



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.

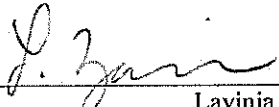
I have issued this Certificate of Compliance based on a review of relevant information including the documents listed in Schedule D. I, however, make no representation or warranty as to the accuracy or completeness of that information.

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.

July 14, 2017

Date Issued

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

## Schedule A

The site covered by this Certificate of Compliance is a management area located on a portion of 4750 Rutherford Road, Nanaimo, British Columbia which is more particularly known and described as:

A portion of Lot A of Section 14 and District Lots 14 and 17 and Section 4, Range 4, Wellington District Plan VIP66202 as described in the following metes and bounds description:  
Commencing at the northwest corner of Lot B, District Lot 17 and Section 4, Range 4, Wellington District Plan VIP66202 (at a point bearing 85 degrees 36 minutes 12 seconds a distance of 9.39 m from well 16-71D).

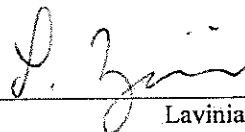
Thence, at a bearing of 227 degrees 44 minutes 45 seconds a distance of 5.36 m.  
Thence, at a bearing of 219 degrees 9 minutes 41 seconds a distance of 5.19 m.  
Thence, at a bearing of 211 degrees 24 minutes 8 seconds a distance of 4.35 m.  
Thence, at a bearing of 205 degrees 58 minutes 5 seconds a distance of 4.79 m.  
Thence, at a bearing of 195 degrees 37 minutes 17 seconds a distance of 5.47 m.  
Thence, at a bearing of 187 degrees 30 minutes 58 seconds a distance of 4.49 m.  
Thence, at a bearing of 180 degrees 3 minutes 13 seconds a distance of 4.68 m.  
Thence, at a bearing of 162 degrees 51 minutes 42 seconds a distance of 3.72 m.  
Thence, at a bearing of 152 degrees 10 minutes 58 seconds a distance of 2.34 m.  
Thence, at a bearing of 141 degrees 52 minutes 33 seconds a distance of 3.51 m.  
Thence, at a bearing of 45 degrees 41 minutes 36 seconds a distance of 1.28 m.  
Thence, at a bearing of 132 degrees 4 minutes 35 seconds a distance of 1.89 m.  
Thence, at a bearing of 241 degrees 8 minutes 37 seconds a distance of 20.89 m.  
Thence, at a bearing of 305 degrees 57 minutes 15 seconds a distance of 38.02 m.  
Thence, at a bearing of 331 degrees 43 minutes 6 seconds a distance of 40.42 m.  
Thence, at a bearing of 38 degrees 44 minutes 29 seconds a distance of 52.20 m.  
Thence, at a bearing of 92 degrees 48 minutes 37 seconds a distance of 59.78 m.  
Thence, at a bearing of 161 degrees 51 minutes 16 seconds a distance of 33.16 m.  
Thence, at a bearing of 229 degrees 37 minutes 45 seconds a distance of 11.94 m.  
Thence, at a bearing of 259 degrees 27 minutes 11 seconds a distance of 2.44 m.  
Thence, at a bearing of 282 degrees 19 minutes 24 seconds a distance of 2.70 m.  
Thence, at a bearing of 227 degrees 55 minutes 19 seconds a distance of 13.58 m.  
Thence, at a bearing of 293 degrees 30 minutes 32 seconds a distance of 3.73 m to the point of commencement, and comprising an area of 5,995.64 m<sup>2</sup>

PID: Part of 023-968-621

The site contains part of legal parcel depicted in an engineering drawing 134052-002 prepared by SNC-Lavalin Inc., on February 25, 2016.

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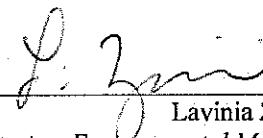
The approximate centre of the site using the NAD (North American Datum) 1983 convention is:

Latitude: 49° 12' 55.41"

Longitude: 124° 01' 40.46"

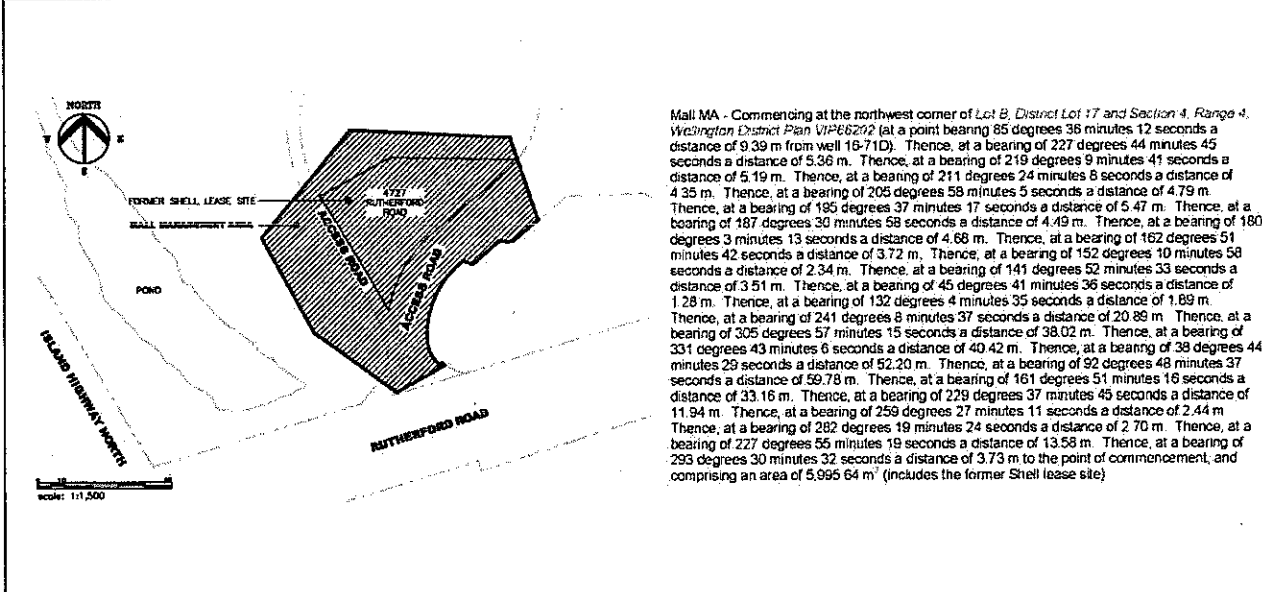
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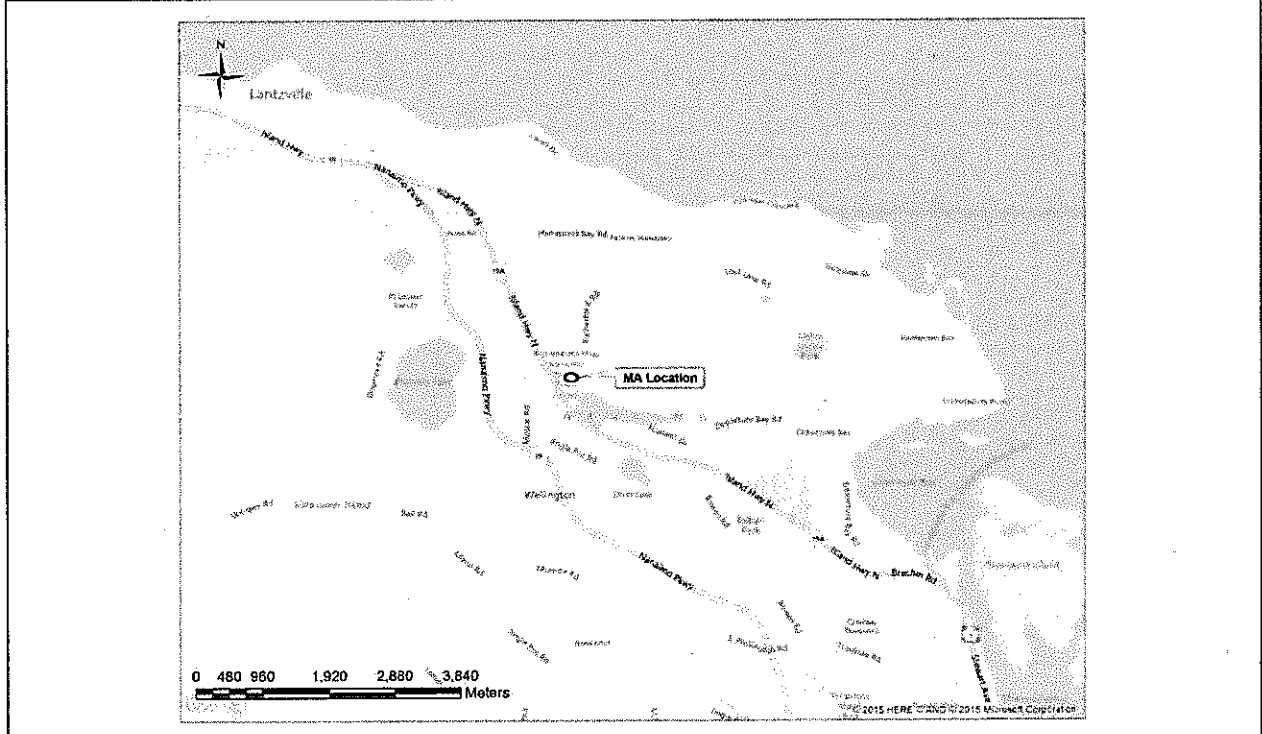


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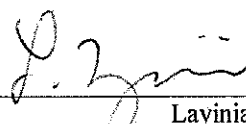
## Site Plan, Nanaimo, BC



## Location Map, Nanaimo, BC



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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 risk-based standards at the Site. These vapour attenuation factors were selected based on assumptions about the structures, locations and depths of trenches expected at the site. These assumptions include the following:

- (a) That the current building can remain in place or any future buildings could be built at grade or any depth below ground surface.

Any inconsistencies that arise between the structures, locations and depths of proposed or constructed buildings or trenches at the Site and the range of structures, locations and depths of buildings or trenches assumed in the selection of vapour attenuation factors in the documents listed in Schedule D 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.

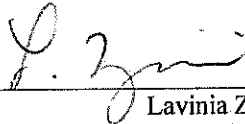
2. The principal risk controls which must be present or implemented and must be maintained at the site include the following:
  - (a) Groundwater from the Site must not be used as a drinking water source.
  - (b) Any future building constructed to a depth greater than 4 m bgs will include a perimeter drainage system to prevent groundwater contact with the slab of the building and any sumps associated with the perimeter drainage system will be vented to the exterior of the building.
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.

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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 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 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.
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 and engineering 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, ethylbenzene, toluene, xylene; and
- VPHs.

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

##### To meet numerical remediation standards:

- Benzene, ethylbenzene.

##### To meet risk-based remediation standards:

- Methyl tert-butyl ether (MTBE).

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

##### To meet numerical remediation standards:

- LEPH<sub>w</sub>.

#### *Substances remediated in vapour for commercial land vapour use:*

##### To meet risk-based remediation standards:

- Benzene; and
- VPH<sub>v</sub>.

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## Schedule D

### Documents

*Summary of Site Condition (for Mall Management Area), prepared by SNC-Lavalin Inc., dated March 2017.*

*Summary of Communication in Regards to the CofC Application for portions of 4725 and 4750 Rutherford Road, Nanaimo, BC associated with the Former Shell Lease Site Located at 4727 Rutherford Road, Nanaimo, BC (Site), Location Code: C11493(MoE Site No. 16848), prepared by SNC-Lavalin Inc., dated March 3, 2017.*

*Performance Verification Plan, Mall Management Area, associated with Former Shell Lease Site, 4727 Rutherford Road, Nanaimo, BC, Location Code: C11493, Site ID:16848, prepared by SNC-Lavalin Inc., dated February 28, 2017.*

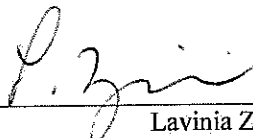
*Human Health and Ecological Risk Assessment, Former Shell Lease Site at 4727 Rutherford Road, Nanaimo, BC and Adjacent Management Area - Location Code: C11493, prepared by SNC-Lavalin Inc., dated February 27, 2017.*

*Stage 1 & 2 Preliminary Site Investigation, Detailed Site Investigation, Decommissioning and Remedial Program, Former Shell Lease Site Located at 4750 Rutherford Road, Nanaimo, BC and Adjacent Management Area, prepared by SNC-Lavalin Inc., dated February 22, 2017.*

*Stage 2 Preliminary Site Investigation Report, Rutherford Mall, 4750 Rutherford Road, Nanaimo, BC, prepared by PHH ARC Environmental, December 9, 2005.*

*Rutherford Mall Shell, 4727 Rutherford Road, Nanaimo, BC, Location Code: C11493, Environmental Assessment, prepared by Morrow Environmental Consultants Inc., dated September 15, 1992.*

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