



**VIA EMAIL AND MAIL**

File: 26250-20/8323  
Site ID: 8323

April 16, 2021

Paul Savinkoff  
Ministry of Transportation and Infrastructure  
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[paul.savinkoff@gov.bc.ca](mailto:paul.savinkoff@gov.bc.ca)

Dear Paul Savinkoff,

**Re: Definition of the Helmer Property, Lots 4-8, 980 Industrial Road No. 1,  
Invermere, BC**

The Ministry of Environment and Climate Change Strategy (ENV) has received an application from the Ministry of Transportation and Infrastructure (MOTI) dated April 8<sup>th</sup>, 2020 for Lots 4-8, 980 Industrial Road No. 1, Invermere, BC. The application is seeking a director's preapproval under Protocol 6 to seek a single ministry legal instrument (one Certificate of Compliance (CoC)) for the following five lots:

Lot	PID	Legal Description
4	010-581-898	LOT 4 BLOCK 36 DISTRICT LOT 267 KOOTENAY DISTRICT PLAN 1143 EXCEPT PART IN SRW PLAN 10095
5	010-581-901	LOT 5 BLOCK 36 DISTRICT LOT 267 KOOTENAY DISTRICT PLAN 1143 EXCEPT PART IN SRW PLAN 10095
6	010-581-910	LOT 6 BLOCK 36 DISTRICT LOT 267 KOOTENAY DISTRICT PLAN 1143 EXCEPT PART IN SRW PLAN 10095
7	010-581-928	LOT 7 BLOCK 36 DISTRICT LOT 267 KOOTENAY DISTRICT PLAN 1143 EXCEPT PART IN SRW PLAN 10095
8	010-581-936	LOT 8 BLOCK 36 DISTRICT LOT 267 KOOTENAY DISTRICT PLAN 1143 EXCEPT PART IN SRW PLAN 10095

The lots are depicted in Attachment 1 for reference.

The five lots are affected parcels to the source parcel, which is owned by MOTI and located at part of 980 Industrial Road No. 1, Invermere, BC. Following investigation and remediation of the contaminated site, the applicant wishes to apply for ministry legal instruments for the contaminated site. By seeking preapproval to define the five lots as a single area, a single CoC for the five lots can be obtained instead of five separate CoCs.

The applicant provides the following arguments for why the five lots should be defined as a single area included in one future CoC application:

- *The Helmer lots were owned by Max Helmer Construction Ltd. (MHCL) until last year when they were temporarily transferred to individual Helmer family members; they are fenced as one commercial site and they are still used as a whole for vehicle and construction storage by MHCL.*
- *The lots have no buildings except a shed. Groundwater in the area is used for drinking water, however, the Helmer lot is not currently being used for potable water.*
- *The lots are zoned light industrial, and most of the surrounding land use is zoned light industrial and is not expected to change based on the Invermere 2019 Official Community Plan.*
- *The site is divided into 5 small legal lots, which are not very useful for development individually, however, the lots are combined and used as one site by the fence.*
- *The five Helmer lots are adjacent to each other.*
- *There have been indications that five lots owned by five different Helmer family members are in the process of being transferred back to one owner.*
- *The residual contaminants remaining on the Helmer lots are related to road salt storage (sodium and chloride ions) which migrated from the highway yard, and MOTI is the responsible party for all residual salt-related contaminants on the Helmer lots.*
- *The hydrocarbon contamination identified at the Helmer property was excavated during one excavation across three of the five lots, and the residual salt contamination was addressed by a risk assessment for the Helmer property as one site; and*
- *Helmer owners are exempt from the remediation liability (as identified in the MOTI application the ministry) since the lots are contaminated by the migration of the road salt from the MOTI highway yard, and thus, there would be no joint liability for remediation on the Helmer lots.*

Through discussions with Mr. Joe Helmer on March 3rd and March 15th, 2021, ENV has confirmed the plan of transferring the five lots back to a single owner. Further, Mr. Joe Helmer has accepted to receive a single CoC for the five lots instead of five separate CoCs.

Based on the above, I am granting the requested preapproval, under the authority of Protocol 6, to seek one CoC for the five lots identified above.

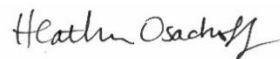
This decision does not constitute review or acceptance by the director of any other aspect of the investigations and remediation conducted, or planned for, at the site. The ministry notes that drinking water and risk controls relating to water usage on the Helmer site remain outstanding as considerations in potential future CoC application(s) as those items are outside the scope of this decision letter.

Please be advised that this decision is based on the most recent information provided to the ministry regarding the site. The ministry, however, makes no representation or warranty as to the accuracy or completeness of that information. The ministry expressly reserves the right to change or substitute different requirements where circumstances warrant.

Please ensure that a copy of this letter is included with any future application for an approval in principle or certificate of compliance under the professional reliance process.

If you have any questions about this decision letter, please contact [Annette.Mortensen@gov.bc.ca](mailto:Annette.Mortensen@gov.bc.ca) or the undersigned at [Heather.Osachoff@gov.bc.ca](mailto:Heather.Osachoff@gov.bc.ca).

Yours truly,



Heather Osachoff

*for Director, Environmental Management Act*

Manager, Risk Assessment and Remediation

cc: Joe Helmer Max Helmer Construction Ltd., PO Box 2529, Invermere, BC V0A 1K0 (BY MAIL)  
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