



The Corporation of the Town of Tecumseh

Public Works & Engineering Services

To: Mayor and Members of Council

From: Phil Bartnik, Director Public Works & Engineering Services

Date to Council: Tuesday, May 27, 2025

Report Number: PWES-2025-21

Subject: Groundwater Site Condition Standards, Potable and Non-Potable Policy 135

Recommendations

It is recommended:

That Report PWES-2025-21 Groundwater Site Condition Standards Policy, Potable and Non-Potable, **be received;**

And that Policy 135 in Attachment 1 to Report PWES-2025-21 Groundwater Site Condition Standards, Potable and Non-Potable Policy 135, **be adopted;**

And further that the Administrative Fees and Charges By-Law 2024-096 **be amended** to include a non-refundable \$200 processing fee to recover administrative time to review documents and respond to requests in relation to Policy 135.

Background

Brownfield sites are lands that are potentially contaminated due to historical industrial and commercial land uses. Redevelopment of these sites can have several benefits to a community, including improvement to air, water, and soil quality, protection of green spaces, promotion of urban intensification and productive reuse of lands. As per the [Clean Water Act, 2006](#), proper remediation of brownfield sites forms part of the multi-barrier approach to protecting drinking water sources and providing safe drinking water. This is key to preventing contamination of groundwater in wellhead protection areas and

surface water in intake protection zones. Part of the approach includes recognizing if potable or non-potable site condition standards apply to a site being considered for usage. Section 35 of [Ontario Regulation 153/04 Records of Site Condition](#) under the [Environmental Protection Act](#) prescribes the requirements on applying potable or non-potable site conditions, which depend on factors related to the site, including the proximity and type of sources of drinking water present and used by consumers.

Generally, it can be said that potable groundwater site conditions apply where the site and surrounding area are supplied with drinking water from wells, and non-potable groundwater site conditions apply where the area is serviced by a piped municipal water supply. Specifically, O.Reg. 153/04 presents the quality standards for site cleanup in a series of tables.

- Table 1: Full depth background site condition standards;
- Table 2: Full depth generic site condition standards in potable groundwater conditions;
- Table 3: Full depth generic site condition standards in a non-potable groundwater condition;
- Table 4: Stratified site condition standards in potable groundwater condition;
- Table 5: Stratified site condition standards in a non-potable groundwater condition;
- Table 6: Soil extract and groundwater standards to determine whether a property is a 'shallow soil property';
- Table 7: Generic site condition standards for shallow soils in a potable groundwater condition;
- Table 8: Generic site conditions for use within 30 meters of a water body in a potable groundwater condition; and
- Table 9: Generic site condition standards for use within 30 meters of a body in a non-potable groundwater condition.

Appropriate site remediation of contaminated (brownfield) properties is paramount to protect human health, the environment, and ground and surface water sources.

Comments

Administration previously received an intent to apply non-potable groundwater standards for management of excess soil on a farm site within the Town currently owned by AMICO Infrastructures Inc. (AMICO). The farm site is located at the

intersection of Howard Avenue and South Talbot Road. It had previously been used as an excess fill site for dumping from construction sites in accordance with a Town fill permit. The permit had been approaching expiration and AMICO had requested continued use of the property as a beneficial reuse site in accordance with [Ontario Regulation \(O.Reg.\) 406/19 On-Site and Excess Soil Management](#) once the fill permit expired. It was also proposed that ownership of the site would be transferred to the Town once fully used. Part of the approval would require the conditions in [O.Reg. 153/04 Records of Site Condition](#) to be satisfied.

Presently, the Town does not have a policy to process these requests and/or notices of intent. The Town's response is heavily reliant on administrative review and direction of the applicable standards in accordance with O.Reg.153/04. This can cause delays to the overall processing of site remediation and eventual redevelopment of these areas.

The establishment of a transparent process for assessing groundwater impacts in relation to site condition standards and requirements defined in O.Reg.153/04 for potential redevelopment of brownfield sites supports Council's strategic priorities of Sustainable Growth and Community Health and Inclusion.

Policy 135 provides Administration with clear direction on responding to proponent inquiries in accordance with O.Reg. 153/04 to ensure all environmental and health-related risks are addressed. It facilitates a standard protocol for receiving, processing, and responding to non-potable site condition standard requests and/or notices of intent for the cleanup of contaminated sites and only requires Potable Standards where a site has been identified as a potential risk to the Town's source water supplies and/or consumers of groundwater exist.

Policy Requirements – Notice of Intention/Request

The Policy requires a formal Notice of Intent or Request to be submitted to the Clerk for the Town of Tecumseh related to the subject property, containing:

- Complete Town of Tecumseh environmental site-screening questionnaire;
- Description of previous and proposed land use(s) for the site;
- Description of site remediation and predicted post-remediation concentration in accordance with applicable standard from O.Reg. 153/04;
- Results of a well survey within a 250-metre radius from the site, serving as proof there are no registered groundwater extraction wells and all properties within the area are supplied directly by the municipal water distribution system; and
- Any other documents that the Town feels are pertinent to making the assessment.

Evaluation Criteria

Non-potable site condition standards can be applied if the following criteria are met:

- The subject site and all other properties located in part within 250 meters of the site boundaries are supplied by the Town's drinking water system and have no wells installed for the extraction of groundwater.
- The subject site is not located in an area designated as a Wellhead Protection Area (WHPA) under the *Clean Water Act* for the protection of groundwater.
- The subject site is not located in an area designated as an Intake Protection Zone under the *Clean Water Act* for the protection of surface water.
- The subject site is not used for agricultural or "other use" as defined in O.Reg. 153/04.
- The subject site is not located in an area of high groundwater vulnerability.

Policy Procedure

The general procedure for receipt of the request under the Policy is as follows:

- The owner of the subject property must give the Town Clerk a written Notice of Intention to apply the non-potable standard in preparing a Record of Site Condition for the property and payment of a non-refundable two hundred dollars (\$200.00) processing fee to cover costs related to Administration's review and response to the request.
- Town Clerk to forward this request to the Public Works and Engineering Services Department for assessment against the pre-defined Evaluation Criteria in determining whether standards based on potable or non-potable groundwater condition are applicable for the subject property.
- Once assessed, the Director Public Works and Engineering Services must provide a Notice of Objection within thirty (30) days of receipt, otherwise, the Notice of Intention for the use of the non-potable standard is considered applicable as defined in the *Environmental Protection Act*.
- If the property owner wants to pursue the non-potable standard, the property owner shall deliver a request to re-evaluate the Town's Notice of Objection using a Qualified Person (QP) to rationalize and provide documentation.
- A written letter confirming the property owner's intention to remediate the site and provide a Record of Site Condition (RSC) once complete as a requirement of acceptance of any non-potable standard.

- Upon receipt of the required information, including the processing fee and completion of the re-evaluation process, the Director Public Works and Engineering Services will provide a letter of acceptance or denial for the use of non-potable standard.

Ultimately, Policy 135 is intended to integrate safeguards in providing safe drinking water to consumers across the Town while promoting productive use of brownfield or contaminated sites.

Consultations

Legislative Services & Clerk

Financial Implications

There are no financial implications arising from this report.

Link to Strategic Priorities

Applicable	2023-2026 Strategic Priorities
<input type="checkbox"/>	Sustainable Growth: Achieve prosperity and a livable community through sustainable growth.
<input checked="" type="checkbox"/>	Community Health and Inclusion: Integrate community health and inclusion into our places and spaces and everything we do.
<input type="checkbox"/>	Service Experience: Enhance the experience of Team Tecumseh and our citizens through responsive and respectful service.

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Joseph Lappalainen, E.I.T.
Project Technician

Reviewed by:

Robert Auger, LL.B.
Director Legislative Services & Clerk

Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Engineering Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Groundwater Site Conditions Standards, Potable and Non-Potable Policy 135