

Environmental Protection Act

O. Reg.153/04

- Details the requirements that a property owner must meet to file a record of site condition (RSC).



Environmental Protection Act

O. Reg.153/04

- O. Reg. 153/04, the Record of Site Condition regulation came into effect on October 1, 2004
- Intended to address situations where a RSC will be filed, but requirements will commonly be applied to other environmental site assessment projects

Environmental Protection Act

O. Reg.153/04

- Although not required under Regulation 153/04, it is common now for municipalities, towns, cities and other jurisdictions to request an RSC in support of planning approvals.

Considerations - O.Reg.153/04

- Three main areas to consider when assessing and cleaning up a site for filing an RSC
 - Definition of a sensitive site
 - Shallow soil properties
 - pH

Considerations - O.Reg.153/04

■ Sensitive Site:

- Property within or next to an area of natural significance
- Surface soil pH value less than 5 or greater than 9
- Sub-surface soil pH value less than 5 or greater than 11
- Shallow soil property
- Includes or adjacent to water body (natural) or within 30 metres

Considerations - O.Reg.153/04

■ Shallow Soil Properties:

- 1/3 or more of the property is 2 metres or less soil
- Excludes non-soil surface treatments, asphalt, aggregate
- Further testing an option to confirm Table 6 standards

Considerations - O.Reg.153/04

■ pH:

- Shallow soil less than 5 or greater than 9
- Sub-surface soil less than 5 or greater than 11

Qualified Persons (QPs)

Qualified Person (QP)	Phase I ESA	Phase II ESA
P. Eng	Yes	Yes
P. Geo	Yes	Yes
P. Chem	Yes	Yes
P. Agr	Yes	Yes
C. E. T.	Yes	
A Sc T	Yes	
Arch. Tech.	Yes	

Considerations - O.Reg.153/04

■ Requirement for “Qualified Person”

- Sign and take responsibility for the work
- Maintain insurance (2 years)
- Maintain reports (7 years)

Considerations - O.Reg.153/04

- Laboratories and methodologies must be accredited and QP must confirm acceptability of laboratory data

Considerations - O.Reg.153/04

- Meeting Petroleum Hydrocarbon Standards, QP must state that:
 - There is no evidence of free product, film, sheen
 - Potable ground water (no objectionable odour and TASTE.

Cheers!



Considerations - O.Reg.153/04

- Mandatory insurance requirements for QPs

Professional Liability Insurance

- O. Reg. 153/04 requires that QPs maintain a minimum of \$1 million professional liability insurance
- Coverage to continue for two years if QP is bankrupt, insolvent, incompetent or dies
- Could be a problem for small companies or sole practitioners

Considerations - O.Reg.153/04

■ The risk assessment process

- Establish cleanup criteria
- Requires pre-submission (no time line on MOE response)
- Risk assessment reports (MOE respond within specified time line)
 - 8 weeks, limited scope
 - 22 weeks, new science
 - 16 weeks, any other case

Opportunities as a QP

- October 1, 2005 Filing an RSC became mandatory
- Opportunities for detailed investigations
- Risk assessments and
- Levels the playing field



don't stop your curiosity,

**QPs, make sure the site is clean
before you commit to the RSC or
the result may not be pretty!**