

Excerpt from MOE O. Reg. 153

Site condition standards, environmentally sensitive areas

41. (1) This section applies in relation to a property if,

- (a) the property is,
 - (i) within an area of natural significance, (Councilor Corrigan-the definition for area of natural significance is provided further in this document)
 - (ii) includes **or is adjacent to** an area of natural significance or part of such an area, or
 - (iii) includes land that is within 30 metres of an area of natural significance or part of such an area;
 - (b) the soil at the property has a pH value as follows:
 - (i) for surface soil, less than 5 or greater than 9,
 - (ii) for sub-surface soil, less than 5 or greater than 11; or
 - (c), (d) REVOKED: O. Reg. 511/09, s. 18 (3).
 - (e) a qualified person is of the opinion that, given the characteristics of the property and the certifications the qualified person would be required to make in a record of site condition in relation to the property as specified in Schedule A, it is appropriate to apply this section to the property. O. Reg. 153/04, s. 41 (1); O. Reg. 511/09, s. 18 (1-3).
- (2) **If this section applies, the qualified person shall not use** the following standards in certifying the record of site condition for the purposes of paragraph 4 of subsection 168.4 (1) of the Act:
1. The applicable full-depth generic site condition standards pursuant to sub-subparagraph 4 i B of subsection 168.4 (1) of the Act.
 2. The applicable stratified site condition standards pursuant to sub-subparagraph 4 i C of subsection 168.4 (1) of the Act. O. Reg. 153/04, s. 41 (2).

Definitions Section

1. (1) In this Regulation, and in any document or provision of a document adopted by reference by this Regulation, “area of natural significance” means any of the following:
1. An area reserved or set apart as a provincial park or conservation reserve under the *Provincial Parks and Conservation Reserves Act, 2006*.
 2. An area of natural and scientific interest (life science or earth science) identified by the Ministry of Natural Resources as having provincial significance.
 3. **A wetland identified by the Ministry of Natural Resources as having provincial significance.**
 4. **An area designated by a municipality in its official plan as environmentally significant, however expressed, including designations of areas as environmentally sensitive, as being of environmental concern and as being ecologically significant.**
 5. An area designated as an escarpment natural area or an escarpment protection area by the Niagara Escarpment Plan under the *Niagara Escarpment Planning and Development Act*.
 6. An area identified by the Ministry of Natural Resources as significant habitat of a threatened or endangered species.
 7. An area which is habitat of a species that is classified under section 7 of the *Endangered Species Act, 2007* as a threatened or endangered species.
 8. **Property within an area designated as a natural core area or natural linkage area within the area to which the Oak Ridges Moraine Conservation Plan under the *Oak Ridges Moraine Conservation Act, 2001* applies.**
 9. An area set apart as a wilderness area under the *Wilderness Areas Act*;

