

Approved Professional Recommendations for Non-High Risk Sites

This document explains the requirements and procedures Approved Professionals should follow when submitting recommendations to the Director of Waste Management for a non-high risk site to issue or approve any of the following contaminated sites legal instruments under the *Environmental Management Act* (the Act):

- a Determination of Contaminated Site,
- an Approval in Principle,
- a Certificate of Compliance, or
- a Contaminated Soil Relocation Agreement.

Non-high risk sites and Protocol 6

[Protocol 6, "Eligibility of Applications for Review by Approved Professionals"](#) specifies where certain activities, reports and other documents, and recommendations must be performed by or provided to the Director by an Approved Professional. Under that protocol, Approved Professionals are generally restricted to making recommendations to the Director to issue or approve the above legal instruments for non-high risk sites.

Important note

On July 1, 2008, all service applications for eligible sites were required to be submitted directly to the Contaminated Sites Approved Professionals (CSAP) Society. It assesses applications for completeness before submission to the ministry. *The ministry requires that all Approved Professionals use the templates provided by the Society (<http://www.csapsociety.bc.ca/>) for the preparation of draft contaminated sites legal instruments.*

Rejection of submissions

Complete submissions ensure that turnaround times and review costs are kept to a minimum. Thus, to facilitate the ministry's review of a recommendation by an Approved Professional, all pertinent information must be provided at the outset.

If submissions are incomplete or improperly prepared, they may be rejected. In that case, the CSAP Society, the applicant and the professional organization of the Approved Professional (in keeping with sections 15 (7), 43 (4), 47 (1.5), and 49 (8) of the Contaminated Sites Regulation) may be notified by the Director.

Our "[Ministry Procedures for the Roster of Approved Professionals](#)" indicate that the Director must not rely on the advice or recommendation of an Approved Professional unless he or she has been provided written evidence that an arm's length review has been provided where an arm's length review is required. The situations where an arm's length review by an Approved Professional is required appear in Table 1 of that document.

If there is insufficient evidence that an arm's length review has been carried out where one is required, the service application and recommendation of the Approved Professional will be returned to the CSAP Society.

Submission package and formats required

Basic requirements

The following must be submitted to the CSAP Society with each application from an Approved Professional:

- a satisfactorily completed [Contaminated Sites Services Application Form](#) *with payment*. The checklist in Part E of the form lists the report sections, pages, and figures which must be provided, including those documents required for site risk classification. Note that an initial quality assurance review will be done to determine the completeness of the application, including the payment of applicable fees.
- a completed [Summary of Site Condition](#).
- all relevant technical reports (preliminary site investigation and detailed site investigation reports, remediation plan, remediation confirmation report). Refer to [Administrative Guidance 3, "Applying for Contaminated Sites Services"](#) for details.
- completed checklists for a preliminary site investigation report and detailed site investigation report (see [Technical Guidance documents 10](#) and [11](#)).
- *using the current template*, a completed draft Determination of Contaminated Site letter, Approval in Principle, Certificate of Compliance, or Contaminated Soil Relocation Agreement, along with appropriate cover letter, in hard copy and electronic version in Word[®].
- A draft Schedule "A" (site plan and location map) and Schedule "B" (conditions) in hard copy and electronic forms (Schedule A in Word[®]).
- a current printout of the land title record (or records) pertaining to the site for which the Determination, Approval in Principle, Certificate of Compliance, or Contaminated Soil Relocation Agreement is being sought.

- current Land Title Office legal plan(s) for the site.
- a current Selection List from an area-based Site Registry search (0.5 km radius) and site Detail Report for the site.
- a PC-formatted CD or DVD containing all of the information noted above as being required to be submitted in electronic form.

Additional requirements for preparing contaminated sites legal instruments

Site boundaries, plans and location maps

- Sites must be defined according to the requirements of the ministry procedure "[Establishing the Boundaries of a Site](#)".
- All site plans and location maps must fit onto a single page. The location map must show street names clearly so that it could be used as a road map to drive to the site.
- Site plans and location maps should, where possible, be oriented north clearly labelled with a north arrow and scale.
- The site plans must be free of company logos and advertising.
- The boundaries of the site covered by the contaminated sites legal instrument must have a heavily bolded line around the perimeter of the site to clearly delineate the site and to distinguish it from other property boundaries that might appear on the site plan. Coloured site plans should be avoided to allow bolded lines to stand out when photocopied in black and white.
- Portions of legal parcels of land, in the case of offsite migration, must be shown by a metes and bounds description and plan, provided by a legal surveyor or an engineered drawing indicating the metes and bounds description. The name of the survey or engineering firm and the date of the drawing must be provided.

- Where a legal instrument refers to more than one parcel of land and PID/PIN, the instrument must clearly indicate which PID/PIN belongs to each parcel.
- In the case of strata properties, all PID numbers and strata lot numbers must be listed.

Land, water, vapour and sediment uses

- Unless a protocol under the *Environmental Management Act* indicates otherwise, legal instruments should be restricted to a single land use, the primary land use at the surface of the site. However, if different land use standards must apply to an instrument, for example, urban park land use standards for riparian zones along a water body, then a metes and bounds description must be provided for that area.
- Legal instruments may contain multiple water, vapour and sediment uses for a site. If this approach is used, a list of each substance applying to a particular water, vapour or sediment use must be provided.

Substance lists

- *Substances should be grouped by substance class and listed alphabetically for each environmental medium.* Only those substances appearing in the Regulation may be listed in a legal instrument, and the exact spelling of each substance as it appears in the Regulation must be used.

Site Risk Classification documents

- As of June 1, 2010, all applications for contaminated sites legal instruments must be accompanied by a Site Risk Classification Report, and if required, an Exposure Pathway Questionnaire. An exception to this requirement is an application for a Determination of Contaminated Site that the site is not contaminated. Consult our [key topic on site risk classification](#) for details.

Determinations of contaminated site

- It is the responsibility of the Approved Professional to track the time between the issuance of a preliminary determination and the final determination. The Approved Professional must submit the final determination documents to the ministry electronically and in hard copy, via the CSAP Society, after 30 days and before 60 days of the issuance of the preliminary determination.
- When a copy of a Determination is being sent to a party who appears as a charge number on the land title, the full name and mailing address must be provided and included on the Determination cover letter.

Preapprovals under Protocol 6

- If your application is described by one of the types listed in Table 1 of Protocol 6, preapproval is required by the Director before it is submitted to the ministry with the recommendation by an Approved Professional.
- Note that requests for preapproval must come with a completed Contaminated Sites Services Application form with the "Additional Services / Functions" box checked in the "Other Services" section in Part C of the form.

Editorial requirements – instructions, fonts and size, cover letters

1. The instructions provided in instrument templates must be followed.
2. Legal instruments must have a consistent font type and size throughout the instrument, Times New Roman size 12. Cutting and pasting of document text can result in a font change. Approved Professionals must submit the instruments in the same font that appears in the templates.
3. All cover letters must be completed in full with names and addresses of all parties receiving copies of the correspondence.

Note: This document does not replace the Environmental Management Act or its regulations. It does not list all provisions for contaminated sites services. If there are differences or omissions in this document, the Act, Regulation and Protocols apply.

For more information, contact the Environmental Management Branch at site@gov.bc.ca