

# PAC Updates

## Summer 2021

1. A reminder that questions and requests for information must be submitted through ENV's Enquiry Management System. The following tips are provided to ensure the timeliest response:
  - To get detailed information about a site you must provide the Site ID number, and if the enquiry will require more than 1 hour of ENV's time, you must submit a CSSAF.
  - A generic question may not receive a detailed response and a site-specific request may be required.
  - ENV may decide that it is not best to respond in email; ENV is being careful with how they respond in email and may decline to give instructions.
  - Theoretical policy questions don't fit with ENV's records system and ENV will not respond to policy questions by email. Questions re: Protocols may be answered.
  - ENV's goal is to respond as quickly as possible – current average response time is 2 weeks.
  - All requests must be written/mailed. Site-specific phone calls/meetings with ENV can be scheduled by sending a CSSAF with an agenda to the Client Information Officer, which includes information about the site/situation and a site ID.
  - If there is a question that is not appropriate for the enquiry management system (i.e., policy question), the question could be brought forward to the CSAP Executive who will determine if a formal question should be submitted to ENV.
2. Members are reminded to use the ENV's current Summary of Site Condition fillable pdf for all submissions to CSAP/ENV. A link to the most recent version of the form was provided in the June 16, 2021 Site Remediation News titled 'Revised site identification webpages and new Site Disclosure Statement online form now available' and is provided here for your convenience: <https://www2.gov.bc.ca/gov/content/environment/air-land-water/site-remediation/guidance-resources/forms>.
3. In a recent submission, the potential requirement for a covenant was raised. During a discussion, ENV indicated that the Director has to consider CSR Section 48/EMA Section 53(3) and may require a covenant. Examples may include a Section 219 covenant under the Land Title Act, such as a covenant related to ongoing operations and maintenance of a risk mitigation system at a site.

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

## **Screening Updates**

### **Preliminary Screening**

Both CSAP and ENV submission fees cheques should be sent to CSAP together with the submission. Cheques sent directly to ENV, or prior to submission, or missing CSAP reference number will not be accepted. Please instruct your clients and accountants.

The Ministry is moving to having all enquiries regarding applications, whether they be from APs, QPs, clients/industry or even internal to government, be submitted to the Client Information Officer at [csp\\_cio@victoria1.gov.bc.ca](mailto:csp_cio@victoria1.gov.bc.ca).

Please note that any other enquiries are to be sent to the email addresses specified on our [Contact Us webpage](#). For examples SiteID related questions go to [SiteID@gov.bc.ca](mailto:SiteID@gov.bc.ca) and technical questions would be submitted to [remediationFAQs@gov.bc.ca](mailto:remediationFAQs@gov.bc.ca)

Please subscribe to the Ministry Site Remediation News. You will find the instructions here, <https://www2.gov.bc.ca/gov/content/environment/air-land-water/site-remediation/site-remediation-news>

## **Detailed Screening**

### **Scope Of Review Completed by Approved Professional**

APs are reminded to include under the SoSC “SCOPE OF REVIEW COMPLETED BY APPROVED PROFESSIONAL” all reports that have been reviewed as part of the regulatory submission. Such a list may include the Stage 1 PSI, Stage 2 PSI, DSI, CoR, HHERA and PVP’s as appropriate.

### **Professional Communications**

Written communication, unlike face-to-face interactions, do not allow you to assess audience reaction in real time and is something we all had to get used to under COVID. We, as professionals, must be more careful in written communication, particularly emails, that we are responding in an appropriate manner. This applies to all professionals whether AP’s, consultants or regulators and requires that we maintain civility and social graces. We all tend to adjust our behavior to our surroundings and if we deal with those who are unable to maintain civility and social graces, and this can affect our judgement in these matters. Always take a second look and think what the recipient might interpret into your comments. More simply said, you get more flies with honey than with vinegar and always remember to take the high road.

## [Spring 2021](#)

Members are reminded that preapproval from the ministry is required when the entire extent of contamination at a non-high risk contaminated site will not be delineated and/or remediated and will not be included in an application for an Approval in Principle or a Certificate of Compliance. The preapproval must be obtained prior to an application for an Approval in Principle or Certificate of Compliance under Protocol 6. Note that the preapproval requirements for Protocol 6 submissions also apply for release requests under the site identification process.

Consult the ministry’s preapprovals website for commonly encountered scenarios where full delineation or remediation may not be possible. Be aware that the scenarios requiring preapproval from the ministry include flow-through contaminant plumes and contamination caused by the placement of contaminated fill from multiple widespread and undetermined historical sources with no identified responsible person or that has been identified as wide-area contamination.

Overall submission numbers are down, but we hope to see a return to more regular numbers this summer given the adjustments made in meeting process requirements.

CSAP is committed to continue working with BC ENV to help streamline the process where feasible.

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

## **Screening Updates**

## **Preliminary Screening**

The new CSAP Transmittal Letter was uploaded on March 19, 2021 (changes were made to the front page, and Land Title requirement). It can be found at the CSAP website, [Make a Submission/Package section](#), along with new ENV forms.

## **Detailed Screening**

The instrument templates (CoC, AiP etc.) are currently under revision and are anticipated to be released in the Spring so please regularly check the CSAP Website if you are preparing a submission. If you are preparing a submission information which used to be contained in Procedure 12 can be found under [“Preparing applications for contaminated sites legal documents”](#) under Professional Reliance.

Recent submissions documenting communications with affected parcel owners (formerly called AG11) have been meeting detailed screening requirements. The checklist formerly found in AG11 can be found under the heading [“Contamination Migration”](#) and the link under text can be found here [“Source Parcel Responsible Persons and Affected Parcel Owners”](#).

## **Winter 2021**

PAC is working with BC ENV to confirm the best path forward on submissions made after the CSR Stage 13 Amendments came into effect on February 1, 2021. This includes possibly streamlining P6 Preapprovals for Wide Area Fill and Flow Through/To sites and clarifying any P12 issues as it may relate to managing ‘High Risk’ sites. PAC will not have all of the answers that may arise out of current Performance Assessment, but CSAP and BC ENV are committed to working together to help expedite submissions in light of the recent regulatory changes. Prior to making a submission, members should familiarize themselves with the changes and seek opinion from colleagues in support of key decisions on the need for P6 Preapprovals or BC ENV involvement.

## **Screening Updates**

### **Preliminary Screening**

The Administrative Screener reminds you that a new SoSC fillable PDF has been released by ENV and must be used by Submitting AP’s. In addition, new SRCR, NoOM and NOIR have also been released and are fillable PDF and are also required for regulatory submissions. Members are reminded to visit the CSAP and ENV websites to download these forms.

### **Detailed Screening**

### **Local Background**

Instruments have recently been seen which reference “Regional Background” in Schedule C of the Instrument. Submitting AP’s are reminded that the correct terminology is “Local Background” as referenced in Section 6(2)l of the EMA. Only in P4 does these substances get referenced as regional and in Section 2 states” “This protocol provides regional background concentration estimates for specified inorganic substances in soil in British Columbia as well as procedures for establishing local background concentrations in soil on a site-specific basis for use

under the Contaminated Sites Regulation.

### **Forms for AP Submissions**

AP's are reminded that current forms must be used in submissions. Please check the ENV website to ensure you are using the most recent SoSC, SCRC, NoOM, NOIR and others. Older version of the forms submitted to ENV prior to Feb 1<sup>st</sup> are acceptable however the latest version of the SoSC must be used.

The instrument templates are currently under revision and are anticipated to be released in the Spring so please watch the CSAP Website

## Fall 2020

The PAC provides the following comments based on lessons learned from performance assessments:

### **Arm's Length AP Reviews**

For performance assessments conducted on submissions requiring an arm's length review (*see the CSAP Rules at <https://csapsociety.bc.ca/wp-content/uploads/CSAP-Rules.pdf> for when an arm's length review is required*) the approved professional(s) is expected to remain arm's length during the performance assessment. To confirm the arm's length review status, the approved professional (s) should provide a cover letter indicating that they have reviewed the Additional Information Addendum prepared in response to PA Stage 1 PA Panel comments; and, agree with the information presented.

### **Boundaries of a Site**

A recent performance assessment considered application for a Certificate of Compliance for a large property in which CSR Schedule 2 activities had only occurred within a small portion. AECs and COCs were limited to the areas of Schedule 2 activities, hence investigation and remediation were focused on these areas. The panel noted that both presence and absence of contamination are expected for investigation to qualify for legal instruments. Therefore to qualify for a Certificate of Compliance for the Schedule 2 use areas and the rest of the property, investigation of the entire legal parcel area would have been expected to satisfy the ministry that there is no likelihood of contamination elsewhere on the larger parcel of land. ENV provided the following comments which supported the panel's assessment: *"Where one is seeking a CoC for a large property such as this one where the Schedule 2 use occurred within a small footprint of the property it's best to seek an instrument for the metes and bounds of the Schedule 2 use to avoid having to investigate the remainder of the property to a level that would satisfy the director that there is no likelihood of contamination elsewhere. This is because the presence of contamination is not contingent on a Schedule 2 use but when a director issues a CoC it confirms an absence of contamination or satisfaction of risk-based standards for any residual contamination that may be present."* Note that a Protocol 6 director's approval to obtain a CoC for a part site is required. The relevant ENV documentation is Procedure 6. Establishing the Boundaries of a Site.

### **Technical Review Committee Updates:**

Currently the TRC has two active projects:

#### **Arsenic in Soil Background Assessment**

As a result of the Stage 10 Amendments, practitioners identified that arsenic in soil was now becoming a challenge to manage at their sites. This issue was communicated to BC ENV and they asked CSAP to collect some more information on the issue. Over the summer the TRC polled our members to collect some more information on this issue (e.g., locations, cost implications, effect on schedules, etc.). Results of this survey were shared with ENV and the next step was to hold a workshop with ENV and a few CSAP members to discuss the information and identify next steps. The workshop was scheduled for this fall; however, it has been postponed until after the election when ENV can participate.

#### **CSAP Guidance for Assessment of Soil Vapour and Ambient Air Phase 3**

The first phase of this project was conducted in 2018 and involved the identification of 22 topics that CSAP practitioners and ENV identified as benefiting from some further guidance. Of the 22 topics, nine were selected to move forward for guidance development. During the second phase of this project, four of the topics were selected for guidance development, which culminated in the document titled, CSAP Guidance

on the Assessment of the Soil Vapour to Air Pathway. This document was finalized in August 2020 and is currently published on CSAP's web site (see link below). The third phase of the project will involve addressing the remaining five topics that were identified earlier. An RFP will be released shortly for those interested in being involved in developing the guidance.

TRC documents completed over the past year include:

- PFAS Guidance Document (January 2020)
- CSAP Petroleum Hydrocarbon review (August 2020)
- CSAP Guidance on the Assessment of the Soil Vapour to Air Pathway (August 2020)

Copies of these and previous TRC project deliverables are posted online for easy access and can be found at this [link](#).

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

## [Summer 2020](#)

Draft Final Determination instrument and cover letter should match ENV released Preliminary Determination wording and format and be sent in between 35 and 60 days after release date to CSAP administrative screener (Anna) and NOT directly to ENV.

As highlighted by the TRC a factual document has been released which presents findings of a review of petroleum hydrocarbon data in soil and groundwater from issued legal instruments. AP's and practitioners are encouraged to review this document for guidance purposes.

As highlighted by the PAC, P6 Approvals are required where the entire extent of contamination has not been addressed and where the legal instrument application does not include all affected parcels.

For AG11 Communication packages, submitting AP's are requested to present a comprehensive summary of the correspondence in a clear, chronological manner (potentially in tabular format) to aid review by the screener. (i.e. if the initial AG11 was updated to include additional correspondence this should be done not simply appended to the package).

In order to expedite the Screening and ENV release of instruments, AP's who are Submitting for multiple instruments are requested to include an overall plan that clearly identifies the locations and relationships of the Source Site and Affected Parcels and their respective Site Registry ID's where possible.

Submitting AP's are reminded to please include email addresses for the applicable parties in the instrument cover letter.

Should you have any questions with any of these updates please send your comments to Anna Popova who will direct as appropriate.

## Spring 2020

Recent submissions have been found Protocol 6 ineligible due to lack of Director's Approval not to delineate and remediate the entire extent of contamination. As stated in Protocol 6. Table 2, Item 1 - a Director's Approval is required prior to application for a legal instrument if the submission does not include the entire area of contamination, including contamination at the source parcel and contamination which has migrated from that parcel to a neighboring parcel or parcels. The requirement for a Director's Approval not to delineate and remediate the entire extent of contamination includes all neighboring parcels affected by migrating contaminants, including those that do not fall within provincial jurisdiction.

### **Lessons Learned**

A recurring lesson learned from performance assessments involves technical reports submitted for legal instrument applications which are limited to the most recent environmental investigation and remediation information, with historical reporting provided in appendices. Environmental work to achieve site closure often requires many years, if not decades, to complete and many previous reports and related documents, possibly by multiple consultants and regulators may have been prepared for the site. While it is recognized that the effort required to consolidate the historical reporting with the current investigations and remediation may be significant, it is necessary to provide context and rationale for the technical work undertaken for identification of APECs and PCOCs, delineation of COCs and remediation to achieve numerical and/or risk-based standards.

Site investigation reports, remediation plans and confirmation of remediation reports submitted for legal instrument application are the source documents relied upon for assessment of site conditions and reviewed in a performance assessment. These documents are expected to be comprehensive and therefore to list, review, summarize and interpret all relevant current and historical site investigation and remediation data and documentation for a site and surrounding lands. The requirement for comprehensive reporting of site investigations and remediation is outlined in ENV's Technical Guidance 11. Guidance for a Stage 2 Preliminary Site Investigation and Detailed Site Investigation and CSAP's Practice Guidelines.

### **Detailed & Administrative Screening Committee Updates:**

Our most recent webinar "Lessons Learned and More" was a great success. Focusing on reviewing recent preliminary and detailed screening issues and reminders, we broke a record for most attended CSAP webinar. We note that the software we used had a limit of 100 participants, unknown to us, and some of you may not have been able to log in. Should you have missed this webinar please view at <https://csapsociety.bc.ca/members/pd-webinars/>.

## Winter 2020

BC ENV updated the SoSC (version 2.3) and posted a new fillable PDF. You can find CSAP's fillable version [here](#).

Please note that the ministry form does not include the P21 checklist for water use evaluation included in the CSAP SoSC. This checklist is not mandatory for inclusion with the SoSC, but does provide a thorough list of required information for water use determinations.

Reminder that completion of the CSAP Submission Transmittal Letter is mandatory and a hard copy must be provided with each submission for a legal instrument. Please note that dates and signatures for submission documents revised during the detailed screening process or performance assessment must be current. This includes the SoSC and draft legal instrument.

BC ENV has provided clarification for a comment on a P21 related Q&A presented at the Fall PD Workshop. The question and BC ENV clarification follow.

**Q.** If your site lies within an area of a mapped aquifer, but one can demonstrate it is not actually an aquifer (i.e. hydraulic characteristics or water quality), is a Water Use Determination (WUD) required from BC ENV?

a. Yes

b. No

**A.** b) As long as it can be shown to meet Protocol 21 requirements, then no formal WUD is needed from BC ENV.

Annette Mortensen, Senior Contaminated Sites Officer provided the following clarification:

Thank you for the opportunity to clarify the P21 question. While I agree that "no formal WUD is needed as long as it can be shown that the site meets the Protocol 21 requirements", the Q&A gave the impression that a mapped aquifer can be exempt from DW use by showing it does not have the required hydraulic characteristics. This exemption option is not available in P21, thus a WUD would be required if making this argument (see further details below). However, there is an exemption option in P21 for mapped aquifers with poor natural water quality and if the site fulfills this requirement there is no need for a WUD from ENV. The CSAP question, in its current form, includes both hydraulic characteristics and water quality and cannot be answered by a yes/no answer. To avoid confusion, I suggest rewording the question to include poor natural water quality only.

P21 specifies that current drinking water use applies to all mapped aquifers. For unconsolidated aquifers, this is described in Figure 1 and for bedrock aquifers additional text is included in Section 6.0 and Figure 4. In general, mapped unconsolidated aquifers fulfill the hydraulic yield requirements for a viable aquifer. The only site I have ever seen where this was not the case, was where the aquifer boundaries were not correctly mapped on IMap. Here a WUD application can be made to ENV showing that the mapped aquifer is not present on the site using site-specific data. For bedrock units, it is fairly common to measure yield in the shallow part of the aquifer that does not fulfill the requirements for a viable aquifer, however, the aquifer is mapped based on higher yielding fractures deeper in the bedrock. Thus, future drinking water use applies regardless of site-specific hydraulic data showing that the shallow part of the bedrock is not a viable aquifer. If a WUD application was made based on site-specific bedrock data alone, it would not be approved by ENV. The only option for a DW exemption would be a WUD showing that the shallow bedrock acts as a natural confining barrier (NCB) protecting the deeper more productive part of the bedrock (note, no WUD application has yet been approved showing the bedrock acts as a NCB).



Sites with poor natural water quality are exempt from future drinking water use if they fulfill one of the following requirements:

- TDS > 4000
- site located within infilled marine/estuarine foreshore; or
- sodium/chloride above DW standards for sites within 500 m of a marine/estuarine foreshore.

This applies to mapped aquifers as well and no WUD is required from ENV if the P21 requirements are fulfilled (note, this is described clearly in the text and the Figure 1 flowchart, however the bedrock flowchart could be updated to make this exemption clearer for mapped bedrock aquifers).

This advice is consistent with how Protocol 21 is written and how ENV has made WUD decisions since the release of Protocol 21. If CSAP find that the typical interpretation of P21 differs from the above advice, please let us know so it can be corrected.

### **Detailed & Administrative Screening Update**

#### **Screening Notes**

- **Lessons learned**

To avoid lengthy discussions and back and forth between the preliminary screener (PS), detailed screener (DS) and submitting AP, SoSC forms for submissions with multiple instruments, such as for a source site and one or more affected parcels should be prepared in such a way that the readers (PS, DS and ENV) can understand the correlation between all sites from the SoSCs and instruments. This means that all SoSC forms should relate to each other and that the full story should be apparent in all related SoSC forms. This includes, but is not limited, to a clear identification of the source site, the affected site(s), which site is affected by which contaminants, delineation issues, which COC was remediated to which standard, using numerical or risk based standards, etc.

Explanations can be provided in SoSC Sections 2, 4.1, 4.8, and 5.6.

- **Use of CSAP PCOC Screening Document**

The CSAP PCOC screening document titled Potential Contaminants of Concern at Selected Commercial and Industrial Land Uses, June 2018, is intended as a guidance tool and not considered exhaustive, nor is it considered prescriptive. As stated in the PCOC screening document "*The PCOC lists in this document are not exhaustive, nor are they intended to be prescriptive. These lists are based on literature review, input from CSAP membership, and our own experience and are intended as a guide only. This document includes the opinions and suggestions of the authors and does not necessarily reflect the opinions and recommendation of CSAP or the Ministry of Environment and Climate Change Strategy.*"

It is noted that the PCOC screening document considers differentiating between primary and secondary contaminants for PCOC selection and provides an example for gasoline contamination. Please be aware that ENV has not provided guidance on the assessment of CSR regulated substances as primary and secondary contaminants in fuels or other contamination sources. Therefore, if the selected approach for PCOC selection includes differentiation between what the practitioner considers primary and secondary constituents of a potential contaminant source, the decision to eliminate regulated substances will require a site, media and contaminant specific rationale to discount regulated substances and the approach may not be acceptable to CSAP and ENV. A thorough investigation of contaminant specific PCOCs is the preferred approach.

## Fall 2019

The Performance Assessment Guidelines have been updated and posted to the CSAP Website <http://csapsociety.bc.ca/wp-content/uploads/PA-guidelines-Revised-SEPT-2019-v2.pdf>. The update includes a new category of Performance Assessment outcomes termed "Incomplete". Section 6.3 of the PA Guidelines describes this category as follows, "In rare circumstances, such as when a landowner decides they no longer need a legal instrument for their contaminated site, or does not engage an AP(s) for their services during a PA, a PA may be categorized as incomplete. If during the PA process such circumstances are encountered, the submitting AP(s) are required to provide, in writing to the PA coordinator, a request for the PAC to review the circumstances and assess eligibility for an incomplete PA. Documentation should include communications and or documents providing evidence of the circumstances leading to the request. The PA Coordinator will respond to the request within 1 month".

### **Detailed & Administrative Screening Update**

#### **Submission Review**

59 submissions have been received since April 1<sup>st</sup>, 2019 at a rate of about 8.5 per month and only slightly below the pre-omnibus rate of 10 per month.

42 of these submissions have been screened under the CSAP Screening process and the instruments issued by ENV to the stakeholder(s). Of the 42 instruments issues;

- 74% (31) were for Certificates of Compliance of which;
  - half (16) were issued to numeric standards and,
  - half (15) were issued to risk standards
- 19% (8) were for Determinations, and
- 7% (3) were for Approvals in Principle

Of the Certificates of Compliance issued to risk standards, 63% (10) contained an exclusion for drinking water as a regulatory control to address groundwater contamination.

The breakdown of the submissions by instrument type is consistent with those observed in 2018.

#### **Screening Notes**

The screening issues most commonly identified have remained consistent and the most common questions/clarifications requested by screeners refer to the following;

Detailed Screening Tab

- 22a Are the risk controls listed on Schedule B of the CofC, the PVP and the SoSC consistent, with all risk controls included in all documents?
- 26 Do instrument substances correspond with CSR Schedules?

Summary of Site Condition Tab

- 4.4a Has "other" been selected, and are clear details on what has been applied provided?
- 4.4b Is sufficient information present in the SoSC to determine if appropriate attenuation factors have been used and do they agree with the conditions on the instrument?
- 4.4c Do the conditions make sense and are they consistent with site use?
- 4.5a Are substances listed correctly?
- 4.5b Are substances spelled correctly?
- 4.6e if the site has been classified a high-risk site: what are the high-risk site conditions

## Summer 2019

- A recent performance assessment highlighted one of the key elements in the conceptual site model (CSM) underlying Technical Guidance 4: Vapour Investigation and Remediation (TG4). It is important to note that vapour investigation at the foundation elevation represents the worst-case location, even for a deep parkade structure with a shallow vapour source. The submitting AP's rationale was supported as follows:
  - In this scenario, the Site is a newly constructed high rise, with 20m of underground parkade structure. The source of vapour is an ongoing offsite source, near surface. The pre-construction vapour contamination identified onsite was near surface. The vapour remediation investigation location was at the bottom of the parkade.
  - The performance assessment panel, along with most members of the PAC committee, found this rationale surprising because of the difference in elevation. Specifically, why wouldn't the ambient air in the first level of parkade represent the worst-case location for potential vapour intrusion?

The key points of the CSM in in this example are as follows (and they are also referenced and linked in TG4):

- The primary process for soil vapour entering buildings is typically soil gas advection (SABCS, 2006);
- Most of the soil gas flow occurs within 1 to 2m of the foundation (SABCS, 2006); and
- Intact concrete is virtually impermeable to air flow (USEPA, 2012).

### References:

- Science Advisory Board for Contaminated Sites in British Columbia (SABCS), Guidance on Site Characterization for Evaluation of Soil Vapour Intrusion into Buildings. February 2006.
  - Office of Solid Waste and Emergency Response U.S. Environmental Protection Agency (USEPA), Conceptual Model Scenarios for the Vapor Intrusion Pathway. February 2012.
- For resubmission of a legal instrument application that was concluded to be deficient under a performance assessment (PA), the document package is expected to be standalone. Therefore, all relevant technical reports and supporting documents from the original submission and revised or additional documents prepared to address information requests from the PA, are to be included. Please ensure that the documents and forms for a resubmission application are complete. Omissions will result in a delay in processing.
  - As stated in the Performance Assessment Guidelines, where Stage 1 review findings for a PA indicate that "Additional Information is Required": The AP has two months from the date they receive the Stage 1 Review Findings to submit the required information in an Addendum to the submission. If more time is required, an extension outlining reasons for the delay may be requested from the PA coordinator. To avoid long PA processing times, no more than three extensions will be accepted (up to 6 months).

- A recent PA which included a P21 drinking water release obtained for chloride in groundwater identified a requirement for background approvals for the parameter of concern (chloride in this case) for all media (e.g. under Protocol 4 and Protocol 9). ENV clarified that the P21 release cannot be relied on to dismiss chloride in soil as background. Aquatic life water use was also considered for the chloride concentrations.

### **Detailed & Administrative Screening Update**

- A recent detailed screening for a submission in which a Protocol 2 Site-Specific Numerical Soil Standards (SSS) was derived as noted on Schedule C of the instrument provided a lesson learned regarding documentation on the use of this approach in the Summary of Site Condition (SoSC). Section 4.4. of the SoSC 'Applicable Numerical Concentration Standards and Criteria' indicates that 'If Other is specified above, please explain: (applicable or excluded guidance, protocols or policies specific to the site)'. Therefore, if the submission documents include a Protocol 2 derived SSS, then the "Other" box should be checked and appropriate comment provided, including the substance(s) for which SSS's were derived. Also, if substances were remediated to a P2 derived SSS the information should be included in Section 5.3 of the SoSC in the Background column which includes P4 and P9. Please note that if the P2 derivation required a Director's Decision that this ENV document must be listed in SoSC Part 3: Document Summary and Schedule D of the legal instrument.
- CSAP was requested by Land Remediation to undertake a Detailed Administrative Screening (DAS) of CSAP submissions. The DAS started on January 1<sup>st</sup>, 2015. Its primary objective is to: "Ensure that the sufficient documentation has been supplied with the CSAP Submission to meet the requirements of Procedure 12".

Since the implementation of the DAS process, many of you have indicated that the review process has been beneficial to your practice. It has become an integral part of the process for the submission for regulatory instruments and we have received positive feedback from the statutory decision makers (SDMs) at ENV.

- Please remember to mark your calendar for our upcoming webinar on the DAS on October 3<sup>rd</sup>, 2019 from 10–11 am. We will be reviewing the Preliminary and Detailed Screening Process, the screening tools, and the Annotated SoSC and discussing the feedback received from both ENV and submitting APs. We will also cover the lessons learned from the screening process and will review some statistics gathered from the screening spreadsheets to identify common problems associated with submissions.

## Winter 2019

Members are reminded that where communication regarding policy or other issues is sought with ENV during performance assessments (PA's), the communication will be facilitated through the delegated member (DM) and copied to the submitting Approved Professional (AP). ENV and the PAC have noted that in some cases parallel communications from submitting APs and the PA panel have occurred with ENV. This has resulted in delays to addendum submissions and in some cases has substantially increased the time for completion of a PA.

### **Detailed & Administrative Screening Update**

The Detailed Screening Committee has been meeting bi-monthly and is working on a few initiatives to benefit the membership including updating of Procedure 12 procedures for preparing and issuing contaminated sites legal instruments.

The DSC has also been tracking common issues or omissions in regulatory instrument submissions. A summary of some of the most common are provided below and submitting APs are kindly reminded to undertake a final check of their submission for these;

- Provide enough information in the SoSC to determine if applicable water use standards have been selected
- Make sure that any risk controls listed on Schedule B of the instrument are consistent with the PVP and SoSC.
- If "other" is selected under Section 4.4 of the SoSC make sure to provide clear details on what attenuation factors were applied to soils vapour and make sure this agrees with the conditions on the instrument.
- Please check the list of substances remediated for a CoC or investigated for a Determination are consistent between the SoSC and the instrument.

### **Preliminary Administrative Screening Update**

5 top issues:

Wrong templates being used:

- Old CSAP Transmittal Letter Template is used. Please use this current template: [LINK]
  - Old BH log spreadsheet template is used. Please use current template [LINK]
1. CoC cover letter is missing mortgage holders contact information.
  2. Legal description does not match Land Title.
  3. List of reports included in the Summary of Sites Condition (SoSC) and instrument template do not include AG11 Summary.

Please refer to our website [CLICK here for Submission Package Forms](#) for the current CSAP Transmittal Letter template, Annotated SoSC and current BH log excel spreadsheet.

Current instrument templates, cover letters and recently released ENV instruments are available through the Submission Manager: [www.csapsubmissions.com](http://www.csapsubmissions.com).

## Fall 2018

1. An issue has been identified relating to site risk classification where vapour concentrations with subslab attenuation applied exceed the Protocol 11 upper cap concentrations, but ambient air measurements within the building show that the breathing zone concentrations of volatile substances meet CSR Schedule 3.3 vapour standards. ENV has clarified that if subslab with attenuation fails high risk, ENV classifies the site as high risk regardless of the breathing zone concentrations.

The response from ENV is based on the Protocol 12 flowchart and the exposure pathway questionnaire for vapour exposure as below:

HV-1: Do substances in air or soil vapour exceed UC concentrations for human inhalation for the applicable land use?

HV-2: Is the site land use urban park, agricultural, residential, commercial or industrial?

If yes to both then = high risk

CSAP members are encouraged to contact ENV to seek clarification regarding situations where soil vapour concentrations are classified as high risk and ambient air concentrations are being considered for site risk classification.

2. ENV's review of the Summary of Site Condition Section 4.2 Hydrogeology section for pre-Omnibus submissions identified issues that were not noted in Detailed Screening and required a Water Use Determination. The issues were as follows:

- Site located within 500m of Fraser River; poor natural water quality exceeding sodium standards. Ruled out DW and AW despite site located next to the Fraser River. They needed a water use determination for no AW; ultimately agreed that AW does apply and submission to be re-submitted.
- Poor natural water quality, 570 m from Fraser River, exceeded TDS but missing elements in P21; DW excluded. Water Use Determination was required and ultimately received from ENV.
- Adjacent to Fraser River, greater than 500 m; estuarine receptor so Water Use Determination was required.

Please ensure that identification of water uses follows the procedures in Protocol 21 and considers the guidance in TG6 and TG8.

3. Members are reminded that the Protocol 22 Parkade Attenuation Adjustment Divisor (PAAD) can only be used in a risk-based submission. Use of the PAAD relies on the assumption that an engineered system is in place to increase the air exchange rate within the parkade; such a system is considered risk management, and thus, the requirements for risk management in Technical Guidance 4 apply. Reference should be made to Protocol 22 and Technical Guidance 4 for clarification.

### **Detailed Administrative Screening Update**

The Post Omnibus submission rate continues to lag below historic averages (ten per month) with forty submissions received between Nov 1st, 2017 and October 9<sup>th</sup>, 2018 (an average of little more than three a month).

AP's are reminded that the [Transmittal Letter](#) is mandatory and to please use the updated template on the CSAP Website and submit as a Word document (the Word format allows the information to be directly imported into the CSAP database, saving hours of data re-entry).

The CSAP Detailed Screening Committee met with the ENV & will be working on the tracking of conditions in the instruments to allow for the updating of the ENV instrument templates among other tasks.

## Summer 2018

1. Clarification regarding the vapour refinement step for substances listed in Table 1 of Technical Guidance 4 was provided by the ministry at the November 2017 PD Workshop. A Q&A relating to this clarification is provided below.

**Q:** Can the absence of detectable concentrations of substances listed in Table 1 of TG4 be used to refine the list of vapour PCOCs when the contaminant source is not diesel or gasoline. For example, if naphthalene is identified as a vapour PCOC at a site where poor quality fill has been identified as an APEC, can it be removed as a vapour PCOC if no detectable concentrations are reported in soil or groundwater?

**A:** Yes, the substances listed in the Table 1 of TG4 can be removed as vapour PCOCs regardless of the source. Substances not listed in Table 1 of TG4 cannot be refined based on non-detectable concentrations in soil and groundwater data and must be assessed using the approaches described in TG4. (Reference – Peter Kickham at November 2017 PD Workshop)

While the reference to gasoline and diesel sources in TG4 appears to limit the refinement step for the substances listed in Table 1 to vapours originating these sources, the ministry response to the question broadens this interpretation to allow the vapour refinement step for Table 1 substances originating from other contaminant sources.

2. The PAC has been reviewing the Submissions Screening Guidelines and the Performance Assessment Guidelines. The following clarifications have been added to the Guidelines, and the new versions will be posted to the CSAP website in August:
  - A. During a Performance Assessment (PA) only a single Addendum report can be submitted. This typically includes a Draft Addendum report submitted to CSAP prior to the submitting AP(s) meeting with the PA panel, followed by a Final Addendum report within two months from the date that the submitting AP(s) receive the PA Stage 1 Review Findings.
  - B. Submitting AP(s) must respond to Detailed Screening questions within 30 days of receiving them from the Administrative Screener (Anna).
3. For the specification of reasonable and foreseeable future land uses at a site and/or affected property, the AP should provide information in consideration of the factors listed in CSR Section 12:

(5) In specifying the primary land use, water use or sediment use under subsections (3), (4) and (4.1), a director must take into account current and reasonable potential future land, water and sediment uses based on the following factors:

- (a) current and proposed zoning for the site;
- (b) land use and planning policies of the government or the municipality or municipalities in which the site and neighboring sites are situated;
- (c) current site activities;
- (d) proposed site activities;
- (e) current and proposed uses for surface water and groundwater on the site;

- (f) current and proposed land use, and surface water and groundwater uses of neighbouring sites;
- (g) current nearby uses of other surface water and groundwater;
- (h) the potential for surface water and groundwater to cause pollution;
- (h.1) current and proposed uses for sediment at neighbouring sites;
- (h.2) potential for surface water, groundwater and sediment to cause pollution on neighbouring sites;
- (i) other factors that a director considers appropriate in the circumstances.

### **Detailed Administrative Screening Update**

The Submission rate for Omnibus submissions continues to be below historic averages (10 per month) with twelve submissions received between Nov 1st, 2017 and March 31st, 2018 and a further sixteen received since April 1<sup>st</sup> (an average of less than 3 a month).

AP's are again reminded that some of you are not using the new Version 9.0 instrument templates which are available in the CSAP Submission Manager. Please ensure that the instrument version you are using includes "Version 9.0 R" in the footer of the instruments.

The new Annotated Summary of Site Condition has been posted to the CSAP website and Submitting AP's are encouraged to refer to this document when preparing submissions.

Screening issues that have come to light since our last newsletter include the lack of a metes and bounds survey for CoCs that list specific areas where different risk controls apply. It is not acceptable to reference these areas in figures in reports and these areas should be shown either directly in Schedule A site plan, or in an attached figure, and include a metes and bounds description in the CoC.

## **Spring 2018**

### **Arm's Length AP Reviews**

APs are reminded that when conducting an arm's length review (see the CSAP Rules at <https://csapsociety.bc.ca/wp-content/uploads/CSAP-Rules.pdf> for when an arm's length review is required), the AP(s) must remain arm's length during a Performance Assessment. When submitting Additional Information Addendums in response to PA Stage 1 Review Comments, to remain arm's length, APs should prepare a covering letter indicating that they have reviewed the addendum, and agree with the information presented.

### **Railway Tracks as an APEC**

The question as to whether on-Site Railway Tracks presented an APEC has recently come up during a PA. It is noted that AG13 addresses this issue and states the following:

- For the purposes of completing a site profile, active railway tracks would only be noted as a Schedule 2 activity where a "rail yard", maintenance facility or other freight handling also occurred. However, upon decommissioning, all railway tracks are considered a Schedule 2 activity (G3, G6 or G7, as appropriate) and must be included in a site profile.

### **Mandatory Use of the CSAP Transmittal Letter**

As recently communicated via email, please be advised that use of the CSAP Transmittal Letter is now mandatory when making a submission. Given that most documents are submitted electronically, the use of the Transmittal



Letter will ensure that CSAP is able to accurately track submissions. An updated version is available on the CSAP website [here](#).

### **Submission Documents**

ENV and CSAP confirm that submission packages for legal instruments are to include all supporting documentation (eg., site risk classification, notice of independent remediation, notice of off-site migration, etc.) regardless of whether the documents were previously submitted to ENV.

### **Approval in Principle**

Please note the following clarifications for Protocol 6 submissions for Approvals in Principle:

- When applying for a numeric AiP, there needs to be a technical rationale and high degree of certainty that contamination will meet standards within five years, otherwise a risk-based AiP is appropriate.
- A PVP is not required for risk controls for an AiP; risk controls should be documented in the Remediation Plan and referred to in the AiP.
- The responsible person for monitoring required during the period of the AiP should be defined in the Remediation Plan.