

SOCIETY OF CONTAMINATED SITES
APPROVED PROFESSIONALS OF BRITISH COLUMBIA
RULES

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PART A. MEMBERSHIP

1. Term of Membership

- (1) The term of membership is 3 years.

2. Requirements for Members

- (1) Members must comply with the following requirements which may be imposed from time to time by the membership committee:

- (a) professional development courses;
- (b) professional examinations;
- (c) mandatory programs, including mentoring, designed to ensure that members maintain a necessarily high standard of professional practice; and
- (d) courses and other measures for a specific member prescribed in a discipline committee sanction under section 51(1) of the Bylaw or a performance assessment under section 62 of the Bylaw.

- (2) Each member shall comply with the Professional Development Requirements set forth in the Membership Guidelines.

- (3) Each member shall pay its annual membership fees when due. If a member fails to pay its annual membership fees when due, they shall:

- (a) be deemed to be a member not in good standing; and
- (b) shall be responsible for any late payment fees and interest charged by the Society on such overdue amounts.

3. Composition of Membership Committee

- (1) A membership committee must consist of:

- (a) a minimum of 3 members;
 - (b) a chairperson; and
 - (c) other persons who, in opinion of the board, would contribute positively to the work of the membership committee.
- (2) Unless otherwise decided by the board, the term of a membership committee member is 2 years.

4. Applications for Admission, Renewal and Reinstatement

- (1) The membership committee must establish a process to administer sections 10, 11 and 12 of the Bylaw and collect relevant fees.

5. Insurance

- (1) Each [voting] member shall:
- (a) take out and maintain during the membership in full force and effect the following insurance in forms and amounts acceptable to CSAP and the Ministry Director:
 - (i) professional errors and omissions insurance with minimum coverage of \$2 million;
 - (ii) commercial general liability insurance with minimum coverage of \$2 million; and
 - (iii) such other forms of insurance in such amounts as may be required by Ministry Director or the Society from time to time; and
 - (b) on commencement or reinstatement of membership, and from time-to-time on request of the Society, deliver to the Society certificates evidencing the insurance required pursuant to section 5(a), along with evidence that all premiums for such insurance policies have been paid.

- (2) If the member fails to take out or maintain adequate insurance in accordance with this Section 5, the member will be deemed to be a member not in good standing.

6. Setting Membership Fees

- (1) The membership committee may set fees for:
 - (a) applications for admission, renewal, reinstatement, and leave;
 - (b) annual membership; and
 - (c) examinations.

7. Examinations

- (1) The membership committee must establish the scope and content of and procedure at examinations, including the setting of passing grades and the setting of examination questions applicable to the specialties, including regulatory questions, described in section 14 of the Bylaw.
- (2) The membership committee must give reasonable notice of an examination.
- (3) The membership committee must file with the Executive Director the examination papers submitted to the candidates, together with the answers of each candidate, and must attach to them a certified copy of its report with the marks awarded to each candidate in each subject of the examination.
- (4) The documents referred to in subsection (3) must remain on file in the office of the Executive Director, subject to privacy and other applicable legislation.
- (5) If a candidate fails an examination, he or she may, on payment of the established fee, take any subsequent applicable examination respecting the category for which he or she is otherwise qualified.
- (6) If a candidate has failed an examination 3 times, he or she may only take the examination again with the permission of the membership committee.

- (7) The membership committee must mark examinations and inform candidates of their respective results as soon as reasonably possible.

8. Leave Status

- (1) A member must complete an Application for leave of absence form.
- (2) A member may stay on leave for a maximum total of 13 months within a single term. Members' renewal date won't be changed regardless of the length of the leave.
- (3) A member on leave who seeks to return to general membership must:
 - (a) give at least 2 weeks' notice to the Executive Director; and
 - (b) specify the effective date for doing so; and
 - (c) demonstrate to the Executive Director that he or she meets all applicable insurance requirements as of the effective date.
- (4) In the circumstances described in Part A, section 8, subsection (3), the Executive Director must:
 - (a) reduce the general annual membership fee described in section 6 by 50%; and
 - (b) ensure the professional development requirements described in Section 2 have been met; and
 - (c) list the member as inactive on the CSAP website during the period of their leave.

9. Deemed Suspensions and Rescission of Membership

- (1) The membership committee may adopt guidelines and processes to administer section 17 of the Bylaw, but failure to do so does not preclude action under 17.

10. Register of Members

- (1) The Executive Director must record in a register:
 - (a) the name and contact particulars of each member;
 - (b) the member's category or categories under section 3 of the Bylaw; and
 - (c) notations respecting:
 - (i) disciplinary suspensions and rescission of membership pursuant to section 51 of the Bylaw; and
 - (ii) deemed rescissions and suspensions pursuant to section 17 of the Bylaw.

11. Appeals of Membership Decisions

- (1) The board may appoint a membership appeal committee to hear an appeal under section 13 of the Bylaw.
- (2) The membership appeal committee must be comprised of:
 - (a) at least one director, who must chair the appeal committee; and
 - (b) any other persons who, in the view of the board, are qualified to fairly consider the appeal.
- (3) The chairperson of the membership appeal committee must report the committee's appeal decisions to the board as soon as reasonably possible.

PART B. EMPLOYEES AND OFFICERS

12. Reporting Duty of Executive Director

- (1) The Executive Director must report to the Executive Committee.

13. Executive Committee

- (1) The Executive Committee consists of the officers described in section 42(1) of the Bylaw and, acting in an *ex officio* capacity, the Executive Director.

PART C. BOARD OF DIRECTORS

14. Election of Directors

- (1) Every member is eligible to:
 - (a) cast one vote for a candidate for a position described in section 21(a), (b) and (c) of the Bylaw if the member is also a member of the organization described in paragraphs (a), (b) and (c); and
 - (b) cast one vote for a candidate for a position described in section 21(d) of the Bylaw.
- (2) Election of directors in subsection (1) is based on the highest number of votes cast for the applicable category and, in the event of a tie, the winner is to be determined by a special runoff vote.
- (3) At each annual general meeting, the voting members entitled to vote for the election or appointment of directors must elect or appoint the Board in accordance with the requirements in Section 21 of the Bylaws [Categories of Directors].
- (4) The election of directors may be conducted by in person ballot administered at the meeting, advance mail ballot, advance electronic polling, electronic voting at the meeting, or other means decided by the Executive Director. Approved at July 29, 2020 Board Meeting

15. Director Remuneration

- (1) Directors may, on approval by board resolution, be remunerated as follows:
 - (a) \$120 per hour or portion thereof while serving on Society committees, subject to increase by the board provided that such remuneration shall not increase by more than 10% from the previous year; and
 - (b) fees for other services.
- (2) A board resolution under subsection 2 is deemed to be disclosure of a potential conflict under sections 148(3) and 153(2) of the *Business Corporations Act*.

16. Committee Reports

- (1) All committees of the board must provide a written report annually to the board unless otherwise directed by the board.

PART D. VOTING REQUIREMENTS

17. For the purpose of Section 20 (17) of the Bylaws, except for the election of directors which shall be conducted in accordance with Section 16 of the Rules, the following rules shall apply to electronic voting at a meeting of the members:
 - (1) members shall submit their votes through the Society's electronic member portal, or other electronic means as specified by the Executive Director; and
 - (2) participants will be given a means to ask questions and respond to motions.

PART E. PUBLIC COMPLAINTS AND DISCIPLINE

18. Discipline Committee

- (1) A discipline committee must be appointed by the board and consist of:
 - (a) a minimum of 3 members;
 - (b) a chairperson who is also a member of the society; and
 - (c) other persons who, in opinion of the board, would contribute positively to the work of the discipline committee.
- (2) Unless otherwise decided by the board, the term of a discipline committee member is 2 years.
- (3) The discipline committee may appoint a roster of investigators who are capable of discharging the functions described in section 47 of the Bylaw.

19. Submitting a Complaint

- (1) A complaint described in section 46(2) of the Bylaw must:
 - (a) be made in a form adopted by the board; and
 - (b) provide all relevant details of the complaint.
- (2) A complaint must be filed within 6 months of becoming aware of, or having ought to have known of, the grounds for the complaint.

20. Investigator Duties on Receiving a Complaint

- (1) The investigator, on completion of the investigation, must:
 - (a) in determining that the complaint satisfies the conditions of section 47(2) of the Bylaw:

- (i) refer the complaint to the discipline committee with reasons supporting the referral, and
 - (ii) give notice of the referral to the Submitting CSAP and the complainant; and
- (b) in determining that the complaint does not satisfy the conditions of section 47(2) of the Bylaw, give notice of the determination to the Submitting CSAP and the complainant.

21. Discipline Hearing

- (1) The discipline committee must conduct a discipline hearing in accordance with section 49 of the Bylaw.

22. Appeals of Discipline Committee Decisions

- (1) A discipline appeal committee under section 50(8) of the Bylaw must be comprised of:
- (a) at least one director, who must chair the appeal committee; and
 - (b) any other persons who, in the view of the board, are qualified to fairly consider the appeal.
- (2) The chairperson of the discipline appeal committee must report the committee's appeal decisions to the board as soon as reasonably possible.

PART E. CSAP REVIEWS

23. Review Requirements

- (1) Member reviews of CSAP work must be carried out in accordance with Schedule A.

PART F. PERFORMANCE ASSESSMENTS

24. Definitions

(1) In this Part:

“Application” means an application for a BC Contaminated Sites Regulation legal instrument, including Approvals in Principle, Determinations and Certificates of Compliance.

“Deficient Finding” means the outcome of a performance assessment in which the submission is concluded not to meet the requirements of Table 1 of the Performance Assessment Guidelines.

“Focused Review” means a review by a PAC delegated member to evaluate unresolved issues brought up in a detailed screening; or, requested by the Ministry.

“Non-Random Performance Assessment” means a performance assessment conducted on a submission due to: a remedial measure outcome of a previous PA; a previous submission for the site having been found deficient; a request for a performance assessment by the Ministry or the Society’s Board; and a recommendation for a PA from a Focused Review.

“Panel Member Roster” means a roster of standards assessment and risk assessment members who have been appointed to conduct PAs by the PAC under section 54(2)(c) of the Bylaw and who are under a contract with the society.

“Performance Assessment” means the review of a CSAP recommendation for a legal instrument to ensure that the submitted documents and reports are prepared in accordance with the Environmental Management Act, Contaminated Sites Regulation and the Ministry’s protocols, procedures and guidance; and, to ensure that the legal instrument application is accurate, complete and valid.

“Performance Assessment Coordinator (PA Coordinator)” means an officer appointed by the Board under section 55(1) of the Bylaw to coordinate performance assessments.

“Performance Assessment Committee (PAC)” means the CSAP committee responsible for undertaking Performance Assessments (PAs) on submissions to determine whether they are sufficient or deficient.

“Performance Assessment Committee Delegated Member (PAC DM)” means member of the PAC who directs the PA and makes the final determination of the PA based on the recommendation of the panel members and consultation with the PAC.

“Performance Assessment Panel (PAP)” consists of two standards assessment panel members for a numerical standards submission; and, one risk assessment panel member and a risk assessment DM for a risk-based submission.

“Random Performance Assessment” means selection of a submission for a performance assessment following a random number process based on the day/time the submission is received at CSAPs office and logged into the system. The frequency for Random Performance Assessments is 1:8 submissions.

“Submission” means an application for a BC Contaminated Sites Regulation legal instrument submitted to CSAP by a member. "Submitting CSAP" means a member who submits an application for a BC Contaminated Sites Regulation legal instrument to CSAP (i.e., a submission).

“Sufficient Finding” is the outcome of a performance assessment in which the submission is concluded to meet the requirements of Table 1 of the Performance Assessment Guidelines.

“The Ministry” means the BC Ministry of Environment and Climate Change Strategy.

25. Composition of Performance Assessment Committee

- (1) The PAC is appointed by the Board and must consist of:
 - (a) a minimum of three committee members;
 - (b) a chairperson who is also a member of the Board; and
 - (c) persons who, in the opinion of the Board, would contribute positively to the work of the PAC.
- (2) Unless otherwise specified by the Board, the term of a PAC member is two years, with a second two-year term at the discretion of the PAC Chair. Additional terms will be considered on a case-by-case basis.
- (3) The PAC must inform the PA Coordinator of any decision to appoint a PAC DM under section 54(2)(d) of the Bylaw.

26. Performance Assessment Coordinator Duties on Receiving CSAP work
- (1) On receiving an application for a BC Contaminated Sites Regulation legal instrument and fee described in 57(1) of the Bylaw, the PA Coordinator must:
 - (a) within five days coordinate the administrative screening of the application to determine if it is complete;
 - (b) if the application does not include the required submission documentation, request the required documentation from the Submitting CSAP and hold any further processing of the application until the completed documents are received;
 - (c) if the required submission documentation for the application is complete, apply the PA selection rules of section 28 within two days;
 - (d) give notice to the Submitting CSAP if the application has been selected under paragraph (c) for a PA;
 - (e) if the CSAP work is not selected for a PA under paragraph (d), arrange for detailed screening of the application and forwarding to the Ministry for further processing following the detailed screening of the submission.

27. Selection of Applications for Performance Assessments

- (1) For the purposes of selecting an application for a PA under section 57(2) of the Bylaw, the PA Coordinator must select:
 - (a) submissions on a random basis using a method approved by the Board, with a selection rate of 1: 8 for all submissions both numerical and risk-based); and
 - (b) submissions on a non-random basis as directed by the Board, the PAC Chair, or the PA Coordinator. Submissions may be identified by the PAC Chair for non-random PA based on recommendation from a Focused Review, as per the process outlined in the Performance Assessment Guidelines.
- (2) Notwithstanding paragraph (1)(b), the Board may instruct the PAC to conduct a Focused Review or a non-random PA on a submission as requested by the Ministry, if the Ministry:
 - (a) requests in writing the selection within 30 business days of receipt of the submission by the Ministry; and
 - (b) provides a reasonable basis for the request.
- (3) If a request is made under subsection (2), the Board must:
 - (a) respond to Ministry within 10 days of receiving the request that the rationale for the PA is not within the mandate of the Society; or
 - (b) delegate within 10 days of receiving the request the processing of the request to the PA Coordinator or the PAC.

28. Performance Assessment Panels

- (1) A PA panel must consist of two or more members of the panel member roster.
- (2) On determining that a submission has been selected for a PA under section 27, the PA Coordinator must:
 - (a) for the purposes of section 57(3) of the Bylaw, appoint a PA panel; and
 - (b) identify and give notice to the PAC DM(s) that a PA is required.
- (3) The PA panel must prepare a Stage 1 Findings report described in section 58 of the Bylaw using the following steps:
 - (a) review the submission under PA and prepare a draft Stage 1 Findings report for discussion with the PA panel and PAC DMs(s);
 - (b) finalize the Stage 1 Findings Report and provide a copy to the PAC DM(s). The DM(s) will provide the reports and their conclusion letter regarding a sufficient finding or requiring additional information to the PA Coordinator, who will send the reports to the Submitting CSAP(s);
 - (c) unless waived by the Submitting CSAP, meet or otherwise consult with the Submitting CSAP, the PAC DM(s) and the PA Coordinator to discuss the findings of the Stage 1 Findings report;
 - (d) prepare a draft Final Findings report considering information provided by the Submitting CSAP in the meeting described in paragraph (c) and documented in an Addendum to the submission received from the Submitting CSAP;
 - (e) invite the PAC DM to comment on the draft Final Findings report;
 - (f) recommend for the purposes of section 58 of the Bylaw whether the submission is Sufficient or Deficient; and
 - (g) provide a copy of the Final Findings report and the panel's recommendation to the PAC DM and the PA Coordinator.
- (4) The PA Coordinator must provide a copy of the Final Findings reports under subsection 3(g) and PAC DM conclusion letter to the Submitting CSAP.

29. When a Panel Cannot Reach a Consensus:

- (1) If a PA panel cannot reach a consensus as to whether, under section 58 of the Bylaw and section 28(3)(f), the submission is Sufficient or Deficient, the PAC DM(s) must:
 - (a) direct the PA Coordinator to appoint a new PA panel; or
 - (b) make his or her conclusion of whether the submission is Sufficient or Deficient in consultation with the PAC.

30. When Draft Final Findings Report Concludes "Sufficient"

- (1) On receiving from a PA panel a draft Final Findings report that recommends that the CSAP work is Sufficient, the PAC DM(s) must decide whether the conclusion is supported, and:
 - (a) if the Sufficient conclusion is supported, apply the process described in subsection (2); or
 - (b) if the Sufficient conclusion is not supported, apply the process described in subsection (3).
- (2) If the PAC DM(s) decides that the Sufficient recommendation of the draft Final Findings report is supported, the PA panel members must:
 - (a) finalize the Final Findings report, with any edits, as directed by the PAC DM;
 - (b) provide the Final Findings report to the PAC DM and the PA Coordinator; and
 - (c) the PA Coordinator will send the PA panel Final Findings Reports and the DM letter concluding the outcome of the PA to the Submitting CSAP and will forward the submission to the Ministry.
- (3) If the PAC DM(s) decides, pursuant to subsection (1)(b), that the Sufficient recommendation of the draft Final Findings report is not supported, the PAC DM(s) must either:

- (a) refer the draft Final Findings report back to the original PA panel or a new PA panel, to be appointed by the PA Coordinator, for reconsideration, and particularly:
 - (i) provide the panel with a written statement of concern explaining why the PAC DM(s) believes that the recommendation is not supported;
 - (ii) instruct the PA panel to:
 - (A) consider whether it agrees with the PAC DM(s) stated concerns;
 - (B) prepare a written reconsideration and, if appropriate in light of paragraph (A), a revised draft Final Findings Report; and
 - (C) submit the reconsideration to the PAC DM(s) within a prescribed period.

31. When a Panel’s Draft Assessment Report Concludes “Deficient” CSAP work

- (1) On receiving a draft Final Findings Report from a panel that concludes that the CSAP work is Deficient, the PAC DM(s) must decide whether the conclusion is supported and:
 - (a) if the Deficient conclusion is supported, apply the process described in subsection (2); or
 - (b) if the Deficient conclusion is not supported, apply the process described in subsection (4).
- (2) If the PAC DM(s) decides that the Deficient conclusion is supported, the PA panel must:
 - (a) finalize the Final Findings Report, with any edits, as directed by the PAC DM; and
 - (c) give notice of the “Deficient” Final Finding to the PA Coordinator.
- (3) The PA Coordinator must notify the Submitting CSAP and the PAC of a decision made under subsection (2).

- (4) If the PAC DM(s) decides, pursuant to subsection (l)(b), that the Deficient conclusion is not supported, the PAC DM(s) must either:
 - (a) refer the draft Final Findings report back to the PA panel or a new PA panel, to be appointed by the PA Coordinator, for reconsideration, and particularly:
 - (i) provide the panel with a written statement of concern explaining why the PAC DM(s) believes that the conclusion is not supported;
 - (ii) instruct the panel to:
 - (A) consider whether it agrees with the PA DM(s) stated concerns;
 - (B) submit the reconsideration within 5 business days to the PAC DM(s); and
 - (C) if appropriate in light of paragraph (B), provide a revised draft Final Findings Report; and

32. Incomplete Performance Assessment

- (1) When information is provided during a PA that indicates that the Submitting CSAP(s) cannot complete the PA process, the PAC DM(s) must inform the PA Coordinator who will contact the Submitting APs and/or the applicant for the submission to provide, in writing, a request for the PAC to review the circumstances and assess eligibility for an incomplete PA. Documentation should include communications and or documents providing evidence of the circumstances leading to the request. The information will be reviewed by the PAC on a case-by-case basis and the PAC will make a final ruling. If the reasons for not completing the PA process are considered warranted by PAC, the submission will be deemed Incomplete and the PA Coordinator will notify the Submitting AP(s) and the PA will not continue. If the PAC determines that there is insufficient evidence to conclude that the submission should not continue in the PA process, the PA will continue. Failure of the applicant to participate in the PA as needed to respond to PAP requests for information or clarification regarding the application may result in the application being found Deficient

33. Remedial Measures

- (1) The Discipline Committee may, impose remedial measures on the Submitting CSAP, as described in Section 2 of the Discipline Committee Guidelines.

34. Performance Assessment Period

- (1) A PA panel and the PAC DM(s) are expected to complete the procedures of sections 28 to 32 within a total of forty (40) business days where the Submitting CSAP has met the timeline for the submission of additional information.

35. Appeals of Performance Assessments

- (1) The Board may appoint a PA appeal committee to hear an appeal under section 63 of the Bylaws.
- (2) The PA appeal committee must be comprised of:
 - (a) at least one director, who must chair the PA appeal committee; and
 - (b) any other persons who, in the view of the Board, are qualified to fairly consider the appeal.
- (3) The chairperson of the PA appeal committee must report the committee's appeal decisions to the Board as soon as is reasonably possible.
- (4) The Board must report the committee's appeal decision to the PA Coordinator and the PA Chair.
- (5) The PA Coordinator must notify the Submitting CSAP of the committee's appeal decision.
- (6) A Submitting CSAP may appeal a decision of the PAC within seven (7) business days of receiving documents in accordance with Section 34 of the Society Rules. A rationale for launching an appeal must be received within 20 business days of the appeal notification. An appeal of a decision of the PAC would be heard by the PA appeal committee set up by the Board.

- (7) In respect of any appeal made by a Submitting CSAP pursuant to section 63 of the Bylaws, the Board or the PA appeal committee, as the case maybe, may in impose an administrative fee in the amount of \$250 payable by the Submitting CSAP to the society.
- (8) If an appeal by a Submitting CSAP is unsuccessful (i.e., the PA appeal committee does not overturn a decision of the PAC), the Board or the PA appeal committee, as the case may be, may impose a discretionary fee in the amount of 10% of the society's costs in hearing and determining the appeal up to a maximum amount of \$3,000.
- (9) A Submitting CSAP may apply to the Board for a waiver of the application of section 63(8) of the Bylaws if and to the extent that the abeyance of any subsequent CSAP submissions of the Submitting CSAP would result in a hardship, financial or otherwise, to the Submitting CSAP. Upon receiving a hardship application from the Submitting CSAP as aforesaid, the Board may, in its sole discretion, waive the application of section 63(8) of the Bylaws and, accordingly, any subsequent CSAP submissions of the Submitting CSAP shall not be held in abeyance.