



VIA MAIL AND EMAIL

File: 26250-20/15171
Site ID: 15171

May 21, 2021

SOUTHFIELD REAL ESTATE LTD.
601 – 938 Howe Street
Vancouver, BC V6Z 1N9

Attn: Gene and Wayne Koch

Dear Gene and Wayne Koch,

**Re: Protocol 6 Preapproval Application for Relief from Delineation and/or Remediation of Contaminated Fill
Part of Former CPR Rail Yard, Grand Forks, BC**

This letter provides my decision on your April 23, 2021 application for preapproval under Protocol 6 for relief from the requirement to delineate and/or remediate the entire extent of soil contamination at part of the former CPR Rail Yard, Grand Forks, BC (the “Site”) that has resulted from placement of contaminated fill from multiple widespread and undetermined historical sources with no identified responsible person or that has been identified as wide-area contamination.

The legal description of the Site is provided in the following table:

PID	Legal Address
014782715	District Lot 520, Similkameen Div of Yale Land District, Except Plan 26339 27336, SHOWN COLOURED RED ON PL ATTACHED TO DD5251
014782766	District Lot 520, Similkameen Div of Yale Land District, DESCRIBED IN DD 2787A(1)
014782774	Parcel A, District Lot 520, Similkameen Div of Yale Land District, Portion (DD 264122F), Except Plan 26339 27336 34714 KAP47976
014715643	District Lot 380, Similkameen Div of Yale Land District, except Plan 34714 KAP47976 KAP88466, THAT PT SHOWN RED ON PL ATTACHED TO AFPB VOL 3 FOL 531 NO 3196A

004650298	Block 38, Plan KAP35, District Lot 380, Similkameen Div of Yale Land District, Portion PT 3, ATTACHED TO AFPB VOL 3 FOL 531 NO. 3196A
004650611	Block 38, Plan KAP35, District Lot 380, Similkameen Div of Yale Land District, Portion PT 4, PL ATTACHED TO AFPB VOL 3 FOL 531 NO 3196A
004650620	Block 38, Plan KAP35, District Lot 380, Similkameen Div of Yale Land District, Portion PT 5, PL ATTACHED TO AFPB VOL 3 FOL 531 NO 3196A
004650646	Block 38, Plan KAP35, District Lot 380, Similkameen Div of Yale Land District, Portion PT 6, PL ATTACHED TO AFPB VOL 3 FOL 531 NO 3196A
004650654	Block 38, Plan KAP35, District Lot 380, Similkameen Div of Yale Land District, Portion PT 7, PL ATTACHED TO AFPB VOL 3 FOL 531 NO 3196A
004650662	Block 38, Plan KAP35, District Lot 380, Similkameen Div of Yale Land District, Portion PT 8, PL ATTACHED TO AFPB VOL 3 FOL 531 NO 3196A

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:

- Email correspondence from David Diplock, Bear Environmental Ltd. (BEAR) and Janet Barrett (ENV) dated May 12 and 13, 2021;
- Letter entitled “*Protocol 6 Preapproval*” prepared by David Mitchell, Active Earth Engineering Ltd. and dated April 20, 2021; and
- *Protocol 6 Preapproval Application, Investigation and Remediation of Portions of Former CPR Rail Yard, Grand Forks, BC*, prepared by BEAR and dated April 9, 2021.

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

- *...coal ash and clinker had ceased being generated around the mid-1950s and that the coal ash and clinker has likely been present for 65 to 120 years.*
- *The assessor has assessed numerous rail related sites adjacent former rail yards...From this experience, it was evident that coal ash and clinker was commonly used as fill along rail grades or otherwise deposited adjacent to rail lines and sidings, as well as nearby properties.*
- *...analytical results for metals do not suggest ore handling and storage to be a contributing factor. This result was consistent with the fact that the CPR Grand Forks*

Rail Yard is not directly located on the former shipping route between the copper mines of Phoenix and Granby smelter.

- *...the former CPR Grand Forks Rail Yard included parcels beyond the current Site as defined by the Site's legal parcels. Visual coal ash and clinker impacts at surface were evident extending beyond the boundaries of the Site...*

Based on the lines of evidence presented in the application documents referred to above, I concur with the conclusions reached by BEAR that the observed polycyclic aromatic hydrocarbon (PAH; specifically naphthalene and benzo(b+j)fluoranthene) and metals contamination within the fill unit at the Site is sourced from material deposited during historic area-wide infilling.

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. Coal ash and clinker was used as fill and deposited along the rail line, sidings, and nearby properties during operation of the rail line between the late-1890s and the mid-1950s;
2. The Site-wide fill layer is contaminated with metals and PAH in a sporadic fashion typical of placement of contaminated fill material;
3. Metals and PAH contamination is generally limited to the fill material, with deeper native soils containing metals and PAH concentrations less than applicable standards.
4. The identified fill layer does not end at the property lines indicating area-wide placement of the contaminated fill not limited to within the Site boundaries;
5. Contamination in fill has not migrated from the Site to neighbouring properties but was deposited historically over a wide area, extending beyond the Site boundary, by former railroad activities;
6. The on-site areas of environmental concern are reported to not contribute to groundwater or vapour contamination and, thus, would not contribute to contaminant migration from the Site onto neighbouring properties; and
7. The current preferred remedial option is risk-based whereby on-site contaminated soils impacted with coal ash and clinker would be excavated, consolidated and capped.

In light of these findings and in accordance with current ministry policy regarding landowner responsibility for delineating and remediating area-wide contaminated fill, the investigation and remediation of metals and PAH 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.

In addition to the above, the ministry's review of the preapproval application has determined that the Site Risk Classification Report for the Site will have to be re-evaluated and resubmitted; this circumstance has previously been brought to the attention of the applicant. Specifically, section 1.4.3 of BEAR's report discusses the use of statistics in determining the risk classification for the Site. The details of BEAR's statistical evaluation were not reviewed as part of the subject application; however, it is noted that the use of statistics is not considered appropriate for site risk classification purposes.

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 Janet.Barrett@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: David Diplock, Bear Environmental Ltd., info@bearenviro.ca
David Mitchell, Active Earth Engineering Ltd., david.mitchell@activeearth.ca
Janet Barrett, ENV, Janet.Barrett@gov.bc.ca
Client Information Officer, ENV csp_cio@gov.bc.ca
Sr. Professional Reliance Officer, ENV Colleen.Delaney@gov.bc.ca
CSAP Society c/o apopova@csapsociety.bc.ca

Attachment A

Site Location Plan

