



VIA EMAIL ONLY

File: 26250-20/21753
Site ID: 21753

May 20, 2021

John McIntosh
Cressey (West 6th) Holdings Ltd.
200 – 555 West 8th Avenue
Vancouver, BC V5Z 1C6

jmcintosh@cressey.com

Dear John McIntosh,

**Re: Contaminated Sites Services Application
Protocol 6 Preapproval Application for Relief from Delineation
Portion of Yukon Street by Metes and Bounds, Northwest of Yukon Street and West
6th Avenue, Vancouver, BC**

This letter provides my decision on your April 12, 2021 application for preapproval under Protocol 6 to not horizontally delineate the extent of metal contamination in fill at the above-referenced portion of Yukon Street (the “Site”) due to placement of contaminated fill from multiple widespread and undetermined historical sources with no identified responsible person..

The boundaries of the Site are defined by the following metes and bounds:

Starting at the Northeast Corner of PID 030-745-331 (Lot 1 Block 12, District Lot 302 New Westminster District Plan EPP85977):

The point of commencement.

- Thence 91° 42' 14" for 1.219 metres;
- Thence 181° 44' 31" for 37.161 metres;
- Thence 271° 42' 18" for 1.219 metres;
- Thence 01° 44' 31" for 37.161 metres;

Returning to the point of commencement.

A Site Location Plan is attached to this decision letter for reference (Attachment A).

In reaching my decision I have relied on the ministry's review of information provided in the following application documents:

- *Protocol 6 Pre-Approval Application for Relief from Delineation Portion of Yukon Street by Metes and Bounds, Northwest of Yukon Street and West 6th Avenue, Vancouver, BC, Keystone Environmental (Keystone), April 12, 2021.*
- *Emails from Keystone dated May 10, 2021 and May 12, 2021.*

The primary rationale and supporting information presented by Keystone in the above documents are summarized as follows:

- *A former stream was located on the southern portion of the Site. The former stream and area surrounding the stream was infilled prior to 1910, more than 100 years prior to the acquisition of the Site. Given the length of time since the former creek was infilled, there is not an identified responsible person for the soil contamination.*
- *Investigations conducted by Keystone Environmental and others on three properties located adjacent to the east (425 West 6th Avenue), 20 m south and 25 m southeast of the Site (within the footprint and/or vicinity of the of the same former creek) also identified metals contamination within the fill material.*
- *The Site was a landscaped area adjacent to multi-family residences from the 1910s until the 1990s and was a landscaped area adjacent to a paved parking lot from the 1990s until 2020.*
- *Historical buildings and/or operations have not been present on the Site. Therefore, Site owners or operators did not by any act or omission, cause or contribute to or exacerbate the widespread historical contamination.*
- *Based on the above, it is concluded that the metals contamination identified in the Site soil (arsenic, lead and zinc) can be attributed to the infilling of the former creek and surrounding area, more than 100 years prior the acquisition of the Site by Cressey. Therefore, in our opinion Cressey is not considered to be the responsible party of the delineation of wide area soil contamination along the former creek channel.*

Based on the lines of evidence presented in the application documentation referenced above, I concur with the conclusions reached by Keystone that the observed arsenic, zinc and lead within the fill unit at the Site is sourced from the historically infilling of the former creek and not from activities that occurred on the Site.

I base this decision primarily on the outcome of the ministry's review and assessment of information in the submitted preapproval application which concluded the following:

1. The Site investigations identified one single AEC related to contaminated area wide fill, which is the source of the arsenic, lead and zinc exceedances detected in the fill unit. The ministry acknowledges that other metal exceedances might be detected in the fill unit

during remediation of the Site, due to the highly variable fill quality found in the False Creek area.

2. Keystone's assessment and conclusion that the Site has received imported fill of poor quality during infilling of the stream and the False Creek area in general.
3. Keystone identified several sites in the vicinity which have also received imported fill contaminated with metals.
4. There are no identified responsible persons for placement of the contaminated fill material, and the owner has not added or exacerbated to contamination of the fill material.
5. The fill will be excavated and disposed.

In light of these findings and in accordance with current ministry policy regarding landowner responsibility for delineating and remediating area wide contaminated fill from undetermined historical sources with no identified responsible person, the investigation and remediation of metals within the fill unit outside the Site boundary is not required in connection with seeking an Approval in Principle or Certificate of Compliance for the Site.

Please ensure that a copy of this letter is included with any future recommendations to the director for the issuance of an Approval in Principle or Certificate of Compliance 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 Annette.Mortensen@gov.bc.ca or the undersigned at Alan.McCammon@gov.bc.ca.

Yours truly,



Alan W. McCammon
for Director, *Environmental Management Act*

attach: Attachment A - Site Location Plan

cc: Nicole MacDonald, Keystone Environmental Ltd. Nmacdonald@keystoneenviro.com
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Attachment A

Site Location Plan

