Version 6: February 2022

# Source and Affected Parcel Owners Communications Template

# Introduction

This template can be used as a tool to facilitate the process of fulfilling the communication requirements for persons responsible for contaminant migration with owners of affected offsite parcels. The template is designed to summarize the communication expectations described on the BC Ministry of Environment and Climate Change Strategy’s (ENV’s) Site Remediation webpage ‘[Contaminant Migration](https://www2.gov.bc.ca/gov/content?id=2AE4764A5D94464483002720A0C09AA6)’ (including [Communication Expectations](https://www2.gov.bc.ca/gov/content?id=3FC6D063E3D842C4B335ACA9353C3EC1) and [Checklist for Source Parcel Responsible Persons and Affected Parcel Owners](https://www2.gov.bc.ca/assets/gov/environment/air-land-water/site-remediation/docs/forms/migration_checklist.pdf)). This template has been developed based on ENV regulations, procedures, policies, and webpages in effect at the time of preparation of this template. It should be noted that this document is provided as a guide only and the Approved Professional should always refer to current ENV regulations, procedures, policies and webpages and request clarifications from ENV where applicable.

# Instructions for use

1. Copy and paste the **Letter Template** and **Table A Checklist** (pages 2 to 4 of this document) to your own letterhead document.
2. The first two paragraphs of the **Letter Template** are intended to identify the Site, the company completing the work and to introduce the Communications expectations to the owner(s) of the affected parcels. To provide this site-specific information, fill in as indicated by the *<bracketed text>* and include additional information if necessary. The subsequent 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 site 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 is presented on the bottom of the first page of the **Letter Template** and should be included in all communications.

The remainder of the Communications expectations are included in the **Table A Checklist** in **Sections** **1** through **5** and can be completed and submitted as a checklist and index of the information.

1. Everyone should complete **Section 1**. Where applicable, you can reference documents included reports or in an appendix.
2. Only complete **Section 2** if there are communications regarding combining parcels*. If not needed, then mark as “N/A”.*
3. Only complete **Section 3** if the source parcel has contaminated several neighbouring parcels and some, but not all, affected parcel owners have been cooperative*. If not needed, then mark as “N/A”.*
4. Only complete **Section 4** if an Approval in Principle is requested. *If not needed, then mark as “N/A”.*
5. Only complete **Section 5** if either an Approval in Principle or Certificate of Compliance will be requested.  *If not needed, then mark as “N/A”.*

<date>

<case/project number>

<recipient name>

<recipient address>

<recipient address>

<recipient address>

ATTENTION: <recipient name>

REFERENCE: Intention to apply for <*insert legal instrument*> on <*insert property details*>

On behalf of <*client*>, <*consultancy*> is providing this registered letter to notify <*insert property owner’s name*>, the owners of the affected property <*insert property details here*> of <*client’s name*> intent to submit an application to the British Columbia Ministry of Environment and Climate Change Strategy (ENV) for a <*insert legal instrument type(s*)> for your property. This letter also provides < *insert property owner’s name*> with information about the proposed application and an opportunity to provide comment and/or identify any concerns prior to submission to ENV.

In accordance with the BC ENV’s communication expectations outlined on their Communication Expectations webpage [available [here](https://www2.gov.bc.ca/gov/content?id=2AE4764A5D94464483002720A0C09AA6)], the following documents <*list documents per Table A Checklist, or reference the Checklist if the information will be included there*> are provided for your review and comment.

We request that you provide comments or concerns regarding results obtained to date, the work done and the proposed work at the source and affected parcels within 30 days of receipt of this letter. If a written response is not received within 30 days, we will contact you again, this time by telephone, e-mail or in person requesting a response to the original communication, again within 30 days.

However, if no response or request for additional time to communicate is received in the 60-day period, < *the client*> will submit the application for <*legal instrument type*> for consideration by an ENV decision maker.

Please be advised that all correspondence resulting from this communication, including responses, will be included as part of the <*legal instrument*> application submitted to BC ENV.

We appreciate your time and attention to this matter. If you have any questions or concerns, please contact <*QP at consultancy X*> at your convenience.

**Table A Checklist for Communications**

**(Developed based on the BC ENV webpage Feb 2022)**

|  |  |
| --- | --- |
| **Section** |  |
| **1** | The responsible person for the source parcel must provide a satisfactorily completed Notice of Likely or Actual Migration (NOM) (PDF, 142 KB) to the affected parcel owner and the ministry where required under Sections 57 and 60.1 of the Contaminated Sites Regulation (CSR). Once a NOM is sent, the responsible person for the source parcel should send a registered letter to each affected parcel owner with the following: |
| a | A request for comments and concerns about the results obtained to date, the work done and proposed work at the source and affected parcels relevant to the source parcel |
| b | A declaration that the source parcel owner intends to seek certification document(s) for the source and affected parcels, and a description of the types of documents sought and to which parcels they apply |
| c | The name of the firm preparing the draft document(s) as well as the contact at the firm (name, address, phone number, e-mail address, etc.) |
| d | Who will be working with the affected parties (for example, the owner, operator, their agent (consulting firm, etc.) and their names, addresses, phone numbers, e-mail addresses) |
| e | A detailed report, including figures, describing the work done and results obtained to date at the source and affected parcels |
| f | A statement for both the source and affected parcel as to whether they are classified or would likely be classified as high risk or non-high risk |
| g | A copy of the draft certification document for the affected parcel. |
| 2 | If combining the source parcel with the affected parcel into one Certificate of Compliance or Approval in Principle The responsible person for the source parcel must provide to the ministry: |
| a | A written request for agreement between the source parcel and affected parcel owners with a proposal to combine parcels with different ownership for the purpose of the certification document |
| b | A request for a response in writing with comments from each affected parcel owner within 30 days of delivery of the letter which requests the written agreement described above (Note, the written comments by the source and affected parcel owners may be required to be provided to the ministry) |
| 3 | If the source parcel has contaminated several neighbouring parcels and not all the affected parcel owners have been cooperative |
| a | The responsible person for the source parcel must provide to the ministry a statement indicating that 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; and that a certification document is expected to be issued for the source parcel and any affected parcel with owners who have allowed such access. |
| 4 | If an Approval in Principle is requested. For each affected parcel to receive an Approval in Principle, the responsible person for the source parcel must provide to the ministry the following: |
| a | A summary description of the remediation strategy (for example, excavation and disposal, monitored natural attenuation, risk management) and schedule proposed. Also include: |
| b | The assumptions of any risk assessment (for example, exposure pathway assumptions for soil, water and vapours) for the affected parcel under present and reasonably anticipated future uses |
| c | risk assessment conclusions |
| d | A statement of the risk classification expected for the affected parcel after remediation (non-high risk, or risk-managed high risk) |
| e | A request for agreement between the source parcel responsible person and affected parcel owners with the approach proposed for remediating the affected parcel |
| 5 | 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, the responsible person for the source parcel must provide to the ministry the following additional information: |
| a | Any restrictions and parcel access requirements that would apply upon issuance of the certification document for the affected parcel related to ongoing risk management activities necessary to satisfy risk-based remediation requirements (for example, restrictive covenants, drinking water use restrictions, commitment to operate and maintain works, or other conditions) |