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June 27, 2014

Helen Noehammer  
Director, Engineering Review  
City of Toronto

**Re: Policy for Accepting Potentially Contaminated Lands to be Conveyed to the City under the *Planning Act*.**

Dear Ms Noehammer:

On behalf of the Ontario Environment Industry Association (ONEIA), we are writing to provide comments on the proposed revised "Policy for Accepting Potentially Contaminated Lands to be Conveyed to the City under the *Planning Act*."

### **About ONEIA**

ONEIA is the business association representing the interests of the environment industry in Ontario. ONEIA was established in 1991 by the private sector to promote environment business to industry and government in the province. Our members include companies recognized for both their domestic and international expertise in technology, consulting and the related legal, financial and insurance services. Through their innovation and experience in Ontario and around the world, our members provide market-driven solutions for society's most pressing environmental problems. Our commitment is to provide feedback to government based on sound science, sound policy and sound economics.

### **General Comments**

We thank you for the opportunity to meet with you on June 24<sup>th</sup> and to provide further comments on the proposed policy amendments. This is an important document because it impacts not only the City of Toronto through land conveyance, but also development in general, as well as ONEIA and other professionals (e.g. Qualified Persons, etc.). Ontario Ministry of Environment and Climate Change (MOECC) regulations provide for the environmental and health integrity of the City and workers on these projects. Changes proposed by the City would limit the ability to use an existing regulatory scheme to clean up sites and would have a very

substantial economic impact on the City by discouraging certain development projects, with resultant job loss and impact on development.

Although ONEIA has contributed to potential revisions to the policy, we have unaddressed concerns about the policy direction. The City of Toronto and the MOECC are moving towards more sustainable soil management practices that are based on sound science, sound policy and sound economics. The MOECC continues to work with stakeholders to improve approval timelines and efficiencies related to Brownfield redevelopment. The MOECC's modified generic risk assessment (MGRA) approach is an essential component of these ongoing improvements.

The MGRA model is the same model that is used in the development of the generic soil and groundwater standards. The MGRA approach is based on science developed and tested by MOECC scientists and has been designed with input from a broad range of stakeholders. The MGRA approach has been developed to ensure that subsurface workers are provided the same level of protection as workers at sites cleaned up to generic soil and groundwater standards. There is no difference and no less protection of worker health. There are no assumptions of or need for subsurface worker protection beyond that accepted by the City of Toronto and used for general health and safety purposes for such work.

The MGRA approach allows capping of sites with a thickness of cap considered protective of health and the environment for people, plants, soil organisms, birds and mammals that may occupy a property. This provides the same level of protection as is provided by the generic site condition standards. There is no difference and no less protection for people or the environment.

We understand that City staff are communicating with MOECC on this topic and encourage City staff to continue this dialogue and expect assurances from the MOECC that the MGRA approach is appropriate and protective for use at all sites within the City, including those for which lands may be conveyed to the City under the *Planning Act*.

## **Conclusions**

In conclusion, ONEIA believes that use of MGRA approach is consistent with our policy of supporting sound science, sound policy and sound economics. Use of the MGRA approach is certainly consistent with MOECC's mandate to protect health and the environment in the Province as well as being consistent with the City's mandate to protect worker health, public health and the environment. By streamlining the environmental approvals process, this tool will allow more Brownfield sites to be addressed within the City's borders, and thereby better address the City's mandate. We urge the City to delay this policy for further consideration, to

approve adoption of assessments based on use of the MGRA approach and to continue to promote best management practices for soil and site management.

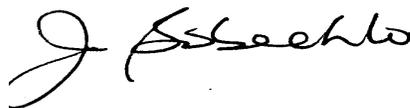
ONEIA's Brownfield committee would appreciate the opportunity to work with the City of Toronto on establishing appropriate Brownfield policies that meet the City's objectives and promote Brownfield development. As you can appreciate, the use of sound policy will contribute to Toronto's economy and jobs.

Thank you again for the opportunity to provide our feedback and we look forward to continuing our dialogue with you. To follow up on our comments or should you have any questions, please contact the co-chairs of our Brownfields Subcommittee, Cecile Willert ([CWillert@dillon.ca](mailto:CWillert@dillon.ca) / 416-229-4646 ext. 2339) or Janet Bobechko ([jbobechko@blaney.com](mailto:jbobechko@blaney.com) / (416) 596-2877).

Yours truly,



Alex Gill  
*Executive Director*



Janet L. Bobechko



Cecile Willert

*Co-chairs, Brownfield Sub-committee*

Cc: Adam Leus, MOECC  
Kathleen Anderson, Assistant Director, MOECC  
Steve Klose, Director, MOECC  
John Minor, City of Toronto