

AG 11 Communications Template

Introduction

This template can be used as a tool to facilitate the process of fulfilling the communication requirements of the MoE Administrative Guidance 11. It is designed to clearly and concisely consolidate all of the required communications to assist in streamlining your communication efforts. This template has been developed based upon Ministry regulations, procedures, policies and guidelines in effect at the time of their preparation. It should be noted that document is provided as a guide only and the Approved Professional should always refer to current Ministry regulations, procedures, policies and guidelines and request clarifications from MOE where applicable.

Instructions for use

1. Copy and paste the following pages 2–5 into your own letterhead document.
2. The first two paragraphs of the letter are intended to fulfill the first two requirements of AG 11, so fill in as indicated by the <bracketed text> and include additional information if necessary. The following two paragraphs inform the recipient of the process and potential outcome.
3. In addition, you can include any further information that offers an increased understanding of the property or investigation being referenced, or the instrument for which you are applying.
4. The disclaimer that all communications may become part of the public record should follow these introductory paragraphs.

The remainder of the AG 11 communication requirements are included on the following pages in sections **a)** through **o)** and can be completed and submitted as a checklist and index of the required information

- a) Everyone is required to complete **a)** through **i)**. Where applicable, you can reference documents included reports or in an appendix.
- b) Only complete section **j)** if there are communications regarding combining parcels. *If not needed, then mark as “N/A”.*
- c) Only complete section **k)** if the source parcel has contaminated several neighbouring parcels and some, but not all of the affected parcel owners have been cooperative. *If not needed, then mark as “N/A”.*
- d) Only complete sections **l)**, **m)**, and **n)** if an Approval in Principle is requested. *If not needed, then mark as “N/A”.*
- e) Only complete section **o)** if either an Approval in Principle or Certificate of Compliance will be requested. *If not needed, then mark as “N/A”.*
- f) Once complete, perform a document search for “<” to ensure you have either filled in all placeholder text or deleted irrelevant sections.

<date>

<case/project number>

<recipient name>

<recipient address>

<recipient address>

<recipient address>

ATTENTION: <recipient name>

REFERENCE: Application for <insert legal instrument> on <insert property details>

On behalf of <client>, <consultancy>, is providing this letter <registered letter is preferred, but other written communication is acceptable with confirmation of receipt> in accordance with the communication requirements as outlined by the British Columbia Ministry of Environment (MoE) document Administrative Guidance 11¹, as attached. As the owners of the affected property <insert property details here>, this letter serves as formal notification to <insert owner name>, of <client name> intent to submit an application the MoE for a <insert legal instrument type(s)> on <details of applicable source and affected parcels>.

We request that you provide comments or concerns relating to the source or affected parcel, regarding the investigation and the remedial approach that are the foundation for this <instrument type> application, within 30 days of receipt of this letter.

If a written response is not received within 30 days, you will be contacted again, this time by telephone, e-mail or in person requesting a response to the original communication. You will have an additional 30 days from the time of the second attempt to contact you via telephone, e-mail or in person to respond to the original communication.

The above referenced correspondence is undertaken to satisfy the requirements of administrative law and administrative fairness by providing you with the right to comment. If no communications are received in the 60-day period, the Director may consider issuing the instrument without further correspondence.

NOTICE – Senders and receivers of communications made in person, over the phone, by mail, or by email in regard to this application for <legal instrument> should presume that all correspondence will become part of the public record associated with the British Columbia Ministry of Environment application for the subject property(ies).

¹ British Columbia Ministry of Environment, *Administrative Guidance on Contaminated Sites: Expectations and Requirements for Contaminant Migration*, version 1.0, April 2013

Table A Checklist for AG 11 Communications

	Pursuant to the communication requirements of Administrative Guidance 11, please find below the comprehensive application information:	Reference to reports or to appendices where information can be found.
a	The name of the firm preparing the draft instrument(s) as well as the contact at the firm (name, address, phone number, e-mail address, etc.).	
b	Who will be working with the affected parties (i.e., the owner, operator, their agent (consulting firm), etc.) and their names, addresses, phone numbers, e-mail addresses, etc.).	
c	A summary description of the work done and results obtained to date at the source and affected parcels relevant to the affected parcel, e.g., in a Stage 2 preliminary site investigation, in a detailed site investigation, or an original summary of work completed and results obtained with respect to the affected parcel and work at and results for the source parcel relevant to the migration. The summary should provide information on and describe:	
i.	the nature and extent of any contamination at the affected parcel;	
ii.	the human health and ecological risks from exposure to the contamination at the affected parcel under present and reasonably anticipated future uses;	
iii.	any safety issues and impacts on utilities (e.g., water mains) at the affected parcel.	
iv.	if the source parcel is to be remediated or is being remediated, the type of remediation standards used (numerical or risk-based) must be described.	
d	A list of the reports and plans and their availability relating to the presence of substances at the affected parcel that migrated from the source parcel.	
e	A list of the substances to which the proposed instruments apply for each parcel and instrument.	
f	A description of the applicable standards and criteria for contaminants in each environmental medium for each parcel. The type of remediation standards to be used must be described (numerical, risk-based or both).	
g	A statement for both the source and affected parcel as to whether the source and affected parcel is classified or would likely be classified as high risk or non-high risk.	
h	A description of the boundaries of the source and affected parcels (with attached figures) and the way in which each affected parcel would be addressed with respect to site boundaries as described in the proposed instruments	
i	A copy of the draft instrument for the affected parcel.	

	<i><Use section j) only if there are communications regarding combining parcels></i>	
j	The following requirements regard combining the source parcel with the affected parcel into one site (only where each parcel has different ownership) or combining any other affected parcel with different ownership with the source parcel:	
i	The ministry requires the proposal to be submitted for approval if remediation of contamination is to be, or has been carried out either under the numerical or risk-based remediation standards.	
ii	A reference to ministry information on the remediation liability implications of combining parcels into sites (as described in Fact Sheet 48, "Remediation Liability and Combining Parcels with Different Owners").	
iii	A written request for agreement between the source parcel and affected parcel owners with any proposal to combine parcels with different ownership.	
iv	A request for a response in writing with comments from each affected parcel owner within 30 days of delivery of the letter which requests written agreement described in iii) above. (Note, the written comments by the source and affected parcel owners may be required to be provided to the ministry in a standard format.)	
	<i><Use section k) only if the source parcel has contaminated several neighbouring parcels and some, but not all of the affected parcel owners have been cooperative></i>	
k	A statement indicating that if the source parcel has contaminated several neighbouring parcels and some, but not all of the affected parcel owners have allowed access to their lands for site investigations, that an instrument is expected to be issued for the source parcel and any affected parcel with owners who have allowed such access.	

	<i><Use sections l), m) and n) only if an Approval in Principle is requested. For each affected parcel to receive an Approval in Principle provide the following.></i>	
l	A summary description of the remediation strategy (e.g., excavation and disposal, monitored natural attenuation, risk management, etc.), plan and schedule proposed.	
	Also include:	
i	the assumptions of any risk assessment (e.g., exposure pathway assumptions for soil, water and vapours) for the affected parcel under present and reasonably anticipated future uses; and	
ii	risk assessment conclusions.	
m	A statement of the risk classification expected for the affected parcel after remediation (non-high risk, or risk managed high risk)	
n	A request for agreement between the source parcel responsible person and affected parcel owners with the approach proposed for remediating the affected parcel	
	<i><Use section o) if either an Approval in Principle or Certificate of Compliance will be requested. For each affected parcel to receive an Approval in Principle or Certificate of Compliance provide the following additional information.></i>	
o	Any restrictions and parcel access requirements which would apply upon issuance of the instrument for the affected parcel related to ongoing risk management activities necessary to satisfy risk-based remediation requirements (e.g., restrictive covenants, drinking water use restrictions, commitment to operate and maintain works, other conditions).	