SECTION 5 – ENVIRONMENTAL REQUIREMENTS

Table of Contents

5.0 Introduction 1
5.0.1 Overview 2
5.1 Environmental Site Screening Questionnaire and Declaration Form 3
5.1.1 Above Ground Storage Tanks 4
5.1.2 Water Wells 4
5.1.3 Septic Systems 4
5.1.4 Debris 4
5.1.5 Demolition 5
5.2 Phase One Environmental Site Assessment 5
5.3 Phase Two Environmental Site Assessment 7
5.4 Remedial Action Plan 8
5.5 Risk Assessment Report 9
5.6 Remediation Report 11
5.7 Record of Site Condition 12
5.8 Requirements for Land Dedications 13
5.9 Storm Sewer Discharge Authorization 15
Appendix 1: Environmental Reliance Letter Template 15
Appendix 2: Risk Management Measure Cap Requirements 17

5.0 Introduction

The following are the City's environmental requirements for all applications. Under the City's Corporate Policy and Procedure entitled, "Applications for Development of Contaminated or Potentially Contaminated Sites" (Policy No. 09-08-02, or as amended), the City reviews all development applications for potential contamination of the site and requires that sites comply with Provincial environmental regulations and guidelines prior to development proceeding and prior to conveyance of any land dedications.

5.0.1 Overview

The City's environmental requirements apply to the following types of applications:

- Official Plan Amendments;
- Rezoning;
- Draft Plan of Subdivision;
- Site Plan *(only with land dedications to City)*;
- Condominium (only with land dedications to City);
- Minor Variances;
- Consents;
- Building/Occupancy Permits *(where there is a change in use to a more sensitive use)*.

The development team is tasked with the responsibility to ensure that there is either no contamination on the site and has not migrated onto adjacent properties; or that the contamination is not causing, or is not likely to cause, and adverse effect. The City requires specific environmental information and reporting (to be outlined during the application review process), prior to final approval of development applications, to ensure that identified contamination was addressed appropriately in accordance with applicable law and guidelines including receipt of certification acknowledging compliance.

It is strongly recommended that applicants of an impacted site connect with Environmental staff (under the Planning and Building Department) as early as possible to screen the proposed new land use to assess whether or not environmental reports (as outlined below) and potentially a Record of Site Condition (RSC) may be required, in accordance with Ontario Regulation (O. Reg.) 153/04, or as amended.

The process involved in filing a Record of Site Condition (RSC) with the provincial Ministry of the Environment, Conservation and Parks ("MECP") may require a minimum of several months and potentially over 1-2 years to complete and can involve significant costs to complete the necessary supporting studies, the timing required to complete the necessary environmental studies and remedial actions should be taken into account during project planning as it could potentially impact submission of a development application, including zoning certificates.

For more information on RSC and related environmental report requirements, please refer to the MECP website page on Brownfields Redevelopment: https://www.ontario.ca/page/brownfields-redevelopment. ***[NOTE:*** It is the applicant's responsibility to ensure compliance with all current applicable law. *The provincial environmental regulations are subject to change over time, The City wishes to note that the environmental requirements in this manual may not have been updated to reflect the most recent regulation changes.*

5.1 Environmental Site Screening Questionnaire and Declaration Form

A completed ***Environmental Site Screening Questionnaire and Declaration (ESSQD)*** form must be submitted with every development application (as noted above). The ESSQD must be signed by a Commissioner of Oaths or a lawyer who is licensed to practice law in Ontario. This form can be obtained through the Planning & Building Department and on the City's website.

5.1.1 Above Ground Storage Tanks

Where above ground storage tanks (ASTs) and/or underground storage tanks (USTs) are indicated on the ESSQD, the proponent must provide documentation signed by a Qualified Person that the ASTs/USTs have been or will be properly decommissioned in accordance with applicable laws and regulations. This documentation is required prior to approval of the development application (*i.e.,* prior to recommendation, prior to by-law, or as a condition in a development agreement with financial securities).

5.1.2 Water Wells

Where the presence of one or more water wells is indicated on the ESSQD, the proponent must provide documentation signed by a Qualified Person that the well(s) has/have been properly decommissioned in accordance with applicable laws and regulations. This documentation is required prior to approval of the development application (*i.e.,* prior to recommendation, prior to by-law, or as a condition in a development agreement with financial securities).

5.1.3 Septic Systems

Where the presence of a septic system on the property is indicated on the ESSQD, the proponent must provide documentation signed by a Qualified Person that the septic system has been or will be properly decommissioned in accordance with applicable laws and regulations. This documentation is required prior to approval of the development application (*i.e.,* prior to recommendation, prior to by-law, or as a condition in a development agreement with financial securities).

5.1.4 Debris

Where the presence of debris is indicated on the ESSQD, the proponent must provide documentation signed by a Qualified Person that the debris has been or will be properly disposed off-site in accordance with applicable laws and regulations. This documentation is required prior to approval of the development application (*i.e.,* prior to recommendation, prior to by-law, or as a condition in a development agreement with financial securities).

5.1.5 Demolition

Where the demolition of existing buildings is required prior to proceeding with the demolition works required by the proposed development, the proponent must first acquire and provide copy

of demolition permits approved by the governing body. Following works completion documentation signed by a Qualified Person certifying that the demolition debris and foundation materials have been properly removed/remediated and disposed of off-site in accordance with applicable laws and regulations. This documentation is required prior to approval of the development application (*i.e.,* prior to recommendation, prior to by-law, or as a condition in a development agreement with financial securities).

5.2 Phase One Environmental Site Assessment

In accordance with the Corporate Policy, "Applications for Development of Contaminated or Potentially Contaminated Sites, 09-08-02", the City may require that a Phase One Environmental Site Assessment (ESA) report that meets requirements of O. Reg. 153/04 be submitted to the City for review and shall be prepared to their satisfaction. The Phase One ESA report must be signed and sealed by a Qualified Person (as defined under O. Reg. 153/04).

Note:

- For development applications, the City will confirm with developers where a Phase One ESA report is required to be submitted concurrently with the ESSQD during the first submission
- In a few instances, such as where the development involves an existing single residential dwelling and single lot, then only the ESSQD would be required at the first submission
- If the ESSQD indicates that there is a potential for contamination, then a Phase One ESA will be requested upon the second submission (except for Site Plan applications without a land dedication)

The Phase One ESA report will be required to form a complete development application for the following:

- Official Plan Amendments;
- Rezoning;
- Draft Plan of Subdivision;
- Consents;
- Site Plan (only with land dedications to City);
- Condominium (only with land dedications to City).

In general, the purpose of a Phase One ESA is to determine whether there are any Areas of Potential Environmental Concern on the subject property resulting from past or present Potentially Contaminating Activities.

For any proposed land dedications to the City, the Phase One ESA report must include a clause, or be accompanied by a letter signed by a Qualified Person, or a Principal of the Consulting Firm, which allows the City of Mississauga to make reliance on the findings and conclusions presented to the same extent as to the Property Owner. A **reliance letter template** approved by the City is available online on the City's website and is included in **Appendix 1** of this section.

5.3 Phase Two Environmental Site Assessment

Should the Phase One ESA determine that further investigation is warranted, a Phase Two ESA will be necessary in accordance with O. Reg. 153/04. In general, a Phase Two ESA involves the collection of soil and groundwater samples and installation of a minimum of three (3) groundwater monitoring wells to determine the physical and chemical characteristics of the subject property and assess whether any Contaminants of Concern are present relative to the estimated Areas of Potential Environmental Concern as identified in the Phase One ESA.

The Phase Two ESA report must either include a clause, or be accompanied by a letter signed by a Qualified Person, or a Principal of the Consulting Firm, which allows the City of Mississauga to make reliance on the findings and conclusions presented to the same extent as to the Property Owner.

Any and all contaminated areas of the site that are identified through the Phase Two ESA investigation that exceed applicable Site Condition Standards under O. Reg. 153/04 ((“generic standards”) must be remediated and/or risk assessed with risk management measures implemented to the satisfaction of the City (except for Site Plan applications without land dedications to the City). The property owner must file a RSC acknowledged by the MECP either prior to approval of the development application or as a condition of approval.

5.4 Remedial Action Plan

A Remedial Action Plan (RAP) must be prepared where the property owner intends to remediate contaminated areas of the property that exceed applicable generic Site Condition Standards. The RAP must be prepared, signed and sealed by a Qualified Person and submitted to, and acknowledged by, the City prior to remediation taking place. The RAP must clearly describe the remedial approach and provide timelines and schedules to complete remedial activities, including the plan for confirmation sampling of soil and/or groundwater and post-remedial monitoring (where applicable) to demonstrate that the site meets applicable standards for the intended land use. Sample volume requirements must meet OPSS guidelines and O.Reg. 153/04 regulation, documentation that the testing requirements meet guidelines is the responsibility of the developer by way of the retained Qualified Person.

5.5 Risk Assessment Report

It is required that contaminated/impacted lands be fully remediated and certified prior to dedication to the City, unless otherwise negotiated. Should a risk assessment and risk management approach (see **Appendix 2** for explanation about risk assessments and risk management measures) be the most practical approach to address contamination on such lands (or a combination of remediation and risk assessment), then a MECP approved Risk Assessment approach, per O. Reg. 153/04 (as amended) may be acceptable to the City, pending review by City staff and the following requirements:

- A Risk Assessment Report must be prepared by a Qualified Person as defined under s. 5 and 6 of O. Reg. 153/04, where the Property Owner intends to apply property-specific standards and risk management measures to either any part of, or for the whole of the property that exceeds applicable generic standards.
- A Risk Assessment may be accepted for any lands being dedicated to the City, subject to review and approval by the City prior to formal submission to the MECP. The proposed risk management measures must meet minimum requirements that allow safe working conditions for construction workers performing subgrade maintenance, repair or replacement work of roads and subsurface utilities and that allow sufficient un-impacted soil depth for the planting of trees. The City's risk management measure requirements may be greater than the MECP's minimum requirements.

All Risk Assessments will require a Peer Review retained by the City at the applicant's expense. City staff will provide further instructions on how payment amount and arrangements are to be made when required, following the tender and award exercise.

The City will NOT accept any of the following restrictions on any lands being dedicated to the City:

- Additional Personal Protective Equipment or specialized health and safety plans above and beyond *Occupational Health and Safety Act* requirements in non-contaminated areas;
- Prohibition of construction of enclosed permanent buildings or other structures on park lands (except for potable wells);
- Requirements for any on-going monitoring and reporting (except for annual cap inspection);
- Any active on-going remediation systems (requiring power system connection);
- Prescribed construction specifications above and beyond the Ontario Building Code requirements or applicable City standards for road allowances; and

- Any other restrictions that may be later identified by the City or by the Region of Peel.

The following are minimum City requirements for risk management measures for any lands being dedicated to the City (however, other site specific requirements may be deemed necessary by City staff as part of the review of the application and environmental reports):

- The total thickness of Soil Caps and beneath Hard Caps shall be at least. 1.5 m beneath top soil or paved surface (see **Appendix 2** for further details);
- Un-impacted soil or fill material must surround all subgrade infrastructure assets with a minimum of 0.5 m thick below and 1.0 m horizontally parallel to subgrade infrastructure up to grade within utility trenches, and to the satisfaction of the City and the Region of Peel, as applicable (see **Appendix 2** for further details);
- Any reuse or import of soils or backfill materials onto the development property shall comply with the On-Site and Excess Soil Management Regulation, O. Reg. 406/19, as applicable, including tracking, reporting and quality control requirements by a Qualified Person and in accordance with best management practices; the City maintains the right to audit the tracking and reporting of Soil Management at their discretion in keeping with the regulations;
- Any Certificates of Property Use that will be registered on lands being dedicated to the City must first be reviewed and approved by the City prior to registration;
- Any risk management measure proposed to be installed shall be designed to limit the City's liability and future costs and must receive written approval by the City prior to submission to the MECP for approval.

5.6 Remediation Report

Upon completion of all remedial activities, a final Remediation Report, that is signed and sealed by a Qualified Person, must be submitted to the City for review. The report must confirm the subject property now conforms to the appropriate MECP criteria and is suitable for the intended land use.

Additionally, the Remediation Report must include a clause, or be accompanied by a letter signed by a Qualified Person or a Principal of the Consulting Firm, which allows the City of Mississauga to make reliance on the findings and conclusions presented as if it were the Property Owner.

The following documentation must also be provided to accompany the Remediation Report:

- A certified statement by the Qualified Person regarding the potential for groundwater migration of contamination from the development lands that may enter onto the lands being dedicated to the City and confirmation that the applicant shall maintain responsibility for any ongoing monitoring and/or remediation of the development lands, if required, to prevent migration of contamination onto the lands being dedicated to the City;
- As-Built drawings stamped by a Professional Engineer in good standing that clearly and explicitly show the cross-sections of final grades, depths of clean unimpacted fill material or imported fill material, invert elevation and thicknesses (where applicable) of any risk management measures installed for any lands being dedicated to the City (for examples see **Appendix 2**).

5.7 Record of Site Condition

It is important to note that a Record of Site Condition (RSC) will be required where the following situations occur (Site Plan Applications without land dedications to the City excluded):

(1) A Phase Two ESA report indicates that the subject lands have been identified as having a contaminant that exceeds applicable Site Condition Standards; and/or,
(2) The proposed future use(s) on the subject property constitutes a "change of use" to a more sensitive use as per O. Reg. 153/04, s. 14.

PLEASE NOTE: **Land use classifications under O. Reg. 153/04 may differ from those defined under the City of Mississauga's Official Plan and/or Zoning By-laws.**

> *For example, where the applicable zoning by-law for a new business in an existing building may be permitted without requiring a minor variance or zoning by-law amendment, the proposed new use may still be considered to represent a change to a more sensitive use as defined under O. Reg. 153/04 and thus may require the filing of a Record of Site Condition.*

The most sensitive types of land uses under O. Reg. 153/04 include agricultural, residential, parkland and institutional uses, as well as certain types of community uses (as defined in s. 14). Please refer to O. Reg. 153/04 under the definitions for land uses in section 11 and section 14 of the regulation for full descriptions of these land use types.

5.8 Requirements for Land Dedications

Applicants are advised that if lands will be dedicated to the City, the lands shall be in a condition acceptable to the City in its sole and unfettered discretion that such land is environmentally suitable for the proposed use(s), as determined by the Planning and Building Department, and shall be certified as such by a Qualified Person, as defined in Ontario Regulation 153/04 (as amended).

Environmental report(s) submitted to the City must specifically reference the lands to be dedicated to the City (with legal description and surveyed reference plan) and must be signed and sealed by a Qualified Person (as defined in Ontario Regulation 153/04). At minimum, a Phase One ESA report will be required.

Additionally, the ESA and related reports must also include a **letter of reliance, or a clause within each report**, which allows the City of Mississauga to rely on the findings and conclusions presented in the report(s) as if it were the owner of the property and shall be dated, signed and sealed by a Qualified Person, as defined in O. Reg. 153/04 and to the satisfaction of the City.

All ESA report(s) must include a clear statement by the Qualified Person regarding the suitability of the site for the intended land use and a statement that no public lands abutting the site, nor any lands to be conveyed to the City of Mississauga, Region of Peel and the Conservation Authority having jurisdiction, exceed the appropriate full-depth Site Condition Standards.

Should off-site impacts to public lands be indicated by the Phase Two ESA investigation, further investigation and remediation and/or risk assessment with implementation of risk management measures (that have been approved by the MECP), if necessary, will be required.

Where a risk assessment and risk management measures are intended to be applied on the subject property to address contamination, the City must review and approve of the proposed risk management measures prior to submission to the MECP. The City may require risk management measures above and beyond the minimum requirements set out by the MECP on land dedications for protection of municipal infrastructure, protection of the health and safety of its workers and the public, and to minimize the long-term contingent liability to the City associated with the presence of contaminants.

Upon completion of the remediation and/or MECP approval of a risk assessment of the site or abutting public lands, the proponent may be required to file a complete Record of Site Condition (RSC) on the MECP Environmental Site Registry, pending recommendation by City staff. The RSC shall include a copy of acknowledgment of receipt of the RSC by the MECP and all other supporting documents.

5.9 Storm Sewer Discharge Authorization

For any construction project requiring dewatering works, any water being discharged into the City's storm sewer system must comply with the Storm Sewer Use By-law No. 0046-2022 a and the applicant must contact the City's Environmental Coordinator, Storm Sewers to obtain approval prior to discharge.

For further information, please send an e-mail to Env.Inquiries@mississauga.ca and include full contact information for a response.

Note: The above list of requirements is provided to assist in the preparation of development applications, in accordance with Corporate Policy entitled, "Applications for Development of Contaminated or Potentially Contaminated Sites (which may be amended from time to time). Please be advised that it is the property owner's responsibility to ensure they are in compliance with all governmental and quasi-governmental authorities, including federal, provincial and municipal legislative enactments, by-laws and other regulations pertaining to contaminated sites and other environmental matters.

Appendix 1: Environmental Reliance Letter Template

(INSERT COMPANY LETTERHEAD/LOGO)

(INSERT DATE)

Executive Manager, Development Engineering and Construction

Planning and Building Department

City of Mississauga

201 City Centre Drive, 3rd Floor

Mississauga, ON L5B 2T4

RE: Reliance Letter for *(INSERT FULL SITE ADDRESS OR LEGAL DESCRIPTION)*

Executive Manager, Development Engineering and Construction:

It is understood that **[*INSERT NAME OF PROPERTY* OWNER]** (the "Owner") is seeking approval of a development application from the Corporation of the City of Mississauga ("City") regarding the above-referenced property (the "Site"). **[*INSERT LEGAL NAME OF CONSULTING FIRM]*** has prepared the following report(s) on behalf of the Owner, ***[INSERT NAME OF PROPERTY OWNER]***:

- **[*Insert title, date and file number of the report(s)*]**

On behalf of **[*INSERT LEGAL NAME OF CONSULTING FIRM],*** I confirm that I am a Qualified Person within the meaning of Sections 5 and 6 of O.Reg.153/04 of the *Environmental Protection Act, R.S.O. 1990, c.19,* that I have prepared the environmental reports referenced herein on behalf of ***[INSERT LEGAL NAME OF CONSULTING FIRM]***, and I have the requisite authority to bind the corporation and make this representation and warranty.
I hereby represent and warrant to the City that the work performed and completed, as described in the above report(s) is in accordance with the level and skill exercised by a reasonable environmental professional and is consistent with the requirements under O. Reg. 153/04, as amended. I further represent that the City and its Peer Reviewers (where applicable) may rely on the reports listed herein as if the reports had been prepared for the use and benefit of the City.

_____ _____

Signature of Qualified Person, as defined under O. Reg. 153/04

Print name / Professional Designation

_____/_____/_____ _____

Day *Month* *Year*

Print Position/Title

The undersigned warrants and represents to the Corporation of the City of Mississauga that the foregoing provisions, including the warranties and representation of the Qualified Person, are true and accurate and binding on the undersigned corporation.

[*INSERT LEGAL NAME OF CONSULTING FIRM]*

Per: _____ (signature) _____

I have the authority to bind the Corporation

Print name

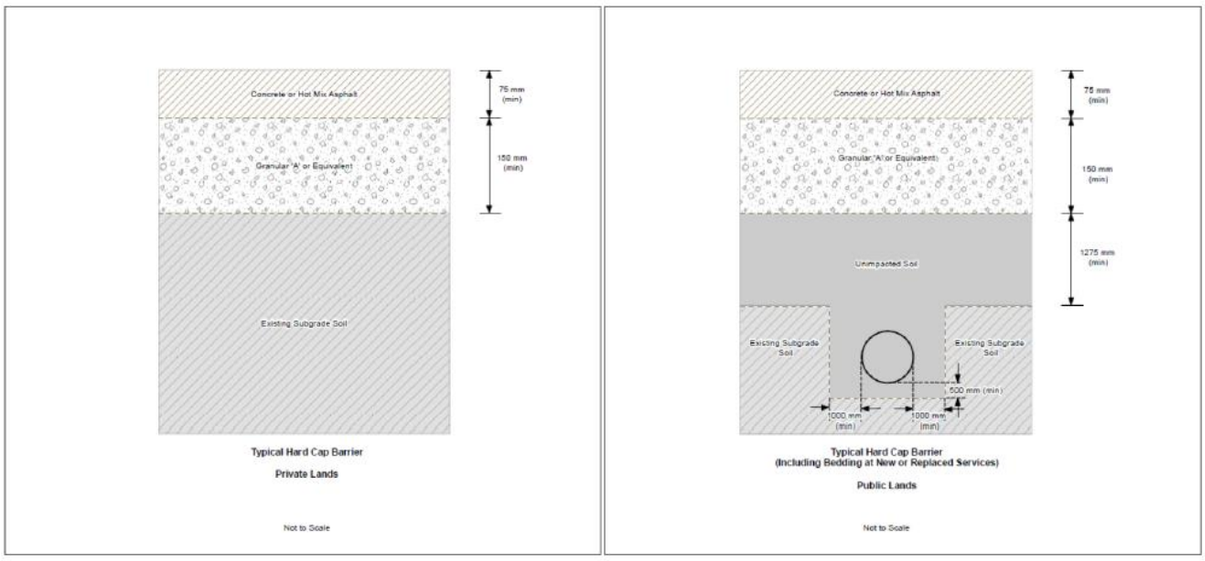
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Day Month Year

Print Position/Title

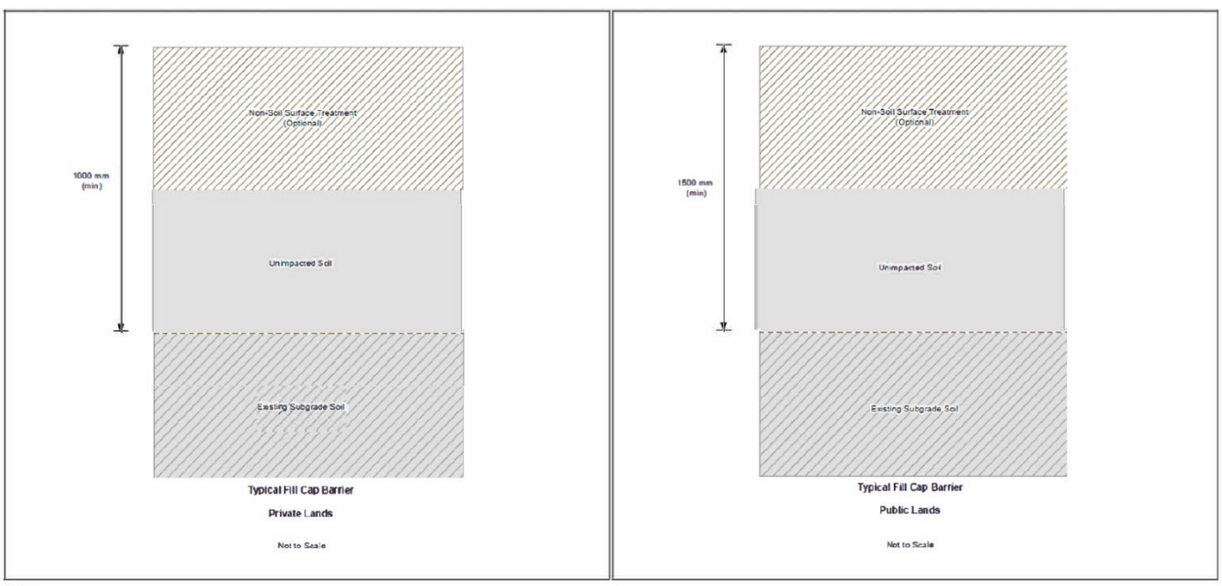
Appendix 2: Risk Management Measure Cap Requirements

Figure 1. Typical Hard Cap Diagrams



Notes:
Unimpacted Soil:
a) Soil found on, in or under the Property in which no Property Specific Contaminants of Concern are present, or
b) Soil that meets the applicable Site Condition Standards (per O. Reg. 154/04) for the Property, and does not contain any contaminant for which no applicable Site Condition Standard for soil is prescribed under Part IX (Site Condition Standards and Risk Assessment) and which is associated with any potentially contaminating activity described in the Risk Assessment.

Figure 2. Typical Soil or Fill Cap Diagrams



Notes:
Optional non-soil surface treatment: Suitable materials include asphalt, concrete, concrete stone pavers, brick or aggregate.
Unimpacted Soil:
a) Soil found on, in or under the Property in which no Property Specific Contaminants of Concern are present, or
b) Soil that meets the applicable Site Condition Standards (per O. Reg. 154/04) for the Property, and does not contain any contaminant for which no applicable Site Condition Standard for soil is prescribed under Part IX (Site Condition Standards and Risk Assessment) and which is associated with any potentially contaminating activity described in the Risk Assessment.

Figure 3. Example Cross-Section Diagram of Capping within Right-of-Way for Road Dedications

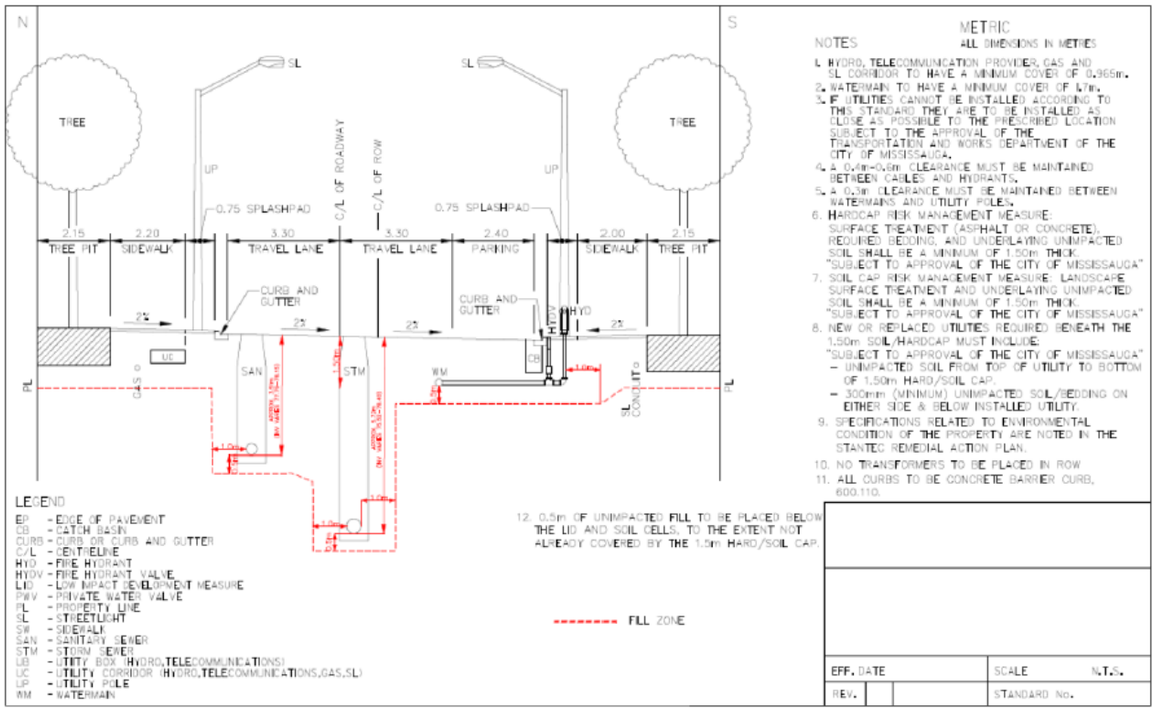


Figure 4. Example of As-Built / As-Constructed Drawing with RMM Capping Depths

