

Preapprovals Not to Delineate or Remediate the Entire Extent of Contamination

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CSAP Society PD Session
October 23, 2014



Ministry of
Environment

OUTLINE

- Regulatory Context
- AG15 Scenarios
- General Principles
- Rules of Thumb
- Example Sites

REGULATORY CONTEXT

Protocol 6, Version 8

4.5 Subject to section 4.6...any applicant who is a responsible person for the source of contamination with respect to an application for an AiP or CoC is responsible for the delineation and remediation of the entire area of contamination including contamination at a parcel and that which has migrated from that parcel to neighbouring parcels.

[See EMA 1 and CSR 59, 47 and 48]

PROTOCOL 6

Subject to section 4.6...

4.6 Any application for a legal instrument of a type listed in Table 2 must be preapproved by a Director.

Table 2. Applications requiring preapproval by a Director of Waste Management

No.	Types of Applications for Contaminated Sites Legal Instruments Requiring Preapproval
<i>Involving the extent of the area of contamination delineated and remediated</i>	
1	If the applicant for a contaminated sites legal instrument is a responsible person for the source parcel and has not delineated and/or remediated the entire area of contamination including contamination at a parcel and contamination which has migrated from that parcel to neighbouring parcels.

ADMINISTRATIVE GUIDANCE 6

Site Profile Decisions and Requesting Releases Where Local Government Approvals are Required

- Scenario 4. Facility upgrades

⇒ all contamination at and migrating from the proponent's parcel has been delineated on the proponent's parcel and neighbouring parcels,

- Scenario 5. Redevelopment with change in activity

⇒ once remediation is complete, the proponent's parcel will meet the applicable environmental quality standards and criteria in the Regulation and will be eligible for a Certificate of Compliance.

ELIGIBLE APPLICATIONS

	Scenario	Subject Lands	Protocol 6	Site Profile Release
1	Denied access	Affected parcels	RP – Not required if AG11 satisfied	RP – Required
			NRP – N/A	NRP – N/A
2	Technical infeasibility/ Safety Hazards	Source parcel/ Affected parcels	RP – Required	RP – Required
			NRP – Required	NRP – Required
3	Merging plumes	Affected parcels	RP – Required	RP – Required
			NRP – N/A	NRP – N/A
4	Flow through plumes	Affected parcels	RP – N/A	RP – N/A
			NRP – Not required	NRP – Required

ELIGIBLE APPLICATIONS

	Scenario	Subject Lands	Protocol 6	Site Profile Release
5	Area wide contamination	Source parcel/ Neighbouring parcels	RP – Not required	RP – Required
			NRP – N/A	NRP – N/A
6	Beneficial Use	Source parcel/ Affected parcels	RP – Required	RP – Required
			NRP – N/A	NRP – N/A
7	Part Site Remediation	Source parcels/ Affected parcels	RP – Required	RP – Required
			NRP – Required	NRP – Required

GENERAL PRINCIPLES

- “Delineation and remediation of the entire area” in Sct 4.5 of P6, means under a CS instrument or instruments.
- Approved guidance should be followed to the extent practicable, including application of scientifically defensible alternatives.
- The Director’s pre-approval process does not replace requirements in protocols.
- The Director’s pre-approval process is not a new regulatory instrument.

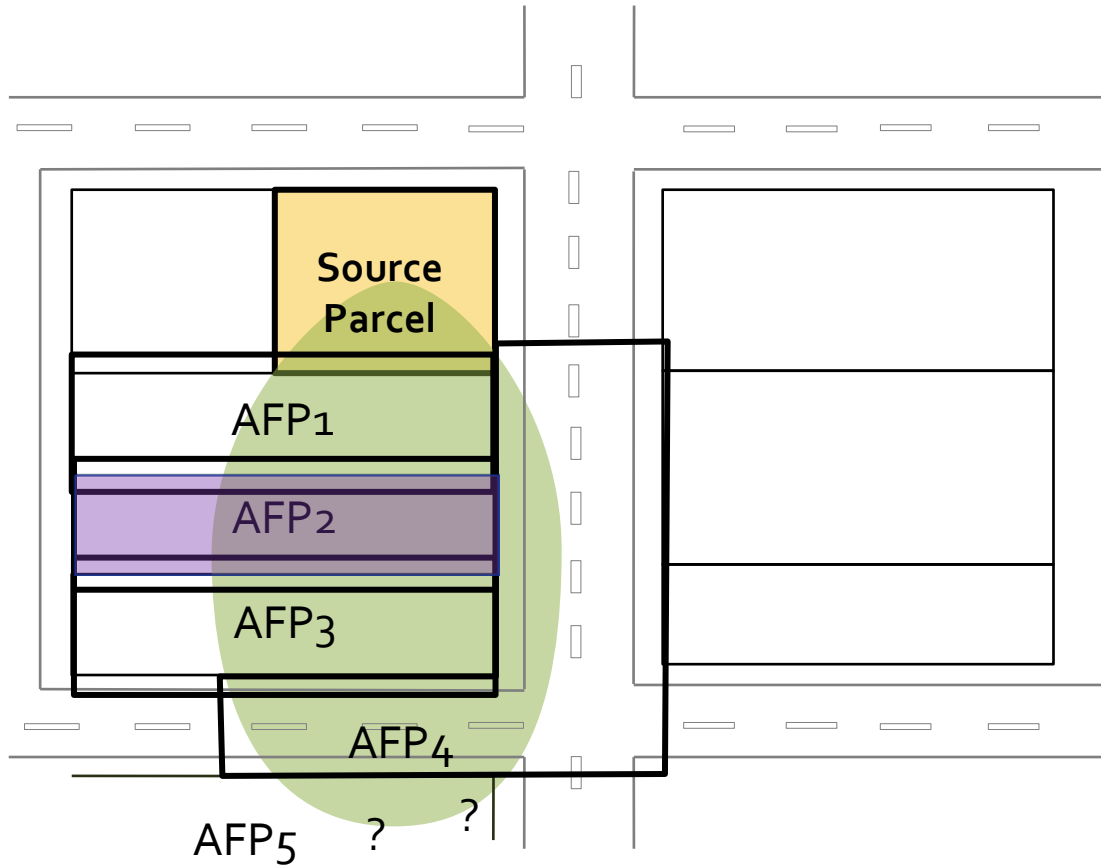
GENERAL PRINCIPLES

- Civil matters between parties should be dealt with to the extent practicable between the parties. Preapproval applications involving 3rd parties should include full communication records.

RULES OF THUMB

- The more deviation from approved methods, the more detailed arguments, supporting scientific information and site data is required;
- The greater the area of the Site not subject to a CS instrument application, the more detailed arguments and site information is required.
- The lower the level of residual contamination and the less risk management involved the better.
- For part site remediation of affected parcels, the less the residual contamination and the contaminant migration from the source parcel the better.

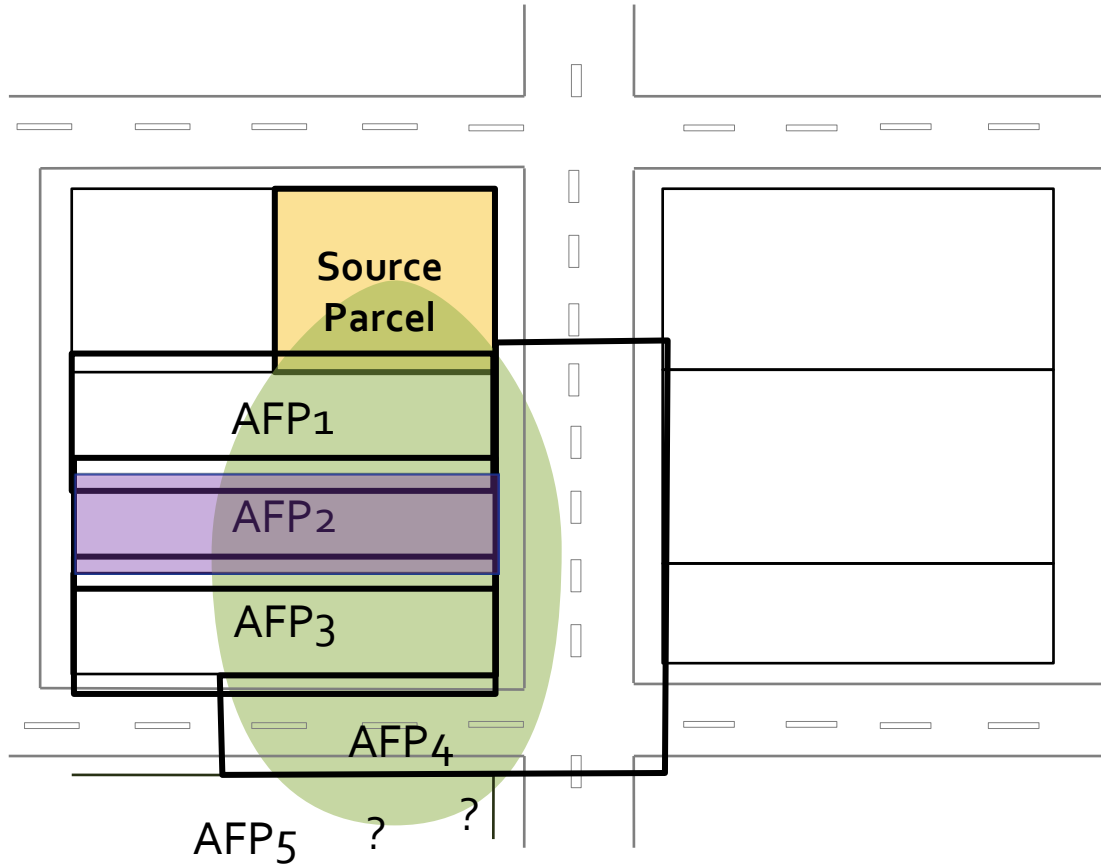
EXAMPLE SITE 1



Application Details

- Source parcel delineated & remediated to numerical stds
- Affected parcels delineated except at plume front (AFP5)
- Risk assessment completed & risk-based stds met with condition of "no groundwater use for DW"
- RP seeking CoC for AFP2

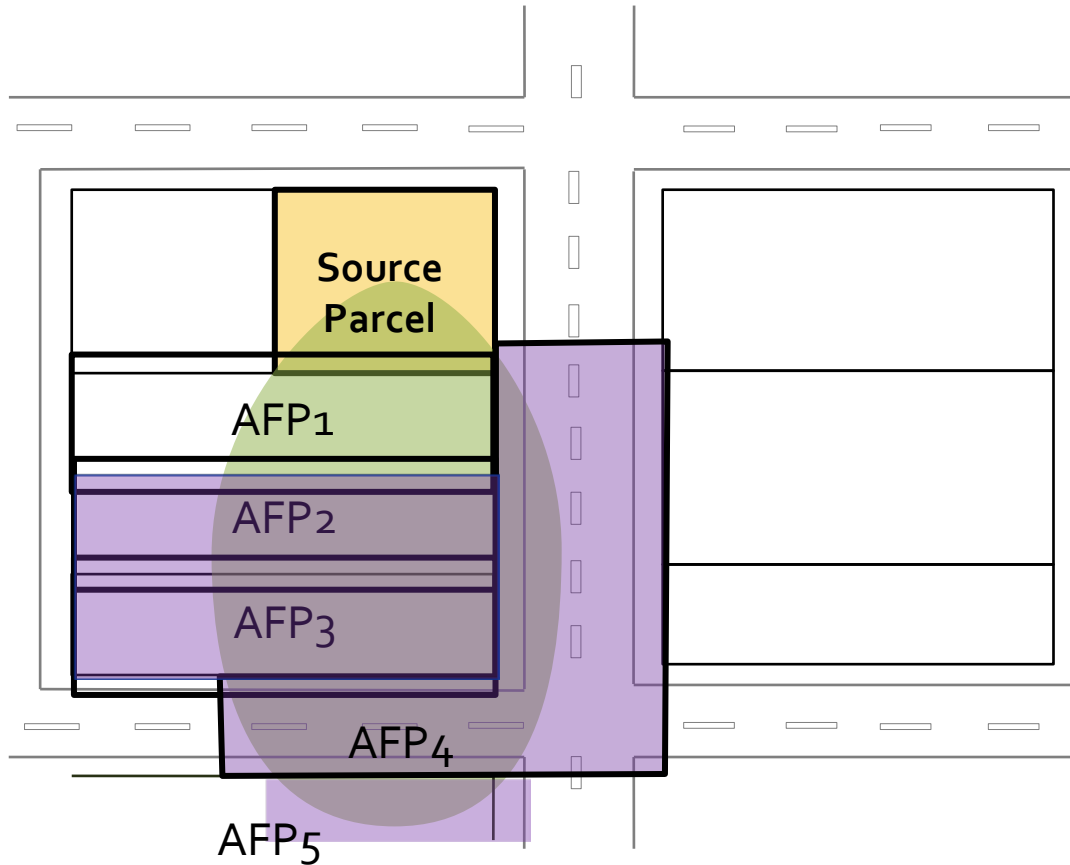
EXAMPLE SITE 1



Questions

- What is the timeline for completing investigations at AFP₅?
- What is the timeline for seeking instruments for remaining AFPs, source parcel?

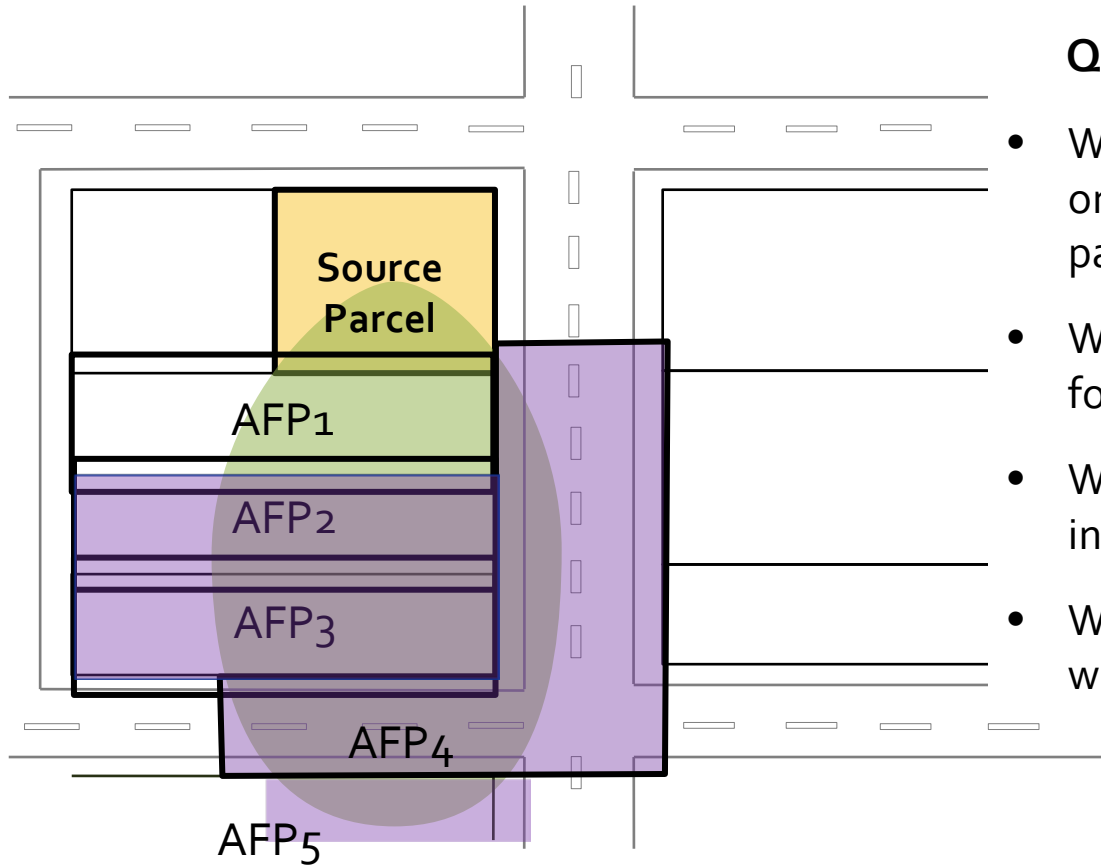
EXAMPLE SITE 2



Application Details

- Source parcel operating site, partially remediated
- Affected parcels delineated (AFP5)
- Remediation of soil on AFP1 scheduled
- RA completed for remaining AFPs & risk-based stds met with condition of "no groundwater use for DW"
- RP seeking CoCs for AFPs 2 - 5. Not seeking CoC/AiP for source parcel

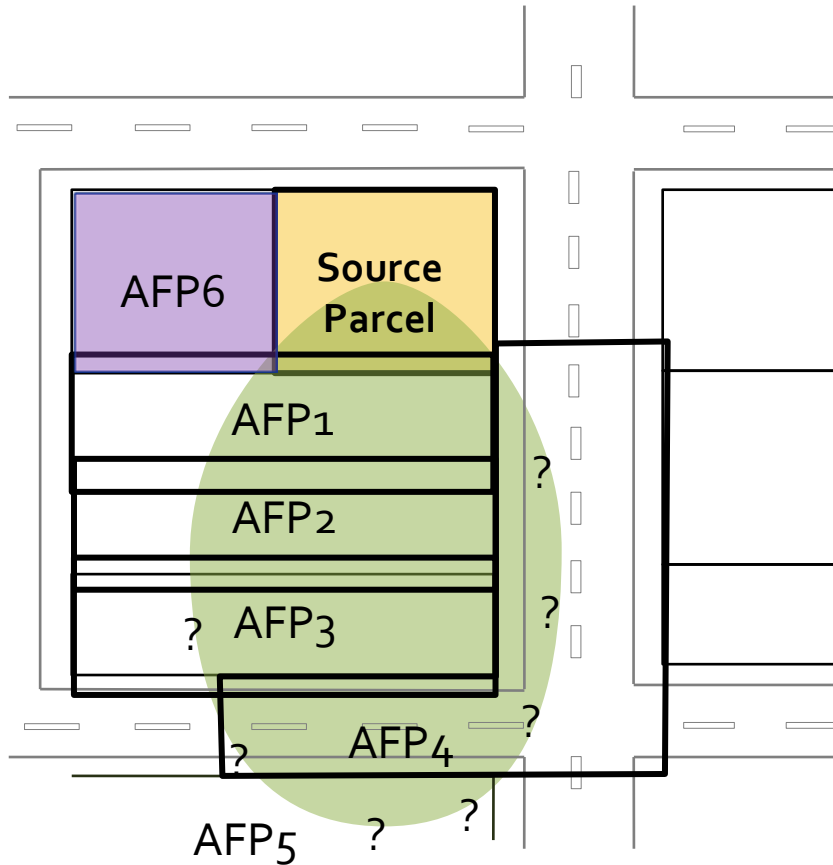
EXAMPLE SITE 2



Questions

- What is the status of contamination on & migrating from the source parcel?
- What is the commitment & timeline for completing remediation of AFP1?
- What is the timeline for seeking an instrument for AFP1?
- What is the status of communication with the owner of AFP1?

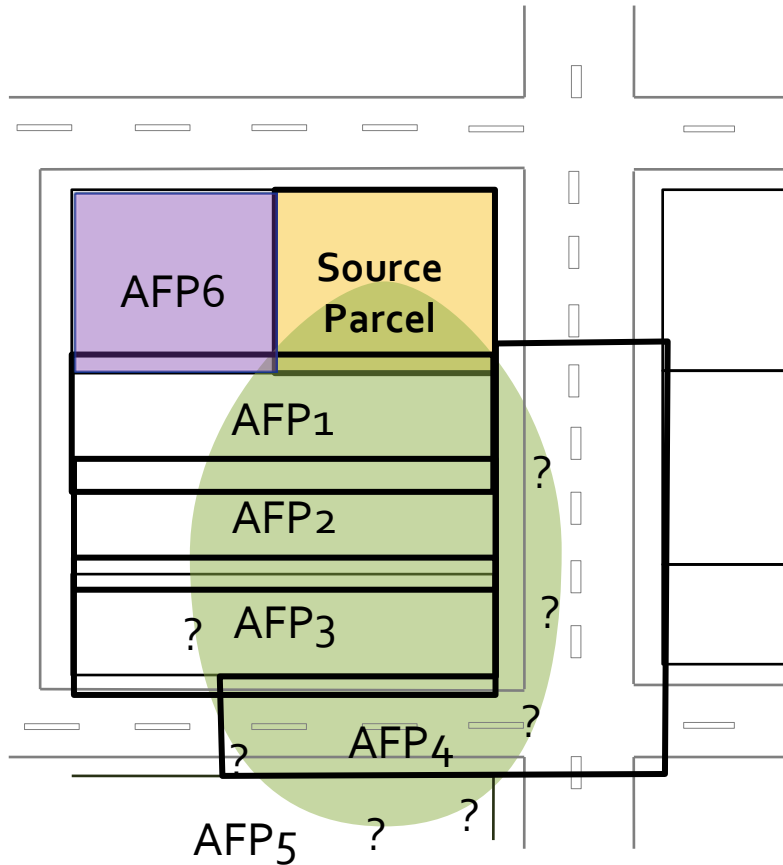
EXAMPLE SITE 3



Application Details

- Source parcel operating site, tanks removed long ago, no records of remediation
- Some monitoring conducted, downward concentration trend reported
- Delineation & remediation of AFP6 to numerical stds. Upgradient parcel, no recontamination potential reported.
- No delineation of AFP3, 4 & 5, investigations scheduled
- No RA or qualitative RA
- RP seeking CoC for AFP6. Not seeking CoC or AiP for source parcel

EXAMPLE SITE 3



Questions

- What is the status of contamination on & migrating from the source parcel?
- What is the timeline for completing investigations of AFP3, 4, 5 and beyond?
- What is level of contamination and what potential risks are posed to HH and eco receptors on AFPs 1 through 5?
- What is the timeline for completing remediation and seeking instruments for AFPs 1 through 5?
- What is the status of communication with the owner of AFP1?
- Why does AFP6 need a CoC and are there alternatives under *EMA*

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Land Remediation



Welcome

The Land Remediation Section administers the provisions for the investigation and remediation of contaminated sites in British Columbia under the *Environmental Management Act* and Contaminated Sites Regulation.

Our section focuses on the remediation of brownfields, orphan sites and complex, high risk contaminated sites, and facilitates the remediation of low and medium risk sites. We also manage the Site Registry, provide operational and procedural

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QUESTIONS?

THANK YOU