

## Response to Comment - Procedure 8: Definitions and Acronyms for Contaminated Sites Version 2.2 Draft 3

Document Section(s)	Issue	Stakeholder Comments/Recommendations	Ministry Response
2.0 Definitions	Having a definition for surface soil would be useful. However, there may not be a definition in any other document from which to reference a surface soil definition.	Protocol 13 speaks to the upper 1 m of soil for bioaccumulative substances, but does not formally define surface soil.	“surficial (genetic) materials” is defined in <a href="#">TG 16 Soil Sampling Guide for Local Background Reference Sites</a> . TG 16 also provides the following depth dependent surface soil categories: surface 0 to 0.1 m, shallow sub-surface 0.5 to 0.6 m, and deep sub-surface 0.9 to 1.0 m
	The definition of bioaccumulative substances comes from Protocol 13. The definition includes the terms “bioaccumulation factors” and “bioconcentration factors”, but these are not defined.	It would be helpful to clearly define these (they are not defined in DERA, but are defined in Azimuth 2012/Environment Canada 2014 ERA Guidance).	The ministry would typically follow the Environment Canada definitions for these terms.  However, CSAP has recently funded work to produce a guide for CSAP members, related to the definition and use within a CSR regulatory context of these terms. The ministry will consider the need to provide specific definitions once the CSAP guidance has been finalized and provided for review.
	None of the definitions of intrinsic control, institutional control or engineering control refer to building foundations.	MOE has determined that a slab on grade foundation constitutes a Type 1B Remediation per AG14. Type 1B sites are those that have an intrinsic control to prevent contact with a contaminant, but do not require an engineering or institutional control. It would be useful to include a building foundation in the definition of intrinsic control and in the Type 1B examples in Table 1 of AG14.	The ministry disagrees. A slab on grade foundation or any other type of foundation which acts to control risk from exposure to contaminating substances is not an intrinsic control, but rather is an engineered control and would render a site either a Type 2 or 3 site.  “ <b>intrinsic control</b> ” [INTC] means an inherent feature at a parcel which without the use of engineering or institutional controls, controls risks to human health and the environment from exposure to substances and includes, without limitation (a) a natural physical barrier, and

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			(b) an inherent feature which modifies (i) the physical, chemical or biological behaviour or properties of a substance, or (ii) the environmental media in which a substance is contained.
	The definition of urban park land use includes “community beaches” but what constitutes a community beach is not defined.	TG15 “In addition to the SedQC, the Regulations Schedule 4, 5 and 10 soil standards for the protection of human health apply to sediments located in the intertidal zone of a site. Land use in intertidal zones is typically considered to default to residential / parkland use, unless site-specific circumstances determine the actual land use to be otherwise (e.g., water lots leased for industrial land use).” There is nothing in the definition of residential land use that suggests an intertidal area would be residential use. There has also been opinion for MOE that upland land use adjacent to an intertidal area may determine the soil standards to apply to intertidal sediment. A definition of community beach that indicates publically accessible intertidal areas that are not being used for a purpose such as an industrial water lot are “community beaches” would help clarify this.	The ministry does not see the benefit of, or need for, such clarification. The common Oxford dictionary definition for “community” - <i>A group of people living together in one place, especially one practicing common ownership</i> , would seem to adequately capture the concern related to publically accessible intertidal areas that are not being used for a purpose such as an industrial water lot.  Perhaps more to the point, the quoted passage from TG 15 clearly states that land use in intertidal zones is typically residential/parkland.
	Gender-specific language is used in a couple of the definitions: “man-made” might be better worded as “human-made” for ‘constructed ditch’ and ‘constructed pond’ definitions.		Agreed definitions will be revised as suggested as part of finalizing Procedure 8.

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	There are some spacing/formatting issues where definitions are broken across a page break; suggest keeping definitions all on same page.		The formatting of the document follows standard ministry requirements. While the aesthetics and easy readability of the document would be enhanced if definitions were not "broken across a page break", ministry formatting attempts to utilize all available space within a document in the interests of minimizing paper and electronic file consumption by documents.