



CSAP TECHNICAL REVIEW COMMENTS

Administrative Guidance 3: Applying for contaminated site services

CSAP Technical Review #57

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In response to the Ministry of Environment's request for comments on Administrative Guidance 3: Applying for contaminated site services.

CSAP would like to thank Mr. Paul Webb of Hemmera and Mr. Bob Symington of Gandalf for completing this Technical Review of behalf of the CSAP Society.

Comments



Applying for Contaminated Sites Services

The Contaminated Sites Regulation (the Regulation) requires the ministry to charge fees for services relating to contaminated sites, consistent with the "user pays" and "polluter pays" principles. The fees are specified in section 9 and Schedule 3 of the Regulation.

How to apply for services

Completing the [Contaminated Sites Services Application Form](#) (CSSAF) is the first step in requesting the ministry to provide services such as:

- reviewing a site investigation report, remediation plan, confirmation of remediation report, or restrictive covenant;
- considering an Approved Professional's recommendation;
- issuing a Determination of Contaminated Site, an Approval in Principle (AiP), or a Certificate of Compliance (CoC);
- considering a Contaminated Soil Relocation Agreement (CSRA) application; or
- determining if a responsible person is a minor contributor.

General instructions

- Clearly print or type the information you require.
- Answer all applicable questions to the best of your knowledge.
- Attach your cheque for the required ministry fee when submitting your request payable to the Minister of Finance.
- **Include a paper and an electronic copy of any report (provide laboratory reports in**

electronic format only) or plan for which a review or other service is requested, or as required for site risk classification purposes.

Filling in the form

Part A – Applicant Information

- Note that applicant information may refer to a person or company other than the owner.

Part B – Billing Contact

- The person or business identified as the billing contact may be invoiced for additional fees after services provided by, or on behalf of the ministry have been provided. See [Fact Sheet 25, "Fees for Contaminated Sites Services"](#) for details.

Part C – Application Information

- Check off the services you want are applying for.
 - Note that the 'Report Reviews' are normally only completed as part of a Ministry review submission, and these services do not need to be checked if the 'Other services' requires the review of the report to complete.
 - A submission for services under 'Report Reviews' and 'Other services' may require a Summary of Site Condition be submitted with the application. Where required, this service should also be checked. See Table 1 below for more information.
- **Check off the review process you wish to have selected for your application. A description of the options are provide below from this list:**

1. Roster of Approved Professionals submission

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Comment [PJW1]: The External review option was removed from the MoE edited version. The CSS form has not been updated so this could cause confusion as to whether it is still an option or not. If it is no longer an option, suggest some wording to that effect be added so that the persons completing the form do not choose the option. Or add it back as a third option? (see below)

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This is the approval process for non-high risk sites in effect since November 1, 2004. Proponents must retain the services of Approved Professionals to make recommendations to the ministry regarding issuance of contaminated sites instruments (e.g. AiP, CoC).

Site owners and operators must use option 1 when required under Protocol 6. See "Administrative Guidance 5: Approved Professional Recommendations for Non-High Risk Sites" and "Protocol 6: Eligibility of Applications for Review by Approved Professionals."

2. 2. Ministry review

With this approach, which is generally applicable only to high risk sites, ministry staff will carry out the review.

3. External Review

In a few circumstances, clients may request a review by external reviewers under contract to the ministry. It is a more expensive option, but sets fixed time frames for reviews. For more detail, see Fact Sheet 22, "External Report Review Option: Summary of Fees and Time Schedule."

~~Site owners and operators must use option 4 when required under Protocol 6.~~

- ~~Check to indicate if the submission is a re-submission or not.~~

Time frame considerations

~~If you are using the ministry review option, staff will perform an initial quality assurance review. To streamline this step, ensure that your application is complete.~~

~~Once complete, an application will be processed on a first come, first served basis, with the exception of those identified as government priority sites.~~

Part D – Site Information

- **Site ID is the Contaminated Site Registry ID**
- For legally surveyed property, provide PIDs (Parcel Identification numbers) and associated legal descriptions from the Land Title registry system.
- For Crown land that is not legally surveyed, provide the PIN (Parcel Identification Numbers) or the Crown Land File Number from the Crown Land registry system.
- Provide the latitude and longitude of the approximate centre of the site (accurate to ±0.5 of a second (approximately ± 10 metres) using the 1983 North American Datum).
- Provide the name of the property owner where it differs from the name of the applicant.
- Provide the Site Risk Classification...

Part E – Key Information Requirements

- **As noted at the top of Part E and pursuant to CSR Section 7.1 and applicable protocols, a satisfactorily completed Summary of Site Condition (Schedule 1.1 of the Regulation) must be submitted with applications for contaminated sites legal instruments and for ministry review of various reports and plans. Services requiring the submission of a Summary of Site Condition with the supporting documents are listed in Table 1 below.**
- **For all submissions, check the key report deliverables included in the submission and indicate where this information can be found under the "report references" heading.**
- **Pursuant to CSR Section 7.1 and applicable protocols a satisfactorily completed Summary of Site Condition (Schedule 1.1 of the Regulation) must be submitted with applications for contaminated sites legal instruments and for ministry review of various reports and plans. For a list of reporting requirements for the Summary of Site Condition see Table 1.**

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Comment [PW2]: Added back in as a place holder – the CSS form and fact sheet 22 continue to reference this type of review, so this type of explanation is suggested to avoid confusion

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- Note that all applications must include a satisfactorily completed Site Risk Classification Report and where applicable a satisfactorily completed Exposure Pathway Questionnaire. See "[Protocol 12: Site Risk Classification, Reclassification and Reporting.](#)"

For more information, please direct inquiries to site@gov.bc.ca

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Time frame considerations

If you are using the ministry review option, staff will perform an initial quality assurance review. To streamline this step, ensure that your application is complete.

Once complete, an application will be processed on a first-come, first-served basis, with the exception of those identified as government priority sites.

Mailing Instructions

To be considered for review by ministry staff, contaminated sites service applications and supporting documentation should be sent to the attention of the **Client Information Officer** at this central address:

**Land Remediation Section
Environmental Emergencies and Land
Remediation Branch
Ministry of Environment
2975 Jutland Rd.
Victoria, BC V8T 5J9**

Only one paper copy of a complete application is required.

The electronic format of reports, forms and plans related to an application should be sent to the following e-mail address:
csp_cio@victoria1.gov.bc.ca

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.

Table 1. Requirement to submit a Summary of Site Condition for Contaminated Sites Services

Services and Functions Provided by the Ministry or Persons on Behalf of the Ministry	Requirement to Submit
CSS Application Form Part C - 'Report Reviews'	
Review of a preliminary site investigation report	Yes ¹
Review of a detailed site investigation report	Yes ¹
<u>Review of a remediation plan which does not include a human health risk assessment and/or environmental risk assessment report</u>	<u>Yes¹</u>
<u>Review of a remediation plan which includes a human health risk assessment and/or environmental risk assessment report</u>	<u>Yes¹</u>
<u>Review of a human health risk assessment and/or environmental risk assessment report not included in a remediation plan</u>	<u>Yes¹</u>
Review of a human health risk assessment and/or environmental risk assessment report not included in a remediation plan	Yes⁺
Review of a remediation plan which does not include a human health risk assessment and/or environmental risk assessment report	Yes⁺
Review of a remediation plan which includes a human health risk assessment and/or environmental risk assessment report	Yes⁺
Review of a confirmation of remediation report	Yes ¹
Person requests Review of background substance concentrations for a site under Section 11, 17, or 18	Yes ¹
Person requests Review of proposed site-specific standards for a site under Section 11 or 17	Yes
Approval in principle for a remediation plan	Yes⁺
CSS Application Form Part C - 'Other Services'	
<u>Review of Summary of Site Conditions</u>	<u>Yes</u>
Certificate of compliance	Yes⁺
<u>Request for Person requests a</u> Determination whether a site is a contaminated site	Yes ¹
<u>Request for Approval in Principle for a remediation plan</u>	<u>Yes¹</u>
<u>Request for Certificate of Compliance</u>	<u>Yes¹</u>
<u>Person Request for a voluntary remediation agreement</u>	<u>Yes¹</u>
<u>Request for Person requests designation of an area as a wide area site</u>	<u>Yes</u>
<u>Request for Person requests a determination as to a person's minor contributor status</u>	<u>Yes¹</u>
<u>Request for Contaminated Soil Relocation Agreement</u>	<u>Yes¹</u>
<u>Request for Person requests a transfer agreement under Part 5 of the Act</u>	<u>Yes¹</u>
<u>Request for Person requests indemnification for a site under the <i>Financial Administration Act</i></u>	<u>Yes¹</u>
<u>Review of a covenant prior to registering</u>	<u>Yes¹</u>
Contaminated Soil Relocation Agreement	Yes⁺
Person requests a transfer agreement under Part 5 of the Act	Yes⁺

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Person requests a voluntary remediation agreement	Yes¹
Person requests indemnification for a site under the <i>Financial Administration Act</i>	Yes¹
Review of a covenant prior to registering	Yes¹
Person requests a determination as to a person's minor contributor status	Yes¹
Person requests designation of an area as a wide area site	Yes
CSS Application Form Part C - Additional Services and/ Functions for Sites Classified as High Risk under Protocol 12	
Notification for the migration or likely migration of a substance to a neighbouring site	No ²
Notification of independent remediation	No ²
Site investigation report required or ordered	No ²
Director imposed requirement	No ²
Realization of high risk conditions at neighbouring sites	No ²
Preapproval for Approved Professional submission application	No
Monitoring report review request or Site Registry requirement	No

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Notes

1. Requirement to submit a Summary of Site Condition under Section 7.1 of the Regulation
2. Unless required under Protocol 12 or a requirement imposed by Director