



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 and criteria.

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.

December 7, 2016
Date Issued


Lavinia Zanini, P.Ge.
For Director, *Environmental Management Act*

Schedule A

The site covered by this Certificate of Compliance is located at 3147 Douglas Street, Victoria, British Columbia which is more particularly known and described as:

LOT 1, SECTION 4, VICTORIA DISTRICT, PLAN 15729 EXCEPT PART IN PLAN 3718
RW
PID: 003-910-920

AND

THAT PART OF LOT 5, SECTION 4, VICTORIA DISTRICT, PLAN 263, LYING WEST OF THE WESTERLY BOUNDARY AND ITS PRODUCTION SOUTHERLY OF BLOCK 1, PLAN 1190, EXCEPT THE STRIP FORMING PORTION OF DOUGLAS STREET AS SHOWN ON PLAN 263 (SEE DD 28773I), AND EXCEPT PARTS IN PLANS 539 BL, 15729 AND 612 BL, AND EXCEPT THAT PART THEREOF DESCRIBED IN DD 345170I
PID: 009-203-893

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

Latitude: 48° 26' 48.27"
Longitude: 123° 22' 10.09"

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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 person 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 standards at the site. These vapour attenuation factors were selected based on assumptions about the structures, locations and depths of buildings expected at the site or adjacent property. These assumptions include the following:

- (a) The mall must remain in its current configuration with one level of underground parking.
- (b) Proposed changes to the mall and the parkade, must be completed as per the design drawings listed in Schedule D.

Any inconsistencies that arise between the structures, locations and depths of proposed or constructed buildings at and adjacent to the site 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 person or 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) The Petroleum hydrocarbon-impacted soil beneath the existing mall building must remain covered in the area defined in the following metes and bounds and depicted in attached Figure 1 and by the metes and bounds description below.

Metes and Bounds description of LEPH & HEPH contamination plume:

Commencing from the southwest corner of lot 1, section 4, Victoria District thence along the bearing N79°41'11"E a distance of 112.312 metres;

Thence along the bearing N0°0'0"W a distance of 53.438 metres to the point of beginning;

Thence along the bearing N19°25'32"W a distance of 20.308 metres;

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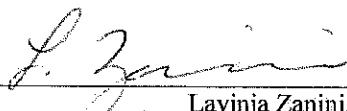
Thence along the bearing N70°34'28"E a distance of 7.486 metres;

Thence along the bearing S19°25'32"E a distance of 20.308 metres;

Thence along the bearing S70°34'28"W a distance of 7.486 metres to the point of beginning, containing an approximate area of 152.021m².

- (b) Proposed changes to the mall and the parkade, must be completed as per the design report listed in Schedule D.
 - (c) Drinking water wells must not be installed on the Site.
3. If requested by the Director, the responsible person 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.
 5. Where required under a Performance Verification Plan for the site, records of performance verification actions and results must be maintained by the responsible person 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 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 controls did not meet the requirements of Schedule B;
 - (b) The nature of the excursion;
 - (c) The temporary or permanent corrective measures implemented or to be implemented;
 - (d) An implementation schedule; and
 - (e) Supporting documentation.
 7. If requested by the Director, a report signed by an Approved Professional must be submitted for review to the Director and must include the following:
 - (a) An evaluation of the performance of the institutional controls;
 - (b) Recommendations for modification of any plans referenced above, along with supporting rationale;
 - (c) Interpretation of current and cumulative results of the performance verification actions undertaken according to the plan described in clause 4 above; and
 - (d) Supporting documentation.

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Schedule C

Substances and Uses

Substances remediated in soil for commercial land soil use:

To meet numerical remediation standards:

- Benzene and xylene;
- VPHs; and
- Benz[a]anthracene, benzo[a]pyrene, benzo[a]fluoranthene, indeno[1,2,3-cd]pyrene, phenanthracene, and pyrene.

To meet risk-based remediation standards:

- Arsenic and zinc; and
- LEPHs and HEPHs.

Substances remediated in water for freshwater aquatic life water use:

To meet numerical remediation standards:

- Benzene;
- LEPHw and VPHw; and
- Anthracene, benzo[a]anthracene, benzo[a]pyrene, chrysene, fluoranthene, fluorene, naphthalene, phenanthrene, and pyrene.


Substances remediated in water for drinking water use:

To meet numerical remediation standards:

- Benzene, ethylbenzene, toluene, and xylenes (total);
- EPHw₁₀₋₁₉, VHW₆₋₁₀, and;
- Benzo[a]pyrene.

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Schedule D

Documents

Main Floor Plan, prepared by Abbarch, dated October 6, 2016;

Sub-Grade Parking Plan, prepared by Abbarch, dated October 6, 2016;

Summary of Site Condition, prepared by Hemmera, dated August 30, 2016;

Addendum to Stage 1 and 2 Preliminary Site Investigation, Detailed Site Investigation Confirmation of Remediation, and Screening Level Risk Assessment, Mayfair Mall, 3147 Douglas Street, Victoria, BC, prepared by Hemmera, dated September 15, 2016;

Performance Verification Plan for Certificate of Compliance at the Mayfair Shopping Center, 3147 Douglas Street, Victoria, BC, prepared by Hemmera, dated July 2016;

Stage 1 and 2 Preliminary Site Investigation, Detailed Site Investigation Confirmation of Remediation, and Screening Level Risk Assessment, Mayfair Mall, 3147 Douglas Street, Victoria, BC, prepared by Hemmera, dated June 2016;

3147 Douglas Street, Victoria, BC – Water Use Determination, prepared by Hemmera, dated March 2015;

Phase 1 ESA, Mayfair Shopping Centre, Victoria, BC, prepared by Construction Control Inc., dated May 11, 2010;

Additional Subsurface Investigation, Mayfair Shopping Centre, 3147 Douglas St, Victoria, BC, prepared by PHH Arc Environmental Ltd., dated December 14, 2007;

Summary of Bedrock Hydrogeology Investigation, 3147 Douglas St, Victoria, BC, prepared by PHH Arc Environmental Ltd., dated July 17, 2007;

Bedrock Hydrogeology Investigation at AEC C, Mayfair Mall, Victoria, BC, prepared by Piteau Associates, dated September 7, 2006;

Soil and Groundwater Investigation, Mayfair Shopping Centre, Victoria, BC, prepared by Pottinger Gaherty Environmental Consultants Ltd., dated May 2004;

Physical Condition Report, Mayfair Shopping Centre, Victoria, BC, prepared by Pottinger Gaherty Environmental Consultants Ltd., dated March 2004;

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Soil Remediation Mayfair Shopping Centre, Victoria, BC - Volume 2 of 2, prepared by PHH Environmental Ltd., dated December 19, 2003;

Soil Remediation Mayfair Shopping Centre, Victoria, BC - Volume 1 of 2, prepared by PHH Environmental Ltd., dated December 19, 2003;

Pre-Remediation - Environmental Stage III DSI, Mayfair Mall, 3147 Douglas St, Victoria, BC, prepared by PHH Environmental Ltd., dated September 16, 2002;

Environmental Stage 2 PSI on Douglas St, 3174 Douglas St, Victoria, BC, prepared by PHH Environmental Ltd., dated February 15, 2002;

Environmental Stage 3 DSI - AEC B, Mayfair Shopping Centre, Victoria, BC, prepared by PHH Environmental Ltd., dated October 6, 1999;

Environmental Stage 3 DSI - AEC A, Mayfair Shopping Centre, Victoria, BC, prepared by PHH Environmental Ltd., dated October 6, 1999;

Environmental Stage 3 DSI, Mayfair Shopping Centre, Victoria, BC, prepared by PHH Environmental Ltd., dated October 6, 1999;

1999 Environmental Liability Assessment Intrusive Investigation of the Office Depot Centre, Victoria, BC, prepared by Pinchin Environmental Ltd., dated August 9, 1999;

1999 Environmental Liability Assessment Intrusive Investigation of the Mayfair Shopping Centre, Victoria, BC, prepared by Pinchin Environmental Ltd., dated August 9, 1999;

Phase II ESA, Mayfair Shopping Centre, Victoria, BC, prepared by Golder Associates Ltd., dated June 1999;

Phase I ESA, Office Depot Centre, Victoria, BC, prepared by Golder Associates Ltd., dated June 1999;

ESA, Mayfair Shopping Centre, Victoria, BC, prepared by ATC Associates Inc., dated October 10, 1997;

Underground Storage Tank Removal, Mayfair Shopping Centre, Victoria, BC, prepared by AGRA Earth & Environmental, dated January 23, 1995;

Underground Storage Tank Removal - Former Shell Station, Mayfair Mall, Victoria, BC, prepared by HBT AGRA Limited, dated April 26, 1994;

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Phase 1 ESA, Mayfair Shopping Centre, Victoria, BC, prepared by HBT AGRA Limited, dated April 22, 1994;


Mayfair Shopping Centre, Victoria, BC Shell Location #C08906, prepared by Morrow Environmental Consultants, dated March 15, 1994;

Underground Storage Tank Removal, Shell Location #C08906 prepared by HBT AGRA Limited, dated February 24, 1994; and

Draft Environmental Assessment Report prepared by The ERM Group, dated November 3, 1988.

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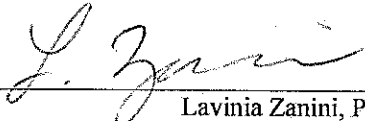


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Figure 1. Metes and Bounds for Risk Condition 2 (a)



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