



Ministry of  
Environment

**CERTIFICATE OF COMPLIANCE**  
(Pursuant to Section 53 of the *Environmental Management Act*)

**THIS IS TO CERTIFY** that as of the date indicated below, the site identified in Schedule A of this Certificate of Compliance has been satisfactorily remediated to meet the applicable Contaminated Sites Regulation remediation standards.

This Certificate of Compliance is qualified by the requirements and conditions specified in Schedule B.

The substances for which remediation has been satisfactorily completed and for which this Certificate of Compliance is valid are listed in Schedule C.

I have issued this Certificate of Compliance based on a review of relevant information including the documents listed in Schedule D. I, however, make no representation or warranty as to the accuracy or completeness of that information.

A Director may rescind this Certificate of Compliance if requirements and conditions imposed in the Certificate of Compliance are not complied with or any fees payable under Part 4 of the Act or regulations are outstanding.

This Certificate of Compliance should not be construed as an assurance that there are no hazards present at the site.

The substances to which this Certificate of Compliance applies migrated to the site from a neighbouring source. It should not be assumed that this Certificate of Compliance certifies the remediation of all contaminants at the site.

MAY 16 2016

Date Issued

Peter Kickham

For Director, *Environmental Management Act*

## Schedule A

The site covered by this Certificate of Compliance is located on a portion of the City of Penticton lands beneath Westminster Avenue West located to the north of 216 Westminster Avenue West, Penticton, British Columbia which is more particularly known as the Management Area on the City of Penticton Property and described as:

All those lands lying within the limits of Westminster Avenue West as described as follows:

Commencing at the north-west corner of Lot 5, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 871,

Thence along the northerly boundaries of Lots 5, 4, 3 and a portion of 2 on a bearing of 73° 23' 51" more or less a distance of 32.95 m more or less to a point on the northerly boundary of Lot 2;

Thence northwesterly on a bearing of 312° 35' 42" more or less a distance of 5.97m more or less to a borehole labeled BH29;

Thence westerly on a bearing of 281° 22' 45" more or less a distance of 17.72 m more or less to a borehole labeled BH30;

Thence westerly on a bearing of 258° 52' 51" more or less a distance of 16.07 m more or less to a borehole labeled BH31;

Thence westerly on a bearing of 245° 40' 45" more or less a distance of 10.17 m more or less to a borehole labeled BH00-7;

Thence southerly on a bearing of 159° 27' 41" more or less a distance of 8.25 m more or less to a borehole labeled BH00-5;

Thence southeasterly on a bearing of 133° 23' 37" more or less a distance of 5.78 m more or less to a borehole labeled BH20;

Thence southerly on a bearing of 160° 26' 27" more or less a distance of 0.37 m more or less to a point on the northerly boundary of Lot 6; thence easterly along the northerly boundary of Lot 6 to the point of commencement.

The site contains part of a legal parcel depicted on an engineering drawing prepared by Underhill Geomatics Ltd. on June 29, 2015.

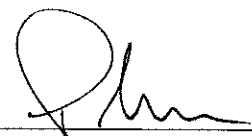
The approximate centre of the site using the NAD (North American Datum) 1983 convention is:

Latitude: 49° 29' 58.37"

Longitude: 119° 35' 48.15"

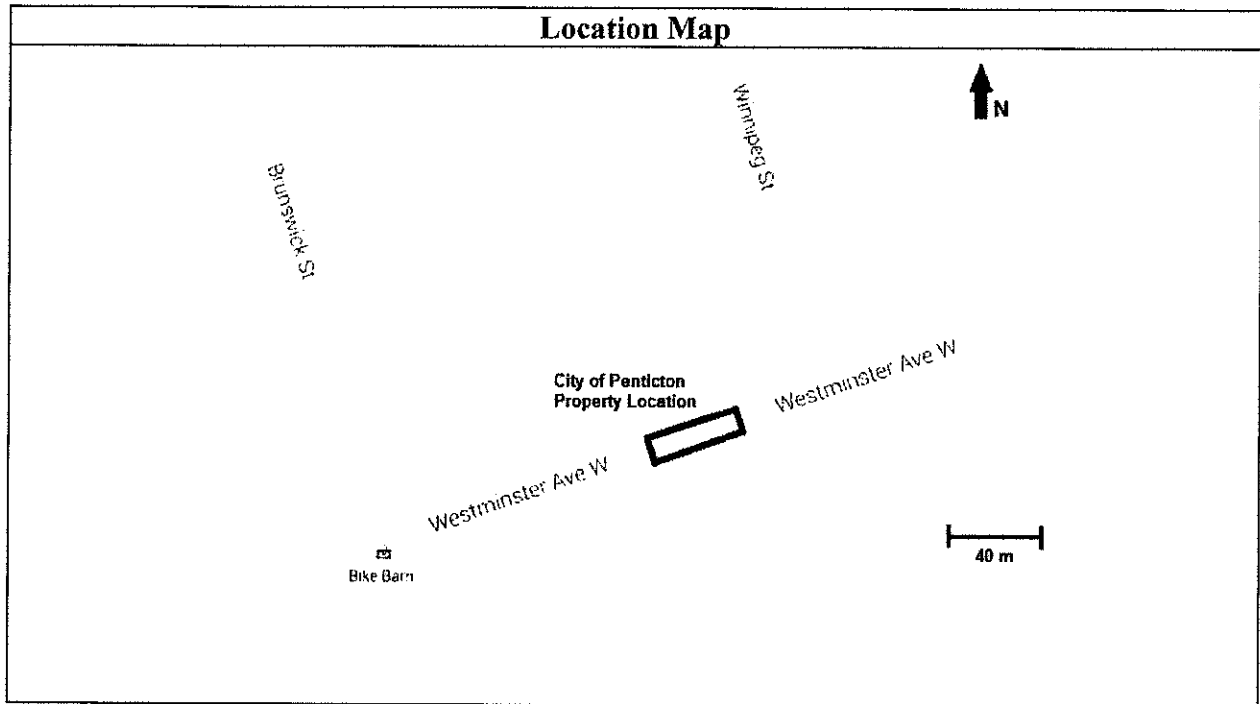
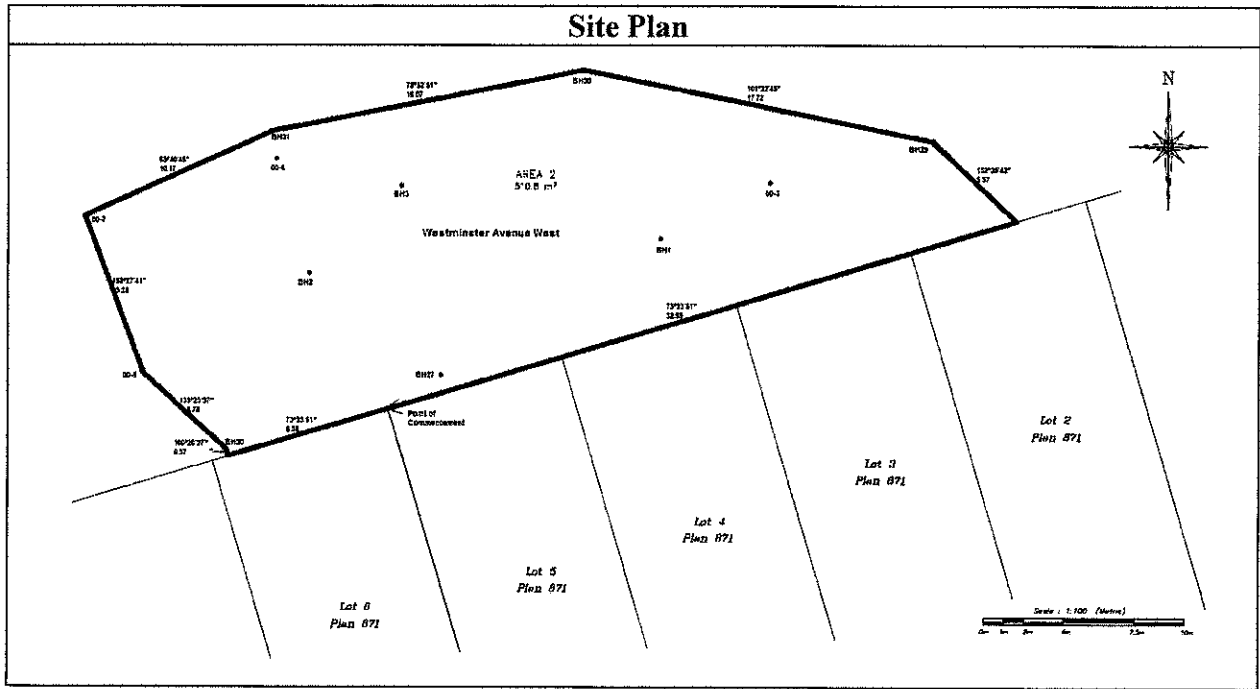
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## Schedule B

### Requirements and Conditions

1. Any changes in land, vapour or water uses must be promptly identified by the responsible persons in a written submission to the Director. An application for an amendment or new Certificate of Compliance may be necessary. The uses to which this condition applies are described in Schedule C and in the site investigation documents listed in Schedule D.

The documents listed in Schedule D indicate that vapour attenuation factors were applied to meet Contaminated Sites Regulation numerical and risk-based standards at and adjacent to the site. These vapour attenuation factors were selected based on assumptions about the structures, locations and depths of buildings and trenches existing or expected at and adjacent to the site. These assumptions include the following:

- (a) Consistent with the future land use assumptions of the vapour assessment in the Detailed Site Investigation, the land located within the Management Area on the City of Penticton Property will continue to be used as a sidewalk or roadway.

Any inconsistencies that arise between the structures, locations and depths of proposed or constructed buildings at or adjacent to the Management Area on the AST Property and the range of structures, locations and depths of buildings assumed in the selection of vapour attenuation factors in the documents listed in Schedule D must be promptly identified by the responsible persons in a written submission to the Director. An application for an amendment or new Certificate of Compliance may be necessary.

2. The principal risk controls which must be present or implemented and must be maintained at the site include the following:
  - (a) Drinking water wells must not be constructed within the Management Area on the City of Penticton Property.
  - (b) Plants with roots expected to extend below 1.8 metres below ground surface (mbgs) shall not be planted within the Management Area on the City of Penticton Property.
3. If requested by the Director, the responsible persons must provide a signed statement indicating whether the principal risk controls listed in clause 2 of this Schedule have been and continue to be met. This may include providing a signed statement by an Approved Professional.
4. Performance verification must be undertaken as specified in the Performance Verification Plan listed in Schedule D or as specified in a modification of the plan approved by the Director.

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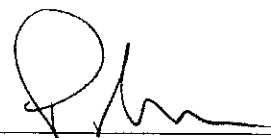
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5. Where required under a Performance Verification Plan for the site, records of performance verification actions and results must be maintained by the responsible persons or their agent. The records must be available for inspection by the Director.
6. The Director must be notified promptly by the persons responsible for the site if performance verification actions indicate that any institutional and engineering controls required in clause 2 of this Schedule are not being met. The following information must be submitted to the Director with the notification, or as soon as practicable thereafter:
  - (a) The time period over which institutional and engineering controls did not meet the requirements of Schedule B;
  - (b) The nature of the excursions;
  - (c) The temporary or permanent corrective measures implemented or to be implemented;
  - (d) An implementation schedule; and
  - (e) Supporting documentation.

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## Schedule C

### Substances and Uses

#### *Substances remediated in soil for industrial land soil use:*

To meet risk-based remediation standards:

- Benzene, ethylbenzene, toluene and xylene; and
- VPHs and LEPHs.

#### *Substances remediated in water for drinking water use:*

To meet numerical remediation standards:

- Benzene, and ethylbenzene,
- Methyl tertiary butyl ether; and
- Benzo(a)pyrene.

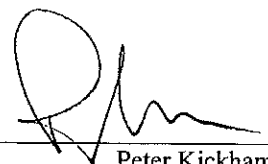
#### *Substances remediated in water for freshwater aquatic life water use:*

To meet numerical remediation standards:

- LEPHw; and
- Naphthalene.

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## Schedule D

### Documents

*Summary of Site Condition, 248-456 Westminster Avenue West, Penticton, British Columbia* by Parsons Canada Ltd. (November 20, 2015);

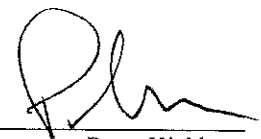
*Supplemental Preliminary Site Investigation/Detailed Site Investigation/Confirmation of Remediation, 216 Westminster Avenue West, Penticton, British Columbia* by Parsons Canada Ltd. (November 20, 2015);

*Risk Assessment, 216 Westminster Avenue West, Penticton, British Columbia* by Parsons Canada Ltd. (November 20, 2015); and

*Performance Verification Plan, 248-456 Westminster Avenue West, Penticton, British Columbia* by Parsons Canada Ltd. (November 20, 2015).

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