

Members Update SPRING 2017

CSAP AGM, ELECTION OF DIRECTORS and PD WORKSHOP JUN 7TH

This year the CSAP Society Board of Directors, Director “at large” seats are up for election (this election occurs every two years). Nominations can be made by members in good standing who meet the requirements as outlined in the following documents;

- [Request for CSAP director at large candidates](#)
- [Director at Large Application form](#)
- [Pathway to the Board](#): provides more information for members who may be interested in running for a Board position in the future.

If you are interested in putting your name forward as a candidate for a Board position as a Director “at large”, please reply to the Society using the above application form, applications accepted until **4pm, May 19th**. Candidacy supporters will be contacted to confirm their support.

If you’re interested in becoming a director-at-large candidate and would like to verify your eligibility, please call the office 604-451-4555.

Ministry Updates/ Clarifications:

Scenario 1 (P6): COC application that requires a pre-approval, where the pre-approval has been sent in before Oct 31 (but no response prior to Nov 1), there will be a delay in the submission until after Nov 1. How will MOE handle this situation?

- In order to allow for adequate time for the ministry to process any approvals for submissions to proceed to the CSAP society under protocol 6, approval applications should be received by the ministry as early as possible. [Administrative Bulletin 3](#) describes the administrative process for legal instrument applications being submitted during the regulatory transition period ending October 31, 2017. In order for a submission to be considered “*complete and of sufficient quality for the director to give adequate consideration to the application*” any and all required approvals must be included at the time the application is made.

Scenario (AG11): A submission has been made to CSAP and the paperwork is with MOE for signature, but there are delays due to AG11 issues (i.e., offsite party is not content/unresponsive), will that application need to be re-submitted under the new standards (if MOE finds the AG11 is incomplete)?

In order for an Approved Professional to demonstrate that an application is “*complete and of sufficient quality for the director to give adequate consideration to the application*” the relevant site information must *have been* presented to the affected parties, with appropriate time granted for response as per AG-11 *at the time of application*. If comment is received from an affected party after the comment period has ended but prior to completion of the CSAP screening or performance assessment processes, it is the expectation that affected party’s concerns will be addressed as per item 2 below and, where unresolved, flagged for consideration by the director.

If comment is received from an affected party after the comment period has ended and after the submission has been forwarded to the director for signature, but prior to issuance of a legal instrument, these comments must be promptly forwarded to the ministry for the director's consideration.

1. For those parties that are non-responsive, in order for an application to be considered complete, the submitting AP must ensure communication has been attempted in accordance with Administrative Guidance 11. *"The source parcel owner is expected to provide to the affected parcel owner in writing by registered letter, the information shown in Appendix 2 item 2). If a written response is not received by the source parcel responsible person within 30 days, the ministry expects the source parcel responsible person to contact the affected parcel owner again, this time by telephone, email or in person requesting a response to the original communication. If contact is made, a request must be made by the source parcel responsible person for a response to the registered letter within an additional 30 days from the time of the telephone, e-mail or personal contact."*
2. For those parties that respond to the applicant, and object to the terms and conditions of a legal instrument, in order for an application to be considered complete, the submitting AP must either:
 - a) obtain agreement from the affected party regarding the terms and conditions of legal instrument issuance, or
 - b) in instances where agreement cannot be reached, address the comments received by the affected party and cite the rationale for making the recommendation for issuance of the legal instrument. These instances of unresolved differences should be identified for the directors consideration in the detailed screening worksheet.

It is the ministry's experience that option "b" above is not uncommon for affected parcels remediated by application of risk assessment where the assessment assumes use limitations to current and future use of the parcel (e.g., depth restrictions for building foundations). For submitting APs pursuing options 1 or 2b, please note that applications made under these circumstances may be vulnerable to rejection if the restrictions are deemed inconsistent by the director with section 12(5) of the CSR. Applications brought forward under options 1 or 2b may also be vulnerable to appeal according to Part 8 of EMA. If an application is rejected, or the director is instructed to rescind a legal instrument by a ruling from the Environmental Appeal Board or other legal tribunal, subsequent applications made after November 1, 2017 would be subject to the new standards in the stage 10 amendment.

CSAP Committee Reports

Full content for all committee reports is available in the News section of the CSAP website.

Performance Assessment Committee Updates

The PAC would like to inform/remind the AP community of the following:

- The Annotated SoSC has been revised to include a fillable checklist in Section 4.2, Hydrogeology. The checklist can be copied and pasted into your SoSC. Using the checklist will ensure all necessary information is provided in this section, and is highly recommended; however,

rationale and any additional details providing clarification should be included in this section (as text) as appropriate. The revised SoSC is available [here](#).

- A reminder that if Protocol 13: Screening Level Risk Assessment is used in a risk assessment, if the SLRA fails for one or more pathway, a Detailed Quantitative Risk Assessment (DQRA) is required. In this case, the correct instrument to apply for is a Detailed Risk-Based CofC. It is also noted that additional documentation beyond that required for a SLRA is required for a DQRA (see Technical Bulletin 2).
- Once the Omnibus Standards come into effect on Nov 1 2017, submissions must include the new standards and the associated method detection limits (MDLs). If the laboratory MDLs for non-detect potential contaminants of concern (PCOCs) do not meet the new standards (i.e., the old MDLs do not meet the new standards) the MoE will not consider the site to be satisfactorily delineated nor remediated.
- [The Administrative Screening Guidance](#) has been updated.
- [Professional Judgment paper](#) is now available.
- With advances in chemical analytical methods and technologies the method detection limits (MDLs) decrease overtime so the historic detection limit may be above the current standard. After November 1, 2017, site investigation in BC must use the new standards and the associated new MDLs to meet the new standards. If the MDL of old non-detect data cannot meet new standards, then technically the site is neither satisfactorily remediated nor delineated. If all historical data is less than a MDL that is not technically contamination.
- In cases where historic results are non-detect at a level above the new standard, professional judgement should be used to design a program that will demonstrate whether the historic levels are also below the current standards. For soil samples this may involve making inferences from soil and groundwater data or limited sampling in areas with the highest probability of contamination. For groundwater and vapour this may involve making inferences from other media or limited sampling in areas with the highest probability of contamination if wells still exist. Complete resampling should only be conducted as a means of last resort.

Detailed Screening Update

CSAP has responded to recent enquires concerning AG11 communications and the inclusion of email communications with affected parcel owners with the application. CSAP would like to remind AP's of the [AG11 Communications Template](#) which includes the following disclaimer when AG11 communications are undertaken to ensure the recipient understands that the email may become part of the public record.

Geodetic Elevations and Instrument Conditions

Members should be aware that restrictions on the instrument with reference from depth from grade, such as use of vapour attenuation factors or depth to impacted soil layers, may in some cases need reference to geodetic elevations rather than depth to grade dependent on the site. There is no hard and fast rule as to when this may be required by MOE and practitioners should consider contacting MOE if they are unclear on this requirement for a particular site or set of circumstances.

Technical Review Committee Updates:

The Technical Review Committee’s main focus for 2017/18 is organizing reviews of draft Omnibus-related guidance documents. The first set of documents came out in March 2017 and CSAP has concluded our review and provided comments to MOE. CSAP would like to take this opportunity to thank the following AP’s for a job well done and for their recent contribution of time to review the March release of Omnibus documents:

Protocol 4	Guy Patrick	Patty Carmichael			
Protocol 18	Chuck Jochems	Gary Lin	Jim Laidlaw	Audrey Wagenaar	Michael McLeay
Administrative Guidance 3	Bob Symington	Paul Webb			
Administrative Guidance 5	Bob Symington	Paul Webb			
Synopsis on new methods-Lab Manual	Cindy Ott				

The next set of draft documents are due to come out in July 2017 and there will be 60 day comment period. Given the summer timing, we anticipate it will be difficult to identify members for the reviews – please consider getting involved because this is one of the best ways to get to know the incoming guidance and your time is paid. See [list of documents here](#) – and to indicate your expertise and interest. There will also be an opportunity to sign up for reviewing these documents at the upcoming AGM on June 7th, 2017.

The second area of focus for the TRC in 2017/18 is implementing a several special projects. These include:

- Preparing a layman’s guide to AP practice
- Assisting with revising Protocol 2 (site-specific numerical soil standards) by developing “look-up” tables
- Analyzing CSR risk assessment guidance to identify areas of overlap with conflicting guidance – then recommending solutions to address those conflicts
- Using seed money to begin developing CSAP’s role/vision for electronic capture of data and information for sites with submittals to MOE (i.e., GIS-based approach)
- Further assessment (beyond the FY 2016/17 CSAP project) of the implications of the revised CSR standards using data compiled by five companies

It will be a busy year for the TRC – we appreciate you stepping forward to help with reviews in July/August 2017.

Membership Updates:

IMPORTANT NOTICE REGARDING THE CSAP EXAMS 2017 SCHEDULE

Based on the November 1, 2017 effective date for the Omnibus Update to the Contaminated Sites Regulation, the usual (November) time period for offering the numerical standards assessment, regulatory, and risk assessment examinations will be moved:

From: Numerical Exam – November 14th
Regulatory Exam – November 15th
Risk Exam – November 16th

To: **Numerical Exam – February 6th, 2018**
Regulatory Exam- February 7th, 2018
Risk Exam – February 8th, 2018

As a consequence, the deadline for applications to write the exam will be extended to **Friday, September 1, 2017**.

CSAP held our first New Members Orientation meeting on April.21st, 2017 and it was a success!

Professional Development Committee Updates:

Fall PD Workshop first call for abstracts: First call for presentation abstract for the annual CSAP Fall PD Workshop to be held in November. Given the timing, the focus of the workshop is expected to be the implementation of the Omnibus standards; however, we welcome other abstracts related to Contaminated Sites issues. If you are interest in presenting, please send your one page abstract to Janet Phipps (communications@csapsociety.bc.ca). Presentation length should be approximately 30 minutes.

AGM & PD Workshop

Members – [registration](#) is now open for the CSAP Society AGM to be held on June 7, 2017!

Attendance at the AGM is important not only to vote in the election of directors, but to participate in the members' survey and make your opinions known. The AGM will again be followed by a members-only PD Workshop. This year's AGM will hold elections for the Directors-At-Large positions.

During the PD portion of the AGM, three of CSAP's special projects from 2016-17 will be presented on:

- PCOC list, a draft document summarizing potential contaminants of concern associated with common commercial and industrial land uses. Land use categories are chosen from Schedule 2 of the Contaminated Sites Regulation, based on frequency of appearance in the MOE Site Registry. PCOC substance classes are assigned to each land use, based on a literature review and experience. PCOCs were chosen from parameters listed in the omnibus amendments. Where possible, specific PCOC parameters are listed. Duncan Macdonald will discuss the progress and challenges of this project.

- CSAP's GIS mapping system explained

The CSAP and MoE Contaminated Site Legal Instrument Mapping has many uses in assessment of contaminated sites, including:

- 1) Looking for a recent Determination, AiP or CoC anywhere in the province?
- 2) Need to know of any Water Use Determinations local to your site?
- 3) Do you have background soil or groundwater issues?
- 4) Does your site fall within the historic high water mark?
- 5) Has the site been infilled within the False Creek Flats?

If so, then check out the CS legal instrument mapping tool on CSAP's member portal.

- CSAP Peat Project Presentation

Difficulties are arising during regulatory instrument submissions by Approved Professionals (APs) for adequate investigation and remediation of peat material, particularly with the issue of analytical methodologies and interpretation of results. The CSAP peat project scope included providing understanding and guidance regarding peat material, identifying limitations of current analytical methodologies when analysing for peat, completing a review of works by practitioners in British Columbia and other jurisdictions, and identifying recommendations for potential changes within the BC regulatory regime to address peat material. This presentation will provide an overview of the peat project and its findings, including review of definitions and characteristics of peat.

The Ministry of Environment will be presenting on the following in the afternoon session:

- Protocol 2 (Site Specific Soil Standards) update – Annette Mortensen and Stephen Munzar
- Technical Guidance 4 (Vapour Investigation and Remediation) and Draft Protocol 22 update – Heather Osachoff and Dave Williams
- Draft Protocol 27 (Soil Leaching Assessment) update – Lavinia Zanini and Tony Gillett
- CSR Stage 10 Amendment Errata – Glyn Fox (30 mins)

[See preliminary PD Workshop Agenda](#)

CSAP Event Calendar:

CSAP AGM & PD Workshop **June.7th** [Registration now open](#)

EXAM deadline **Sept.1st** [More info](#)

Industry Event Calendar:

SABCS 7th Annual Conference on Contaminated Sites

September 27th & 28th, 2017.

The SABCS 7th Annual Conference and Workshop on Contaminated Sites. [More info](#)

In The News:

[Energy Farmer, ExxonMobil?](#)