

# Site Profile and Soil Relocation Discussion Papers

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Ministry of  
Environment

# REVIEW OF B.C.'S SITE REMEDIATION LEGAL REGIME

## CONSULTATION AND COMMENT OPPORTUNITIES

- Papers and response forms, provided on Land Remediation Section website (Comments Requests tab)
- Interactive consultation sessions are planned for Vancouver (Vancouver Convention Centre - Oct 29) and Kelowna (Delta Grand – Nov 5)
- Victoria session completed on (Oct 15)
- For more information and to register for these free sessions, contact [cindybertram@shaw.ca](mailto:cindybertram@shaw.ca)

# Review of British Columbia's Site Remediation Legal Regime

We encourage you to forward your comments to:

[cindybertram@shaw.ca](mailto:cindybertram@shaw.ca)

PO Box 28159 Westshore RPO  
Victoria, BC V9B 6K8

Consultation closes on **December 10, 2014**



# **SITE PROFILE DISCUSSION PAPER**

**PRESENTER: KELLI LARSEN**

# SITE PROFILE PROCESS - BACKGROUND

- What is the site profile process?

A series of legal provisions used to identify potentially contaminated sites and ensure these sites are investigated and, if necessary, remediated prior to redevelopment
- How does it work?
  - Process triggered by decommissioning, foreclosure or application for specific local government approvals
  - Only applies to sites where commercial/industrial activities have occurred as listed in Schedule 2 the Contaminated Sites Regulation (CSR)
  - If the Director requires a site investigation, approvals are “frozen” until the Director’s requirements are fulfilled

# SITE PROFILES – CONCERNS WITH CURRENT PROCESS

- Administration (applicant, local government, ministry)
- Consistency across province (opt-out option, differences in local government permitting processes)
- Too many triggers – often identifies sites, blocks approvals at inappropriate times
- Consequences of triggering the process are unclear (what happens once my site profile goes to the Director)



# 1. IDENTIFICATION OF POTENTIALLY CONTAMINATED SITES

## MINISTRY PRIORITIES

- Uniform and consistent process
- “Hardwired” requirements
- Increased predictability of process



## OBJECTIVES

- Streamlined system with sites identified at an appropriate time
- Adequate investigation and (if needed) remediation before reuse or redevelopment

# SITE PROFILE PROCESS – OPTIONS FOR AMENDMENTS

## Activities Triggering Site Profile Requirements

- a. Local government applications
  - Remove some or all of following triggers: soil removal, demolition, subdivision and zoning
  - Leave triggers but amend and expand exemptions (example: lot line adjustments would not trigger site investigation and remediation requirements)



# SITE PROFILE PROCESS – OPTIONS FOR AMENDMENTS

## Activities Triggering Site Profile Requirements

- b. Site decommissioning
  - Clarify definition of site decommissioning
  - “Hardwire” requirements to submit to the Director (1) site investigation reports and (2) Site Risk Classification Report – within a specific timeframe following decommissioning
  - Repeal decommissioning trigger, alternatively, introduce provisions outside of the site profile process requiring perimeter monitoring at all operating Schedule 2 sites and security at start-up

# SITE PROFILE PROCESS – OPTIONS FOR AMENDMENTS

## Site Profile Form

- Require completion of site profile form by qualified professional
- Require basic searches to determine historical site use
- Require site profile records to be updated if new information becomes available
- Remove question sections (Section IV through IX), site investigation would be based on presence of Schedule 2 activity

# SITE PROFILE PROCESS – OPTIONS FOR AMENDMENTS

## Site Profile “Freeze and Release” Provisions

Option A – Streamline existing release provisions

- Revise release provisions in *Oil and Gas Activities Act, Local Government Act, Land Title Act, Vancouver Charter and Islands Trust Act* – **only legal instruments would release “frozen” applications**
- Amend certain site profile triggers and exemptions to ensure sites are identified at appropriate stage in development

# SITE PROFILE PROCESS – OPTIONS FOR AMENDMENTS

## Site Profile “Freeze and Release” Provisions

### Option B – Focus on the end point

- Site profile submitted to ministry for information only
- Local government applications would not be frozen
- Site investigation requirements “hardwired” into legislation
  - Legal instrument obtained prior to:
    - Specific endpoint (to be determined, ie. Occupancy)
    - Specific timeframe (for example, 5 years)



**QUESTION PERIOD  
SITE PROFILE DISCUSSION PAPER**

**PRESENTER: KELLI LARSEN**

# Consultation Questions: 1. Identification of Potentially Contaminated Sites – Soil Profile Process

1. Ministry priorities and objectives for identification of potentially contaminated sites
2. Concerns with the current site profile process
3. Activities triggering site profile requirements
4. Site profile form
5. Site profile “freeze and release” provisions
6. Suggestions for a revised site identification process
7. Additional comments

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# **SOIL RELOCATION DISCUSSION PAPER**

**PRESENTER: KERRI SKELLY**

## 2. PREVENTION OF SITE CONTAMINATION FROM SOIL RELOCATION

### BACKGROUND

Why were soil relocation provisions established?

- 1980s - need to manage excess soil from redevelopment of industrial lands
- Inconsistent bylaws
- Identification of appropriate re-use opportunities



## 2. PREVENTION OF SITE CONTAMINATION FROM SOIL RELOCATION

### BACKGROUND

What are the current provisions?

- *Environmental Management Act*
- Contaminated Sites Regulation
- Schedule 7 – triggers

## 2. PREVENTION OF SITE CONTAMINATION FROM SOIL RELOCATION

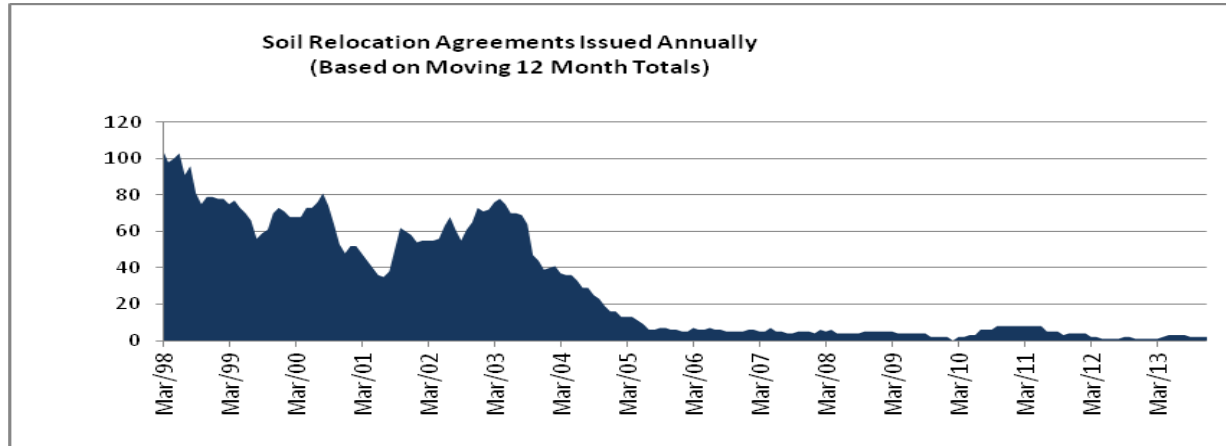
### BACKGROUND

How does it work?

- Process for tracking transport and deposit of soils
- Trigger – Schedule 7
- Soil relocation agreement
- Ministry may include conditions for relocation in agreement
- Exemptions to process

## 2. PREVENTION OF SITE CONTAMINATION FROM SOIL RELOCATION

### CONCERNS WITH CURRENT SOIL RELOCATION PROVISIONS



## 2. PREVENTION OF SITE CONTAMINATION FROM SOIL RELOCATION

### CONCERNS WITH CURRENT SOIL RELOCATION PROVISIONS

- Soil Relocation Agreements not being used
- Complicated, expensive and lengthy process
- Triggers and exemptions inappropriate/incomplete



## 2. PREVENTION OF SITE CONTAMINATION FROM SOIL RELOCATION

### MINISTRY PRIORITIES

- Protecting human health and the environment
- Avoiding creation of new contaminated sites
- Facilitating re-use, expanding options for management of soils

# PREVENTION OF SITE CONTAMINATION FROM SOIL RELOCATION

## MINISTRY OBJECTIVES

- Ensure safe transport of “contaminated soil” to a suitable site
- Effective, fair, streamlined and consistent system
- “Hardwired” requirements
- Notification to local governments
- Predictability of process and increased compliance

## 2. SOIL RELOCATION PROVISIONS – OPTIONS FOR AMENDING

### TRIGGERING AWARENESS OF SOIL RELOCATION

#### Considerations for notification:

- Soil containing substances not already found on receiving site
- Soil with concentrations greater than the applicable land use standards of receiving site – (risk assessment needed)
- Substance concentrations greater than a revised Schedule 7
- No notification of ministry

## 2. SOIL RELOCATION PROVISIONS – OPTIONS FOR AMENDING

### NOTIFICATION PROCESS

#### Considerations for how to notify:

- Standard form to be submitted to ministry
- Document in Site Risk Classification report
- Relocation information provided with an application for a legal instrument
- Provided to local government
- Public posting on ministry web page
- No notification



## 2. SOIL RELOCATION PROVISIONS – OPTIONS FOR AMENDING

### REQUIREMENTS FOR MANAGEMENT OF SOIL RELOCATION

- Source site soil management plan
- Soil transportation plan
- Receiving site soil management plan
- Provisions to impose Director's requirements
- "Chain of Custody" form to accompany the relocated soil
- Temporary storage required at receiving site to test soil for suitability for long term disposal

## 2. SOIL RELOCATION PROVISIONS – OPTIONS FOR AMENDING

### NOTIFICATION TO LOCAL GOVERNMENT

#### Considerations:

- Prior notice to both generating and receiving site local governments
- Notification to receiving local government prior to relocation
- Notification required if outside local government soil management areas
- Notification if required by local bylaws
- No notification



# PREVENTION OF SITE CONTAMINATION FROM SOIL RELOCATION

## CLARIFYING DEFINITIONS AND SCOPE

- Re-define “contaminated site” for soil relocation
- Consistent application for First Nations
- Improve provisions for sediment and vapors
- Re-visit exemptions





**QUESTION PERIOD**  
**SOIL RELOCATION DISCUSSION PAPER**

**PRESENTER: KERRI SKELLY**

## Consultation Questions: 2. Prevention of Site Contamination From Soil Relocation

1. Ministry priorities and objectives
2. Concerns with current soil management and soil relocation provisions
3. Suggestions for revised soil relocation provisions
4. Revising the role of soil relocation provisions
5. Clarifying definitions and scope of provisions
6. Additional comments

# THANK YOU

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