



January 13, 2020
Mr. Sanjay Coelho
Environment Policy Branch
40 St. Clair Avenue West Floor 10
Toronto, ON M4V 1P5

**RE: ERO 019 – 0987: Amendment to the Record of Site Condition (Brownfields)
Regulation related to the Requirement to Sample Ground Water**

Dear Mr. Coelho,

The Ontario Society of Professional Engineers (OSPE) is pleased to present the following submission concerning the proposed *Excess Soil Regulatory Proposal and Amendments* published on December 9, 2019.

OSPE is the voice of the engineering profession in Ontario. As an organization, we advance the professional and economic interests of our members, many of whom work in the environmental sectors. OSPE is pleased to respond to this Regulation for public comments related to the management of excess soil and the requirement to sample ground water.

Overall Comments

OSPE agrees for the need to propose changes that would provide flexibility for a qualified person (a licensed professional engineer or geoscientist) to exercise professional judgement regarding the need for ground water testing where there is no soil on, in or under the property and soil sampling completed does not meet the requirements and objectives of a phase two environmental site assessment with respect to soil, with some limitations and requirements.

OSPE believes that the proposed conditions identified under O. Reg. 153/04 with respect to ground water sampling are reasonable.

Training and Certification of Qualified Persons:

OSPE's role is especially important to provide insight and quality assurance in terms of establishing and defining the competencies of Qualified Persons (QPs).

OSPE represents individual engineers acting as QPs, while Professional Engineers Ontario (PEO) and the Professional Geoscientists of Ontario (PGO) oversee regulations governing QPs.

OSPE believes it is essential to ensure licensing bodies are accountable for their respective licence holders and that QPs are **fully qualified.**

In regard to professional engineers, PEO believes that as a self-regulated profession with ethical obligations, engineers themselves will determine whether they possess the competencies to be considered a QP.

Stakeholders, however, report that they have encountered engineers stating they are qualified but are not. Unless the government, through MECP or the Attorney General, imposes a mandatory certification or professional development process to ensure QPs are qualified, the status quo will continue.

In summary:

- Work must be undertaken by qualified **and** licenced individuals.
- Licensing bodies should be held to account for their respective members being fully qualified to conduct this work and develop transparent methods for demonstrating these qualifications to the public.
- Government and the public should be able to rely on this work being completed competently.

OSPE is pleased to continue working with the Ministry to ensure improved excess soil management practices across Ontario. We are available for consultation at any time.