



**VIA E-MAIL: [janderson@nicolawealth.com](mailto:janderson@nicolawealth.com)**

Victoria File: 26250-20/24054  
Site ID: 24054

August 22, 2022

Nicola Herald Limited Partnership  
5<sup>th</sup> Floor – 1508 West Broadway,  
Vancouver, BC V6J 1W8  
Attn. Josh Anderson

Dear Josh Anderson:

**Re: Approval in Principle – 610 Herald Street, Victoria, 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 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, 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.
11. Security as required by the Director under section 47 (3) (f) of the Contaminated Sites Regulation has been provided and the requirements respecting security under any applicable protocols under the *Environmental Management Act* have been met.
12. The responsible person(s) have prepared and provided to the Director proof acceptable to the Director of registration of a covenant under section 219 of the *Land Title Act*.

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 236-468-2209 (toll free via Enquiry BC at 1-800-663-7867).

Yours truly,



Liliana Jerade  
Senior Contaminated Sites Officer

Enclosure

cc: Ryan Taylor, Hemmera, [ryant@hemmera.com](mailto:ryant@hemmera.com)  
CSAP Society, [apopova@csapsociety.bc.ca](mailto:apopova@csapsociety.bc.ca)  
Lora Paul, Thurber Engineering Ltd., [lpaul@thurber.ca](mailto:lpaul@thurber.ca)  
City of Victoria – Chad Marier, [cmarier@victoria.ca](mailto:cmarier@victoria.ca); Ryan Morhart, [rmorhart@victoria.ca](mailto:rmorhart@victoria.ca)  
Gabriel Viehweger, Approved Professional, Hemmera, [gviehweger@hemmera.com](mailto:gviehweger@hemmera.com)  
Stefan Quagila, Approved Professional, Trillium Environmental Ltd.,  
[squaglia@trilliumenviro.com](mailto:squaglia@trilliumenviro.com)  
Client Information Officer, ENV, Victoria, [csp\\_cio@Victoria1.gov.bc.ca](mailto: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 Nicola Herald Nominee Inc. 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.

August 22, 2022

Date Issued

Liliana Jerade

For Director, *Environmental Management Act*

## Schedule A

The site covered by this Approval in Principle is located at 610 Herald Street, Victoria, British Columbia which is more particularly known and described as:

Lot 1 Lots 620, 621, 622, 623, 624, 632, 633, 634, 635 Victoria City Plan EPP113183.  
PID 031-514-677

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

Latitude: 48° 25' 50.12"  
Longitude: 123° 21' 58.19"

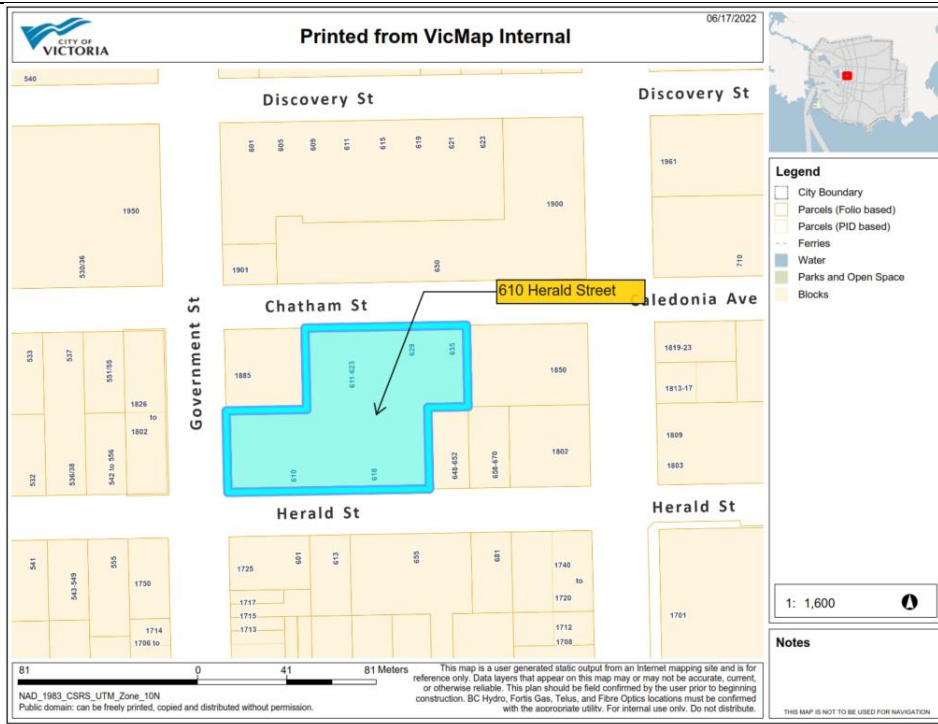
August 22, 2022

Date Issued

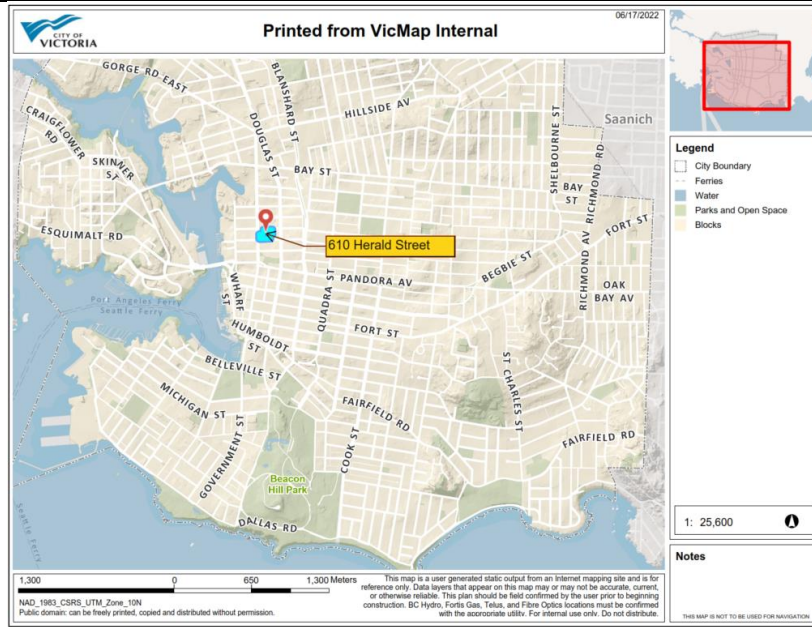


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For Director, *Environmental Management Act*

## Site Plan



## Location Map



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For Director, Environmental Management Act

## Schedule B

### Requirements and Conditions

1. Remediation, including monitoring, inspections and maintenance of any works, must be undertaken by the responsible persons 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<s> to the Director. An application for an amendment or new Approval in Principle may be necessary.
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;
- (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) Supporting documentation (e.g., analytical reports, records of inspection, maintenance of treatment works, etc.).

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7. The documents listed in Schedule D indicate that vapour attenuation factors were applied to meet Contaminated Sites Regulation numerical and risk-based 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 and adjacent to the site. These assumptions include the following:
- (a) Engineered risk controls (including increased air exchange and mechanical ventilation system) must be installed, confirmed operational, and monitored in future underground parkades.

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 soil for commercial land soil use:*

##### To meet numerical remediation standards:

- Barium 7440-39-3
- Lead 7439-9-1
- Zinc 7440-66-6

#### *Substances to be remediated in vapour for parkade air vapour use:*

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

- VPHv
- Tetrachloroethylene 127-18-4
- Vinyl Chloride 75-01-4

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

##### To meet numerical remediation standards:

- Benzene 71-43-2
- Trichloroethylene 79-01-6

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

- 1,1-dichloroethane 75-34-3
- 1,2-dichloroethane 107-06-2
- 1,1-dichloroethylene 75-35-4
- 1,2-cis-dichloroethylene 156-59-2
- Vinyl chloride 75-01-04

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## Schedule D

### Documents

*Summary of Site Condition – 610 Herald Street, Victoria, BC, Hemmera Envirochem Inc., July 18, 2022.*

*Human Health and Ecological Risk Assessment – 610 Herald Street, Victoria, BC, Jennifer Trowell and Ron Haley, Hemmera Envirochem Inc., July 15, 2022.*

*Stage 2 Preliminary Site Investigation, Detailed Site Investigation and Remedial Plan, 610 Herald Street, Victoria, BC, Travis Maclean and Ryan Taylor, Hemmera Envirochem Inc., June 29, 2022.*

*Stage 1 Preliminary Site Investigation, 610 Herald Street, Victoria, BC, Erin Gordon and Ryan Taylor, Hemmera Envirochem Inc., June 21, 2022.*

*Protocol 6 Preapproval Request – To Not Delineate or Remediate Area Wide Fill 610 Herald Street, Victoria, BC PID: 031-514-677, Heather Osachoff, British Columbia Ministry of Environment and Climate Change Strategy, Land Remediation Section, June 16, 2022.*

*Amended Letter Regarding Protocol 6 Preapproval Application to not Delineate Contaminated Fill at 610 Herald Street (formerly 611, 629, and 635 Chatham Street and 610, 618, and 624 Herald Street), Victoria, BC, Hemmera Envirochem Inc, May 10, 2022.*

*Protocol 6 Preapproval Application to not Delineate Contaminated Fill at 611, 629, and 635 Chatham Street and 610, 618, and 624 Herald Street, Victoria, BC, Hemmera Envirochem Inc, April 30, 2021.*

*Phase II Environmental Site Assessment 611-623, 629 and 635 Chatham Street & 618 and 624 Herald Street, Victoria, British Columbia, Pinchin Ltd. June 14, 2019 (appended to the Hemmera Stage 1 report).*

*Phase I Environmental Site Assessment 611, 629 and 635 Chatham Street, 618 and 624 Herald Street, Victoria, BC., Pinchin Ltd. June 30, 2017 (appended to the Hemmera Stage 1 report).*

*Partial Phase II Environmental Site Assessment Victoria Tire Ltd., 610 Herald Street, Victoria, BC., CB Research International Corp., January 26, 1996 (appended to the Hemmera Stage 1 report).*

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