Document Section(s)	Issue	Stakeholder Comments/Recommendations	Ministry Response
4.5, 4.6, Table 2 Item 1	Requirement to address the entire extent of contamination	The draft version requires preapproval "If the application for a contaminated sites legal instrument does not address the entire area of contamination including contamination at a parcel and contamination which has migrated from that parcel to neighbouring parcels." Based upon my experience I suggest you edit it (delete it) for the following reasons. First though I note I agree that some situations warrant preapproval designation in P6, but I don't believe this should be one. Secondly I fully support the long standing (largely unwritten) MoE policy that source parcels should not be able to obtain instruments until all affected parcels have received instruments for source parcel derived contamination. In fact, I think you should state that policy even more clearly in MoE documents, including possibly in the regs. The MoE has for years allowed polluters to obtain instruments for some affected parcels, but not all, at a site. This has been going on via MoE and CSAP submissions. Whether that policy has been applied consistently I don't know. I am talking about situations where the source parcel does not obtain an instrument (just some of the associated affected parcels). Based on past discussions with the MoE re the question of whether applications should be allowed for only some affected parcels, I believe the MoE has two concerns: • This is one of those 'hammer' moments when the MoE can now finally make the polluter do something about the whole entire plume, because the polluter needs something from the MoE. However, even if the MoE allows the polluter to obtain an affected parcel instrument for some affected lots only, the source site remains without an instrument. I think it is sufficient and fair that the MoE retains the future hammer. Realistically if you were to hold up issuing the affected parcel instrument, you are probably hurting (e.g. delays equal money) the affected party more or as much as the source site owner. In fact, polluters would be less likely to step up and assist affected parcels if you made them deal with all affected	The ministry appreciates the general support for the requirement for full delineation and remediation of contamination as a precondition for obtaining a contaminated site legal instrument. Until (as suggested by the writer) this can be incorporated into the Contaminated Sites Regulation or in statute, the ministry prefers to embody this principle in Protocol 6.

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		parcels at once. • Some MoE concern that these kinds of sites are especially difficult technically and the consultants and APs are not going to understand the full ramifications of what they are doing. That could be said of any submission. Bottom line is P6 exists and is to be supported by MoE. The site risk classification process was created to identify high risk sites (i.e. requiring MoE supervision). MoE should use the site risk classification process as its guide. In my experience there is nothing especially technically different about sites where you might apply only for instruments for some affected parcels. If the MoE had a specific concern (e.g. that the consultants would forget to consider how the contamination on the other affected parcels might be relevant to the affected parcel for which the instrument is being applied for) perhaps you could find a place to put in that reminder. But that is something an AP should think of on their own (along with the other numerous things they have to remember). • Perhaps another MoE concern is they should 'know' about these kinds of sites because perhaps an affected parcel person is being bamboozled. But that just isn't consistent with other MoE policies. You would know about the site because of notification requirements, and would have evaluated via SRCRs whether they are high risk. Then there is also the developing 'communication process'. If you leave this in as a preapproval item you are going to face two scenarios: • Instrument being applied to by the owner of the affected parcel himself. Of course you are going to allow that all of the time (the guy with a lot contaminated by a neighbor whom deals with). Anything else would be unreasonable. Why does he even have to ask for preapproval? • Instrument being applied to by the RP associated with the source parcel. If you allow the above bullet, then I don't see how you can't allow this situation. Also, many source parcel	

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		owners will just do the investigations, pay the costs and then will be able to convince the affected property owner to sign the CSSAF and beat any restrictions you would like to impose in this second situation. Lastly, preapprovals take MoE resources away from where they should be applied (reviews, clarifying and improving existing guidance). Perhaps there are a few situations where the MoE would step in and require some sort of different action than is being voluntarily undertaken by the polluter. However, I doubt there are many and I doubt you could delve that far into the facts such that you could identify those situations without making the preapproval process a very time consuming process for those asking for preapproval, and the MoE staff reading those associated applications. You would basically have to see the DSI and RAs and be fully briefed on the discussions with all parties. In other words to do it effectively, you would have to make it a very cumbersome process.	