



VIA E-MAIL: ghood@kelowna.ca

File: 26250-20/12957
Site ID: 12957

September 9, 2022

Graham Hood
City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4

Dear Graham Hood:

Re: Certificate of Compliance – 380 Harvey Avenue, 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) 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 Site@gov.bc.ca (toll free via Enquiry BC at 1-800-663-7867).

Yours truly,



Janet Barrett, M.Sc., P.Eng.
Senior Contaminated Sites Officer

Enclosure

cc: Robyn M. Clifford, Ministry of Transportation and Infrastructure,
robyn.clifford@gov.bc.ca
CSAP Society, apopova@csapsociety.bc.ca
Kelly Forseth, Approved Professional, Stantec Consulting Ltd., Kelly.Forseth@stantec.com
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Michael.McLeay@stantec.com
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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.

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Janet Barrett
For Director, *Environmental Management Act*

Schedule A

The site covered by this Certificate of Compliance is located at 380 Harvey Avenue, Kelowna, BC which is more particularly known and described as:

LOT A DISTRICT LOT 139 OSOYOOS DIVISION YALE DISTRICT PLAN KAP91299
PID: 028-329-163

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

Latitude: 49° 53' 1.89"
Longitude: 119° 29' 44.85"

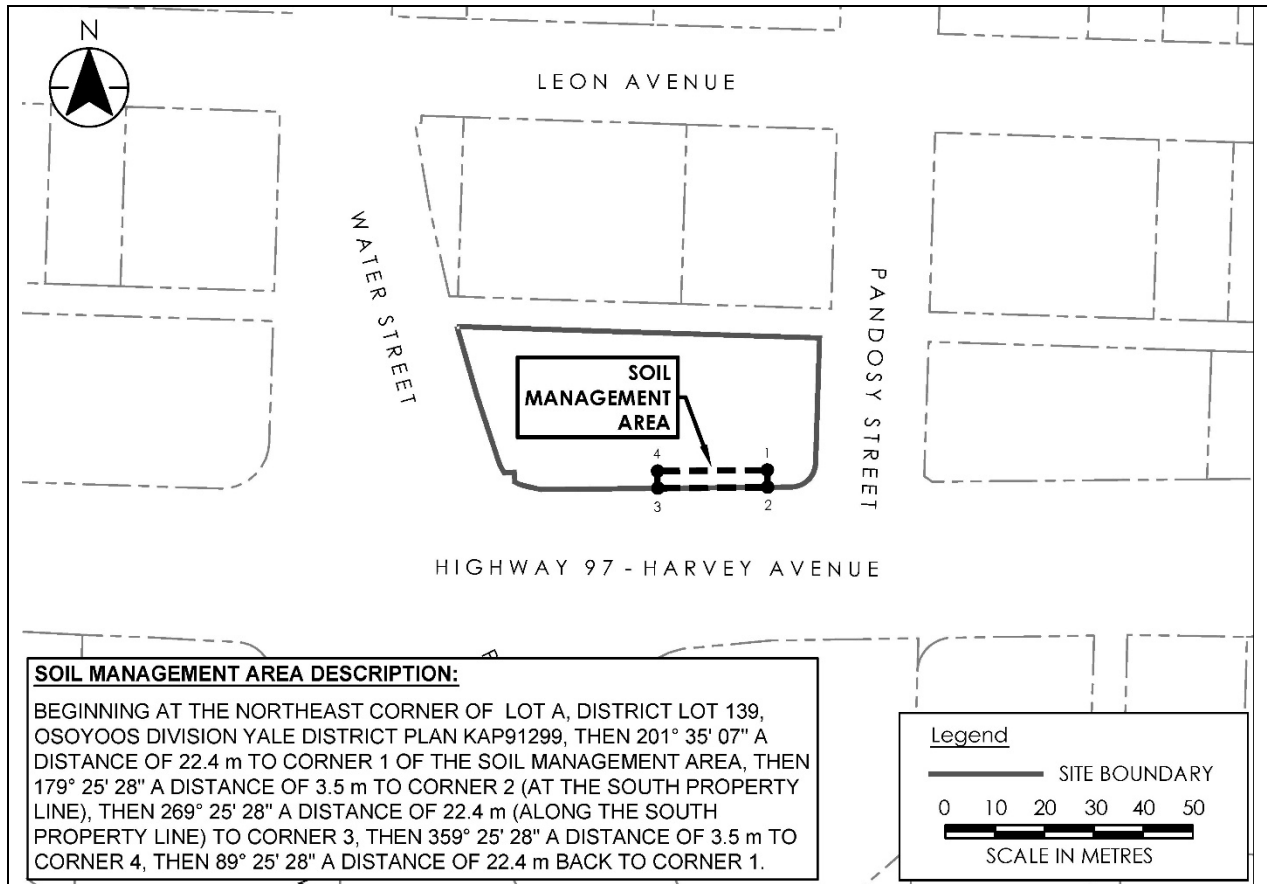
September 9, 2022

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For Director, *Environmental Management Act*



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Janet Barrett
 Janet Barrett
 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 person(s) 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 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:

- (a) *No current building exists on the Site.*
- (b) *New buildings or structures will be built in accordance with the applicable current Building Code.*
- (c) *New buildings or structures, excluding a parkade, will not be in contact with the groundwater table.*

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(s) 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) *Soil contamination in the Soil Management Area (shown in the Schedule A Site Plan) must remain at depth and covered by the existing 1 metre (m) of surface soil, or by a future concrete building foundation, 1 m soil cover, or other suitable cap.*
 - (b) *Groundwater at the Site must not be used for potable water now or in the future.*
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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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(s) or their agent. The records must be available for inspection by the Director.
6. The Director must be notified promptly by the person(s) 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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Schedule C

Substances and Uses

Substances remediated in soil for commercial soil use:

To meet risk-based remediation standards:

Benzene (CAS Number 71-43-2)
Ethylbenzene (CAS Number 100-41-4)
Toluene (CAS Number 108-88-3)
VPHs
Xylenes (CAS Number 1330-20-7)

Substances remediated in water for freshwater aquatic life water use:

To meet risk-based remediation standards:

LEPHw
Naphthalene (CAS Number 91-20-3)
Toluene (CAS Number 108-88-3)
VPHw
Xylenes, total (CAS Number 1330-20-7)

Substances remediated in water for drinking water use:

To meet risk-based remediation standards:

Benzene (CAS Number 71-43-2)
Ethylbenzene (CAS Number 100-41-4)
Methylnaphthalene, 1- (CAS Number 90-12-0)
Methylnaphthalene, 2- (CAS Number 91-57-6)
Naphthalene (CAS Number 91-20-3)
Toluene (CAS Number 108-88-3)
Trimethylbenzene, 1,3,5- (CAS Number 108-67-8)
Xylenes, total (CAS Number 1330-20-7)

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Schedule D

Documents

Summary of Site Condition, Site ID: 12957, Stantec Consulting Ltd., June 10, 2022.

Detailed Risk Assessment, 380 Harvey Street, Kelowna, BC. Stantec Consulting Ltd., June 9, 2022.

Performance Verification Plan, 380 Harvey Street, Kelowna, BC. Stantec Consulting Ltd., June 9, 2022.

Stage 1 Preliminary Site Investigation Update and Detailed Site Investigation, 380 Harvey Street, Kelowna, BC. Stantec Consulting Ltd., June 8, 2022

Application for Director's Preapprovals under Protocol 6, to Not Delineate and Remediate the Entire Extent of Contamination and Certificate of Compliance for Part of a Site, 380 Harvey Street, Kelowna, BC. BC Ministry of Environment and Climate Change Strategy, March 15, 2022.

Revised Data Package for 2014 Remedial Excavation at Former Husky Oil Operations Limited Property, 380 Harvey Avenue, Kelowna, BC. SLR Consulting (Canada) Ltd. November 17, 2020.

Request for Approval Under BC Ministry of Environment and Climate Change Strategy Protocol 6, Former Husky Property at 380 Harvey Street, Kelowna, BC. Stantec Consulting Ltd., October 23, 2020.

2019 Investigation Report, Former Husky Service Station, 380 Harvey Avenue, Kelowna, BC. SLR Consulting (Canada) Ltd., January 27, 2020.

2012 Groundwater Monitoring and Sampling, Former Husky Service Station L#4409, 380 Harvey Avenue, Kelowna, BC. SLR Consulting (Canada) Ltd., January 16, 2013.

Facility Decommissioning Report, Kelowna Husky L#4409, 380 Harvey Avenue, Kelowna, BC. SLR Consulting (Canada) Ltd., March 7, 2012.

2010 Groundwater Monitoring and Sampling Event, Harvey Husky L#4409, 380 Harvey Avenue, Kelowna, BC. SLR Consulting (Canada) Ltd., December 22, 2010.

2009 Groundwater Monitoring and Sampling Event, Harvey Husky No. 4409, 380 Harvey Avenue, Kelowna, BC. SLR Consulting (Canada) Ltd., December 17, 2009.

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2008 Groundwater Monitoring and Sampling Event, Harvey Husky Service Station No. 4409, 380 Harvey Avenue, Kelowna, BC. SLR Consulting (Canada) Ltd., August 20, 2008.

Groundwater Monitoring and Sampling Event, Harvey Husky Service Station No. 4409, 380 Harvey Avenue, Kelowna, BC. SEACOR Environmental Inc., December 21, 2007.

Limited Stage 2 Preliminary Site Investigation, Husky Service Station No. 4409, 380 Harvey Avenue, Kelowna, BC. SEACOR Environmental Inc. November 24, 2006.

Stage 1 Preliminary Site Investigation, Husky Service Station No. 4409, 380 Harvey Avenue, Kelowna, BC. SEACOR Environmental Inc., May 4, 2005.

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