

## Procedure 16 – Procedures for determining if a Director should require the Submission of a Site Risk Classification Report under Protocol 12

March 12, 2013

Document Section(s)	Issue	Stakeholder Comments/Recommendations	Ministry Response
LRS website	Document status	The MOE website indicates this is an “Update”. The Draft Procedure document under “Relationship to Previous Procedure” indicates: None. The footer indicates this is Draft 1, Ver. 7. It is unclear whether or not a previous version has been issued or opportunity provided for review.	Agreed. The ministry website will change “Update” to “New”
	Submission triggers	Procedure 16 gives the Director discretion for submission of a site classification report. The triggers, based on member experience, are not evident.	<p>Procedure 16 was developed to clarify the following Site Risk Classification Report submission trigger found in Table 1 of Protocol 12:</p> <p>“Imposition of the requirement for a Site Risk Classification Report submission by the Director”</p>
	Procedure purpose and definitions	<p>The benefits of Protocol 12 are overridden by Procedure 16 if application of “Director “discretion triggers is not defined and the term “acceptable time frame” as used in the Figure 1 Decision Tree is not defined. Our members are prepared to engage in discussion with Ministry staff to define appropriate triggers and acceptable time frame.</p> <p>Protocol 12 is a workable document and the application of the flowchart is practical. Our members worked with the Ministry, using a table top approach for sites, to test the application of the flowchart for defining high risk sites. Procedure 16 diminishes this good work.</p>	<p>Procedure 16 is meant to clarify when the Director will require the submission of a SRCR under the above referenced trigger. The ministry feels that this does not override the benefits of Protocol 12, but rather provides details of when this trigger will be used.</p> <p>The ministry used the term “acceptable time frame” so that the Director can exercise site specific discretion. 6 months would seem to be appropriate and is referenced in Section 5.0.</p> <p>Procedure 16 is meant to act as a supplementary document to Protocol 12 and the ministry does not feel it diminishes the effectiveness of the protocol.</p>
Section 2.3 and Appendix 1	Director’s authority	<p>High risk classification and recording on the site registry potentially has very significant implications to property owners. It is important that MOE clarify:</p> <p>Whether all high risk sites will be recorded on the Site Registry or just the subset to which this Procedure applies.</p> <p>Whether several types of notations will be made regarding high risk classification and whether the wording / notation on the Site Registry</p>	Section 8 (1) (o) of the Regulation provides authority for site classification information to be included in the Registry. The ministry routinely enters information about the site risk classification of every site for which a Site Risk Classification Report is received under Protocol 12, “Site Risk Classification, Reclassification and Reporting.” One of several notations is used, depending whether the site is classified

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		<p>for the sites covered by this Procedure will make reference to an “order” or use other similar severe wording with even more significant implications.</p>	<p>as high risk, has been reclassified, and whether the reclassified site is a non-high risk or risk-managed high risk site.</p>
Section 4.0	Risk classification criteria	<p>Step 3, Sec. 4 has the following criteria for the Director requiring a Site Risk Classification Report: “If either of the following criteria is met, the Director should require the submission of a Site Risk Classification Report: A neighbouring parcel affected by a source site contains known or likely high risk conditions.” Several questions arise for which answers would be helpful:</p> <p>Is the underlying rationale that because the site is adjacent to a known or likely high risk site, it could also be a high risk site (e.g., due to migration from the high risk site; due to concurrent or co-deposit of contamination)?</p> <p>Is it intended but not stated that the risk classification report will be required only if information indicates it is the suspected source site (e.g., it is upgradient and has uses/activities or other information indicates it could be the source)?</p> <p>If investigations have not been carried out for the site that will be required to submit a risk classification report because it is adjacent, will a specified level of investigation (e.g., Stage 2 PSI, DSI) be required or ordered by the a director? If so, under what authority will the requirement / order be made?</p>	<p>Yes.</p> <p>A Site Risk Classification Report could be required for a source site or an affected site. This section was not intended to only capture source sites.</p> <p>Investigation levels will not be specified by the ministry since certain sites will require more/less investigation than others to confirm the risk classification (refer to Q&amp;A section for investigation expectations). Authority to require further site investigation can come from Protocol 12, EMA section 54 (3 )(d) or investigation order provisions</p>
Section 5.0	Internal high risk site ranking	<p>Sec. 5 of the Procedure lists factors to be used as a basis for prioritizing known or likely high risk sites. Protocol 12, Table 1, Column II lists under the heading “Required Timing of Submission of Risk Classifications and Related Reports” for the 6th trigger (the subject of this Procedure), “At the time the Director has specified for the submission”. The Procedure states it is for sites under the 6th trigger in Tables 1 and 2 of Protocol 12.</p> <p>Is it correct to assume that prioritization as indicated would apply to</p>	<p>Yes.</p>

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		<p>the subset of sites covered by this Procedure?</p> <p>It would be helpful for the MOE to clarify what actions are to be prioritized according to these factors so that consultants / Approved Professionals might advise their client property owners what to expect when the required risk classification report is submitted.</p> <ul style="list-style-type: none"> <li>• Additional site investigations?</li> <li>• Additional reporting?</li> <li>• A plan for remediating high risk conditions?</li> <li>• A schedule for remediating high risk conditions?</li> <li>• Implementing remediating high risk conditions?</li> </ul>	<p>The main purpose of this document is to provide guidance to ministry staff in determining when a Site Risk Classification Report should be submitted. The items listed by the commenter are actions which could be considered after a Site Risk Classification Report is received and reviewed by the ministry. They are beyond the scope of the procedure at this stage, but could be considered after the procedure is implemented and staff gain experience with its application.</p>