



VIA EMAIL Paul.Savinkoff@gov.bc.ca

Victoria File: 26250-20/19721
Site ID: 19721

May 18, 2023

Paul Savinkoff, P. Geo., Senior Geoscientist
Ministry of Transportation and Infrastructure
Suite 4B – 940 Blanshard Street
Victoria BC V8W 9T5

Dear Mr. Paul Savinkoff:

Re: Certificate of Compliance - 2170 Rutland Court, 3867 Hwy 97, and a portion of MOTI Right-of-Way located along the western boundaries of 2170 Rutland Court and 3865 Highway 97 N, Kelowna, British Columbia

Please find enclosed a Certificate of Compliance respecting the site referenced above.

In addition to the conditions set out in Schedule B of the Certificate of Compliance, please be advised of the following:

1. Information about the site will be included in the Site Registry established under the *Environmental Management Act*.
2. The provisions of this Certificate of Compliance are without prejudice to the right of the Director to make orders or impose requirements as the Director may deem necessary in accordance with applicable laws. Nothing in this Certificate of Compliance will in any way restrict or impair the Director's power in this regard.
3. A qualified environmental consultant should be available to identify, characterize and appropriately manage:
 - (a) any environmental media that may be contaminated, or
 - (b) removal of soil under the provisions of Part 8 of the Contaminated Sites Regulationand may be encountered during any future subsurface work at the site.
4. Groundwater wells that are no longer required must be properly decommissioned in accordance with the *Water Sustainability Act's* Groundwater Protection Regulation.

5. Please note that future site development may create preferential pathways for vapour. In this event, further assessment and remediation of vapour may be warranted.
6. Please note that the attached Certificate of Compliance does not address obligations of employers regarding worker health and safety under the *Workers Compensation Act* and Occupational Health and Safety Regulation. Development of site-specific work procedures in accordance with Workers' Compensation Board regulations may be warranted. Please direct related questions to Worksafe BC.

Issuance of this Certificate of Compliance is a decision that may be appealed under Part 8 of the *Environmental Management Act*.

If you require clarification of any aspect of this Certificate of Compliance, please contact the undersigned at Peter.Yan@gov.bc.ca.

Yours truly,



Hong (Peter) Yan, M.A. Sc., P.Eng.
For Director, *Environmental Management Act*

Enclosure

cc: BC Transportation Financial Authority c/o Warren Alexander, Properties and Land Management Branch (Warren.Alexander@gov.bc.ca)
Tony Gillett, P.Eng., CSAP (Tony.Gillett@snclavalin.com)
Tara Siemens Kennedy, M.E.T., P. Chem. CSAP (Tara.Kennedy@snclavalin.com)
Rob Wilson, ASCT, PMP (Rob.Wilson@snclavalin.com)
City of Kelowna c/o City Clerk (cityclerk@kelowna.ca)
CSAP Society (apopova@csapsocitey.bc.ca)
FortisBC Energy Inc. (16705 Fraser Highway, Surrey, BC V4N 0E8)
Client Information Officer, ENV, Victoria (csp_cio@Victoria1.gov.bc.ca)



CERTIFICATE OF COMPLIANCE
(Pursuant to Section 53 of the *Environmental Management Act*)

THIS IS TO CERTIFY that as of the date indicated below, the site identified in Schedule A of this Certificate of Compliance has been satisfactorily remediated to meet the applicable Contaminated Sites Regulation remediation standards.

This Certificate of Compliance is qualified by the requirements and conditions specified in Schedule B.

The substances for which remediation has been satisfactorily completed and for which this Certificate of Compliance is valid are listed in Schedule C.

I have issued this Certificate of Compliance based on a review of relevant information including the documents listed in Schedule D. I, however, make no representation or warranty as to the accuracy or completeness of that information.

A Director may rescind this Certificate of Compliance if requirements and conditions imposed in the Certificate of Compliance are not complied with or any fees payable under Part 4 of the Act or regulations are outstanding.

This Certificate of Compliance should not be construed as an assurance that there are no hazards present at the site.

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Signing Authority
For Director, *Environmental Management Act*

Schedule A

The site covered by this Certificate of Compliance is located at 2170 Rutland Court (defined as Part A), 3867 Highway 97 N (defined as Part B) and a portion of Highway 97 (Public Roadway, under jurisdiction of MOTI) (defined a Part C), Kelowna, British Columbia which is more particularly known and described as:

➤ **Part A:**

- Lot A, Section 35, Township 26, Osoyoos Division Yale District, Plan 6372; PID 001-956-787; civic address 2170 Rutland Court

➤ **Part B:**

- Lot B, Section 35, Township 26, Osoyoos Division Yale District, Plan 6372; PID 001-956-809; civic address 3867 Highway 97

➤ **Part C:**


- Commencing at the most westerly point of Lot B, a distance of 17.9 m, at a bearing of 229 degrees 8 minutes 41. Thence, at a bearing of 41 degrees 43 minutes 28 seconds a distance of 18.5 m. Thence, at a bearing of 17 degrees 11 minutes 49 seconds a distance of 5.0 m. Thence, at a bearing of 72 degrees 47 minutes 28 seconds a distance of 12.5 m. Thence, at a bearing of 229 degrees 8 minutes 41 seconds a distance of 33.9 m. to the point of commencement and comprising an area of 39.2 square meters.

The site contains part of a legal parcel depicted in an engineering drawing prepared by SNC-Lavalin Inc on October 14, 2022.

The approximate centre of the site using the NAD (North American Datum) 1983 convention is:

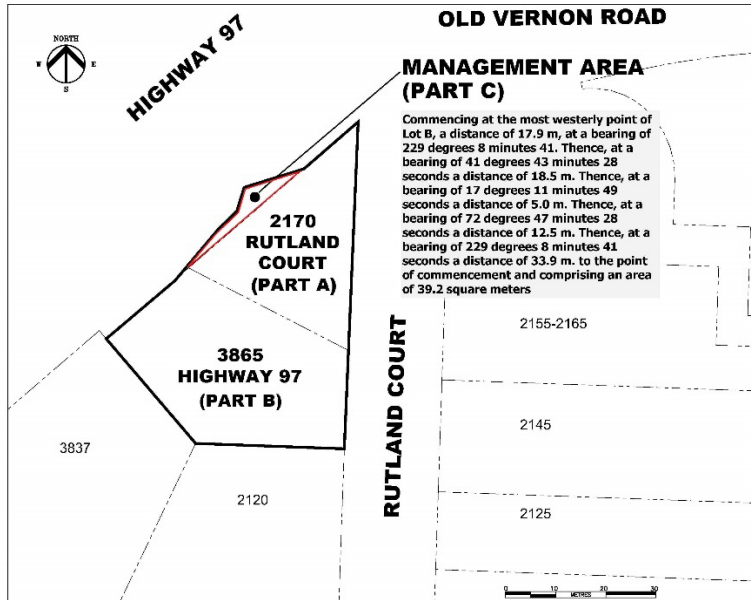
Latitude: 49° 55' 3.2"
Longitude: 119° 23' 13.6"

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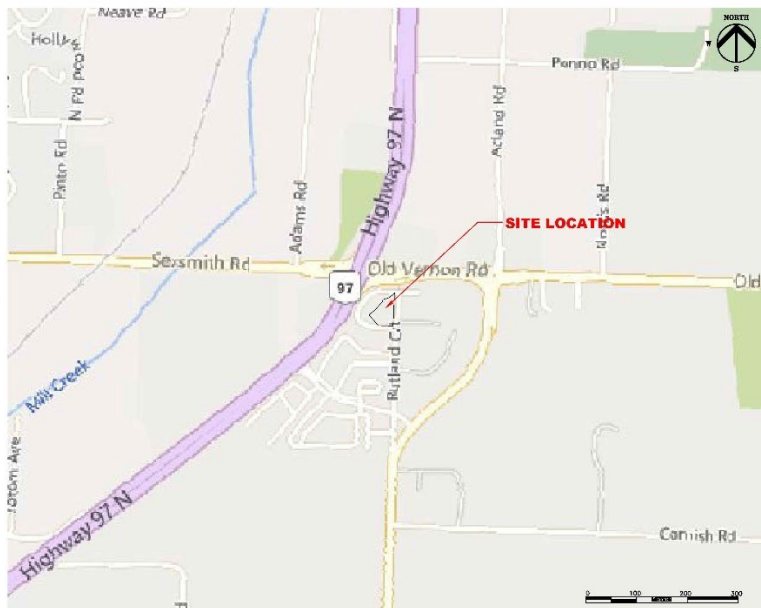


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Site Plan



Location Map



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Schedule B

Requirements and Conditions

1. Any changes in land, vapour or water uses must be promptly identified by the responsible person in a written submission to the Director. An application for an amendment or new Certificate of Compliance may be necessary. The uses to which this condition applies are described in Schedule C and in the site investigation documents listed in Schedule D.


The documents listed in Schedule D indicate that vapour attenuation factors were applied to meet Contaminated Sites Regulation numerical standards at and adjacent to the site. These vapour attenuation factors were selected based on assumptions about the structures expected at and adjacent to the site. These assumptions include the following:

- (a) Any building erected on the Site (Part A, Part B and/or Part C) will be slab-on-grade.

Any inconsistencies that arise between the structures, locations and depths of proposed or constructed buildings at or adjacent to the site and the range of structures, locations and depths of buildings assumed in the selection of vapour attenuation factors in the documents listed in Schedule D must be promptly identified by the responsible person in a written submission to the Director. An application for an amendment or new Certificate of Compliance may be necessary.

2. The principal risk controls which must be present or implemented and must be maintained at the site include the following:
 - (a) Groundwater from the site must not be used as a source of drinking water.
3. If requested by the Director, the responsible person(s) must provide a signed statement indicating whether the principal risk controls listed in clause 2 of this Schedule have been and continue to be met. This may include providing a signed statement by an Approved Professional.

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Schedule C

Substances and Uses

Part A:

Substances remediated in soil for commercial land soil use:

To meet risk-based remediation standards:

Benzene	71-43-2
VPHs	NA

Substances evaluated in soil to background:

To meet local background concentrations:

Cobalt	7440-48-4
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Substances remediated in water for drinking water use:

To meet risk-based remediation standards:

Benzene	71-43-2
Benzo(a)pyrene	50-32-8
Benzo(b+j)fluoranthene	205-99-2 & 205-82-3
Dibenz(a,h)anthracene	53-70-3
Methylnaphthalene, 1-	90-12-0
Quinoline	91-22-5
Tetraethyl lead	78-00-2

Substances evaluated in water to background:

To meet local background concentrations:

Chloride ion	16887-00-6
Cobalt	7440-50-8
Lithium	7439-93-2
Sodium ion	17341-25-2
Strontium	7440-24-6
Uranium	7440-61-1

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Substances remediated in water for freshwater aquatic life water use:
To meet risk-based remediation standards:

LEPHw	NA
VPHw	NA

Part B:

Substances remediated in soil for commercial land soil use:
To meet risk-based remediation standards:

VPHs	NA
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Substances evaluated in soil to background:
To meet local background concentrations:

Cobalt	7440-48-4
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Substances evaluated in water to background:
To meet local background concentrations:

Chloride ion	16887-00-6
Cobalt	7440-50-8
Lithium	7439-93-2
Sodium ion	17341-25-2
Strontium	7440-24-6

Part C:


Substances remediated in soil for industrial land soil use:
To meet risk-based remediation standards:

VPHs	NA
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Substances remediated in water for drinking water use:
To meet risk-based remediation standards:

Quinoline	91-22-5
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Substances evaluated in water to background:
To meet local background concentrations:

Chloride ion	16887-00-6
Cobalt	7440-50-8
Lithium	7439-93-2
Sodium ion	17341-25-2
Uranium	7440-61-1

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Schedule D

Documents

- *Summary of Site Conditions – Site (Site ID 19721)* prepared by Tony Gillett and Tara Siemens Kennedy, dated April 4, 2023.
- *Addendum to Stage 1 Preliminary Site Investigation Report and Preliminary and Detailed Site Investigation Report for 3867 Highway 97 N and 2170 Rutland Court, Kelowna, BC (Property # 80) (Site No: 19721 and 25541)*, prepared by Tony Gillett, dated March 13, 2023.
- *Human Health and Ecological Risk Assessment, 3867 Highway 97N and 2170 Rutland Court, Kelowna, BC (Property #80)*, prepared by SNC-Lavalin Inc., dated October 14, 2022.
- *Preliminary and Detailed Site Investigation, 3867 Highway 97N and 2170 Rutland Court, Kelowna, BC (Property #80)*, prepared by SNC-Lavalin Inc., dated October 14, 2022.
- *Stage 1 Preliminary Site Investigation, 3867 Highway 97N and 2170 Rutland Court, Kelowna, BC (Property #80)*, prepared by SNC-Lavalin Inc., dated October 14, 2022.
- *Re: Application for Director’s Preapproval under Protocol 6 to not Delineate Hydrocarbon Groundwater Contamination at Site ID 19271, Rutland Court and Hwy 97, Kelowna, BC*, response received from the Ministry of Environment and Climate Change Strategy, dated March 2, 2022.
- *Request for Preapproval Under Protocol 6 to Not Fully Delineate Off-Site Rutland Court adjacent 2170 Rutland Road, Kelowna, BC (Site ID: 19271)*, prepared by SNC-Lavalin Inc, dated June 15, 2021
- *Re: (REVISED): Application for Determination of Local Background Concentrations for Total Chloride, Dissolved Lithium, Dissolved Sodium and Dissolved Uranium in Groundwater, 2170 Rutland Road and 3865 Highway 97, Kelowna, British Columbia*, response received from the Ministry of Environment and Climate Change Strategy, dated July 18, 2018
- *Re: Protocol 4 Determination for background cobalt in soil – 2170 Rutland Road and 3865 Highway 97, Kelowna, BC*, response received from the Ministry of Environment and Climate Change Strategy, dated July 13, 2018
- *Re: Application for Determination of Local Background Concentrations for Dissolved Chloride, Lithium, Sodium and Uranium in Groundwater, 2170 Rutland Road and 3865 Highway 97, Kelowna, British Columbia*, response received from the Ministry of Environment and Climate Change Strategy, dated July 10, 2018.
- *Addendum to Request for Groundwater Background Release Background Soil and Groundwater Quality Assessment 3865 Highway 97 and 2170 Rutland Road, Kelowna, BC (Site: 19721)*, prepared by SNC-Lavalin Inc., dated June 27, 2018.
- *Background Soil and Groundwater Quality Assessment 3865 Highway 97 and 2170 Rutland Road Kelowna, BC (Property #80)*, prepared by SNC-Lavalin Inc., dated May 2, 2018.

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