

Terms of Reference: Environmental Site Assessment (ESA)

Effective Date: December 1, 2025

1.0. Purpose

The purpose of this Terms of Reference (ToR) is to provide clear guidance for the preparation of an Environmental Site Assessment (ESA) to assess actual or potential contamination associated with past or present land uses and to ensure that proposed development is compatible with the environmental condition of the site in accordance with:

- Ontario Regulation 153/04
- Ontario Regulation 406/19
- Any related requirements of the Ministry of the Environment, Conservation and Parks (MECP) or the Town of Innisfil.

2.0. Applicability

An EIS is required for developments that meet any of the following criteria:

- Redevelopment or land use change from industrial, commercial, institutional, or other potentially contaminating uses to a more sensitive use (e.g., residential, institutional, parkland).
- Known or suspected contamination, historical fill, or waste deposits on-site
- Applications triggering Record of Site Condition (RSC) or Risk Assessments (RA) under O. Reg. 153/04.
- As deemed necessary by the Town, MECP, or Conservation Authorities.

This requirement applies to the following development applications;

- Zoning By-law Amendments
- Official Plan Amendments
- Plan of Subdivision
- Plan of Condominium
- CPPS By-Law
- Site Plan Control Applications
- As deemed necessary by the Town's Planning and Development Engineering Services.

3.0. Study Scope and Content

The scope of the ESA shall depend on the project and the applicable regulatory framework. The applicant must confirm whether a general ESA (CSA-compliant) or a Phase One/Two ESA under O.Reg. 153/04 is required.

Phase I ESA (CSA Z768-01):

- Used for due diligence or initial screening. Includes records review, site inspection, and identification of potential contamination concerns.

Phase One ESA (O.Reg. 153/04):

- Prepared to meet O.Reg. 153/04 requirements (records, reconnaissance, documentation of PCAs/APECs). Must be prepared, signed and sealed by a Qualified Person (QP).

Phase II ESA (CSA Z769-00):

- A subsurface investigation conducted to evaluate potential contamination identified in a Phase I ESA. Includes sampling, analysis, and comparison to relevant guidelines but does not necessarily meet RSC standards.

Phase Two ESA (O.Reg. 153/04):

- A regulatory subsurface investigation completed under O.Reg. 153/04, with prescribed sampling, QA/QC, and QP certification. Required for RSC filing or when directed by the Town or MECP.

Remediation and Risk Assessment (RA):

- If contaminants exceed applicable standards, the QP must prepare a Remedial Action Plan (RAP) or conduct a Risk Assessment (RA) under Part IX of O.Reg. 153/04.

Record of Site Condition (RSC):

- Where required, the RSC shall be filed in the Environmental Site Registry (ESR) the MECP's public online database of site conditions. The filing generates an ESR Reference Number (SRN). The filed RSC, ESR confirmation, and supporting documentation (Phase One/Two reports, verification results, and any risk management measures) must be submitted to the Town.

If any of the above sections are not relevant to an application, a brief explanation under the section explaining why it is not applicable must be provided.

4.0. Study Methodology and Standards

All ESAs shall comply with the most current versions of:

- O.Reg. 153/04: Records of Site Condition Regulation;
- CSA Z768-01 (Phase I) and CSA Z769-00 (Phase II), as amended;
- O.Reg. 406/19: On-Site and Excess Soil Management, where relevant; and
- MECP Soil, Ground Water and Sediment Standards (2011, as amended).

All analyses shall be performed by CALA- or CCME-accredited laboratories.

5.0. Submission Requirements

The ESA reports must be prepared, signed, and sealed by a Qualified Person (QP) as defined in O.Reg. 153/04. The submission package shall include:

- One (1) digital PDF copy and one (1) hard copy to the Town.

- A summary letter highlighting key findings and recommendations;
- Laboratory certificates of analysis;
- Borehole logs, figures, and cross-sections;
- Where applicable, the filed RSC and RA confirmation number
- Documentation of any risk management measures or monitoring plans.

6.0. Consultation

Applicants are encouraged to consult early with the Town's Development Engineering and Planning staff to confirm ESA scope, applicable regulations, and submission timing.

Coordination with the MECP (for RSCs, RAs) and Conservation Authorities (for regulated areas) may be required.

7.0. Validity and Updates

A Phase I or Phase One ESA is valid for one (1) year from its completion date. Reports older than one year must be updated before they can be submitted.

A Phase II or Phase Two ESA is valid for up to 18 months from its completion date. Reports older than 18 months from the date of publication must be updated prior to use or RSC filing.

The Town reserves the right to ask for an additional/updated scope during the review process, if necessary.