

## **What is it?**

A Phase Two Environmental Site Assessment (ESA), prepared in accordance with Part VIII and Schedule E of Ontario Regulation (O. Reg.) 153/04, is a type of study that involves physical testing of soil, groundwater, and/or sediment (as applicable) to determine the location and concentration of contaminants in the land or water on, in or under the subject property that meet or exceed the applicable standards for the intended use.

This is generally achieved by conducting the following:

1. Developing an understanding of the subsurface soil and groundwater conditions at the subject property (including written descriptions and appropriate figures in plan view and cross-sections); and
2. Conducting one or more rounds of field sampling for all contaminants of potential concern associated with each area of potential environmental concern identified in the Phase Two ESA sampling and analysis plan and for any additional contaminants identified during field sampling activities at the subject property.

## **Who prepares it?**

A Qualified Person, as defined under section 5 and 6 of O. Reg. 153/04; i.e., a person who holds a valid licence as a Professional Engineer (P. Eng.) or who holds a valid certificate of registration as a Professional Geoscientist (P. Geo.).

## **Why is it required?**

The Phase Two ESA is required to confirm whether one or more contaminants may be present on the subject property that exceed any of the applicable site condition standards for the intended use.

## **When is it required?**

A Phase Two ESA is required in support of a development application if either of the following conditions apply:

1. A Potentially Contaminating Activity on, in or under the subject property was identified in the Phase One ESA report; or
2. The subject property is currently being used, or has ever been used, in whole or in part, for any of the following:
  - 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.

The Phase Two ESA report must be submitted with the initial development application along with the Phase One ESA report, and be accompanied with a letter of reliance addressed to the City and in a form that is satisfactory to the City, in order for the application to be deemed as a “Complete Application” under the *Planning Act*.

### **Additional Information**

- Please refer to the [Transportation and Works Development Requirements Manual](#) under [Section 5 – Environmental Requirements](#) for further details, including the form of the letter of reliance acceptable to the City.
- The letter of reliance provided by the Qualified Person must not have any time or monetary limits imposed.
- A Phase Two ESA report that is not accompanied with a letter of reliance in a form that is acceptable to the City as stated above, shall be deemed as “Incomplete” for the purpose of submission of a “Complete Application” made under the *Planning Act*.
- A “Phase II ESA” that is prepared following the Canadian Standards Association (“CSA”) standard Z769-01 (R2013), is not regulated under provincial legislation, cannot be used to file a Record of Site Condition, and will not be accepted by the City.
- A Phase Two ESA report that is not in full compliance with all of the requirements prescribed under Part VIII and Schedule E of O. Reg. 153/04, including the documentation of any delineation of contamination and actions taken to reduce the concentration of contaminants with confirmation sampling and analysis, or any of the other requirements stated within this Terms of Reference document, shall be deemed

as “Incomplete” for the purpose of submission of a “Complete Application” made under the *Planning Act*.

- For land dedications to the City, the Phase Two ESA report must be prepared within 18 months of submission of a “Complete Application” made under the *Planning Act*, unless a Record of Site Condition has been filed for the subject property. For development applications that do not include land dedications to the City, the Phase Two ESA report must be prepared within 3 years of submission of a “Complete Application” made under the *Planning Act*.
  - Additionally, the Phase Two ESA report must show the boundaries of the land dedication(s) within the figures of the report and the sampling locations.
  - At least one soil sample must be collected within the land dedication area(s), or immediately adjacent to it. Where there is potential for groundwater contamination to migrate onto the land dedication, then at least one monitoring well and one round of groundwater samples quantitatively analysed for all applicable contaminants of concern must be collected either within the land dedication area or immediately adjacent and upgradient from it.