

## **CSAP Member Update Winter 2022**

### **Message from the President:**

2022 has started with increasing activity from the real estate development and industrial sectors. CSAP recently completed an [Economic Impacts from Remediated Low to Moderate Risk Contaminated Sites Study](#) which highlights just how much our sector contributes to BC's economy.

At CSAP Society, submissions have rebounded to normal levels although this was due in part to a large increase in Approvals in Principle relating to the regulatory changes in 2021. Timelines for applications with ENV continue to be a challenge for our members and their clients but the Society is committed to working with ENV to develop options for us to assist with their backlogs and timelines. The first such option is the new Report Review Service process at CSAP, which was rolled out on January 31 but has yet to see its first customer.

Networking and seeing our colleagues in person is an important part of our professional activities. I know that we are all looking forward to the return of in-person meetings and events when appropriate. CSAP will work toward live events as soon as we can, not only as limited by public health guidelines, but also as limited by logistical practicalities.

### **Ministry Updates**

The ministry would like to thank the CSAP Society for supporting the Contaminated Sites Learning Series: Making Effective Applications. The four-day virtual event held February 1, 2, 8 and 9, 2022, included presentations on a variety of talks related to contaminated sites services applications. Thank you to CSAP Operations, the Performance Assessment Committee, and the Detailed Screening Committee for presenting informative talks and highlighting the importance and interaction between CSAP and the ministry in the Contaminated Sites service application process. Thank you again to all of the members who took the time to attend any of the learning series sessions and for participation during the question and answer periods. Questions received over the course of the Learning Series presentations will help inform future learning events, webpage guidance, or policy development.

A webpage on the Contaminated Sites Learning Series will be available soon as a reference tool. It is the ministry's intent to provide public access to the content from the learning series.

The ministry continues to update the pdf-version of forms to online, fillable smart forms. Some of these forms are prescribed under protocols. This means that, upon release, the prescribed online forms are to be used immediately in place of the previous versions. It is advised that all members be aware of this requirement. The ministry will provide notification of the release of the new online Summary of Site Condition form via [Site Remediation News](#).

Phase 3 of website modernization is underway, which involves an extensive update and re-organization of information on the Site Remediation website. These revisions will be implemented shortly, please watch for this update in the Site Remediation News announcements and familiarize yourself with the new webpages once they are released. Based on public user feedback, recent changes to the [Contact Us](#) webpage have already been made.

CSAP's Review Services Committee is in place to review documents submitted to meet director's imposed requirements. This process was implemented on January 31, 2022. A jointly hosted webinar outlining the new review process was held January 12<sup>th</sup> and supporting guidance can be referenced on CSAP's [Report Review Services webpage](#).

The [Final Policy Direction Paper](#) for regulating soil relocation was posted on the Site Remediation website in January. The proposed regulatory amendments are targeted to advance for approval in the Spring.

The ministry continues to experience an increased volume of contaminated site service applications, averaging over 60% greater than previous years, which has resulted in a longer queue. While the ministry is working hard to reduce this queue through a number of focused initiatives, it is asked that all members plan for and communicate with their clients the queue time trends during project planning and development.

A summary of previous Ministry Clarifications is available [here](#).

### **Performance Assessment and Detailed & Administrative Committee Updates:**

1. **New CSSAF online** – When making submissions, please use the Contaminated Sites Services Application Form now available on the ENV webpage, found under 'Guidance and Resources – Forms'. Once completed, you can generate a pdf for signature. Please also note that for ENV Instruments, select 'Certification Documents' in Section 5 for Determinations, AiPs, and CofCs.
2. **CofC Applications** – Template text in Clause 1 of Schedule B must not be revised.

3. ENV is planning to issue a new online **Summary of Site Condition** (SoSC) form sometime in March 2022. Its use in support of Submissions will be required as of the date of signing, as it then becomes part of the regulation.
4. **AiP Conditions** – Any previous requirements or conditions on an existing AiP and how they were met in support of a subsequent CofC application must be documented in Section 5.2 of the SoSC.

A summary of PAC Updates is available [here](#)

### **Sites with existing Scenario 5 Releases – note about Building Permits**

Due to recent regulatory changes, Building Permits are now considered a triggering permit for submission of a Site Disclosure Statement. With respect to release of a Building Permit, please be aware that an existing Scenario 5 release (obtained for demolition, zoning, subdivision, or development permits under the previous Site Profile process) will not allow the City of Vancouver to issue a Building Permit that is “frozen”. If a Building Permit is frozen, then a new release (e.g. Scenario 3 release) or a legal instrument would need to be obtained from ENV.

The City of Vancouver suggests that CSAP members review existing releases with their clients to ensure that permit issuance is not delayed if a new release is required for projects in progress.

### **Screening Updates**

#### **Preliminary Screening**

New forms and templates are released frequently. Please check CSAP Website [P6 Submission Section](#) for updates each time you are working on a new application

#### **Detailed Screening**

- Summary of Site Condition (SoSC)
  - Any outstanding Director’s decisions from previous letters providing site profile releases for a site needs to be documented in Section 5.2 to confirm any imposed requirements have been satisfied.
  - Any previous requirements or conditions on an existing AiP and how they were met in support of a subsequent CofC application must be documented in Section 5.2 of the SoSC.

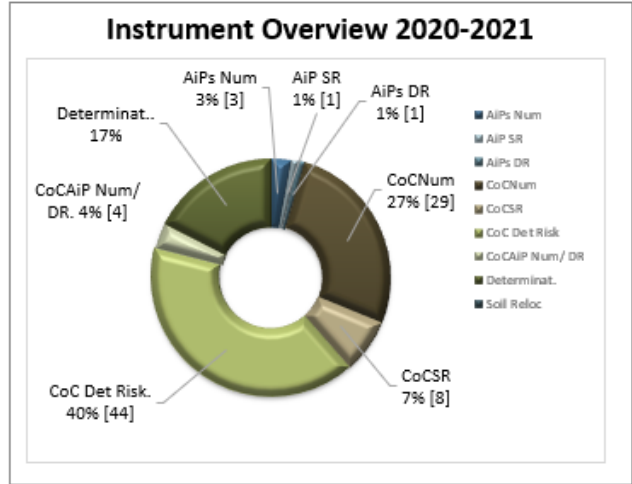
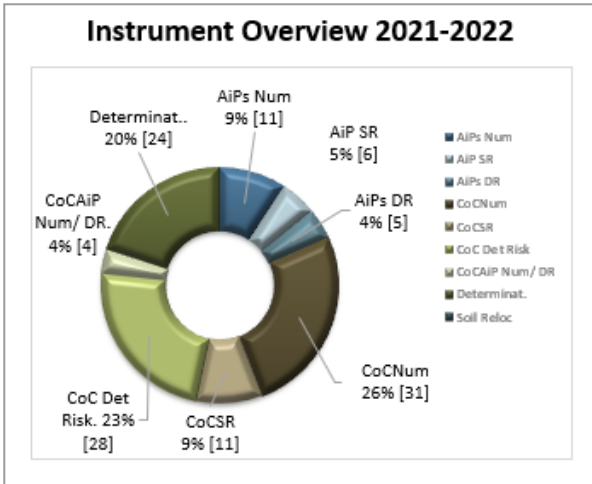
- In circumstances where revisions are made to the SoSC after being transferred to ENV, the date on the SoSC will also need to be revised to be more current to the issuance of the Instrument.
- VAFs – Development scenarios contemplated for an Instrument must provide adequate details in Table 3.3 of Section 4.4 of the SoSC and Schedule B of the draft Instrument as to how Vapour Attenuation Factors (VAFs) were applied.
- ENV Historical Records – For instances where a site registry record pre-dates the CSR, resolution of old remediation/investigation needs to be included when making a current application for an Instrument.
- CofC Cover Letter – For applications which include vapours, Clause 8 ('Please note that future site development may create preferential pathways for vapour. In this event, further assessment and remediation of vapours may be warranted.') and Clause 11 ('Please note that the attached Certificate of Compliance does not address obligations of employers regarding worker health and safety under the Workers Compensation Act and Occupational Health and Safety Regulation. Development of site-specific work of procedures in accordance with Workers' Compensation Board regulations may be warranted. Please direct related questions to Worksafe BC.') must be included on the CofC Cover Letter.

### **What's new on the CSAP website**

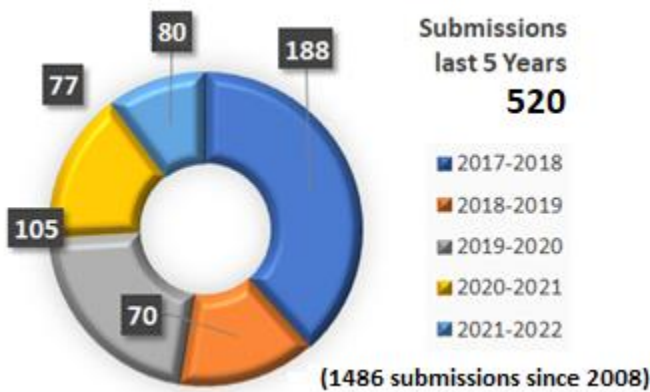
- [New Detail Screening Spreadsheet](#) reflects Stage 13 Amendments.
- [New CSAP P6 Transmittal Letter](#) is mandatory to be included in every submission.
- [New ENV CSSAF](#) on-line form is mandatory for every submission.
- New CSAP services: Report Review, information available [here](#).

Current templates and forms can be found on [CSAP Website/Members Area](#). Please always check for the date of the latest update before submitting your application.

### **Submission Statistics update (as of Feb 24<sup>th</sup>, 2022)**



## Submissions Received over Fiscal Years



## Technical Review Committee Updates:

The TRC has been working on several projects over the past three months:

**New TRC Projects for 2022/23** – The TRC is currently developing the scope of work for two new projects. One of the projects is related to refining PCOCs and the second is related to climate change. Look out for the RFPs for these projects in April 2022. These two projects were generated from a long list of projects that is generated from topics suggested by members. As always, if you have any suggestions for a topic that the TRC could tackle, please contact Christine Thomas, chair of the TRC.

**CSAP Guidance for Assessment of Soil Vapour and Ambient Air Phase 3** - The final draft report was submitted to ENV at the beginning of September. Once ENV's review is complete and the report has been finalized, a webinar will be provided for CSAP members. Look out for announcement of this webinar from the PD committee in spring 2022.

Phase 3 of the vapour guidance focuses on the following topics:

- Collecting samples representative of future conditions
- Sampling methodology/procedures (e.g., flow rates, purge volumes)
- Waste oil vapour PCOCs and their refinement
- Implementation of biodegradation attenuation adjustment divisor (BAAD)
- Sampling to determine preferential pathways in utility corridors
- Lateral attenuation

**Updating CSAP Practice Guidelines Checklists** - As a result of the Stage 13 Amendments, the numeric and risk CSAP practice guidelines needed to be updated. The practice guidelines are intended to establish guidance that CSAP Approved Professionals (APs) should follow to fulfill their professional obligation to the CSAP Society, BC ENV, as well as to the public and environment. The practice guidelines also serve as the basis for performance assessments for CSAP work under the bylaws of the Society. Updating of both the numeric and risk assessment guidelines is currently underway, with finals expected by the end of March 2022. Members will be notified when the updated practice guidelines are ready for use.

**Expanding functionality of CSAP webmap** – This project is now complete and approvals from 2017 to current have been added to the CSAP webmap. The webmap was updated and improved to include more information and search functions. Information that is now posted includes: P2, P4, P6, P9, and P21 approvals and pre-approvals starting from 2017 to current. Note that the webmap can be found in the members section of the CSAP website.

**CSAP Scholarships** – CSAP awards three scholarships annually to graduates studying in the area of contaminated site investigation and remediation. The deadline to apply is 31 March. If you know of a suitable applicant, please direct them to our website [here](#) to find out more information and download the application. Scholarships will be awarded in May and announced at our Spring AGM.

If you have any suggestions for a topic that the TRC could tackle, please contact [Christine Thomas](#), Chair of the TRC.

**Membership Committee Updates:**

## **Request for Exam Candidates Experience Reviewers**

The Membership Committee invites interested APs to put their name forward to review new candidates' work experience and provide a recommendation.

We encourage past and present Exam Development Panel volunteers to be Experience Reviewers too.

The time commitment is as follows:

- Experience Reviewers are paired to review each candidate's experience presentation [**maximum 4 billable hours per review**]
- CSAP encourages the reviewers to request further information from the candidates if necessary, and to interview them in case they still have doubts and the documents do not suffice for the application resolution [**billable time dependent on a case-by-case basis**]
- Provide experience review results [**Due date June 15<sup>th</sup>**]
- **Please indicate which category of Experience Reviewer, Risk or Numerical** are interested in by email to [npomareda@csapsociety.bc.ca](mailto:npomareda@csapsociety.bc.ca).

## **CSAP 2021 membership renewals**

- Great job everyone for entering their PD hours for 2021!  
You can enter your professional development hours through the submission manager any time of the year. There are two ways to enter PD hours:
  - a. [By type](#)
  - b. [By event](#)
- Now we have a PD Review table summary that shows subtotals and requirements that you have confirmed to CSAP as submitted in the last three years.

## **What's next:**

- Membership fees (invoices will be issued in April, the fixed deadline for payment is June 30<sup>th</sup>- late fee will be charged after that day.
- Maintain and provide proof of liability insurance (when insurance expires);
- Provide proof of good standing with parent professional organization.
- If your membership is up for renewal on December 31, 2022, one recommendation for a legal instrument through CSAP -- must have been submitted over the last three-year period.

An AP will not be allowed to practice as an AP unless ALL these requirements are met.

## **Professional Development Committee Updates:**

## **Remediation Toolkits Workshop - May 12<sup>th</sup>, 2022**

CSAP and Shell are sponsoring a free half-day workshop in support of sustainable remediation based on the recently completed "Remediation Toolkits" project. This informative and interactive event will lead participants through key aspects of the Toolkits for Sustainable Remediation of Petroleum Hydrocarbons, a four-volume set of tools designed to integrate latest science into a decision-framework to identify, evaluate and optimize remediation options for petroleum hydrocarbon-contaminated sites. The workshop presentations and panel discussions will address the BC regulatory context for remediation / monitored natural attenuation, motivating factors for the Toolkits including recent science and trends on natural and enhanced attenuation and benefits of sustainable remediation, and how the toolkits can support remediation in a changing climate. Panel discussions will be featured with external experts and authors of the toolkits. This workshop is designed to broadly benefit individuals active in different environmental sectors, including consultants, regulatory agencies, industry, and academia. The Remediation Toolkits are available on the CSAP website at (<https://csapsociety.bc.ca/csap-toolkits/>).

Additional information on the workshop is available [here](#).  
[Registry](#) in advance for this webinar

## **Summary of Site Condition Seminar – Date TBD**

A new "smart form" version of the Summary of Site Condition is expected to be legislated in the near future. ENV has offered to provide a short seminar on usage of the new form once it is issued. While no date has been determined, our current expectation is something in Spring 2022.

If you have an idea for a webinar, please send it along to CSAP!

[WEBINARS](#) posted to the CSAP Website

## **Community Updates:**

- **Provincial v municipal regulation:**  
In *O.K. Industries Ltd. v District of Highlands*, 2022 BCCA 12 the court clarified concurrent authority and the principles governing the relationship between municipalities and provincial regulation. Specifically, the court held that while a municipality can pass bylaws regulating soil removal to some extent, they cannot regulate "mines", which includes



quarries, and cannot introduce bylaws that have the effect of preventing the operation of a quarry that is authorized under a *Mines Act* permit.

- **Indigenous rights:**

- In *Thomas and Saik'uz First Nation v. Rio Tinto Alcan Inc.*, the British Columbia Supreme Court affirmed the plaintiffs' Aboriginal right to fish but denied their claim for relief against the private owner of a hydroelectric dam because it was constructed and operated strictly in accordance with applicable laws and permits.
- This case offers important guidance to land users whose actions impact Aboriginal rights. To the extent that those actions are authorized, and the land user strictly complies with its authorizations, the Court's decision offers protection from liability for those impacts. However, to the extent a land user strays outside its authorizations, and the non-compliance results in impacts to Indigenous people, those impacts could result in liability to the land user.
- More broadly, the decision of the Court provides further support for the position that liability for infringements of Aboriginal rights and title will, in most cases, rest with the federal and provincial governments. While the Court is clearly sympathetic to the challenges faced by Indigenous nations in establishing and enforcing their rights, it is equally uncomfortable imposing liability on private parties that have relied on government actions. The case provides an early view into how Canadian courts may ultimately handle the conflict between private property interests and Aboriginal title claims, which has not been addressed in the cases to date.

- **Plastics regulation:**

Canada published their *Single-Use Plastics Prohibition Regulations* for comment on December 21, which would prohibit the manufacture, import and sale of checkout bags, cutlery, foodservice ware made from or containing problematic plastics, ring carriers, stir sticks, and straws ([link](#) to the regulations). Comments can be given until March 5<sup>th</sup>, 2022. Canada is looking to bring the ban into force as early as late 2022. The City of Vancouver has introduced a new tax on single-use plastics.

- **Water use:**

Non-domestic users of groundwater must submit applications for groundwater licenses under the *Water Sustainability Act* by March 1, 2022. This will end the six-year phase-in of the WSA in relation to groundwater governance.

- **Constitutional issue:**

In *British Columbia (Environmental Management Act) v. Canadian National Railway Company* 2022 BCSC 135, the BC Supreme Court upheld the validity of the Spill Response and Preparedness Recovery Regulation and its application to interprovincial railways.

## **Links of Interest**

- [Final Stage 14 Soil Relocation Policy](#)
- [Pandemic, inflation, labour are key challenges for B.C.'s economy](#)
- [Banking and healthy economic growth](#)
- [How green is your website](#)
- [Economic Impacts from Remediated Low to Moderate Risk Contaminated Sites Study](#)

## **Industry Events**

### [Soil Security: Past, Present and Future – Pacific Regional Society of Soil Science](#)

- One day virtual workshop on how past decisions have shaped current events, how current events are shaping future planning and the different intersections of soil security.
- Cost is \$50, 9:00am to 3:00pm on March 5, 2022.

### [Contaminated Site Fundamentals – GeoEnviroPro](#)

- Seven-week online course covering the fundamentals of contaminated sites science, engineering and regulation. Course is eligible for 28 hours of professional development.
- Cost is \$950; pay for two, get third person for free; 20% discount for GeoPro members.
- Course runs Tuesdays and Fridays, April 5 – May 17, 2022

### [Climate Change Perspectives for Project Managers – Royal Roads University](#)

- Online course designed to prepare professionals with project management responsibilities to add a climate change lens to their projects.
- Course runs four weeks, May 2 to May 29 asynchronously, approximately 2-3 hours of effort per week.

### [Bettering Environmental Stewardship and Technology Conference – BCEIA](#)

- 8<sup>th</sup> annual conference for environmental professionals with two days of technical sessions along with networking opportunities.
- Conference runs May 25-27, 2022. BCEIA member rate of \$650 and non-member rate of \$800.

#### [On-Line Field School – GeoEnviroPro](#)

- Two 4-hour sessions covering soil, soil vapour and groundwater sampling
- June 6 & 13, 2022
- \$400 per person; pay for two, get third person for free; 20% discount for GeoPro members.

#### [Spill Response, Due Diligence Certification – Natural Resources Training Group](#)

- A one or two-day private, in-person course covering a range of topics regarding spill response including initial emergency response, fate and effects of spilled products, site sampling and cleanup and legal implications.
- Participants receive a Spill Response Training Certificate valid for three years. Course must be organized by contacting NRTG and arranging dates. Cost varies based on the number of participants.

#### [Working Effectively with Indigenous Peoples – Indigenous Relations Academy](#)

- A one-day course focusing on the principles of Indigenous awareness and relations, how to cultivate relationships with Indigenous Peoples and achieve cultural competency through practical skills and tools that can be applied everywhere.
- Now available online anytime through a self-guided learning option, approximately 6 hours. \$150 cost.

#### [Clean-Up Information website](#)

- Sponsored by the US EPA. Hosts free weekly webinars focusing on contaminated sites-related subjects
- Some appear to be very US-focused from regulatory perspectives but still many technically-focused webinars and has archives of past presentations for free viewing.

#### [Regenesis.com](#)

- Has a searchable archive of free webinars (just requires some basic information from participant)
- Mostly focused around products and case studies of various remediation sites.

#### [GeoEnviroPro](#)

- Free weekly webinars on various topics, usually held on Wednesdays at 10:00am.
- Also able to access past presentations for a subscription fee.