

# WELCOME

The webinar will be starting soon!



CSAP Society



Ministry of  
Environment and  
Climate Change Strategy

# WEBINAR ON “EXPANDED PROCESS: ADDITIONAL REPORT REVIEW SERVICES BY CSAP ON BEHALF OF THE MINISTRY”

January 12, 2022

## Society of Contaminated Sites Approved Professionals of BC

- David Newton, Chair, Review Services Committee
- Duncan Macdonald, President CSAP Society

## Ministry of Environment and Climate Change Strategy

- Colleen Delaney, Senior Professional Reliance Officer
- Heather Osachoff, Manager of Risk Assessment and Remediation



CSAP Society



Ministry of  
Environment and  
Climate Change Strategy

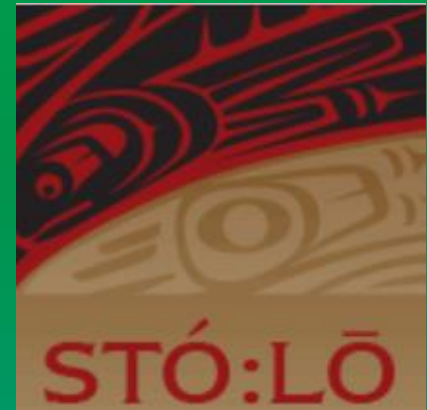
# Land Acknowledgements



Songhees



Esquimalt



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# NEW PROCESS – REPORT REVIEWS



Effective January 31, 2022, CSAP's Review Services Committee will be reviewing select types of reports



The relevant reports will need to be submitted directly to CSAP



Describe what a complete application contains

# WHY IS THIS HAPPENING?

Increased volume of applications for contaminated sites services

All options are being explored to reduce ministry queue times

Many parties have asked for CSAP's role to be expanded



# WHAT TYPES OF REPORTS?

Reports and statements that must be submitted to meet a director's imposed requirement on a **non-high risk site**



- Note:** The expanded review process does not relate to the site identification process
- Submit reports and Annual updates for the site identification process to: [siteID@gov.bc.ca](mailto:siteID@gov.bc.ca)

# CSAP'S EXPANDED SERVICES

**Reviewing** reports and statements that must be submitted to meet a director's imposed requirement on a **non-high risk site**, such as those requirements found in Certificates of Compliance (CoCs) and Approvals in Principle (AiPs)

- ~15-20% of CoCs or AiPs issued contain a requirement to submit information to the director on a regular schedule

## EXAMPLE CLAUSES FROM LEGAL DOCUMENTS (FOR NON-HR SITES)

A report signed by an Approved Professional must be submitted for review to the Director <annually /every x years or as otherwise approved by the Director> within 90 days of the anniversary of the date of issuance of this Certificate of Compliance [or Approval in Principle] or as otherwise approved by the Director. The report must include the following ...

A statement signed by an Approved Professional on whether the institutional and engineering controls required in clause 2 of this Schedule have been implemented and are being met must be submitted to the Director <annually /every x years or as otherwise approved by the Director> within 90 days of the anniversary of the date of issuance of this Certificate of Compliance [or Approval in Principle] or as otherwise approved by the Director.

**Clauses like these require a responsible person to submit a report or statement to the director**





# WHO IS THE DIRECTOR?

The “director” is a ministry staff member who is delegated authorities under the *Environmental Management Act* and Contaminated Sites Regulation



The director:

- Makes statutory decisions = statutory decision maker (SDM)
- Takes action to protect human health and the environment
- Issues letters / approvals / decisions and imposes requirements

➡ E.g, issues a legal document such as a Certificate of Compliance

# DIRECTOR'S REQUIREMENTS

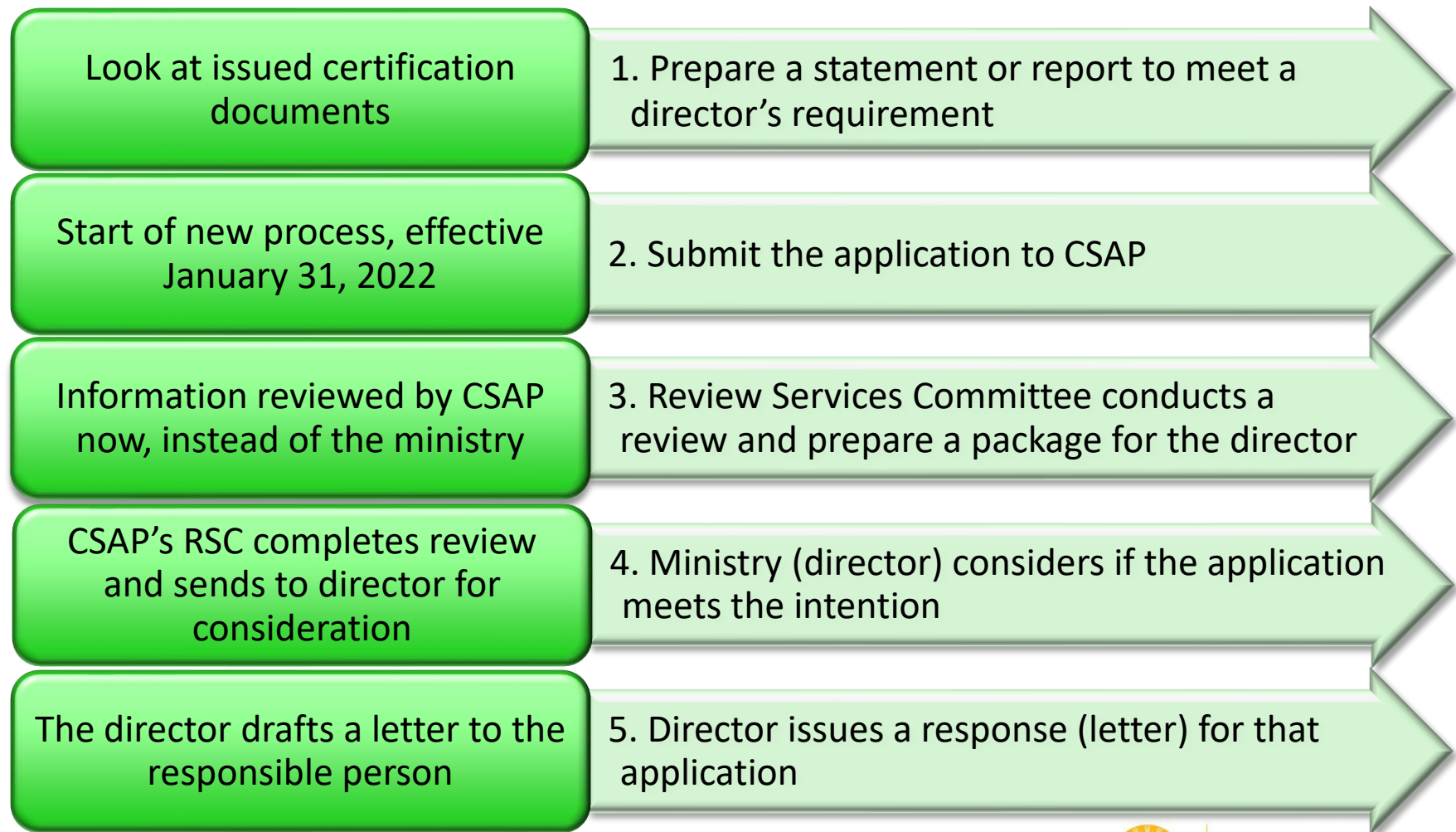
Clauses are written so that you **MUST** seek director's approval to change or remove the imposed requirement

If you have not heard back from the ministry (via a letter) about a previous request to change or remove an activity, please make a formal request again

- You would be out-of-compliance if you changed or removed a director's requirement without director's approval



# OVERVIEW OF PROCESS



# RELEVANT REPORTS – BY TYPE

Type	For	Notes
1. Approved Professional (AP) Statements	<ul style="list-style-type: none"><li>• Certificates of Compliance (CoC)</li><li>• Approvals in Principle (and remediation plans) (AiP)</li><li>• Contaminated Soil Relocation Agreements (CSRAs)</li><li>• Performance Verification Plans (PVPs)</li><li>• Other requirements imposed by the director</li></ul>	<i>Not AP statements relating to site ID process</i>

**For non-high risk sites only**

# RELEVANT REPORTS – BY TYPE

Type	For	Notes
<p>2. Reports describing site conditions</p> <p>Various types: monitoring, progress, annual, quarterly, monthly, biennial, triennial, etc.</p>	<ul style="list-style-type: none"> <li>• Certificates of Compliance</li> <li>• Approvals in Principle (and remediation plans)</li> <li>• Contaminated Soil Relocation Agreements</li> <li>• Performance Verification Plans (PVPs)</li> <li>• Other requirements imposed by the director</li> </ul>	<p><i>Often imposed in Schedule B of a legal instrument</i></p> <p><i>Could be imposed in a letter, document, etc.</i></p> <p><i>Not reports relating to site ID process (e.g., by insolvent owners or operators)</i></p>

**For non-high risk sites only**

## RELEVANT REPORTS – BY TYPE

Type	For	Notes
3. Confirmation of Remediation	<ul style="list-style-type: none"><li>Approvals in Principle (and remediation plans), where a Certificate of Compliance will <b>NOT</b> be sought</li></ul>	<ul style="list-style-type: none"><li><i>- Often historic files, with an interest or intent to close out an old AiP or remediation plan</i></li><li><i>- COR reports imposed by a director as part of the Site ID process</i></li></ul>

**For non-high risk sites only**

# WHAT IS NOT SUBMITTED TO CSAP

Type of Applications	Submit to Client Information Officer	Notes
<p>For contaminated sites services for <u>High Risk sites or Risk Managed High Risk sites</u></p> <ul style="list-style-type: none"> <li>• Progress, monitoring, etc.</li> <li>• Feasibility studies, remedial options, etc.</li> <li>• Remediation Plans / AiPs; CoCs</li> </ul>	Yes	
Reports relating to permits (authorizations) or reclamation	Yes	
Protocol approvals or preapprovals	Yes	
Release Notices / Annual updates related to site ID process	No	<i>Submit to siteID@gov.bc.ca</i>
Requests to revise / cease or remove requirements, or reports of a non-compliance	Yes	
Reports relating to sites under Order	Yes	

# OVERVIEW OF ALL OF CSAP'S SERVICES

Type of Application	Site Risk	Notes
1. Certificate of Compliance	Non-high risk	
2. Approval in Principle	Non-high risk	<i>Typically for 5 years, may be longer than 5 years with preapproval from ministry</i>
3. Determination - negative, not a contaminated site - positive, a contaminated site	Non-high risk	<i>// Sum of 1, 2 + 3 = ~ 120 / year</i>
<b>NEW additions:</b>		
4. Review of AP statements and reports to meet a director's requirement	Non-high risk	<i>Estimate 50 – 100 per year</i>
5. Confirmation of Remediation - NOT a part of Site ID, a CoC application, or Protocol 12 risk re-classification application	Non-high risk	<i>Estimate 2-4 per year</i>



# INCLUDE A CSSAF WITH EACH APPLICATION

## Contaminated Sites Services Application Form

Fields marked with a red asterisk "\*" are mandatory.

### Section 1 - APPLICANT INFORMATION

First Name \*

Last Name \*

Organization

Street Address \*

City \*

Province \*

Country \*

Phone Number \*

Email \*

## Site remediation forms

If you are involved in identification, investigation, management or clean up of contaminated sites, you may need to:

- Complete certain forms, or
- Apply for services

Fees for services are prescribed in [Schedule 3 of the Contaminated Sites Regulation](#). Visit [Apply for services](#) for more information.

Forms should be submitted electronically to the designated email inbox or paper copies can be sent to the [land remediation mailing address](#).

Many of the forms are fillable PDF documents. Use the online form if it's available. The PDF forms may not be compatible with all browsers. Please download, save the files to your computer and open using [Adobe Reader](#) (free) or Adobe Acrobat.

## Forms

[Expand All](#) | [Collapse All](#)

**Contaminated Sites Services Application**



# CSSAF, FILLING OUT FOR NEW PROCESS

## ^ Section 5 - APPLICATION INFORMATION

Service Requested \*

5.2 Report reviews | Select any that apply

### 5.2 - Report Reviews

Submission Type: \*

- ☐ 5.2.1 Reports Submitted without an Application for Certification Document
- ☐ 5.2.2 Site Investigation Reports Required by Director
- ☒ 5.2.3 Monitoring Reports
- ☐ 5.2.4 Other Reporting



# CSSAF, FILLING OUT FOR NEW PROCESS

## 5.2.3 Monitoring Reports

Monitoring report as a requirement of:

- ☒ Certificate of Compliance
- ☐ Approval in Principle
- ☐ Director's letter
- ☐ Performance Verification Plan, Operations and Maintenance Plan or Contingency Plan
- ☐ Contaminated Soil Relocation Agreement
- ☐ Authorization, include the permit or approval #:

Non-high risk site,  
to CSAP

To the ministry

## Section 6 - REVIEW PROCESS REQUESTED

- ☐ Direct to ministry application
- ☒ Application via the Society of Contaminated Sites Approved Professionals of BC

Resubmission \*

- ☐ Yes
- ☐ No

# WHAT TO DO ...

- If you are not sure if your site has a legal requirement to submit a report or statement, or
- If you are not sure the legal instrument (e.g., Certificate of Compliance) has a requirement clause
  1. Check the Registry for a notation
  2. Ask an Approved Professional for help
  3. If still unsure, please email a request for assistance to [RemediationFAQs@gov.bc.ca](mailto:RemediationFAQs@gov.bc.ca)
    - Include as much info as possible: site #, address, responsible person, date of issuance, a copy of the issued legal instrument, any relevant emails or information available

# WHAT THIS IS NOT



## Not a New Approved Professional Recommendation Process

- CSAP's RSC is reviewing reports/statements in direct complement to how the ministry would review

*The director imposes the requirement in a legal document and states if an AP recommendation is required, but that AP recommendation is unrelated to RSC reviewing the application against the requirement*



# Expanded Review Services

January 12, 2022

This meeting is being conducted from the traditional lands of the Coast Salish peoples, including Squamish, Tsleil-Waututh, Musqueam, Stz'uminus, and Stó:lō.

[WWW.CSAPSOCIETY.BC.CA](http://WWW.CSAPSOCIETY.BC.CA)



## Review Services Committee (RSC)

- Created specifically in response to ENV/CSAP discussions re the review work that will be discussed today
- Consists of John Taylor, Brant Dorman, Michael Geraghty, Stefan Quaglia, David Newton
- Catherine Schachtel, Anna Popova,
- Colleen Delaney, Heather Osachoff

# Overview of Presentation

- Will provide background on how the RSC have been preparing
- Discuss some report examples
- Discuss how to make a submission to CSAP
- Present the documents we have prepared
- Fees



## Example Reports Reviewed

- RSC formed in Sept.
- ENV provided 10 submitted reports
- All different formats, consultants, titles, levels of detail
- From 2 pages to 300 pages
- Completed 3 mock reviews
- Committee estimated effort during mock reviews to set fees
- Shared mock technical memos with ENV and received feedback on format

# Overview of Reporting Types Reviewed

- CofC – geotextile, pavement inspection
- CofC – Vapour system performance (2)
- AIP – vapour and gw results annually
- CofC – vapour and gw results annually
- CofC – SW sampling associated with soil handing
- CofC – gw sampling, remedial updates
- AIP – Update on remedial strategy
- AIP – gw sampling, creek insp., remedial updates
- CofC – inspection of ditches to confirm plants, etc, had not re-established

# Mock Review Learnings

- Learning from reviews of old reports
- Most reporting was detailed and clear
- Some lacked context or discussion
- We developed a technical memo format with ENV
- We developed documents to help submitters

# Communication with CSAP/RSC

- Will be similar to P6 Screening process
- CSAP (Anna) will address any gaps with what is submitted with reference to Transmittal template
- Once with a reviewer, there is a potential clarifications will be requested
- RSC will use an emailed form similar to screening process to ask questions and receive answers

## Expanded Review Services Transmittal

- The transmittal will look similar to any that have made a P6 submission
- Intent is to help proponent submit a complete package initially
- Reduce the need for CSAP and ENV to ask for more info
- Must accompany every application

## TRANSMITTAL (cont.)

**Responsible Person Company Name, contact info**

**AP Name (if AP statement needed), contact info**

**Reporting period (monthly, quarterly, annually, bi-annually)**

**Is the Site HR? (then don't submit to CSAP)**

**Reference/quote specific clause or condition**

**If you have a request to modify the requirement/condition with ENV already, share a copy of that document to CSAP as well**

# TRANSMITTAL (cont)

## REQUIRED

<input type="checkbox"/>	Cheque made payable to the CSAP Society for applicable CSAP fees ( <a href="#">per the fee schedule</a> )
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## STANDALONE DOCUMENTATION (electronic [pdf] file) by email or on memory stick:

<input type="checkbox"/>	Completed Contaminated Site Service Application Form
<input type="checkbox"/>	Report/AP Statement/CoR for Review
<input type="checkbox"/>	Released instrument or other document, containing Director's Requirements
<input type="checkbox"/>	Previous Reports (relevant to review of the submitted reports for the two past years if they exist)
<input type="checkbox"/>	SRCR

## Review Services Checklist

- Is not mandatory you submit but it is recommended that you consider
- Will increase the probability of a complete package when submitted
- Will reduce the need for back and forth thus saving your time



# Review Services Checklist

## CSAP Additional Report Review Checklist

1. Site Identification: Site ID, civic address, PID, legal description, land use, site risk classification, <u>metes</u> and bounds (if applicable).	<input type="checkbox"/>
2. State the compliance condition(s) as in schedule B or the PVP or reporting requirements.	<input type="checkbox"/>
3. Explain why the condition(s) exists. What is the purpose of the condition(s)?	<input type="checkbox"/>
4. Provide the scope of work completed to confirm the condition is fulfilling the purpose.	<input type="checkbox"/>
5. Provide results from the completed work.	<input type="checkbox"/>
6. Discuss whether the results support or negate the condition.	<input type="checkbox"/>
7. Identify any changes that have occurred and if they negatively impact the condition or still support the condition.	<input type="checkbox"/>
8. State any proposed changes (i.e., monitoring data supports deleting the condition, or replacing a cap provided by pavement with a building, etc.) and if they negatively impact the condition or still support the condition.	<input type="checkbox"/>
9. Conclude whether actions are needed or not. If actions are needed provide scope and schedule.	<input type="checkbox"/>
10. Include figures, tables, photographs, laboratory certificates, etc. as required to support the report.	<input type="checkbox"/>

## Key Examples From Checklist

- Explain why the condition exists
- Confirm the scope of work completed is consistent with the condition and whether it is fulfilling the purpose?
- Discuss whether the results support the conclusion
- Identify any changes that have occurred and whether they negatively impact the condition
  - e.g. gw results now fail; wells destroyed
- Are additional actions needed or not. If so, describe schedule

## CSAP Fees

- We have developed a simple fee structure (see website)
- Will likely be revisited within a year
- \$2,000 per site although there are lower fees for files where reports are submitted quarterly or monthly
- Cheque to come in with submission

# A Successful Application To CSAP

- Make sure it qualifies
- Follow transmittal
- Reporting that considers the checklist
- CSSAF
- Cheque
- SRCR, unless exempt

Submitted same as you do with a P6 submission (electronically to CSAP)

## Tracking Database

- Going forward, as instruments are signed CSAP will review them for reporting requirements and reporting due dates
- CSAP will provide a service to support responsible parties
- Can only help with ones CSAP is aware of which is not all
- At some point (e.g. 2 months from due date), CSAP will remind due date upcoming
- **However, still primary responsibility to remember is with RP**

## Tracking (cont.)

- To support the previous slide, CSAP has modified their P6 transmittal form to request clearer info on the RP and their contract info, for their reminder
- In addition, any time we receive a review a report we will note the due date of the next reporting in the CSAP system as well
- If requested by ENV we will also document any other reporting

## Questions re Process

- We appreciate there may be some questions re the new process
- For example, in odd circumstances whether a report should go to CSAP vs. ENV
- **Encourage you to send your questions to ENV, and well in advance of your due date**
- Important for you to understand due to differing fee structure

# ANALYSIS OF NEW PROCESS

Benefit	Target Timeline for Implementation
<b>Certainty / structure</b> <ul style="list-style-type: none"><li>Improved client experience</li></ul>	Immediately
<b>Notification</b> of report/AP statement due	Through 2022
Improved timelines ( <b>reduced queue</b> )	Immediately for <i>these</i> applications
<b>Up-front</b> costs	Immediately
Refocuses ministry review <b>resources</b>	Through 2022
<b>Model</b> for future phases	Through 2022-2023
<b>Greater protection</b> of human health and the environment <ul style="list-style-type: none"><li>Increased compliance</li></ul>	Immediately



# ANALYSIS OF NEW PROCESS

Possible Drawback	Target Timeline for Implementation
Flat-rate fee	Immediately
Forgotten requirement rectified	Through 2022-2023  Note, due diligence actions take time
Learning curve delays	Immediately

# THIS NEW PROCESS ...

- Effective January 31, 2022
- Submit an application to the right place
  - Applications for non high-risk site legal instruments/agreements, or supporting issued non-high risk site legal requirements, go to CSAP
  - Annual updates and reports related to site ID or for high-risk sites go to the ministry
- Plan for a relatively constant cost for future non-high risk site reporting requirements = factor into decisions about risk-based legal instruments
- If you email an application to the wrong door, you will be contacted

## SUMMARY



# Questions?



and  one more thing...

Last area of discussion ... requests about changing or removing  
director's requirements

.... come directly to the ministry

# Examples of director's req'ts - 1

- “Any changes in <land>, <vapour>, < water> or <sediment> use<s> must be promptly identified by the responsible person<s> in a written submission to the Director. An application for an amendment or new Certificate of Compliance may be necessary. The use<s> to which this condition applies are described in Schedule C and in the site investigation documents listed in Schedule D”
- “Monitoring of site conditions must be undertaken as specified in the Monitoring Plan listed in Schedule D or as specified in a modification of the plan approved by the Director”
- “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”

Source: version 9 templates

# Examples of director's req'ts - 2

The Director **must be notified promptly by the person<s> 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 excursion<s>;
- (c) The temporary or permanent corrective measures implemented or to be implemented;
- (d) An implementation schedule; and
- (e) Supporting documentation.

The Director (and in the case of item (b) the person authorizing the discharge) must be **notified promptly by the responsible person<s> for the site if:**

- (a) performance verification actions indicate that institutional and engineering controls required in clause 2 of this Schedule are not being met (excepting periods where routine maintenance and routine repairs are being carried out);
- (b) discharges from engineering works exceed concentration limits prescribed in any discharge authorization<s> for the site; or
- (c) contingency action is triggered under the Contingency Plan above.

[Source: version 9 templates]

# What to do ...

If you want to request to change or remove a director's requirement, or report a deviation / non-compliance at a site:

- Submit a letter to the director (the ministry) via the Client Information Officer email: [csp\\_cio@victoria1.gov.bc.ca](mailto:csp_cio@victoria1.gov.bc.ca)
- Include a Contaminated Sites Services Application Form (CSSAF)
  - Fees apply as per CSR Schedule 3 Additional services and functions (hourly)
  - Check the boxes in Section 5.2.4 “Other Reporting” + “Identifying non-compliance to the director”; or 5.7 “Request for review of covenant, financial security, or other matter” [*indicate a request to change a requirement*]
- Include all pertinent information – data, analyses, opinions, support (+communications package, if relevant)

# What is a legal alteration of a requirement?

- A [written] director's letter [from the ministry] that alters or ceases a requirement in a legal document
  - Signed “for director, *Environmental Management Act*”
  - May be a cover letter attached to the ministry certification document
  - May be in an email, but note above, signed appropriately

## What is NOT legal?

- An informal approval – such as something said in a meeting or on a phone call
- No response from the director
- Not notifying the director promptly or immediately
  - See the requirement's language of imposed condition(s) in Schedules of legal documents or in letters



# Application to the director

- A clear, standalone report with ONE request
- Submitted to the Client Information Officer in the ministry as per the Apply for Services webpage
  - Site ID process documents submitted to [siteID@gov.bc.ca](mailto:siteID@gov.bc.ca)
- Including a CSSAF, relevant info/forms/reports/letters



# Questions?



Enquiries about this: [RemediationFAQs@gov.bc.ca](mailto:RemediationFAQs@gov.bc.ca)



Ministry of  
Environment and  
Climate Change Strategy

# Contaminated Sites Learning Series: Making Effective Applications

## ▶ What is the Contaminated Sites Learning Series?

This Ministry of Environment and Climate Change Strategy virtual learning series is for clients of Land Remediation and qualified professionals. The purpose is to enhance the overall awareness and understanding of how to make effective applications for contaminated site services.

▶ **4 days: 9 a.m. - 2:45 p.m.**

February 2022

Feb 1

Feb 2

Feb 8

Feb 9

- Registration for the Contaminated Sites Learning Series is open at:

[gv.bolster.ca/contaminated\\_sites/index](https://gv.bolster.ca/contaminated_sites/index)

- Agenda available at link above
- 3 x 90 minute sessions on February 1, 2, 8 and 9

# Thank you for attending today

*A recording will be posted on CSAP's website*

Questions:

[RemediationFAQs@gov.bc.ca](mailto:RemediationFAQs@gov.bc.ca) and / or [apopova@csapsociety.bc.ca](mailto:apopova@csapsociety.bc.ca)