

Development Application Guideline

Terms of Reference

- Phase I Environmental Site Assessment
- Phase II Environmental Site Assessment



Description

A Phase I Environmental Site Assessment (ESA) is a report which details the results of a systematic investigatory process, by which the assessor seeks to determine whether a particular property is or may be subject to actual or potential contamination. The assessment does not involve the collection of samples or alteration of a property (i.e. excavation), unless enhancements are agreed upon by the assessor and the client.

A Phase II Environmental Site Assessment (ESA) is a report detailing the results of a systematic iterative process, by which the assessor seeks to discover, characterize and/or delineate the concentrations or quantities of substances of concern related to a site, and compare those levels to established criteria.

This Terms of Reference document is intended to be applied in conjunction with all other applicable guidelines, such as the City of Kingston's Site Plan Control Guideline and the City of Kingston's Subdivision Development Guideline and Technical Standards.

Rationale

The reuse and redevelopment of brownfield sites is a key policy of the City of Kingston's Official Plan. By requesting a Phase I and/or Phase II Environmental Site Assessment it helps ensure that a property is safe for the intended use. Where City records or other information indicate that a site may be contaminated by a prior or current use, a Phase I Environmental Site Assessment may be required to determine whether there is a need for a Phase II Environmental Site Assessment, and/or Record of Site Condition.

When Required

A Phase I Environmental Site Assessment is required when City records or other information indicate that a site may be contaminated by a prior or current use, and/or where there is a potential change in land use that would require a Record of Site Condition, for the following applications:

- Site Plan Control
- Consent (Severance)
- Minor Variance

- Zoning Amendment
- Official Plan Amendment
- Plan of Subdivision
- Or any other development application deemed appropriate by Council or Delegate

A Phase II Environmental Site Assessment will be required for all applications involving a transfer of land to the City of Kingston, when a Phase I ESA indicated a potential for the presence of soil and/or groundwater contamination, and/or when, based on the review of a Phase I ESA, the Environmental Projects Manager determines that a Phase II ESA is warranted based on the nature of the property and surrounding land uses, the proposed development, and/or the potential concentration of contaminants.

Applicable Legislation

- [Environmental Protection Act](#)
- Ontario Regulation 153/04

Qualified Persons

A Qualified Person (QP) is a person as defined in O. Reg. 153/04 who is able to conduct or supervise a Phase I or II Environmental Site Assessment. This person must hold a licence, limited licence, or temporary licence under the Professional Engineers Act or be registered with and a member of the Association of Professional Geoscientists of Ontario.

Required Contents

The Phase I and/or Phase II ESA must be completed to the requirements under Ontario Regulation 153/04. Guides for Completing [Phase I](#) and [Phase II](#) Environmental Site Assessments are available on the Ministry of the Environment and Climate Change website.

The City of Kingston requires that the Phase I and/or Phase II ESA must have been prepared within two years of the date that the planning application is made, or have been prepared within five years of the date that the planning application is made if it has been updated within the past two years by a Qualified Person. The submitted copy must be signed by the Qualified Person who completed the assessment(s).

Submission Requirements

All development applications and accompanying studies and reports should be submitted through the City of Kingston's **DASH Development and Services Hub** which can be accessed online at: [City of Kingston DASH](#)

Additional Information

For additional information, please contact the City of Kingston Planning, Building and Licensing Services Department at:

1211 John Counter Boulevard, Kingston

613-546-4291 ext. 3180

planning@cityofkingston.ca