

## Record of Site Condition For Part XV.1 of the *Environmental Protection Act*

### Summary

Registration Number	51516
Status	Submitted
Submit Date	2009/04/03
Certification Date	2008/04/24
Current Property Use	Commercial
Intended Property Use	Commercial
Certificate of Property Use Number	No CPU
Applicable Standards	Full Depth Site Conditions Standard, with Nonpotable Ground Water, Medium/Fine Textured Soil, for Industrial/Commercial/Community property use
Property Municipal Address	5111 New Street, Burlington, Ontario, L7L 1V2, and 499 & 505 Appleby Line, Burlington, Ontario, L7L 2Y1

### Notice to Readers Concerning Due Diligence

This record of site condition has been filed on the Environment Site Registry to which the public has access and which contains a notice advising users of the Registry who have dealings with any property to consider conducting their own due diligence with respect to the environmental condition of the property, in addition to reviewing information in the Registry.

### Contents of this Record of Site Condition

This record of site condition consists of this document which is available to be printed directly from the Environmental Site Registry as well as all documentation indicated in this document to have been submitted in paper format to the Ministry of the Environment.

### Definitions

The following definitions are taken from the *Environmental Protection Act* or Regulation 153/04 under that Act and are included for ease of reference. The Act and Regulation should be referenced for other applicable definitions.

In this Record of Site Condition,

"Act" means the *Environmental Protection Act*, as amended;

"Cleanup Guideline 1996" means the Ministry publication entitled "Guideline for Use at Contaminated Sites in Ontario" originally dated June 1996 and later revised;

"Intended property use", in relation to a record of site condition, means the type of property use in respect of which the record of site condition is filed;

"phase one environmental site assessment" has the same meaning as defined in the Act at s. 168.1;

"phase two environmental site assessment" has the same meaning as defined in the Act at s. 168.1;

"Regulation" means Ontario Regulation 153/04, Records of Site Condition Part XV.1 of the Act, as amended;

"risk assessment" has the same meaning as defined in the Act at s. 168.1;

"RSC" means a record of site condition under Part XV.1 of the Act;

"RSC property", in relation to a record of site condition, means the property in respect of which the record of site condition is filed;

"SSRA" means a site specific risk assessment conducted in accordance with the Cleanup Guideline 1996.

**Part 1: Property Ownership, Property Information and Owner's Certifications**

**Information about the owner who is filing or authorizing the filing of the RSC**

Owner Name	First Capital (Appleby) Corporation
Corporate Contact (Authorized Officer)	Jamie Chisholm
Mailing Address	Suite 400 85 HANNA AVE TORONTO, ON, M6K 3S3
Phone	416-5044114
Fax	416-9411655
Email	jamie.chisholm@FirstCapitalRealty.ca

**RSC Property Location Information**

Municipal Address	5111 New Street, Burlington, Ontario, L7L 1V2, and 499 & 505 Appleby Line, Burlington, Ontario, L7L 2Y1
Municipality	BURLINGTON
Legal Description	PT LT 5, CON 2 NEL SDS, PTS 3 & 4, 20R15307; BURLINGTON. 'S/T 213616' (PARTIALLY RELEASED BY HR213454) and PART BLK A, PL 1367 PTS 1 & 2, 20R15307; BURLINGTON. S/T 213616. (PARTIALLY RELEASED BY HR213454).
Assessment Roll Number	2402090-91600100
Property Identification Number (PIN)	07012-0002 LT and 07012-0230 LT
RSC applies to entire legal property	YES

**RSC Property Geo Reference**

UTM Coordinates	NAD83 17-600982-4802535 (converted from Latitude & Longitude)
Latitude & Longitude	43.36888890N 79.75361110W
Accuracy Estimate	11 to 20 meters
Measurement Method	Digitized from a map

**RSC Property Use Information**

The following types of property uses are defined by the Regulation: Agricultural or other use, Commercial use, Community use, Industrial use, Institutional use, Parkland use, and Residential use.

Current Property Use	Commercial
Intended Property Use	Commercial
Certificate of Property Use has been issued under section 168.6 of the Act	NO

**Additional Documentation Provided by Property Owner or Agent**

The following documents have been submitted to the Ministry of the Environment as part of the record of site condition:

1	Deed or Transfer for the property
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2	Certificate of Status
3	Phase Two Environmental Site Assessment survey

**Signature and Statements of Property Owner or Agent**

As an authorized officer acting on behalf of the owner of the RSC property:

1. I acknowledge that the RSC will be filed in the Environmental Site Registry, that records of site condition that are filed in the Registry are available for examination by the public and that the Registry contains a notice advising users of the Registry who have dealings with any property to consider conducting their own due diligence with respect to the environmental condition of the property, in addition to reviewing information in the Registry.
2. I have conducted reasonable inquiries to obtain all information relevant to this RSC, including information from the other current owners of the RSC property named in this part of the RSC.
3. I have disclosed all information referred to in paragraph 2 to any qualified person named in this RSC.
4. To my knowledge, the statements made in this part of the RSC are true as of \_\_\_\_\_.

As an authorized officer making the certifications on behalf of the owner:

1. I certify that I have been authorized by the owner of the RSC property to make the statements prescribed by this section on their behalf and that the owner of the RSC property has read and understands the statements being made on their behalf.

Name of Authorized Officer \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

A signed and dated copy of this Part of the record of site condition has been received by the Ministry of the Environment prior to the filing of this record of site condition in the Environmental Site Registry.

## Part 2 List of Reports, Summary of Site Conditions, Qualified Person's Certifications

### Qualified Person Information

Name	Kevin Elliott French
Company	Watters Environmental Group Inc.
Job Title	Vice President
Business Address	Suite 1003 1700 LANGSTAFF RD CONCORD, ON, L4K 3S3
Phone	416-3612407x221
Fax	416-3612410
Email	kfrench@wattersenvironmental.com

### Additional Documentation Provided by the Qualified Person

The following documents have been submitted to the Ministry of the Environment as part of the record of site condition:

1	Certificate of Status in relation to the employer of the qualified person
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### Municipal Information

#### Local or Single-Tier Municipality

Municipality	BURLINGTON
Municipal Clerk	Kim Phillips
Address	Clerks Office, City Hall, City of Burlington, 426 Brant Street, P.O. Box 5013, Burlington, Ontario, L7R 3Z6
Phone	905-3357698
Fax	905-3357881
Email	cityclerks@burlington.ca

#### Upper Tier Municipality

Municipality	HALTON
Municipal Clerk	Susan Lathan
Address	Office of the Regional Clerk The Regional Municipality of Halton, 1151 Bronte Road, Level 3, Oakville Ontario, L6M 3L1
Phone	905-8256000x7254
Fax	905-8258838
Email	regionalclerk@halton.ca

### Ministry of the Environment District Office

District Office	HALTON-PEEL
District Office Address	Suite 300 4145 North Service RD Burlington, ON, L7L 6A3

### Reports Supporting Record of Site Condition

## Ontario Ministry of the Environment - Record of Site Condition #51516

The following types of assessments have been conducted in support of this record of site condition:

- A phase one environmental site assessment
- A phase two environmental site assessment

### Previous RSCs applying to any part of the RSC property

### Previous risk assessments or SSRA applying to any part of the RSC property

### Assessments or other reports have been relied upon in certifying the information set out in this Part

Date	Report Title	Report Type	Author	Affiliation
2008/04/30	Supplemental Phase II Environmental Site Assessment, Appleby Mall, 5111 New Street and 499 & 505 Appleby Line, Burlington, Ontario	Phase 2 ESA	Hali Zigomanis, Kevin French	Watters Environmental Group Inc.
2008/03/31	Phase I Environmental Site Assessment, Appleby Mall, 5111 New Street and 499 & 505 Appleby Line, Burlington, Ontario	Phase 1 ESA	Hali Zigomanis, Kevin French	Watters Environmental Group Inc.
2007/05/22	Peer Review of Previous Environmental Reports and Limited Groundwater Sampling and Analysis Event, Appleby Mall, 5111 New Street, Burlington, Ontario	Others	Basil Wong, Kevin French	Watters Environmental Group Inc.
2004/04/06	Phase II Environmental Subsurface Investigation, 505 Appleby Line (at Pinedale Avenue), Burlington, Ontario	Phase 2 ESA	Jeffrey Peister, John Cracknell	Jacques Whitford Environment Limited
2003/07/04	Phase I Environmental Site Assessment, 5111 New Street, Burlington, Ontario	Phase 1 ESA	Rob Milne, Rob Ferris	Trow Associates Inc.
1997/04/24	Phase II Environmental Site Assessment, Former Appleby Shell Station, 505 Appleby Line, Burlington, Ontario	Phase 2 ESA	Geordy Fournier, William, D. Geddes	Trow Consulting Engineer Ltd.
1996/10/28	Follow-up Intrusive Investigation, 505 Appleby Line, Burlington, Ontario	Phase 2 ESA	C. Louise Pearce, Tim Middleton	Trow Consulting Engineer Ltd.
1995/05/11	Environmental Site Assessment, Shell Canada Gasoline Retail Facility, 505 Appleby Line, Burlington, Ontario, C02684	Phase 2 ESA	John Zoratto, Kim Tan	Intera Information Technologies Corporation

### Site Condition Information

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Total area of the RSC property (in hectares)	6.6
Phase Two Environmental Site Assessment applies to the entire RSC property	NO
Area not assessed (in hectares)	6.2
Risk assessment has been prepared and accepted	NO
Environmentally Sensitive Area	No
Sediment Present	N
Soil Texture	Medium/Fine
Assessment/Restoration Approach	Full Depth
Property Use for Site Condition Standards Determination	Industrial/Commercial/Community
Ground Water Condition	Nonpotable
Contaminant testing on the Ground Water	Y
Local Municipality Non-Potable Water Notification Date	2008/05/09
Upper Tier Municipality Non-Potable Water Notification Date	2008/05/09
Certification Date	2008/04/24

The applicable site condition standards applied for the purpose of this record of site condition are: Full Depth Site Conditions Standard, with Nonpotable Ground Water, Medium/Fine Textured Soil, for Industrial/Commercial/Community property use.

**Final RSC Property Profile - Site Condition Standards**

**Soil**

Contaminant Name	Maximum Concentration		Applicable Standard	Unit of Measure
ACENAPHTHENE	<	0.03	1300	µg/g
ACENAPHTHYLENE	<	0.02	840	µg/g
ANTHRACENE	<	0.02	28	µg/g
BENZENE		0.53	25	µg/g
BENZO(A)ANTHRACENE	<	0.02	40	µg/g
BENZO(A)PYRENE	<	0.02	1.9	µg/g
BENZO(B)FLUORANTHENE	<	0.02	19	µg/g
BENZO(G,H,I)PERYLENE	<	0.02	40	µg/g
BENZO(K)FLUORANTHENE	<	0.02	19	µg/g
CHRYSENE	<	0.02	19	µg/g
DIBENZO(A,H)ANTHRACENE	<	0.02	1.9	µg/g
ETHYLBENZENE		5.44	1000	µg/g
FLUORANTHENE	<	0.02	40	µg/g
FLUORENE	<	0.02	350	µg/g
INDENO(1,2,3-CD)PYRENE	<	0.02	19	µg/g
LEAD		18.9	1000	µg/g
NAPHTHALENE	<	0.03	40	µg/g
PETROLEUM HYDROCARBONS F1 (C6 -	<	5	660	µg/g

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Contaminant Name	Maximum Concentration		Applicable Standard	Unit of Measure
C10)				
PETROLEUM HYDROCARBONS F2 (>C10 - C16)	<	10	1500	µg/g
PETROLEUM HYDROCARBONS F3 (>C16 - C34)	<	50	2500	µg/g
PETROLEUM HYDROCARBONS F4 (>C34)	<	50	6600	µg/g
PHENANTHRENE	<	0.02	40	µg/g
PYRENE	<	0.02	250	µg/g
TOLUENE		9.61	150	µg/g
XYLENES		25.1	210	µg/g

**Sediment**

Contaminant Name	Maximum Concentration		Applicable Standard	Unit of Measure
No Measurements Provided				

**Ground Water**

Contaminant Name	Maximum Concentration		Applicable Standard	Unit of Measure
ACETONE	<	20	3300	µg/l
BENZENE		544	12000	µg/l
BROMODICHLOROMETHANE	<	0.5	50000	µg/l
BROMOFORM	<	0.5	5200	µg/l
BROMOMETHANE	<	1	16	µg/l
CARBON TETRACHLORIDE	<	0.5	100	µg/l
CHLORO BENZENE	<	0.5	500	µg/l
CHLOROFORM	<	0.5	2700	µg/l
DICHLOROBENZENE, 1,2- (O-DCB)		0.7	7600	µg/l
DICHLOROBENZENE, 1,3- (M-DCB)	<	0.5	7600	µg/l
DICHLOROBENZENE, 1,4- (P-DCB)	<	0.5	7600	µg/l
DICHLOROETHANE, 1,1-	<	0.5	50000	µg/l
DICHLOROETHANE, 1,2-	<	0.5	110	µg/l
DICHLOROETHYLENE, 1,1-	<	0.5	4.1	µg/l
DICHLOROETHYLENE, CIS-1,2-	<	0.5	70	µg/l
DICHLOROETHYLENE, TRANS-1,2-	<	0.5	100	µg/l
DICHLOROPROPANE, 1,2-	<	0.5	58	µg/l
DICHLOROPROPENE, 1,3-	<	1	24	µg/l
ETHYLBENZENE		538	50000	µg/l
ETHYLENE DIBROMIDE	<	0.5	21	µg/l



Contaminant Name	Maximum Concentration	Applicable Standard	Unit of Measure
LEAD	1.59	32	µg/l
METHYL ETHYL KETONE	<	50000	µg/l
METHYL ISOBUTYL KETONE	<	50000	µg/l
METHYL TERT BUTYL ETHER	<	50000	µg/l
METHYLENE CHLORIDE	<	50000	µg/l
STYRENE	<	5900	µg/l
TETRACHLOROETHANE, 1,1,1,2-	<	38	µg/l
TETRACHLOROETHANE, 1,1,2,2-	<	140	µg/l
TETRACHLOROETHYLENE	<	5	µg/l
TOLUENE	740	37000	µg/l
TRICHLOROETHANE, 1,1,1-	<	200	µg/l
TRICHLOROETHANE, 1,1,2-	<	50000	µg/l
TRICHLOROETHYLENE	<	50	µg/l
VINYL CHLORIDE	<	1.3	µg/l
XYLENES	2795	35000	µg/l

### Remedial Action and Mitigation

#### Remediated Soils

Estimate of quantities of soil, if any, originating and remaining on the RSC property that have been remediated, at a location either on or off the RSC property, to reduce the concentration of contaminants in the soil.

Soil Remediation Process	Estimated Quantity of Soil (in-situ cubic meters)
No Remediation Provided	

#### Removed Soils

Estimated quantity of soil or sediment, if any, removed from and not returned to the RSC property (in-situ cubic meters):  
4300

#### Deposited Soils

Estimated quantity of soil or sediment, if any, being brought to and deposited at the RSC property not including any soil that has been remediated off the RSC property (identified in the Soil Remediation Process above) (in-situ cubic meters):  
4300

#### Remediated or Removed Soil From Near Property Boundary

Has any soil, sediment or ground water at the RSC property that is or was located within 3 meters of the RSC property boundary been remediated or removed for the purpose of remediation: NO

#### Ground Water Control or Treatment Measures

Ground Water Control or treatment measures that were required for the RSC property prior to the certification date for the purpose of filing the RSC:

*No Comments Entered*

Other than the activities identified above, constructed works to control or otherwise mitigate release or movement of

known existing contaminants that are required for the RSC property after the certification date:

*No Comments Entered*

### **Other Activities Including Risk Management Measures**

Other than the activities identified above, constructed works to control or otherwise mitigate release or movement of known existing contaminants that were required for the RSC property prior to the certification date for the purpose of filing the RSC:

*No Comments Entered*

Other than the activities identified above, constructed works to control or otherwise mitigate release or movement of known existing contaminants that are required for the RSC property after the certification date:

*No Comments Entered*

### **Monitoring or Maintenance**

Soil monitoring requirements, or any requirements for care, maintenance, or replacement of any monitoring control works, for known existing contaminants, if any, on the RSC property, after the certification date:

*No Comments Entered*

Ground Water monitoring requirements, or any requirements for care, maintenance, or replacement of any monitoring control works, for known existing contaminants, if any, on the RSC property, after the certification date:

*No Comments Entered*

### **Certifications**

As the qualified person, and in relation to this Part of the RSC, I certify that:

1. A phase one environmental site assessment of the RSC property, which includes the evaluation of the information gathered from a records review, site visit and interviews, has been conducted in accordance with the Regulation by or under the supervision of a qualified person as required by the Regulation.
2. In relation to the part of the RSC property for which a phase two environmental site assessment was not conducted,
  - a. As of 2008/04/24, no phase two environmental site assessment is required by the Regulation for that part of the RSC property and based on the phase one site environmental site assessment for the RSC property, in my opinion, it is not necessary for any other reason to conduct a phase two environmental site assessment for that part.
  - b. As of 2008/04/24, in my opinion, based on the phase one environmental site assessment, there is no evidence of any contaminants in the soil, ground water or sediment on, in or under that part of the RSC property that, if that part of the RSC property were put to any of the types of property uses listed in subsection 1 (2) of the Regulation, are likely to interfere with any of those types of property uses.
3. I have conducted or supervised a phase two environmental site assessment, which includes the evaluation of information gathered through the sampling and analysis of soil and other site investigation or assessment activities, of all or part of the RSC property with respect to one or more contaminants, in accordance with the Regulation.
4. The information represents the site conditions at the sampling points at the time of sampling only and the conditions between and beyond the sampling points may vary.
5. As of 2008/04/24, in my opinion, based on the phase one environmental site assessment and the phase two environmental site assessment, and any confirmatory sampling, there is no evidence of any contaminants in the soil, ground water or sediment on, in or under the RSC property that would interfere with the type of property use to which

the RSC property will be put, as specified in the RSC.

6. If non-potable ground water standards have been applied,
  - a. I have given written notice of intention to apply non-potable ground water site condition standards to the clerk of the local municipality in which the property is located and the clerk of any upper-tier municipality in which the property is located.
  - b. The owner of the property has informed me that either,
    - i. the owner did not receive a notice of objection from either the local municipality or the upper-tier municipality within 30 days of the municipality or upper-tier municipality receiving the notice described in paragraph a, or
    - ii. after receiving a notice of objection from the municipality, the municipality has withdrawn its objection and given written consent to the application of non-potable ground water standards.
  - c. I did not receive a notice of objection from either the local municipality or the upper-tier municipality within 30 days of the municipality receiving the notice described in paragraph a, or, after I received a notice of objection from the municipality, the municipality gave written consent to the application of non-potable ground water standards.
7. As of 2008/04/24, in my opinion, based on the phase one and phase two environmental site assessments and any confirmatory sampling, the RSC property meets the applicable Full Depth site condition standards prescribed by section 37 of the Regulation for all contaminants prescribed by the Regulation in relation to the type of property use for which this RSC is filed, except for those contaminants (if any) specified in this RSC at Part 2, Final RSC Property Profile - Risk Assessment Standards.
8. As of 2008/04/24, the maximum known concentration of each contaminant in soil, sediment and ground water at the RSC property for which sampling and analysis has been performed is specified in this RSC at Final RSC Property Profile.
9. In relation to any contaminant excepted from the certification mentioned above and as specified in this RSC at Part 2, Final RSC Property Profile - Risk Assessment Standards, or in relation to any other contaminant that in my opinion is likely to cause an adverse effect:
  - a. A risk assessment was prepared for the contaminant with respect to the property for which the phase two environmental site assessment was conducted.
  - b. The Director has accepted the risk assessment under clause 168.5 (1) (a) of the Act.
  - c. As of 2008/04/24, the property for which the phase two environmental site assessment was conducted meets the standards specified in the risk assessment for the contaminant.

As the qualified person, and in relation to this Part of the RSC, I also certify that:

1. I am a qualified person and have the qualifications required by section 5 of the Regulation.
2. I have in place an insurance policy that satisfies the requirements of section 7 of the Regulation.
3. I acknowledge that the RSC will be filed in the Environmental Site Registry, that records of site condition that are filed in the Registry are available for examination by the public and that the Registry contains a notice advising users of the

Registry who have dealings with any property to consider conducting their own due diligence with respect to the environmental condition of the property, in addition to reviewing information in the Registry.

4. The opinions expressed in this RSC are engineering or scientific opinions made in accordance with generally accepted principles and practices as recognized by members of the environmental engineering or science profession or discipline practising at the same time and in the same or similar location.
5. To the best of my knowledge, the certifications and statements in this part of the RSC are true as of 2008/04/24.
6. By signing this RSC, I make no express or implied warranties or guarantees.

I, the qualified person named below, on the date stated below, make all of the stated certifications applicable to the qualified person in this Part of the record of site condition.

Name of Qualified Person \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

A signed and dated copy of this Part of the record of site condition has been received by the Ministry of the Environment prior to the filing of this record of site condition in the Environmental Site Registry.

## Record of Site Condition Filing Form

### **IMPORTANT notes for submission of Record of Site Condition (RSC) to Ministry of the Environment (MOE):**

After completing RSC on Brownfields website, ensure that a signed copy of RSC is submitted to MOE.

Print the downloaded version of RSC in PDF.

Ensure that footer of each page of RSC detail indicates that the RSC is on "Submitted" status.

Forward the signed copy of PDF file together with the additional documentation listed under sections:

- Additional Documentation Provided by Property Owner or Agent
- Additional Documentation Provided by Qualified Person

The forwarding address and fax information for MOE office is:

**Ministry of the Environment  
Environmental Assessment and Approval Branch  
2 St. Clair Avenue West, Floor 12 A  
Toronto, Ontario M4V 1L5**

**Fax Number: 416-314-6810**