water Site Condition Standards must be used. For other developments, it may be possible to use non-potable groundwater Site Condition Standards in preparing an RSC or Phase Two ESA.

3.1. Non-Potable Standards Application Process Flow Chart

Potable standards are the most conservative ground water Site Condition Standards. As such, they may be applied at any property outside of Halton Region’s Wellhead Protection Areas and Environmentally Sensitive Areas without notifying the Region or Local Municipality.

Non-potable ground water Site Condition Standards may be used only at properties that meet all criteria set out in Part IX, Section 35 of O. Reg. 153/04. As Halton Region is the applicable municipality to review non-potable standard requests, proponents must first notify the Region of their intention.

A process flow chart for determining the applicable Site Condition Standards with respect to groundwater potability is shown in Figure 2. Each step in the sequence is explained in the following sections.

1. Region receives notification of intent to apply a non-potable approach for a site cleanup or risk assessment

At sites that satisfy all criteria in Part IX, Section 35 of O. Reg. 153/04, a proponent must notify the Region of their intention to use non-potable Site Condition Standards before they may be used to prepare an RSC or Phase Two ESA.

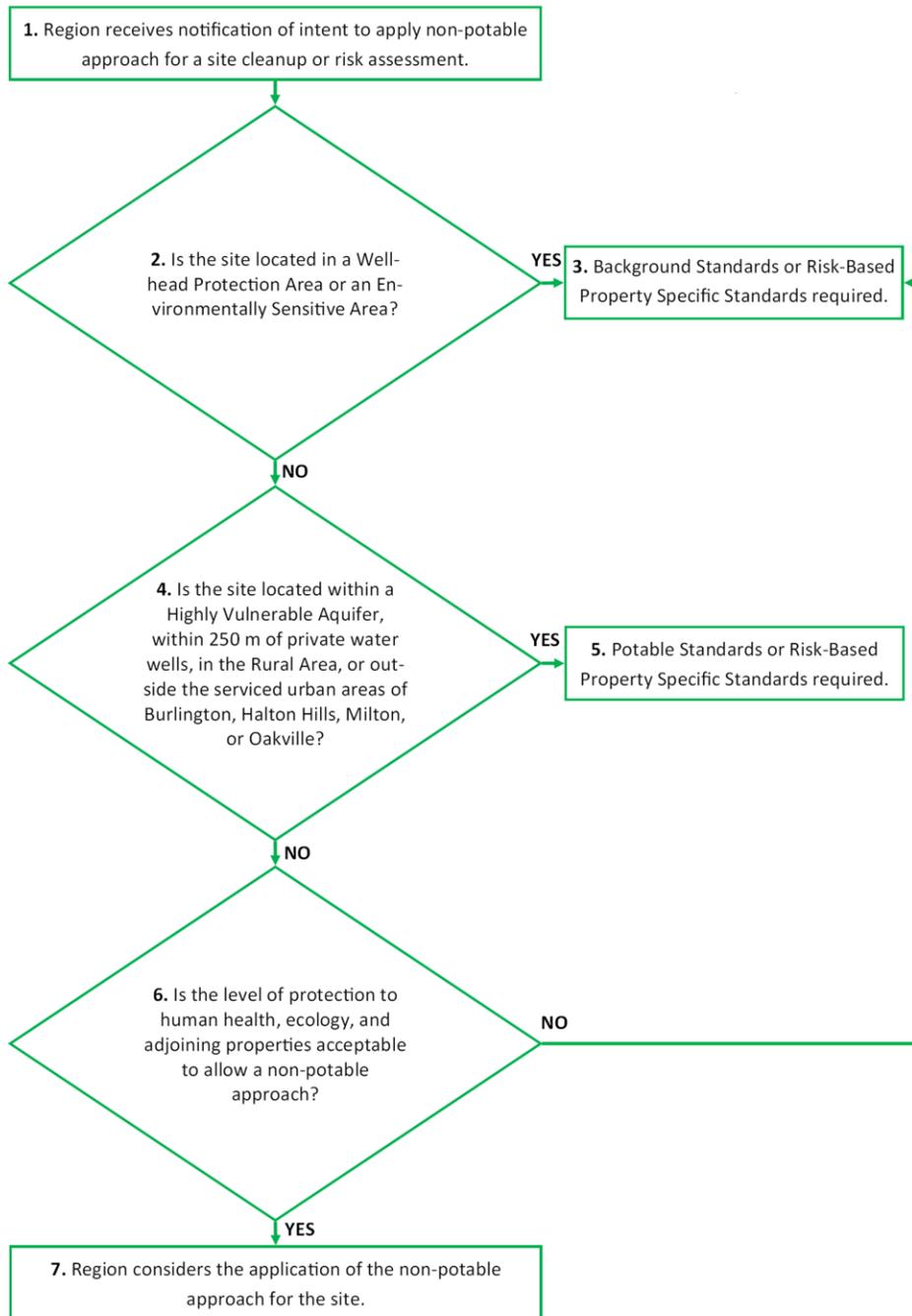
Following notification, the Region has 30 days to respond with a “Notice of Objection” if it disagrees with the proponent’s proposed use of non-potable groundwater standards. A proponent may apply non-potable ground water Site Condition Standards at a site if the Region responds in the affirmative or does not give any written response within 30 days, or after the Region withdraws a Notice of Objection if one was issued.

2. Is the site located in a Wellhead Protection Area or Environmentally Sensitive Area?

Non-potable standards cannot be used for properties within a Wellhead Protection Area or within another type of Environmentally Sensitive Area.

If an owner believes that a Wellhead Protection Area or Environmentally Sensitive Area designation does not apply to their property, they may conduct investigations to verify the applicability of the designation. Proponents should consult Halton Region planning and source protection staff for the scope of investigation.

Figure 2: Background, Potable, and Non-Potable Ground Water Standards Flow Chart.



Proponents may then apply to the Region to use non-potable ground water Site Condition Standards if the investigations demonstrate that the designation does not apply at the property. For applications that rely on such investigations, the Region does not have a statutory timeline to respond to the proponent's notice and may request peer review of the documents. In such cases a proponent may not apply non-potable ground water Site Condition Standards in preparing an RSC or Phase Two ESA until a written response is provided by the Region.

3. Background Standards or Risk-Based Property Specific Standards required

If a development property is within a Wellhead Protection Area or within another Environmentally Sensitive Area, the Region will require the use of Background Site Condition Standards (Table 1 of the soil, ground water and sediment standards for use under Part XV.1 of the Environmental Protection Act) when preparing a Phase Two ESA for the property.

If the Background Site Condition Standards cannot be met, contaminants must be remediated, or a risk assessment must be completed and property specific standards must be developed before an RSC can be filed.

4. Is the site located within a Highly Vulnerable Aquifer, within 250 m of private water wells, in the Rural Area, or outside the serviced urban areas of Burlington, Halton Hills, Milton, or Oakville?

If a property is not within a Wellhead Protection Area or Environmentally Sensitive Area but is designated as being:

- within a Highly Vulnerable Aquifer (as delineated in the Assessment Reports under Source Protection Plans); or
- within 250 m of a private well (as identified in O. Reg. 153/04); or
- in the rural area or outside of the urban areas of Burlington, Halton Hills, Milton, or Oakville

then the proponent may conduct investigations to verify the applicability of the designation(s).

Proponents may apply to the Region to use non-potable ground water Site Condition Standards if the investigations demonstrate that the designations do not apply at the property. Proponents should consult Halton Region planning and source protection staff for the scope of investigation.

For applications that rely on such investigations, the Region does not have a statutory timeline to respond to the proponent's notice and may request peer review of the documents. In such cases a proponent may not apply non-potable ground water Site Condition Standards in preparing an RSC or Phase Two ESA until a written response is provided by the Region.

5. Potable Standards or Risk-Based Property Specific Standards required

If the development property is:

- within a Highly Vulnerable Aquifer (as delineated in the Assessment Reports under Source Protection Plans); or
- within 250 m of a private well (as identified in O. Reg. 153/04); or
- in the rural area or outside of the serviced urban areas of Burlington, Halton Hills, Milton, or Oakville

then Halton Region will require the use of potable ground water Site Condition Standards when preparing a Phase Two ESA.

If the potable groundwater standards cannot be met, contaminants must be remediated, or a risk assessment must be completed and property specific standards must be developed before an RSC can be filed.

6. Is the level of protection to human health, the environment, and off-site properties acceptable to allow a non-potable approach?

If the use of non-potable Site Condition Standards poses a threat to human health, the environment, or off-site properties as determined by the Region, then the use of non-potable standards will not be permitted, and the proponent will be required to utilize the Background Site Condition Standards or risk-based property specific standards.

Otherwise, the Region will consider the use of non-potable standards.

7. Region considers application of Non-Potable Approach for the Site

If the site is not within a Wellhead Protection Area, Environmentally Sensitive Area, or Highly Vulnerable Aquifer, not within 250 m of a private well, and outside of the serviced Urban Areas of Burlington, Halton Hills, Milton, or Oakville, a notice will be issued to the applicant, Ministry, and the relevant lower-tier municipality by Halton Region stating that non-potable standards may be applied.

4. On-Site and Excess Soil Management

During development of contaminated or potentially contaminated sites, soil is commonly imported to or exported from a project area. This may be the result of drainage or grading works, remedial excavations, construction of foundations, or other activities that generate excess soil. Excess soil is soil that cannot or will not be reused at the site where it was excavated and must be moved off site.

Excess soil at a development property is subject to handling, storage, transportation, and deposition requirements in municipal by-laws and provincial regulations. Ontario Regulation 406/19 and the Rules for Soil Management and Excess Soil Quality Standards set out the requirements for managing excess soil throughout its lifecycle, from a source site, during transportation, and through to its storage at intermediate sites and ultimate deposition at one or more receiving sites. Halton Region does not have a role in the regulation of excess soil, but each Local Municipality in the Region does issue permits with soil quantity or quality requirements that are instruments under O. Reg. 406/19.

Different aspects of the regulation are being phased in over time, with grandfathering provisions applicable from January 1, 2021, to January 1, 2026, to recognize where work to be done is already stipulated in a contract.

January 1, 2021

Reuse rules, including risk-based standards, waste designation, and approvals.

January 1, 2022

Planning requirements, testing, tracking, and registration.

January 1, 2025

Restrictions on landfilling reusable soils.

O. Reg. 406/19 and the Rules for Soil Management and Excess Soil Quality Standards apply to excess soil from all sites, regardless of their contamination status. For low-risk soil management activities, O. Reg. 406/19 clarifies when excess soil can be reused and replaces or simplifies waste-related approvals with regulatory rules.

Part XII, Section 55 and Section 55.1 of O. Reg. 153/04 contains requirements specifically for excess soil imported to mandatory Record of Site Condition properties. For properties at which an RSC is not mandatory but for which a Phase One and/or Phase Two Environmental Site Assessment have been prepared, the Region requires that the conditions in Part XII, Section 55 and Section 55.1 of O. Reg. 153/04 be met prior to excess soil being imported to the site.

Regional and municipal staff will encourage proponents' efforts to identify potential beneficial reuse options for excess soil during pre-consultation meetings for proposed development activities. Municipal staff will also provide guidance on requirements for satisfying soil quantity and quality requirements in instruments such as site alteration permits issued under local by-laws. However, compliance with provincial regulations is the responsibility of the site owner, qualified person, and/or project leader.

4.1. Excess Soil Designation Flow Charts

A key factor determining what options are available for managing a soil excavated at a contaminated or potentially contaminated site are its designation as either waste or excess soil under provincial legislation. Section 3 to Section 5 of O. Reg. 406/19 set out the criteria for determining if excavated soil is excess soil that can be beneficially deposited at a reuse site or if it is waste that must be managed in accordance with the province's waste management legislation.

The criteria are summarized as process flows charts in Figure 3 and Figure 4. The flow charts and requirement summaries are provided for information only. Proponents are encouraged to consult O. Reg. 406/19 to determine the specific excess soil requirements that apply to their project areas.

Figure 3: Process flow chart for determining if soil is designated waste or excess soil.

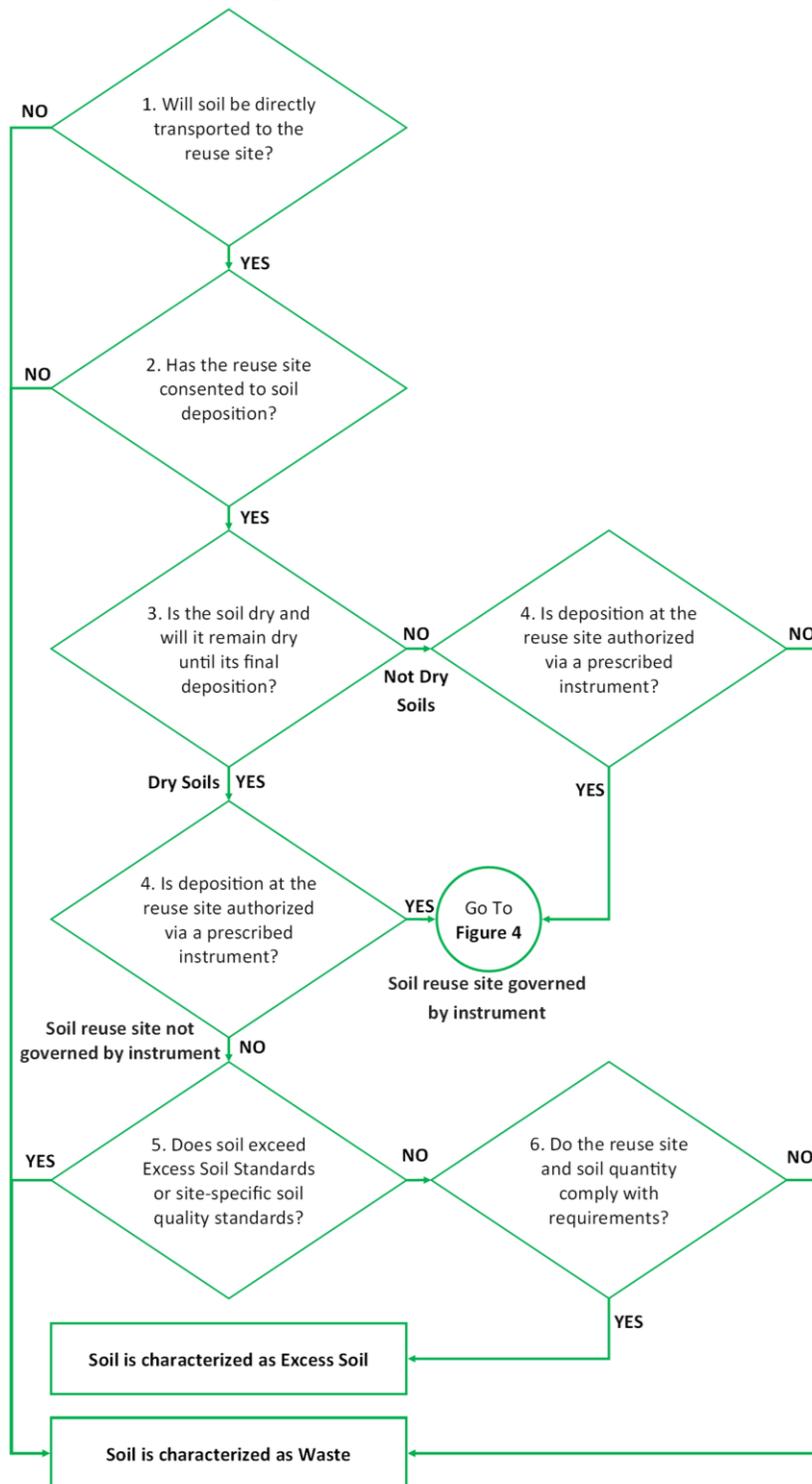
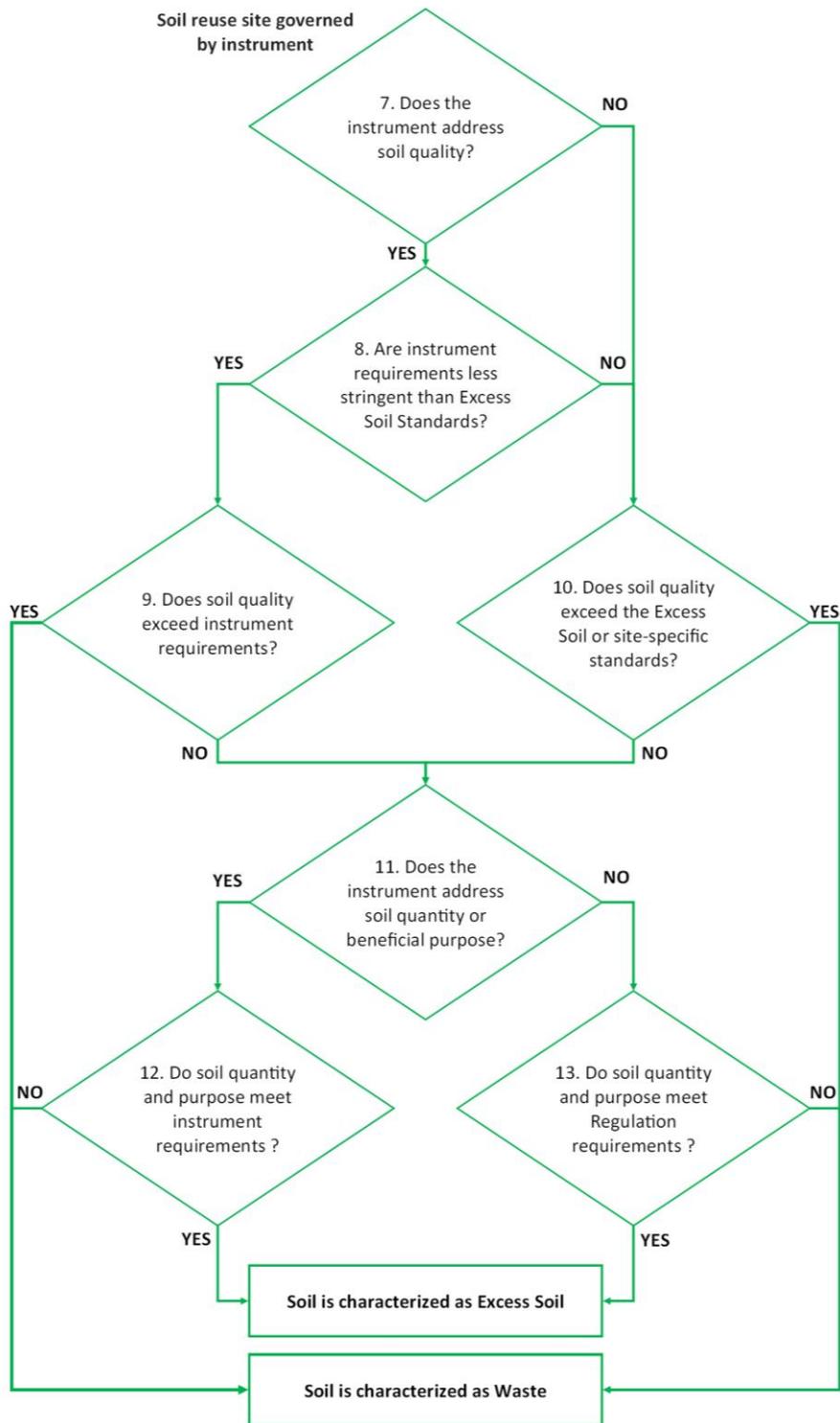


Figure 4: Process flow chart for determining if soil to be deposited at a reuse site governed by an instrument is designated waste or excess soil.



The Regulation designates excess soil as waste unless all criteria are satisfied. If at any time prior to final placement the excess soil fails to meet any of the criteria, then it will be designated as waste and must be managed accordingly.

The flow chart does not include the exemptions for topsoil or the criteria for soil processed (e.g., aerated, dewatered, mixed, turned, or sorted) at the project area. Proponents should refer to Schedule 2 of O. Reg. 406/19 for further guidance on topsoil and Section 6 of the regulation for further guidance on soil processing.

1. Will soil be directly transported to the reuse site?

Excess soil is classified as waste unless it is directly transported to a reuse site from a project area, a Class 1 soil management site, a Class 2 soil management site, or a local waste transfer facility.

2. Has the reuse site consented to deposition?

If the criteria in Question 1 have been satisfied, excess soil is designated as waste unless the owner or operator of the reuse site consent to soil deposition in writing. The owner or operator may not be the Project Leader for the project at which the excess soil was generated.

3. Is the soil dry and will it remain dry until deposition?

If the criteria in Question 1 and Question 2 have been satisfied, excess soil is designated as waste unless the soil is a dry soil and remains dry soil until it is placed at the reuse site.

4. Is deposition at the reuse site authorized via a prescribed instrument?

If the soil is not dry soil, it is classified as waste unless the reuse site is governed by an instrument as described in subsection 3 (2), paragraph 4 of O. Reg. 406/19:

- A permit issued under a by-law passed under section 142 of the Municipal Act, 2001
- Provisions of a by-law passed under section 142 of the Municipal Act, 2001
- A licence or permit issued under the Aggregate Resources Act.
- An approval under the Planning Act.
- A certificate of property use issued under section 168.6 of the Environmental Protection Act.
- Any other site-specific instrument under an Act of Ontario or Canada that may regulate the quality or quantity of soil that may be deposited for final placement at the reuse site.

If the reuse site is governed by an instrument, for both dry and not dry soils proceed to Question 7 and refer to Figure 4 to determine if the soil is designated as waste.

Soil reuse site not governed by an instrument

If the reuse site is not governed by an instrument, Section 5 of O. Reg. 406/19 provides additional criteria for determining if excess soil to be deposited at the reuse site is or is not waste.

5. Does soil quality meet the Excess Soil Standards?

The quality of the excess soil that has been finally placed or that is intended to be finally placed at the reuse site must not exceed:

- i. the applicable excess soil quality standards, or
- ii. the site-specific excess soil quality standards developed for the reuse site.

If the soil does not meet the quality standards applicable at the reuse site, it is designated as waste.

6. Do the reuse site and soil quantity comply with requirements?

The reuse site and quantity of excess soil to be deposited must conform with the following criteria:

- i. The primary use of the reuse site must not be the deposit of excess soil.
- ii. There must be an identified beneficial purpose in connection with the undertaking for which the excess soil is to be used at the reuse site.
- iii. The quantity of excess soil deposited or to be deposited at the reuse site must not exceed the quantity necessary for the beneficial purpose identified.

If the reuse site or excess soil do not meet these criteria, the soil is designated as waste.

Soil reuse site governed by an instrument

If the soil reuse site is governed by an instrument, Section 4 of O. Reg. 406/19 provides criteria for determining which conditions in the instrument and which conditions in the Excess Soil Regulation prevail.

7. Does the instrument address soil quality?

If the reuse site is governed by an instrument that does not address the quality of excess soil to be deposited, the quality of the excess soil that has been finally placed or that is intended to be finally placed at the reuse site must not exceed:

- i. The applicable excess soil quality standards, or
- ii. The site-specific excess soil quality standards developed for the reuse site.

If the soil does not meet the quality standards applicable at the reuse site, it is designated as waste.

8. Are instrument requirements less stringent than Excess Soil Standards??

If the reuse site is governed by an instrument in which the quality of excess soil to be deposited is addressed, the less stringent criteria in either the instrument or the regulation prevail. That is, if the instrument imposes a less stringent requirement than the applicable Excess Soil Standard, then the instrument requirement must be satisfied (and vice-versa).

9. Does soil quality exceed instrument requirements?

If the instrument prevails, the quality of the excess soil that has been finally placed or that is intended to be finally placed at the reuse site must not exceed the instrument requirements.

If the soil does not meet the quality standards applicable at the reuse site, it is designated as waste.

10. Does soil quality exceed the Excess Soil or site-specific standards?

If the excess soil standards prevail, the quality of the excess soil that has been finally placed or that is intended to be finally placed at the reuse site must not exceed:

- i. The applicable excess soil quality standards, or
- ii. The site-specific excess soil quality standards developed for the reuse site.

If the soil does not meet the quality standards applicable at the reuse site, it is designated as waste.

11. Does the instrument address soil quantity or beneficial purpose?

If the reuse site is governed by an instrument that addresses either the quantity or beneficial purpose of excess soil deposited, then the instrument requirements prevail. Otherwise, the Regulation requirements prevail.

12. Do soil quantity and purpose meet instrument requirements?

If the instrument specifies the maximum amount of excess soil that may be deposited, then the maximum amount of excess soil specified in the instrument must not be exceeded. If the instrument does not specify the maximum amount of excess soil that may be deposited but does identify the beneficial purpose for which the excess soil is to be used, then the quantity of excess soil must not exceed the quantity necessary for the beneficial purpose identified.

If the soil does not meet the quantity or beneficial use requirements applicable at the reuse site, it is designated as waste.

13. Does soil quantity and purpose meet Regulation requirements?

If the reuse site is governed by an instrument that does not specify a maximum amount of excess soil that may be deposited at the reuse site and does not identify the beneficial purpose for which the excess soil is to be used, the quantity of excess soil to be deposited at the reuse site must not exceed the quantity necessary for the purposes of the apparent beneficial purpose for which the excess soil is to be used.

If the soil does not meet the quantity or beneficial use requirements applicable at the reuse site, it is designated as waste.

4.2. Excess Soil at Aggregate Pits and Quarries

Section 2 of O. Reg. 406/19 (On-Site and Excess Soil) states that the Regulation does not apply to aggregate produced and exported during the operation of a pit or quarry from which consolidated or unconsolidated aggregate is excavated, including the use and production of recycled aggregate.

The Regulation does apply to excess soil imported to a pit or quarry as fill, during rehabilitation, or for other beneficial reuse purposes. For pits or quarries proposed for the large-scale deposit of fill, owners are encouraged to design and implement a Fill Management Plan (as detailed in Management of Excess Soil – A Guide for Best Management Practices) to facilitate the transition from pit/quarry operation through to rehabilitation to a future land use.

If the property is subject to an instrument with soil quality, quantity, or beneficial reuse requirements, property owners will have to consult O. Reg. 406/19 to determine which instrument requirements and which Regulation requirements apply.

Appendix A Site Identification Process

Please refer to the following page for the Site Identification Process Form.

Table 3: Site Identification Process

Development Application Type	Is the Development Application Subject to Further Evaluation?
Official Plan Amendment (Regional or Local)	Yes
Zoning By-Law Amendment	Yes
Temporary Use By-Law	Yes
Minor Variance	No ¹
Niagara Escarpment Plan Amendment²	Yes
Development Permit (Planning Act)	Yes
Site Plan	No ³
Plan of Condominium	
1. Standard Plan of Condominium	No
2. Vacant Condominiums	Yes
3. Vacant Land or Common Element	Yes
4. Condominium Conversion	No
Consent (Land Severance)	
1. Divide land into new lots	Yes ⁴
2. Add land to an abutting lot (lot additions)	Yes ⁵
3. Corrections to deeds or property descriptions	No
4. Establish easements or rights-of-way	Yes ⁶
5. Lease land or register a mortgage in excess of 21 years	No
Plan of Subdivision	Yes
<ol style="list-style-type: none"> 1. If variance will result in change of use under O. Reg. 153/04, further evaluation is required. 2. For applicable developments within the Niagara Escarpment Plan Area. 3. If the property is being changed to a more sensitive land use, then O. Reg. 153/04 applies. If past or current use has contributed to Potentially Contaminating Activities (as defined under O. Reg. 153/04) that can lead to exceedance of the applicable Site Condition Standards (defined under Part XV.1 of the Environmental Protection Act) further evaluation is required. 4. Includes only an evaluation of the severed portion(s) of the subject property where there is no change in use of the retained portion to a more sensitive use. 5. Does not include the abutting land in lot additions. 6. Realty Services will determine the environmental documentation requirements for land to be conveyed to the Region for easements, land dedications and rights-of-way. 	

Appendix B Site Screening Questionnaire

Please refer to the following page for the Site Screening Questionnaire.



Halton Region
 Planning Services
 Tel: 905-825-6000 Fax: 905-825-8822
 Toll Free: 1-866-4HALTON (1-866-442-5866)
www.halton.ca

Site-Screening Questionnaire

Legal Description and Municipal Address: _____

Applicant/Corporate Name: _____

- | | | | | |
|----|---|-----|----|-----------|
| 1 | Does this development proposal require a change in property use that is prescribed under the Environmental Protection Act and Section 14 of O. Reg. 153/04 (see Protocol Table 1)? | Yes | No | Uncertain |
| | If yes, then a Record of Site Condition must be filed on the Provincial Environmental Site Registry. | | | |
| 2 | Has the property or any adjacent lands ever been used as an Enhanced Investigation Property as defined in O. Reg. 153/04 (e.g., industrial uses; chemical warehousing; automotive repair garage; bulk liquid dispensing facility, including a gasoline outlet and/or a dry-cleaning equipment)? | Yes | No | Uncertain |
| 3 | Has landfilling or waste dumping or fill of unknown quality ever been placed on or immediately adjacent to the property? | Yes | No | Uncertain |
| 4 | Has there ever been any above ground or underground storage tanks for fuels or chemicals on the property? | Yes | No | Uncertain |
| 5 | Have any of the buildings on the subject property been heated by fuel oil? | Yes | No | Uncertain |
| 6 | Has the property ever used for agricultural operation where herbicide, fungicides, or pesticides have been applied? | Yes | No | Uncertain |
| 7 | Do or have the subject lands or lands abutting it previously or currently supported one or more of the Potentially Contaminating Activities identified in Table 2 of Schedule D of O. Reg. 153/04, as amended (see Table 4, attached)? | Yes | No | Uncertain |
| 8 | Has the property ever stored, generated, or accepted hazardous materials requiring Hazardous Waste Information Network (HWIN) registration or other permits? | Yes | No | Uncertain |
| 9 | Have any designated substances (e.g., asbestos containing materials, lead-based paint, PCB-based paints, urea formaldehyde foam insulation, etc.) been stored and/or utilized on the property (including within structures)? | Yes | No | Uncertain |
| 10 | Will lands be dedicated to the Region or a Local Municipality as part of this application (including road allowances)? | Yes | No | Uncertain |
| 11 | Have any environmental documents (e.g., Phase One and Two Environmental Site Assessments, Records of Site Condition, etc.) ever been prepared for the subject property? | Yes | No | Uncertain |
| | If yes, please submit these documents in digital and hardcopy format with your application together with a letter of reliance granting third party reliance on the documents to the Region of Halton ¹ . | | | |

¹ Information from previous environmental documents will be taken into account for application review. However, as required by the Protocol, only ESA reports prepared in compliance with O. Reg. 153/04 will count towards approval requirements.

Certification

I, _____ am the registered owner/authorized agent or Qualified Person (as defined in O. Reg. 153/04) for the owner of the land that is the subject of this document and to the best of my knowledge, the information provided in this questionnaire is true.

Sworn (or declared) and stamped before me _____
Commissioner of Oaths (Print Name)

in the _____, this _____ day of _____ 20____
City/Town/Municipality Day Month Year

Commissioner of Oaths
(signature)

Registered Owner/Authorized Agent
(signature)

Name of the Company (if applicable)

Owner / Authorized Agent Contact information

Qualified Person (if applicable)
(signature)

Designation of Qualified Person

Qualified Person Contact information

Regional File #: _____

Local Municipal File #: _____



Table 4: Potentially contaminating activities. From Table 2, Schedule D of O. Reg. 153/04.

Item	Potentially Contaminating Activity
1	Acid and Alkali Manufacturing, Processing and Bulk Storage
2	Adhesives and Resins Manufacturing, Processing and Bulk Storage
3	Airstrips and Hangars Operation
4	Antifreeze and De-icing Manufacturing and Bulk Storage
5	Asphalt and Bitumen Manufacturing
6	Battery Manufacturing, Recycling and Bulk Storage
7	Boat Manufacturing
8	Chemical Manufacturing, Processing and Bulk Storage
9	Coal Gasification
10	Commercial Autobody Shops
11	Commercial Trucking and Container Terminals
12	Concrete, Cement and Lime Manufacturing
13	Cosmetics Manufacturing, Processing and Bulk Storage
14	Crude Oil Refining, Processing and Bulk Storage
15	Discharge of Brine related to oil and gas production
16	Drum and Barrel and Tank Reconditioning and Recycling
17	Dye Manufacturing, Processing and Bulk Storage
18	Electricity Generation, Transformation and Power Stations
19	Electronic and Computer Equipment Manufacturing
20	Explosives and Ammunition Manufacturing, Production and Bulk Storage
21	Explosives and Firing Range
22	Fertilizer Manufacturing, Processing and Bulk Storage
23	Fire Retardant Manufacturing, Processing and Bulk Storage
24	Fire Training
25	Flocculants Manufacturing, Processing and Bulk Storage
26	Foam and Expanded Foam Manufacturing and Processing
27	Garages and Maintenance and Repair of Railcars, Marine Vehicles and Aviation Vehicles
28	Gasoline and Associated Products Storage in Fixed Tanks
29	Glass Manufacturing
30	Importation of Fill Material of Unknown Quality
31	Ink Manufacturing, Processing and Bulk Storage
32	Iron and Steel Manufacturing and Processing
33	Metal Treatment, Coating, Plating and Finishing
34	Metal Fabrication
35	Mining, Smelting and Refining; Ore Processing; Tailings Storage
36	Oil Production
37	Operation of Dry Cleaning Equipment (where chemicals are used)
38	Ordnance Use
39	Paints Manufacturing, Processing and Bulk Storage
40	Pesticides (including Herbicides, Fungicides and Anti-Fouling Agents) Manufacturing, Processing, Bulk Storage and Large-Scale Applications
41	Petroleum-derived Gas Refining, Manufacturing, Processing and Bulk Storage
42	Pharmaceutical Manufacturing and Processing
43	Plastics (including Fibreglass) Manufacturing and Processing
44	Port Activities, including Operation and Maintenance of Wharves and Docks
45	Pulp, Paper and Paperboard Manufacturing and Processing
46	Rail Yards, Tracks and Spurs
47	Rubber Manufacturing and Processing
48	Salt Manufacturing, Processing and Bulk Storage
49	Salvage Yard, including automobile wrecking
50	Soap and Detergent Manufacturing, Processing and Bulk Storage

Item Potentially Contaminating Activity

- 51** Solvent Manufacturing, Processing and Bulk Storage
- 52** Storage, maintenance, fuelling and repair of equipment, vehicles, and material used to maintain transportation systems
- 53** Tannery
- 54** Textile Manufacturing and Processing
- 55** Transformer Manufacturing, Processing and Use
- 56** Treatment of Sewage equal to or greater than 10,000 litres per day
- 57** Vehicles and Associated Parts Manufacturing
- 58** Waste Disposal and Waste Management, including thermal treatment, landfilling and transfer of waste, other than use of biosoils as soil conditioners
- 59** Wood Treating and Preservative Facility and Bulk Storage of Treated and Preserved Wood Products

Appendix C Reliance Letter Template

Please refer to the following page for the Reliance Letter template.

[Letterhead of Consultant]

[Date]

TO: The Corporation of the [City/Town Name]
[City/Town Hall Address]
[City/Town], ON [Postal Code]
Attention: [Planner Name]

TO: The Regional Municipality of Halton
1151 Bronte Road
Oakville, ON L6M 3L1
Attention: [Planner Name]

Re: Reliance Letter for [Property Information e.g., municipal address and/or Legal Description, Town's reference number] (the "Property")

[Name of consultant] (the "Consultant") has prepared the following report(s) on behalf on [Name of developer/owner] (the "Client"):

- Insert title, date and file number of report(s) (the "Report")

We confirm the Report including the representations, assumptions, findings, opinions and recommendations contained in the Report, can be relied on by The Corporation of the [City/Town Name] (the "City/Town"), The Regional Municipality of Halton (the "Region") and their peer reviewers as if the Report was prepared for the use and benefit of the [City/Town] and the Region notwithstanding any statement to the contrary contained in the Report and excluding any limitation on liability agreed to by the Client. The Consultant further agrees that in the case of any inconsistency between this Reliance Letter and any limitations within the Report provided to the [City/Town], the provisions in this Reliance Letter shall prevail.

We acknowledge and agree that the [City/Town] and the Region will utilize the Report for the purposes of assessing the environmental risk of the Property. We confirm that the Report was prepared, and completed by or under the supervision of a Qualified Person as defined under Ontario Regulation 153/04 (as amended), and in accordance with environmental laws and regulations applicable at the time of the investigation.

The Consultant has and will maintain Professional Liability insurance coverage of no less than \$2,000,000 and attached to this letter is proof of the insurance.

Yours truly,

[Name of Consultant with Qualified Person designation, title, and contact information]