



VIA EMAIL ONLY: CKaru@pcurban.ca

File: 26250-20/23513
Site ID: 23513

April 30, 2021

PC Urban Properties Corporation
#800 – 1090 West Georgia Street
Vancouver, BC V6E 3V7
Attention: Chris Karu

Dear Chris Karu:

Re: Preapproval under Protocol 6 Application for Area Wide Determination of Contaminated Fill - 856 and 858 Esquimalt Road, Esquimalt, BC

This letter provides my decision on your April 8, 2021 application for preapproval under Protocol 6 for relief from the requirement to delineate the entire extent of soil contamination based on the placement of contaminated fill from multiple widespread and undetermined historical sources with no identified responsible person at 856 and 858 Esquimalt Road, Esquimalt, BC (the Site).

The Legal Descriptions of the Site are as follows:

856 Esquimalt Road

Lot A Section 11, Esquimalt District Plan VIP90973
PID: 026-691-418

858 Esquimalt Road

Lot 2 Section 11 Esquimalt District Plan 23904
PID: 002-925-966

The Site location and plan are attached in Attachment A for reference.

In reaching my decision I have relied on information provided in the following supporting documents:

- Email from Zayed Mohamed of PGL “*Re: Protocol 6 Preapproval to Not Delineate Contaminated Fill - 856 & 858 Esquimalt Road, Esquimalt*” dated April 23, 2021.

- Letter Report “*Re: PROTOCOL 6 PREAPPROVAL APPLICATION NOT TO DELINEATE AREA WIDE FILL CONTAMINATION, 856 AND 858 Esquimalt Road, Esquimalt, BC*”, Prepared by PGL Environmental Consultants (PGL) and dated April 7, 2021.

The primary rationale and supporting information presented by PGL in the above documents are summarized below:

- *Contaminated fill identified is from multiple widespread and undetermined historical sources;*
- *Absence of fill generation activities on-site;*
- *There is no identified responsible persons on-site; and*
- *The owner or operator did not, by any act or omission, cause or contribute to or exacerbate the widespread historical contamination.*

Based on the lines of evidence presented in the application documents referred to above, I concur with the conclusions reached by PGL that the observed metals (specifically arsenic, barium, chromium, copper, iron, lead and zinc) and polyaromatic hydrocarbons (PAHs; specifically benzo(a)pyrene and benzo(b+j)fluoranthene) contamination in soil at the site is sourced from material deposited during historic area-wide infilling and not from activities that occurred on the property. I base this decision primarily on the following:

- No direct correlation between the location of the APECs and the areas where soil metal/PAH contamination was identified in fill is evident;
- PGL’s assessment and conclusion that the Site has received imported fill of poor quality during the infilling of the area in the late 1800’s;
- The fill material contains foreign material (glass, brick, asphalt, etc.) both on the Site and neighbouring property to the west and south;
- Metals and PAH contamination in soil is limited to the fill material; and
- There are no identified responsible persons for placement of the contaminated fill material.

In light of these findings and in accordance with current ministry policy regarding landowner responsibility for off-site contamination not due to on-site sources, the investigation and remediation of historic area-wide fill contamination is not required to obtain a Certificate of Compliance for the above-stated property in regards to the discrete fill-related substances specifically indicated above. Thus, I hereby grant the preapproval requested under Protocol 6, version 11.

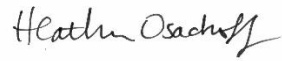
Please ensure that a copy of this letter is included in future applications made for the site.

This decision is based on the most recent information available to the ministry regarding the above referenced site. The ministry, however, makes no representation or warranty as to the

accuracy or completeness of this information. The ministry expressly reserves the right to change or substitute different requirements where circumstances warrant.

If you have any questions about this decision letter, please contact the undersigned at Heather.Osachoff@gov.bc.ca.

Yours truly,



Heather Osachoff
for *Director, Environmental Management Act*

Manager, Risk Assessment and Remediation

Attachment A: Site plan and location

cc: Zayed Mohamed, Pottinger Gaherty zmohamed@pggroup.com
Steve Dankev, Senior Contaminated Sites Officer, ENV Stephen.Dankevy@gov.bc.ca
Client Information Officer, ENV csp_cio@victoria1.gov.bc.ca
CSAP Society c/o apopova@csapsociety.bc.ca

Attachment A

Site Location Plan

