

AUDIT PROGRAM - OVERVIEW

GUIDELINE FOR USE AT CONTAMINATED SITES IN ONTARIO

June 1996, revised February 1997

With the release of the "Guideline for Use at Contaminated Site in Ontario", dated June 1996 and revised February 1997, (the guideline) the Ministry has provided a framework to assist land owners and consultants in making decisions on the soil and/or ground water quality requirements for proposed or existing property uses. This guideline allows land owners to apply the process outlined in the guideline at a contaminated site without direct Ministry involvement in certain cases. This overview will outline how the Ministry will monitor the application of the guideline for self-initiated site restorations and maintain the integrity of this process. The Ministry will also use the guideline as a tool in dealing with contaminated sites that are causing an adverse effect, and which require direct Ministry involvement.

The Ministry's involvement in the guideline process in the context of self-initiated site restorations is summarized on the attached flowchart titled "The Guideline Process".

The site owner may choose to submit a Record of Site Condition (RSC) to the Ministry for acknowledgment, after completing the restoration. The RSC is a standard form included with the guideline that provides summary information about the final site conditions. The RSC also includes an affidavit signed by the principal consultant who conducted the restoration stating that the process outlined in the guideline has been followed. The supporting information, and technical reports prepared by the consultant are not included with the RSC. The property owner is also required to sign the RSC stating that the process outlined in the guideline has been followed.

The property owner may submit the RSC to the Ministry for acknowledgement by a Provincial Officer. The RSC will be verified by the Provincial Officer to ensure that it is complete and does not contain contradictory information, prior to acknowledgement.

In accordance with the guideline, certain restoration options may require the issuance of a Section 18 Order under the Environmental Protection Act by the Ministry to the site owner requiring information regarding the environmental conditions be registered on title prior to this acknowledgement. The Ministry's acknowledgement of receipt of the RSC will be provided without a review of the reports and sample results produced and retained by the consultant. Acknowledgement of an RSC is not an approval of the information submitted on the RSC nor is it a conformation that the guideline process was properly applied at the site.

As noted in the guideline, in order to monitor and maintain the integrity of the process, selected sites submitting a RSC will be audited by the Ministry's Central Audit Team. Specifically, for each site audited, the audit process will determine if:

- the key steps outlined in the guideline have been followed;

- the supporting information prepared by the consultant is accurate and agrees with the site conditions as stated on the RSC;
- the chosen level of restoration is suitable for the intended use of the site; and
- restoration has been completed so that the contamination at the site is no longer causing or likely to cause an adverse effect.

This will be accomplished by four audit stages based on the reported information and an optional fifth stage of audit sampling conducted on the site by the Ministry. The intent to audit and the results of the audit will be communicated to the local Ministry District Office, the property owner, the consultant who signed the affidavit and the local municipality.

Sites are primarily selected on a random basis by the Ministry for auditing, however other factors may be taken into consideration such as, the potential for adverse effects based upon known site history, areas where ground water is used as a drinking water source, sites undergoing a change to a more sensitive land use, and/or the past audit performance of an environmental consultant.

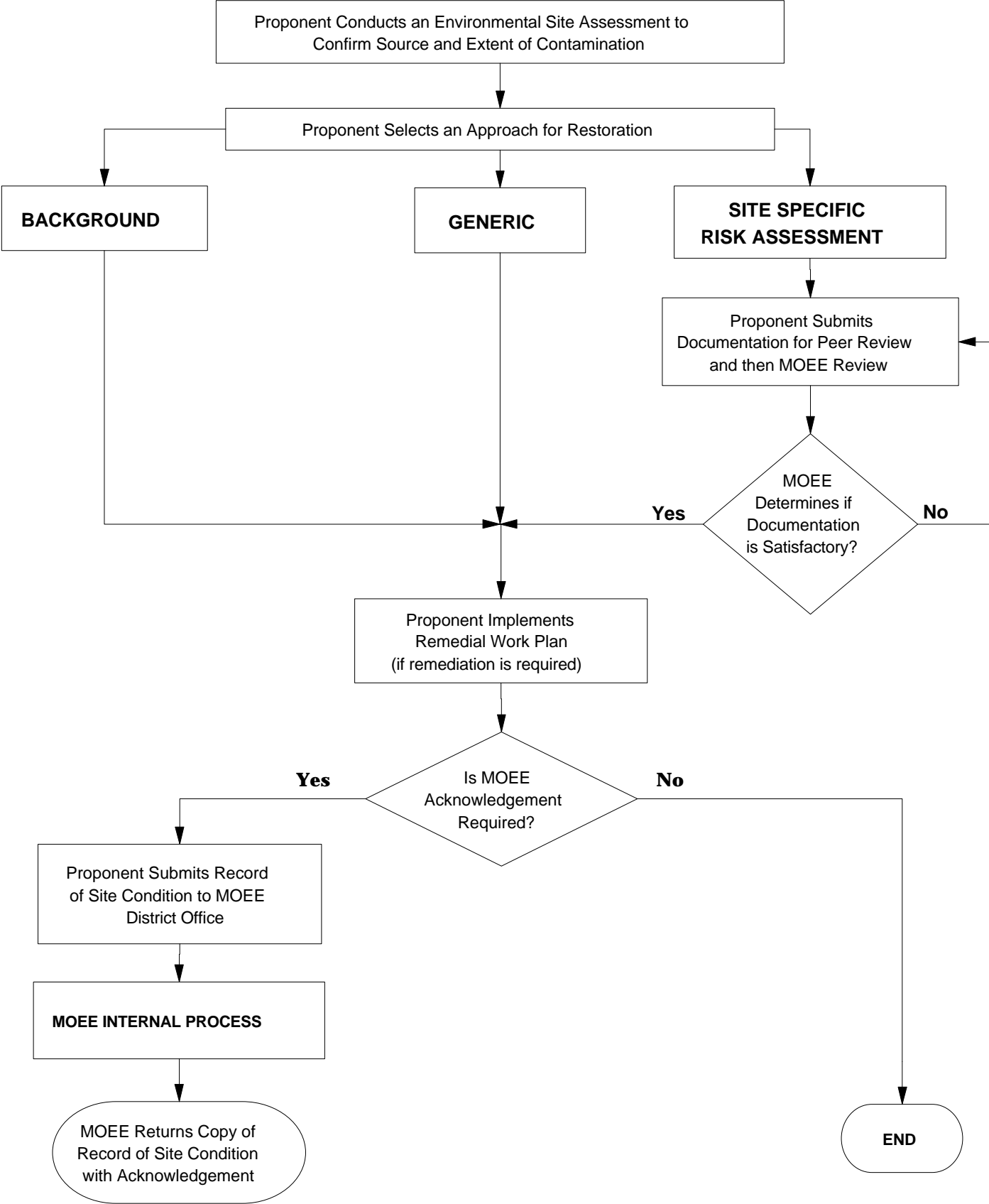
Failure of the audit will occur if the Ministry cannot support the statement in the affidavit of the consultant contained in the RSC that the property has been assessed/restored in accordance with the guideline. The Ministry may contact the primary consultant prior to issuing a written confirmation of the audit findings, to ensure the available information has been correctly interpreted. If a site fails the audit because contamination still remains on site that is causing or likely to cause an adverse effect, the Ministry will take appropriate follow-up actions, including ordering additional clean-up work where necessary to mitigate the likely adverse effects. In the event of an audit failure because the site assessment and/or restoration was not conducted in accordance with the guideline requirements, the Ministry will not require follow-up action. In these cases it would be necessary to reassess the site in accordance with the guideline requirements, and submit a new RSC if further acknowledgement from the Ministry is required by the proponent. The re-submission of a RSC for a site that has failed the audit does not necessarily replace any other actions required by the Ministry, or trigger a re-audit of the site.

All audit failures will be documented in an occurrence report to the Ministry's Investigations and Enforcement Branch for their independent consideration of any suspected violations determined during the audit process.

This process is outlined in the attached flowchart titled "The Audit Process".

May 12, 1997

MINISTRY INVOLVEMENT IN THE GUIDELINE PROCESS



THE AUDIT PROCESSÉ

