

IS YOUR PROPERTY CONTAMINATED?

The New Rules Explained

(Amended Ontario Reg. 153/04)

ATTENTION:

Realtors, Property Developers, Loan Managers, Legal Advisers

Free 1/2 Day Seminar on

What makes a property contaminated?

and

How the new rules will affect you.

February 17, 2010

On January 8, 2010, the Ontario Ministry of the Environment (MOE) announced the finalized changes to O. Reg 153/04 (the "Brownfields Reg.") and these will come into force July 1, 2011. The changes mean that **many properties assessed under the current rules will fail to meet the new rules** and sites that were previously assessed as "clean" may end up being re-assessed as "contaminated"! The seminar will describe how environmental site assessments are done and how the changes to the current rules will likely impact the real estate market. It will also answer the question: **"Should the new rules be applied now?"**

Place: Lamplighter Inn, Regency A,
591 Wellington Road
London, ON

Date: Wednesday, February 17, 2010
Time: 9:00 am - 12:30 pm

Enrollment Form

Name: _____

Company: _____

Address: _____

Ph: _____ Email: _____

Please email the completed form to: info@aaenvironmental.ca or
fax it to (519) 652 8638. Space is limited, so enroll early!



Who Should Attend?

This information seminar is geared towards all those involved in property transactions who are non-technical and unfamiliar with what makes a property a “**contaminated property**”. It will explain, in non-technical terms, how properties are examined and how the results are interpreted with an emphasis on how the new rules will affect properties previously examined under the old rules.

Financial/Legal Advisers and Realtors will find the information timely and informative.

Seminar Agenda

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| 8:30 - 9:00 am | Registration |
| 9.00 - 9.15 am | Coffee & Introduction |
| 9.15 - 10.15 | What makes a property a “Contaminated Property” under the current rules? |
| 10.15 - 10.30 | <i>Questions</i> |
| 10.30 - 10.45 | <i>Coffee Break</i> |
| 10.45 - 11.45 | What makes a property a “Contaminated Property” under the new rules and will a “clean” property under the old rules become a “contaminated” property under the new rules? |
| 11.45 - 12.00 | <i>Questions</i> |
| 12.00 - 12.30 | Mould investigations and asbestos assessments—when are they needed? |

**Presenter: Dr. George Duncan, Ph.D., C.Chem., C.C.E.P.,
President, A & A Environmental Consultants**

Dr. Duncan is a consulting environmental chemist who has presented numerous seminars on environmental topics. He has over 40 years experience in his field and has performed several hundred environmental site assessments throughout Ontario. He is a former lecturer in analytical chemistry at Manchester Polytechnic in England and Chemistry Professor at Northern College of Applied Arts and Technology in Kirkland Lake, Ontario.

Changes to the “Brownfields Reg” (153/04) Now Finalized

8 January, 2010

The Ontario Ministry of the Environment’s (MOE) long-announced changes to Regulation 153/04, the “Brownfields Reg”, have now been finalized and will be enforced beginning on July 1st, 2011. The changes represent a major overhaul of how environmental site assessments will be conducted in the Province and will lead to major cost increases for these. Phase I ESA’s will cast a much wider net in their investigations and Phase II ESA’s will now be mandatory where a site has a history of various types of commercial/industrial operations on or near the site ***even if the phase I shows no evidence of contamination having occurred***. Most affected will be site cleanups since the allowable limits of contaminants in soil and ground water have all been revised and the overall trend, with some exceptions, is sharply downwards. For instance, lead in an industrial soil in a non-potable ground water situation has been lowered from 1000 parts per million (ppm) to 120 ppm, benzene has been lowered from 5.3 ppm to 0.32 ppm and anthracene (a component in creosote and coal tar) from 28 ppm to 0.67 ppm. As a result, cleanups will be much more extensive (and expensive) to comply with these lowered limits.

The changes to Reg 153/04 raise two important questions:

- When should consultants apply the new limits? Although these will not be enforced until July 1st, 2011, the banks and other players will likely insist site investigations follow the new rules to avoid ending up with a report that is current now but may be meaningless in 2011.
- What happens to sites that have been assessed and cleaned up under the old limits but now fail to meet the new limits? The MOE will “grandfather” these sites under the old rules but we suspect the buyers, sellers, lawyers and particularly the banks will not! One major bank has already indicated they want loan applicants to meet the new rules. This will lead to additional site cleanup and serious financial loss.