



**VIA E-MAIL:** [tobias.slezak@aquilini.com](mailto:tobias.slezak@aquilini.com)

Victoria File: 26250-20/25794  
Site ID: 25794

October 4, 2022

Tsawwassen Shores Development Company Ltd., Inc. No. BC0961205  
Aquilini Centre, Gate 16 in Rogers Arena  
800 Griffiths Way  
Vancouver, BC V6B 6G1

Dear Tobias Slezak:

**Re: Approval in Principle – Falcon Way and 46<sup>th</sup> Street – Part Lot 400 and Part Lot E, Tsawwassen First Nation, BC**

Please find enclosed an Approval in Principle respecting the contaminated site referenced above.

In addition to the conditions set out in Schedule B of the Approval in Principle, 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 Approval in Principle 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 Approval in Principle will restrict or impair the Director's powers 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 Part 8 of the Contaminated Sites Regulation and may be encountered during any future subsurface work at the site.
4. This Approval in Principle does not authorize entry upon, crossing over, or use for any purpose of private or Crown lands or works, unless and except as authorized by the owner of

such lands or works. The responsibility for obtaining such authority rests with the persons undertaking remediation. It is also the responsibility of those persons to ensure that all activities conducted under this Approval in Principle are carried out with due regard to the rights of third parties, and comply with other applicable legislation that may be in force.

5. Additional permits and approvals may be required before remediation begins.
6. All site materials (e.g., excavated soil, replaced soil, groundwater from dewatering, pumping, well development etc.) must be characterized and managed in accordance with applicable legislation and ministry guidance.
7. Groundwater wells that are no longer required must be properly decommissioned in accordance with the *Water Sustainability Act's* Groundwater Protection Regulation.
8. Please be advised that there are inherent health and safety risks associated with remediation activities at contaminated sites. Development of site-specific work procedures in accordance with WorkSafeBC regulations is warranted. Please direct related questions to the WorkSafeBC office at 604-276-3100 (Lower Mainland only) or 1-888-621-7233 (toll free in B.C.).
9. Any substantial modifications to the approved remediation plan, including substantial changes to the remediation schedule conditions or circumstances described in the risk assessment upon which the remediation plan is based, or changes in land use, must be promptly identified by written submission to the Director.
10. If an application for a Certificate of Compliance is to be submitted for the site, the confirmation of remediation report accompanying the application must demonstrate compliance with the remediation standards and criteria in force at the time the application for the Certificate is made, which may differ from the remediation standards and criteria in force at the time of issuance of this Approval in Principle.

Issuance of this Approval in Principle is a decision that may be appealed under Part 8 of the *Environmental Management Act*.

If you require clarification of any aspect of this Approval in Principle, please contact the undersigned at [George.Szefer@gov.bc.ca](mailto:George.Szefer@gov.bc.ca).

Yours truly,



George Szefer, M.Eng., P.Eng.  
For Director, *Environmental Management Act*

Enclosure

cc: Komal Shaikh and Wenyan Yu  
Tsawwassen First Nation  
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**APPROVAL IN PRINCIPLE**  
(Pursuant to Section 53 of the *Environmental Management Act*)

**THIS IS TO CERTIFY** that the remediation plan described herein submitted by Tsawwassen Shores Development Company Ltd. for the contaminated site identified in Schedule A of this document has been approved.

When implemented, the remediation plan must be implemented in accordance with the requirements and conditions specified in Schedule B.

The substances for which remediation will be conducted and for which this Approval in Principle is valid are specified in Schedule C.

I have issued this Approval in Principle based on a review of 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 Approval in Principle if conditions imposed in the Approval in Principle are not complied with or any fees payable under Part 4 of the Act or regulations are outstanding.

This Approval in Principle should not be construed as an assurance that there are no hazards present at the site.

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Date Issued

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Signing Authority  
For Director, *Environmental Management Act*

## Schedule A

The site covered by this Approval in Principle is located at Falcon Way and 46<sup>th</sup> Street – Part Lot 400 and Part Lot E, Tsawwassen First Nation, British Columbia which is more particularly known and described as:

Lot E District Lot 169 Group 2 New Westminster District Plan EPP83165  
PID: 030-754-178

Lot 400 District Lot 169 Group 2 New Westminster District Plan EPP8316  
PID: 030-754-127

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

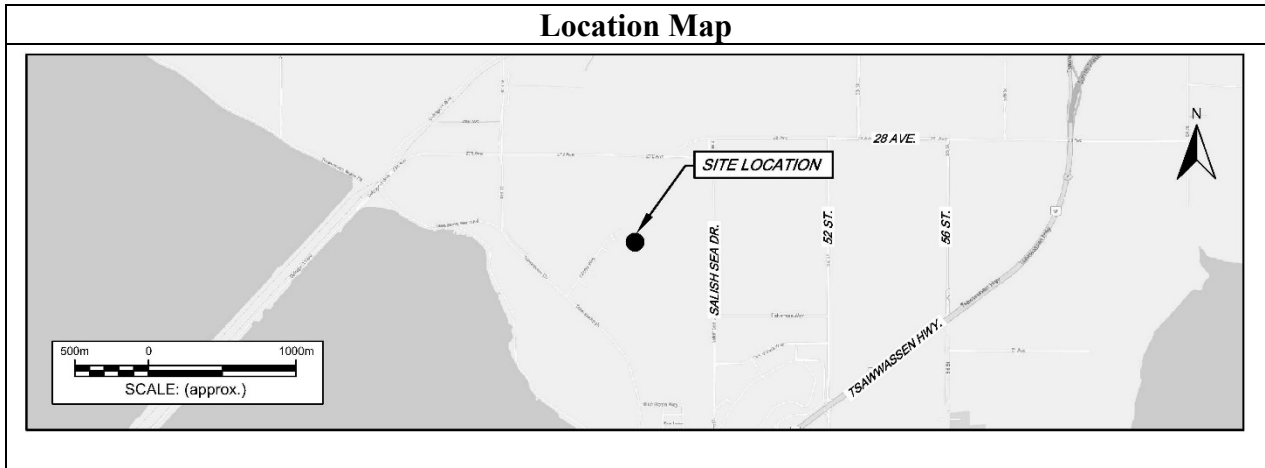
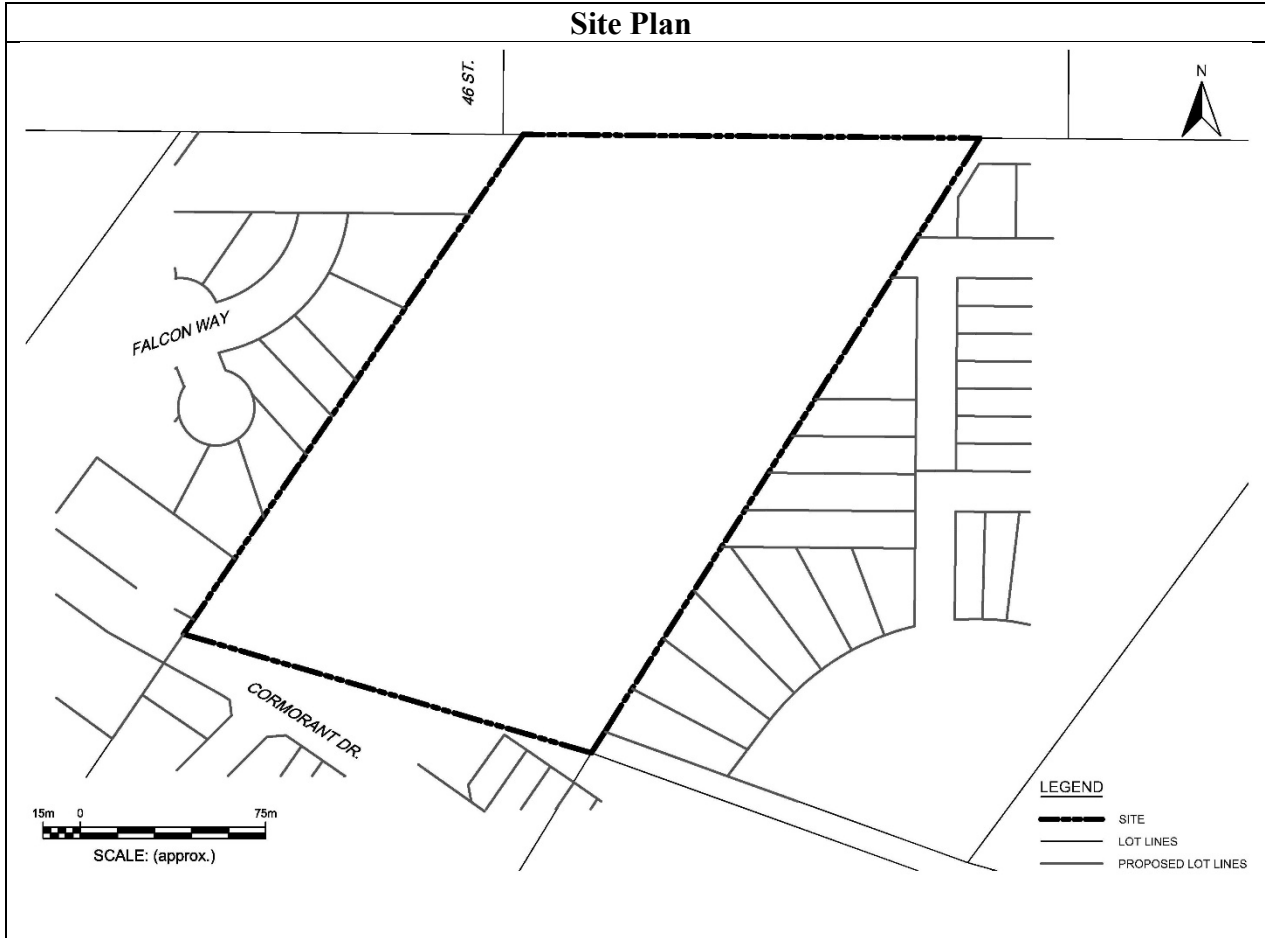
Latitude: 49° 2' 50.60"  
Longitude: 123° 5' 53.10"

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## Schedule B

### Requirements and Conditions

1. Remediation, including monitoring, inspections, and maintenance of any works, must be undertaken by the responsible person in the manner and schedule specified in the plan listed in Schedule D or as specified in a modification of the plan approved by the Director.
2. Any substantial modifications to the approved remediation plan, including substantial changes to the remediation schedule, conditions or circumstances described in the risk assessment upon which the remediation plan is based, or changes in land, vapour, water, or sediment use, must be promptly identified in a written submission by the responsible persons to the Director. An application for an amendment or new Approval in Principle may be necessary.
3. Up-to-date records of monitoring, inspections and maintenance of any works must be maintained by the responsible persons or their agent. The records must be available for inspection by the Director.
4. Remediation must be completed within five years of the date of issuance of this Approval in Principle.
5. Remediation must be confirmed in accordance with applicable legislation and ministry guidance. Within 90 days of completing remediation, a report summarizing confirmation of remediation must be prepared in accordance with section 49 (2) of the Contaminated Sites Regulation and submitted to the Director.
6. A statement signed by an Approved Professional must be submitted to the Director annually within 90 days of the anniversary of the date of issuance of this Approval in Principle. The statement must include the following:
  - (a) A summary of remedial activities undertaken during the reporting period; and
  - (b) An assessment comparing remediation progress to the actions and schedule set out in the plans referenced above. Refer to Condition 3 above if remedial progress differs substantially from the schedule set out in the approved plan.

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) A summary of remedial activities undertaken to date;

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- (b) An assessment comparing remediation progress to the actions and schedule set out in the plans referenced above. Refer to Condition 3 above if remedial progress differs substantially from the schedule set out in the approved plan;
- (c) Interpretation of current and cumulative monitoring results from the soil, vapour, groundwater monitoring program; and
- (d) Supporting documentation (e.g., analytical reports, records of inspection, maintenance of treatment works, etc.).

7. The documents listed in Schedule D indicate that vapour attenuation factors were applied to meet a Contaminated Sites Regulation numerical and or risk-based standards at the site. These vapour attenuation factors were selected based on assumptions about the structures, locations and depths of buildings existing or expected at the site. These assumptions include the following:

*The expected site building(s) will be residential buildings with slab-on-grade construction; and*

*(a) Groundwater will not be in contact with future site building foundation slab(s).*

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 persons in a written submission to the Director. An application for an amendment or new Approval in Principle may be necessary.

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## Schedule C

### Substances and Uses

#### *Substances to be remediated in soil for low density residential soil use:*

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

anthracene	120-12-17
benz(a)anthracene	56-55-3
benzo(b)fluoranthene	205-99-2
benzo(k)fluoranthene	207-08-9
ideno(1,2,3-cd)pyrene	193-39-5
phenanthrene	85-01-8
pyrene	129-00-0
naphthalene	91-20-3

#### *Substances to be remediated in vapour for residential vapour use:*

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

naphthalene	91-20-3
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#### *Substances to be remediated in water for freshwater aquatic life water use:*

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

cobalt	7440-48-4
nickel	7440-02-0
zinc	7440-66-6

#### *Substances to be remediated in water for freshwater aquatic life water use:*

##### To meet local background concentrations:

cobalt	7440-48-4
nickel	7440-02-0

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***Substances to be remediated in water for marine aquatic life water use:***

To meet risk-based remediation standards:


cobalt	7440-48-4
nickel	7440-02-0
zinc	7440-66-6

***Substances to be remediated in water for marine aquatic life water use:***

To meet local background concentrations:

cobalt	7440-48-4
nickel	7440-02-0

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## Schedule D

### Documents

*Summary of Site Condition, Part Lot 400 and Part Lot E, Tsawwassen First Nation, BC, Keystone Environmental Ltd., September 2022.*

*Preliminary Site Investigation - Stage 1, Detailed Site Investigation and Remediation Plan, Part Lot 400 and Part Lot E, Tsawwassen First Nation, BC, Keystone Environmental Ltd., September 2022.*

*Human Health and Ecological Risk Assessment, Part Lot 400 and Part Lot E, Tsawwassen First Nation, BC, Keystone Environmental Ltd., June 2022.*

*Performance Verification Plan, Part Lot 400 and Part Lot E, Tsawwassen First Nation, BC, Keystone Environmental Ltd., June 2022.*

*Analytical Data and Figures, Part Lot 400 and Part Lot E, Tsawwassen First Nation, BC, Thurber Engineering Ltd., May 2021.*

*Detailed Site Investigation and Confirmation of Remediation, Tsawwassen First Nation Precinct 1, Active Earth Engineering Ltd., March 2016.*

*Stage 1 and 2 Preliminary Site Investigation, Tsawwassen First Nation Precinct 1, Active Earth Engineering Ltd., September 2013.*

*Phase II Environmental Site Assessment Summary Letter, Phase 2 Development Lands, Tsawwassen First Nation, BC, Thurber Engineering Ltd., August 2013.*

*Phase I Environmental Site Assessment, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 43, and 68, District Lot 169 Group 2 New Westminster District Plan BCP38101 in the Tsawwassen First Nation, Delta, BC, Thurber Engineering Ltd., June 2013.*

*Tsawwassen First Nation Phase I Environmental Site Assessment, Tsawwassen First Nation Reservation, Stantec Consulting Ltd., June 2003.*

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