



VIA E-MAIL: apriano@amegagroup.ca

Victoria File: 26250-20/25925
Site ID: 25925

August 26, 2022

Apriano Meola
1157695 BC Ltd.
102 – 1515 Pemberton Avenue,
North Vancouver, BC V7P 2S3

Dear Apriano Meola:

Re: Approval in Principle – Leon Avenue at Water Street, Kelowna, 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 section 40 of the Contaminated Sites Regulationand 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 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 Site@gov.bc.ca (toll free via Enquiry BC at 1-800-663-7867).

Yours truly,

A handwritten signature in blue ink, appearing to read "Roberto Prieto".

Roberto Prieto, M.Sc., P.Ag.
Senior Contaminated Sites Officer

Enclosure

cc: City of Kelowna
1435 Water Street, Kelowna, BC, V1Y 1J4 (planninginfo@kelowna.ca)

Laura Schaffer, Interior Savings Credit Union (lschaffer@interiorsavings.com)

FortisBC Energy Inc.
16705 Fraser Highway, Surrey, BC, V4N OE8 (faes@fortisbc.com)

Jeff Taylor, Approved Professional, Active Earth Engineering Ltd.
304 – 2600 Gladys Avenue, Abbotsford, BC, V2S 0E9 (jeff.taylor@activeearth.ca)

CSAP Society, apopova@csapsociety.bc.ca

Client Information Officer, ENV Victoria, csp_cio@Victoria1.gov.bc.ca



APPROVAL IN PRINCIPLE
(Pursuant to Section 53 of the *Environmental Management Act*)

THIS IS TO CERTIFY that the remediation plan described herein submitted by 1157695 BC 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.

The substances to which this Approval in Principle applies migrated to the site from a neighbouring source. It should not be assumed that this Approval in Principle is an approval for the remediation of all contaminants at the site.

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Roberto Prieto

For Director, *Environmental Management Act*

Schedule A

The site covered by this Approval in Principle is located at the intersection of Leon Avenue and Water Street, Kelowna, BC which is more particularly known and described as:

ALL THAT TRACT OF LAND, HEREINAFTER PARTICULARLY DESCRIBED, SITUATE IN BLOCK 10, DISTRICT LOT 139, OSOYOOS DIVISION YALE DISTRICT, KELOWNA, B.C., SAID TRACT OF LAND MORE SPECIFICALLY DESCRIBED AS PORTIONS OF LAND DEDICATED AS ROAD, MORE COMMONLY REFERRED AS WATER STREET AND LEON AVENUE, DESCRIBED LANDS AS SHOWN WITHIN THE HEAVY OUTLINE IN SURVEYORS' SKETCH PREPARED BY CONNOR EMBLETON, BCLS OF WATSON AND BARNARD LAND SURVEYING, DRAWING "40175SK", DATED JUNE 9TH 2022, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT A, BLOCK 10, DISTRICT LOT 139, PLAN EPP111545,

THENCE NORTHERLY AT A BEARING OF 1°44'35", ALONG THE EASTERLY BOUNDARY OF SAID LOT A, SAID BOUNDARY BEING THE WEST BOUNDARY OF WATER STREET, A DISTANCE OF 26.10 METRES;

THENCE EASTERLY AT A BEARING OF 91°44'35", ALONG THE NORTHERLY BOUNDARY OF SAID TRACT OF LAND, A DISTANCE OF 15.10 METRES, SAID POINT BEING THE NORTHEAST CORNER OF SAID TRACT OF LAND;

THENCE SOUTHERLY AT A BEARING OF 181°44'35" ALONG THE EASTERLY BOUNDARY OF SAID TRACT OF LAND, A DISTANCE OF 18.48 METRES; THENCE SOUTHWESTERLY AT A BEARING OF 224°00'00", A DISTANCE OF 18.00 METRES, TO A POINT ON THE SOUTH BOUNDARY OF SAID TRACT OF LAND;

THENCE WESTERLY AT A BEARING OF 271°51'30", A DISTANCE OF 9.90 METRES, SAID POINT BEING THE SOUTHWEST CORNERS OF SAID TRACT OF LAND;

THENCE NORTHERLY AT A BEARING OF 1°44'35", A DISTANCE OF 5.70 METRES, TO A POINT ON THE SOUTH BOUNDARY OF SAID LOT A, MORE OR LESS 6.90 METRES WEST OF THE POINT OF BEGINNING;

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THENCE EASTERLY AT A BEARING OF 91°51'30", ALONG THE SOUTH BOUNDARY OF SAID LOT A, A DISTANCE OF 6.90 METRES, MORE OR LESS TO THE POINT OF BEGINNING;


DESCRIBED TRACT OF LAND CONTAINING 438.9 SQUARE METRES, MORE OR LESS.

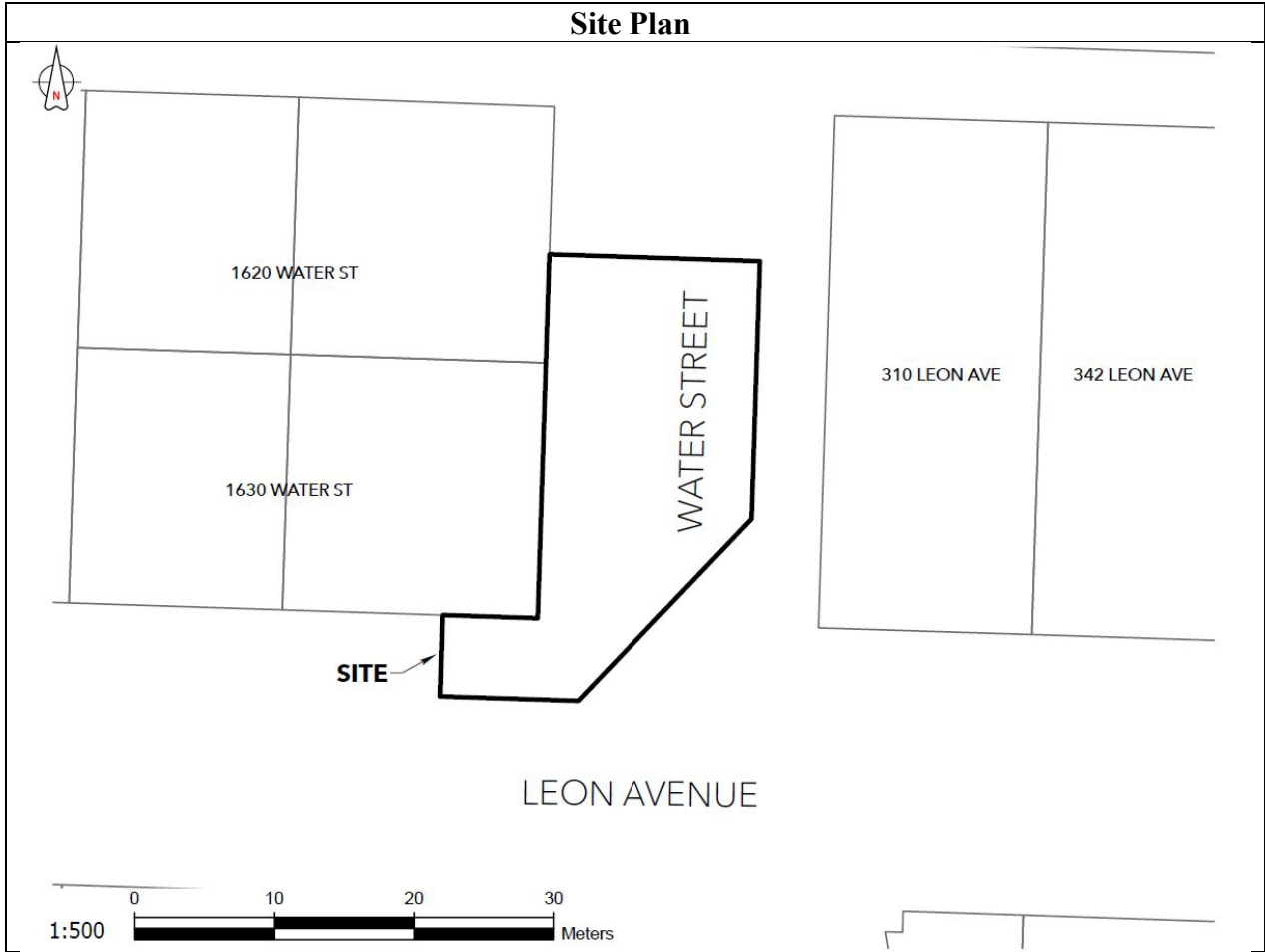
The Site is an off-site impacted area depicted in a legal sketch plan prepared by Watson & Barnard BC Land Surveyors.

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

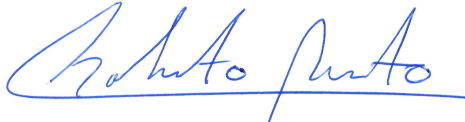
Latitude: 49° 53' 4.80"
Longitude: 119° 29' 47.9"

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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, or changes in land, vapour, water, or sediment use, must be promptly identified in a written submission by the responsible person 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 person 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 2 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;
- (b) An assessment comparing remediation progress to the actions and schedule set out in the plans referenced above. Refer to Condition 2 above if remedial progress differs substantially from the schedule set out in the approved plan; and

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(c) 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 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 expected at the site. These assumptions include the following:

(a) The site will continue to be used as a roadway, with only outdoor air exposure.

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 Approval in Principle may be necessary.

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Schedule C

Substances and Uses

substances to be remediated in water for freshwater aquatic life water use:

To meet numerical remediation standards:


LEPHw	N/A
VPHw	N/A

Substances to be remediated in water for drinking water water use:

To meet numerical remediation standards:

Benzene	71-43-2
Ethylbenzene	100-41-4
Methylnaphthalene, 1-	90-12-0
Methylnaphthalene, 2-	91-57-6
Naphthalene	91-20-3

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Schedule D

Documents

Summary of Site Condition, 234-278 Leon Avenue & 1620-1630 Water Street, Kelowna, prepared by Active Earth Engineering Ltd., dated June 2022.

Remediation Plan, 234-278 Leon Avenue & 1620-1630 Water Street, Kelowna, prepared by Active Earth Engineering Ltd., dated June 2022.

Detailed Site Investigation, 234-278 Leon Avenue & 1620-1630 Water Street, Kelowna, prepared by Active Earth Engineering Ltd., dated June 2022.

Stage 1 Preliminary Site Investigation, 234-278 Leon Avenue & 1620-1630 Water Street, Kelowna, prepared by Active Earth Engineering Ltd., dated June 2022.

Off-Site Communication Record, prepared by Active Earth Engineering Ltd., dated June 9, 2022.

Stage 2 Preliminary Site Investigation, 234-278 Leon Avenue & 1620-1630 Water Street, Kelowna, prepared by Active Earth Engineering Ltd., dated July 2021.

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For Director, *Environmental Management Act*