



January 13, 2020

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Canada

Legislative & Planning Services
Department
Planning Services
1151 Bronte Road
Oakville ON L6M 3L1

Dear Mr. Coelho:

RE: ERO posting 019-0987 - Amendment to the Record of Site Condition (Brownfields) Regulation related to the Requirement to Sample Ground Water

Thank you for the opportunity to review the "Amendment to the Record of Site Condition (Brownfields) Regulation related to the Requirement to Sample Ground Water". This amendment would provide flexibility in certain situations for sites requiring a Phase Two Environmental Site Assessment for filing a Record of Site Condition (RSC) to not undertake groundwater sampling and analysis as determined by the Qualified Person (QP). Halton Region reviews all Environmental Site Assessment (ESA) reports submitted during the development applications approval process and requires compliances with O.REG 153/04 as set out in our Protocol for Reviewing Development Applications with Respect to Contaminated or Potentially Contaminated Sites.

Halton Region staff have reviewed the proposed changes and offer the following comments for your consideration. These comments are divided in two sections. The first is a broad comment about the proposed changes as a whole. This is followed by comments on specific proposed conditions.

General Comments:

- The ERO posting does not include any supporting documents or background information in support of the proposed amendment. In particular, it is not clear how the proposed changes were determined or why they are necessary. If a Needs Assessment or any Consultation was undertaken, then it would be very helpful for us to review this information so we can better understand the rationale for the proposed changes.

Specific Comments:

1. **Proposed Condition A** does not appear to account for Natural Heritage System features aside from water features. Currently, environmental sensitive areas require application of background site condition standards. Where a site is determined to be environmentally sensitive, groundwater sampling is of paramount importance.
2. **Proposed Condition B (2)**, it is not clear why offsite potentially contaminating activities (PCAs) leading to areas of potential environmental concern (APECs) are treated different than onsite PCA/APECS. The latter can lead to offsite migration in which case delineation of groundwater contamination is very important.

Regional Municipality of Halton

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3. **Proposed Condition B (3.2)**, it is not clear how the QP can “justify” their decision. What evidence and rationales will constitute sufficient justification? Can this justification be disputed by Regional staff in cases where RSC is not required?
4. Following Proposed **Condition B (4.2)** the ERO posting notes some of the expected information for a qualified person to consider. It is recommended that a QP should also be required to identify the applicable Source Protection Plan for the property, and to identify and consider the location of any nearby municipal wellhead protection areas and the associated vulnerability scores.

If you have any questions or concerns regarding our comments, please contact me at 905-825-6000, ext. 3241 or at behnam.doulatyari@halton.ca.

Sincerely,



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