



**VIA EMAIL:** [tobias.slezak@aquilni.com](mailto:tobias.slezak@aquilni.com)

Victoria File: 26250-20/24247  
Site ID: 24247

August 11, 2021

Tobias Slezak  
Aquilini/TFSI Development LP  
Aquilini Centre, Gate 16 at Rogers Arena, 800 Pat Quinn Way  
Vancouver, BC V6B 6G1

Dear Mr. Slezak:

**Re: Certificate of Compliance – 4408 Cormorant Way and 2311 Tsawwassen Drive, Tsawwassen First Nation, 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 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 778-698-4885 (toll free via Enquiry BC at 1-800-663-7867).

Yours truly,



J.A. Brooke  
Senior Contaminated Sites Officer

Enclosure

cc: Komal Shaikh, Tsawwassen First Nation  
1926 Tsawwassen Drive, Tsawwassen, British Columbia V4M 4G2 (BY EMAIL)  
[kshaikh@tsawwassenfirstnation.com](mailto:kshaikh@tsawwassenfirstnation.com)

Andrew Sorensen, P.Eng., CSAP, Thurber Engineering Ltd.  
900-1281 West Georgia St, Vancouver, BC V6E 3J7 (BY EMAIL)  
[asorensen@thurber.ca](mailto:asorensen@thurber.ca)

Scott Steer, R.P.Bio, CSAP, Steer Environmental Associates Ltd.  
1515 Holland St, Nelson, BC, V1L 3E2 (BY EMAIL)  
[scott.steer@steerenvironmental.com](mailto:scott.steer@steerenvironmental.com)

CSAP Society (Anna Popova)  
613-744 West Hastings Street, Vancouver, BC V6C 1A5 (BY EMAIL)  
[apopova@csapsociety.bc.ca](mailto:apopova@csapsociety.bc.ca)

Site Information Advisor, Ministry of Environment and Climate Change Strategy  
[Advisor.Siteinformation@gov.bc.ca](mailto:Advisor.Siteinformation@gov.bc.ca)

Jay Walter, Bank of Montreal [Charge CA3299280]  
PO Box 49400, First Bank Tower, 6<sup>th</sup> Floor, 595 Burrard Street, Vancouver, BC V7X 1L5  
[Jay.walter@bmo.com](mailto:Jay.walter@bmo.com)



**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.

August 11, 2021

Date Issued

J.A. Brooke

For Director, *Environmental Management Act*

## Schedule A

The site covered by this Certificate of Compliance is located at 4408 Cormorant Way and 2311 Tsawwassen Drive, Tsawwassen First Nation Land, British Columbia, which is more particularly known and described as:

LOT H DISTRICT LOT 169 GROUP 2 NEW WESTMINSTER DISTRICT PLAN EPP98139  
PID: 031-242-812 4408 Cormorant Way

and:

LOT J DISTRICT LOT 169 GROUP 2 NEW WESTMINSTER DISTRICT PLAN EPP98139  
PID: 031-242-821 2311 Tsawwassen Drive

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

Latitude: 49° 02' 49.20"  
Longitude: 123° 06' 09.60"

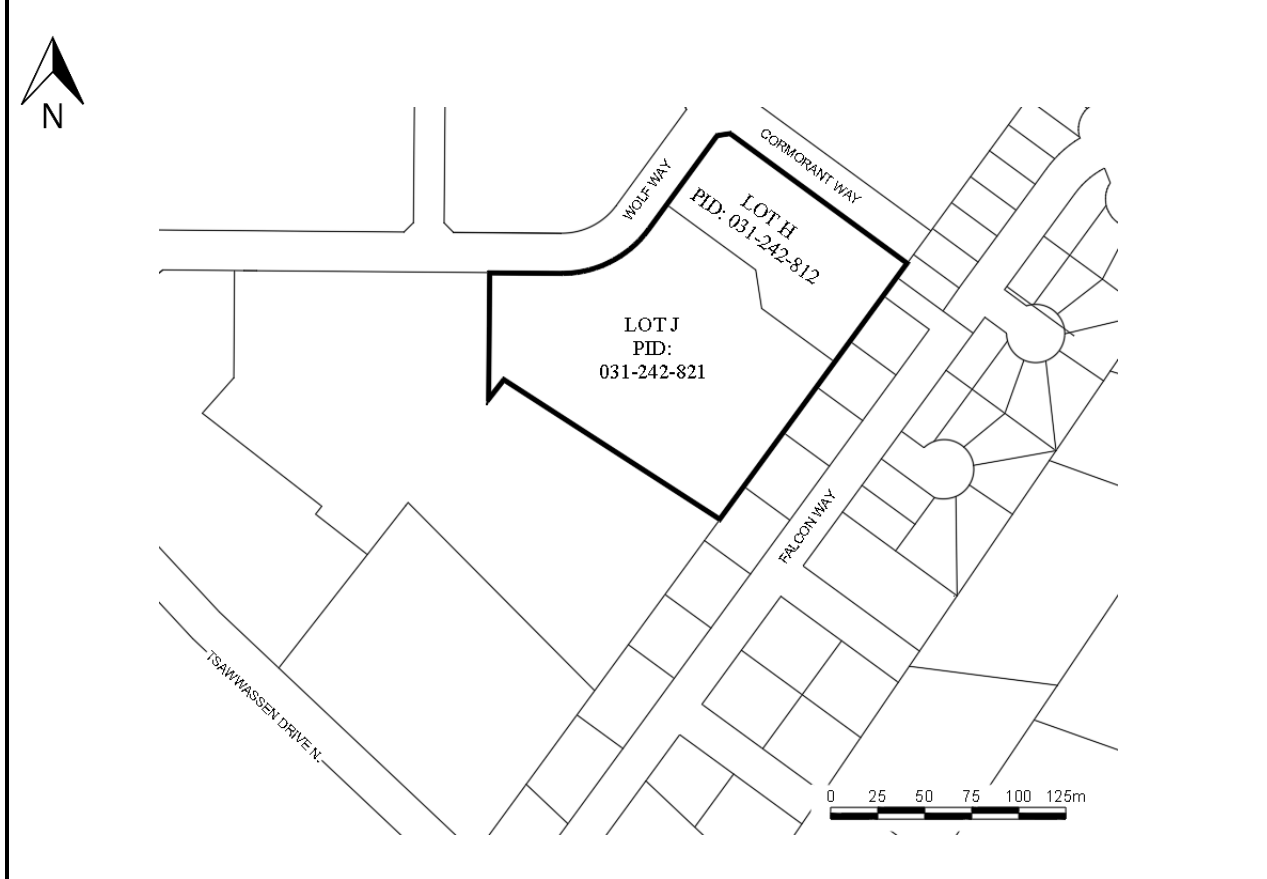
August 11, 2021

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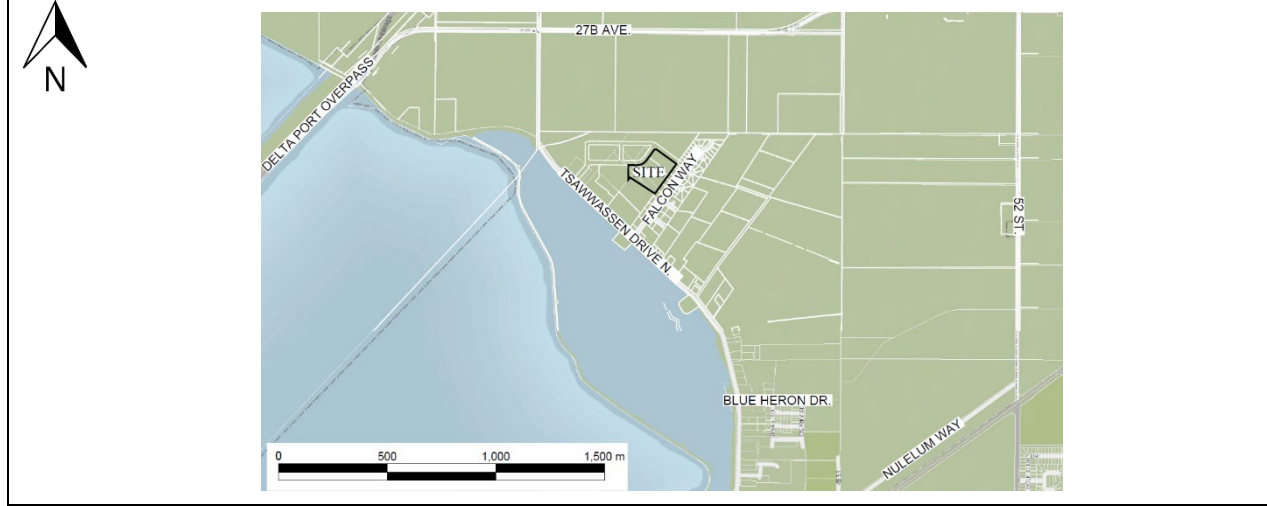


J.A. Brooke  
For Director, *Environmental Management Act*

**Site Plan, Tsawwassen First Nation Land, BC**



**Location Map, Tsawwassen First Nation Land, BC**



August 11, 2021  
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J.A. Brooke  
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 a Contaminated Sites Regulation numerical standard for the site. These vapour attenuation factors were selected based on assumptions about the structures, locations and depths of buildings expected at the site. These assumptions include the following:

- (a) Any building constructed at the site will be constructed with a concrete foundation that does not extend below 2.75 metres above sea level.

Any inconsistencies that arise between the structures, locations and depths of proposed or constructed buildings at 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) Contaminated subsurface soils (>1 m depth below ground surface) in Zone E must remain at least 1m below ground surface. Zone E is shown and described by metres and bounds in Attachment A.
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.
4. 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.
5. Where required under a Performance Verification Plan for the site, records of performance verification actions and results must be maintained by the responsible person or their agent. The records must be available for inspection by the Director.

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6. The Director must be notified promptly by the persons 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.
  
7. If requested by the Director, a report signed by an Approved Professional must be submitted for review to the Director and must include the following:
  - (a) An evaluation of the performance of the institutional and engineering controls;
  - (b) Recommendations for modification of any plans referenced above, along with supporting rationale;
  - (c) Interpretation of current and cumulative results of the performance verification actions undertaken according to the plan<s> described in clause 4 above; and
  - (d) Supporting documentation.

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For Director, *Environmental Management Act*

## Schedule C

### Substances and Uses

#### ***Substances remediated in soil for residential low-density land soil use:***

##### To meet risk-based remediation standards:

Arsenic	7440-38-2
Chromium	7440-47-3
Copper	7440-50-8
Lithium	7439-9-1
Nickel	7440-02-0
Toluene	108-88-3
Tungsten	7440-33-7
Zinc	7440-66-6

#### ***Substances evaluated in soil for residential low-density land soil use:***

##### To meet local background concentrations:

Lead	7439-92-1
Selenium	7782-49-2

#### ***Substances remediated in soil for urban park land soil use:***

##### To meet risk-based remediation standards:

Arsenic	7440-38-2
Chromium	7440-47-3
Copper	7440-50-8
Lithium	7439-9-1
Nickel	7440-02-0
Toluene	108-88-3
Tungsten	7440-33-7
Zinc	7440-66-6

#### ***Substances evaluated in soil for urban park land soil use:***

##### To meet local background concentrations:

Lead	7439-92-1
Selenium	7782-49-2

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## Schedule D

### Documents

Document Title	Author/Company	Document Date
<i>Performance Verification Plan, Tsawwassen Shores Residential Development, Phase 2, Instrument 2 Area, Tsawwassen First Nation Lands, Tsawwassen, BC</i>	Steer Environmental Associates Ltd.	16/06/2021
<i>Summary of Site Condition, Site ID 24247</i>	Thurber Engineering Ltd. and Steer Environmental Ltd.	04/05/2021
<i>Human Health and Ecological Risk Assessment, Tsawwassen Shores Residential Development, Phase 2, Instrument 2 Area, Tsawwassen First Nation Lands, Tsawwassen, BC</i>	Steer Environmental Associates Ltd.	23/04/2021
<i>Detailed Site Investigation and Confirmation of Remediation, Tsawwassen Shores Residential Development, Phase 2, Instrument 2 Area, Tsawwassen First Nation Lands, Tsawwassen, BC</i>	Thurber Engineering Ltd.	23/04/2021
<i>Stage 1 Preliminary Site Investigation, Tsawwassen Shores Residential Development, Phase 2, Instrument 2 Area, Tsawwassen First Nation Lands, Tsawwassen, BC</i>	Thurber Engineering Ltd.	23/04/2021
<i>Phase II Environmental Site Assessment Summary Letter, Phase 2 Development Lands, Tsawwassen First Nation, BC</i>	Thurber Engineering Ltd.	16/08/2013
<i>Phase I Environmental Site Assessment Lots 1,2,3,4,5,6,7,8,9,43 and 68, District lot 69, New Westminster District Plan BCP38101 in the Tsawwassen First Nation, BC</i>	Thurber Engineering Ltd.	06/06/2013
<i>Preliminary Geo-Environmental Assessment – Sports Field Development, Tsawwassen First Nation, BC</i>	Golder Associates Ltd.	06/04/2012
<i>Phase I Environmental Site Assessment Update Report, Tsawwassen Reserve, Tsawwassen, BC</i>	Enterprise Geoscience Services Ltd.	01/06/2009
<i>Tsawwassen First Nation Reservation, Phase I Environmental Site Assessment</i>	Stantec Consulting Ltd.	01/06/2003

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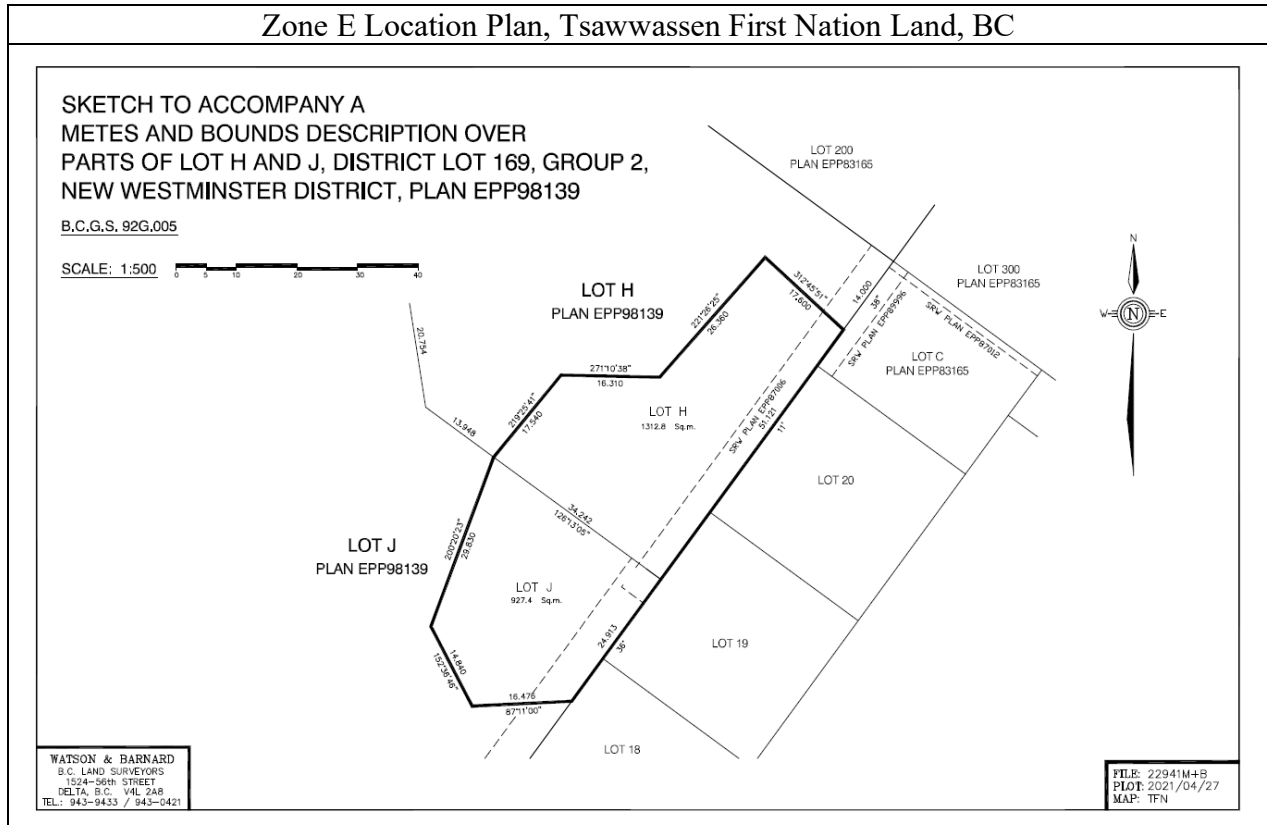
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For Director, *Environmental Management Act*

# ATTACHMENT A



August 11, 2021  
Date Issued

  
J.A. Brooke  
For Director, *Environmental Management Act*

**Metes and Bounds Description of a portion of Tsawwassen First Nation Lots H and J District Lot 169  
Group 2 New Westminster District Plan EPP98139**

The point of Commencement having Universal Transverse Mercator NAD83

CSRS 4, p.0.BC.1.MVRD UTM Zone 10

Coordinates of Northing 5,432,716.406 and Easting 492,593.687

The Metes and Bounds description below shall take priority over the above coordinates.

**Commencing at a point** on the Easterly Boundary of Lot H District Lot 169, Group 2, New Westminster District Plan EPP98139 a distance of 14.00 metres from the Northeast corner of Lot H;

Thence on a grid bearing of 312 degrees 45 minutes 51 Seconds a distance of 17.60 metres,

Thence on a grid bearing of 221 degrees 26 minutes 25 Seconds a distance of 26.36 metres,

Thence on a grid bearing of 271 degrees 10 minutes 38 Seconds a distance of 16.31 metres,

Thence on a grid bearing of 219 degrees 25 minutes 41 Seconds a distance of 17.54 metres,

To a point on the boundary line between Lot H and Lot J Plan EPP98139 said point being

34.242 metres distant from the Northeast corner of Lot J.

Thence continuing from the point on the boundary between lots H and J a grid bearing of

200degrees 20 minutes 23 Seconds a distance of 29.83 metres,

Thence on a grid bearing of 152 degrees 36 minutes 46 Seconds a distance of 14.84 metres,

Thence on a grid bearing of 87 degrees 11 minutes 00 Seconds a distance of 16.476 metres

To a point on the easterly boundary of Lot J,

Thence following northeasterly along the east boundary of Lot J then Lot H a distance of 76.034 metres

to the point of commencement.

Containing an area over Lot H of One thousand three hundred and twelve decimal eight square metres and an area over Lot J of nine hundred twenty seven decimal four square metres.

This 26<sup>th</sup> Day of April 2021

Warren Barnard  
TUKZ61  
Warren E Barnard, BCLS ( 695 )

Digitally signed by Warren Barnard  
DN: cn=CA, ou=Warren Barnard TUKZ61,  
ou=Land Services, ou=Metis ID at  
www.justices.ca, email=warren@tukz61.com,  
Date: 2021.04.26 10:59:07 -0700

August 11, 2021

Date Issued



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For Director, *Environmental Management Act*