



VIA EMAIL: bill.corsan@nanaimo.ca

Victoria File: 26250-20/11687
Site ID: 11687

September 15, 2021

Bill Corsan
City of Nanaimo
411 Dunsmuir Street
Nanaimo, BC V9R 0E4

Dear Bill Corsan:

Re: Certificate of Compliance – Lot 3, 3 Port Drive, Nanaimo, 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) soil which may exceed the standards triggering a Contaminated Soil Relocation Agreement set out in section 40 of the Contaminated Sites Regulation and 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 236-468-2209 (toll free via Enquiry BC at 1-800-663-7867).

Yours truly,



Liliana Jerade
Senior Contaminated Sites Officer

Enclosure

cc: Gordon Miller, Seaspan Ferries Corporation
7700 Hopcott Road, Delta, BC V4G 1B6
gord.miller@seaspan.com

Eva Gerencher, SLR Consulting (Canada) Ltd.
303 – 3960 Quadra Street, Victoria, BC V8X 4A3
egerencher@slrconsulting.com

CSAP Society, apopova@csapsociety.bc.ca
613 - 744 West Hastings St, Vancouver BC V6C 1A5

The Bank of Nova Scotia (Mortgage)
44 King St West, Toronto, ON M5H 1H1
email@scotiabank.com

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 and criteria.

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.

September 15, 2021
Date Issued


Liliana Jerade
For Director, *Environmental Management Act*

Schedule A

The site covered by this Certificate of Compliance is located at 3 Port Drive, Nanaimo, British Columbia which is more particularly known and described as:

Lot 3, Section 1, Nanaimo District, Plan EPP89791
PID: 030-812-232

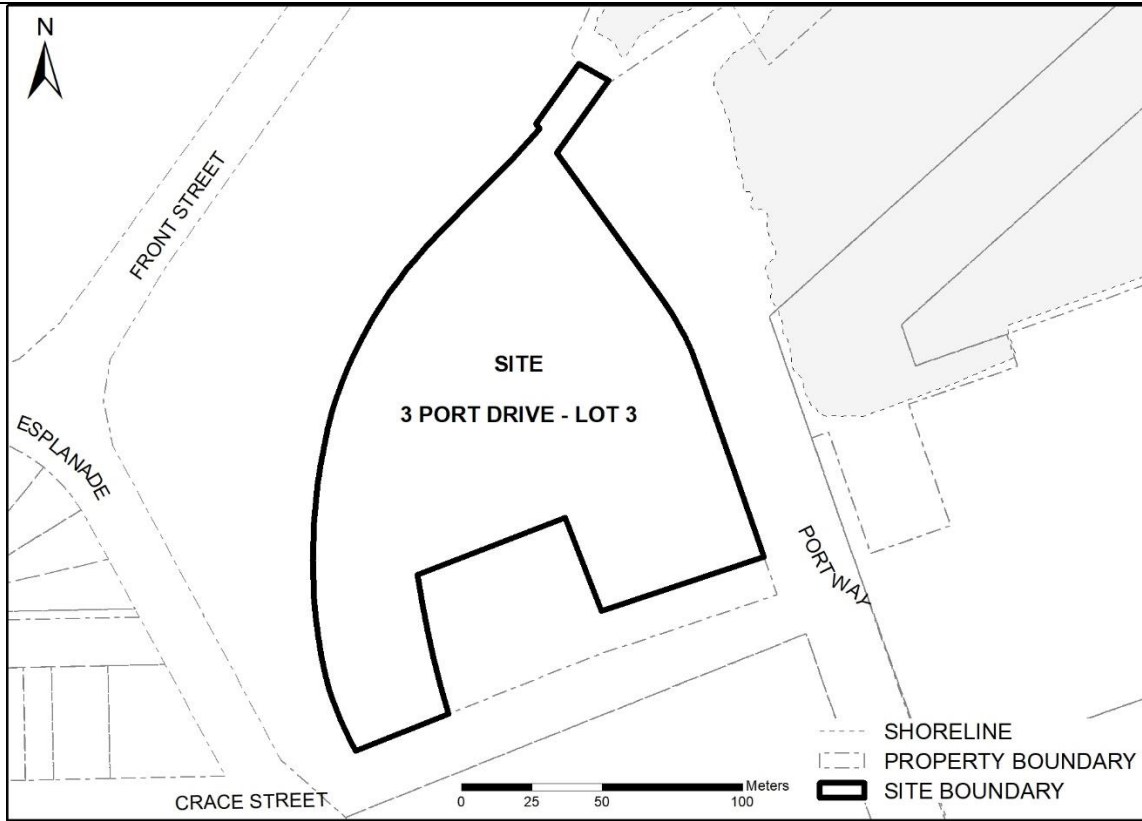
The approximate centre of the site using the NAD (North American Datum) 1983 convention is:

Latitude: 49° 9' 47.6"
Longitude: 123° 55' 49.7"

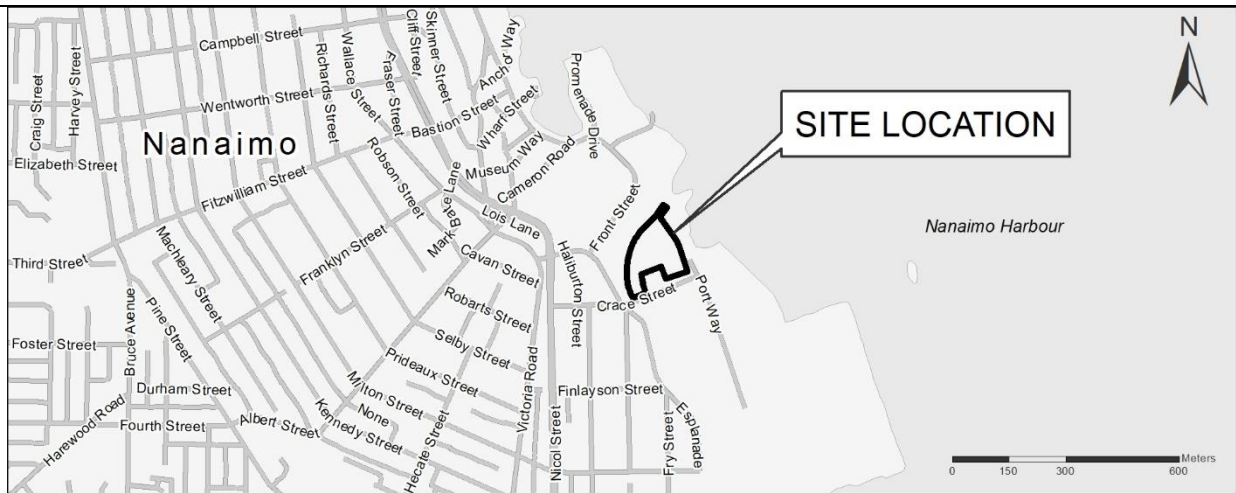
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Site Plan, Nanaimo, BC



Location Map, Nanaimo, BC



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For Director, Environmental Management Act

Schedule B

Requirements and Conditions

1. Any changes in land, vapour, or water uses must be promptly identified by the responsible persons 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, locations and depths of buildings existing or expected at and adjacent to the site. These assumptions include the following:

(a) A concrete slab must be maintained as the base of all crawl spaces and at-grade foundations for buildings constructed on the site.


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 persons 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) Current and foreseeable future site use will remain an active industrial operation with less than 1000 square metres of contiguous undeveloped land.

3. If requested by the Director, the responsible person 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

Substances remediated in soil for industrial land soil use:

To meet risk-based remediation standards:

arsenic	7440-38-2
benzene	71-43-2
nickel	7440-02-0
VPHs	538-93-2
xylenes	1330-20-7
zinc	7440-66-6

Substances evaluated in soil for industrial land soil use:

To meet local background concentrations:

cobalt	7440-48-4
manganese	7439-96-5
selenium	7782-49-2

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Schedule D

Documents

- *Summary of Site Condition*, prepared by Eva Gerencher / SLR Consulting (Canada) Ltd., dated 01 June 2021;
- *Protocol 6 Approval Site ID #11687 (Application No. 11611) 1 and 3 Port Drive and Road EPP89791, Nanaimo BC*, prepared by Natalia Kukleva for Director, ENV, dated 09 June 2021;
- *Screening Level Risk Assessment, Lot 3, 3 Port Drive, Nanaimo, BC*, prepared by Kristy Gabelhouse and Barbara Glijer / SLR Consulting (Canada) Ltd., dated 30 April 2021;
- *Stage 1 Preliminary Site Investigation Update and Detailed Site Investigation, Lot 2, Lot 3 and Lot 4, 3 Port Drive, Nanaimo, BC*, prepared by Christine Stokes and Michael Sloan / SLR Consulting (Canada) Ltd., dated 28 April 2021.
- *Stage 2 Preliminary Site Investigation, 1 Port Drive, Nanaimo, BC*, prepared by SLR Consulting (Canada) Ltd., dated December 18, 2020.
- *P6 Preapproval Application*, prepared by Natalia Kukleva for Director, ENV, dated September 16, 2020.
- *Stage 1 Preliminary Site Investigation, 1 Port Drive, Nanaimo, BC*, prepared by SLR Consulting (Canada) Ltd., dated August 27, 2020.
- *Reliance Letter: Environmental Data Rescreening, Detailed Site Investigation, Screening Level Risk Assessment Feasibility Study, Detailed Risk Assessment, Tidal Influence Assessment, Stage 1 Preliminary Site Investigation, Sampling and Analytical Work Plan for Detailed Site Investigation, 1 Port Drive, Nanaimo, BC*, prepared by Tetra Tech, dated March 27, 2019.
- *Limited Stage 2 Preliminary Site Investigation, Wellcox Access Road, 1 Port Drive and 1135 Farquhar Street, Nanaimo, BC*, prepared by SLR Consulting (Canada) Ltd., dated March 18, 2020.
- *Environmental Data Rescreening – 1 Port Drive, Nanaimo, BC*, prepared by Tetra Tech, dated November 14, 2018.
- *Remediation Options Analysis Report, City of Nanaimo, 1 Port Drive, Nanaimo, BC*, prepared by Tetra Tech, dated January 2016.
- *Detailed Site Investigation, 1 Port Drive, Nanaimo, BC*, prepared by Tetra Tech, dated November 2015.

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- *Detailed Risk Assessment, Water Lot Portion of 1 Port Drive, Nanaimo, BC*, prepared by Tetra Tech, dated October 2015.
- *Tidal Influence Assessment, 1 Port Drive, Nanaimo, BC*, prepared by Tetra Tech, dated 29 April 2015.
- *Request for Water Use Determination, 1 Port Drive, Nanaimo, BC* prepared by Tetra Tech, dated 15 December 2014.
- *Stage 1 Preliminary Site Investigation, 1 Port Drive, Nanaimo, British Columbia*, prepared by Tetra Tech, dated 20 October 2014.
- *Comprehensive Environmental Site Investigation, CPR Wellcox Yard, Nanaimo, BC*, prepared by SNC-Lavalin Environment Inc., dated June 2009.
- *Perpetual Care Evaluation – CPR Wellcox Yard (EA 515) Environmental Status Report*, prepared by Dillon Consulting Limited, dated October 2008.
- *Groundwater Monitoring Program Results*, prepared by Dillon Consulting Limited, dated November 2007.
- *Targeted Phase 2 Environmental Site Assessment, Central Yard Area – CPR Wellcox Yard, Nanaimo, BC*, prepared by Stantec Consulting Ltd., dated June 2004.
- *Stage 1 Preliminary Site Investigation, CPR Wellcox Yard, Nanaimo, British Columbia*, prepared by Clifton Associates Ltd., dated November 2, 2003.
- *Draft Phase II Environmental Site Investigation, Wellcox Yard, Nanaimo, BC*, prepared by GeoViro Engineering Ltd, dated March 2001.
- *Preliminary Summary of UST Removal, Supplemental Environmental Site Assessment and Remedial Options, Interlink Terminal No. 755 Nanaimo, British Columbia*, prepared by Jacques Whitford Environmental Limited, dated April 30, 1997.
- *Draft Phase I Environmental Site Assessment, Wellcox Yard Leased Land, Nanaimo, BC*, prepared by CP Rail System, dated August 1993.
- *Draft Phase I Environmental Site Assessment of the Wellcox Yard, Nanaimo, BC*, prepared by CP Rail System, dated May 25, 1993.

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