

Members Update SUMMER 2017

Ministry Updates/ Clarifications:

- Land Remediation Section (LRS) staff of the Ministry of Environment and Climate Change Strategy based in Victoria have new phone numbers. Previous phone numbers that started with 250-387-xxxx or 250-356-xxxx no longer connect you with a staff member. The new phone numbers are of the format: 778-698-xxxx. To reach ministry staff, use the online government directory: <https://dir.gov.bc.ca/> or use the Enquiry BC service (Mon. to Fri., 7:30 am – 5:00 pm):
 - Vancouver 604-660-2421
 - Elsewhere in B.C. 1-800-663-7867
 - Outside B.C. 604-660-2421
- The MoE would like to remind members that the deadline for application of submissions prior to the Stage 10 amendment coming into force is 5:00 pm PDT on Oct. 31, 2017 (for both CSAP and ministry submissions). Reference should be made to [Administrative Bulletin 3](#).
- *The following question was posed to the MoE: How will MoE handle additional AG11 information received after Nov 1st while the submission is in the queue to be processed (assuming that the submission is allotted the full 60 day consultation period prior to Nov 1st)?*

MoE's Response: If comment is received from an affected party after the comment period has ended and after the submission has been forwarded to CSAP, but prior to issuance of a legal instrument, these comments must be promptly forwarded to the ministry for the director's consideration. Applications subject to these circumstances may be vulnerable to appeal or rejection if the comments raised by the affected party are determined to be valid, and addressing the comments would require additional investigation and/or remediation.

- The MoE has also indicated the following for sites where leaseholders are completing remediation of leased property:

Ministry Expectations for consultation with Parties that may be impacted by director's decisions.

When making decisions pursuant to authorities granted by the Environmental Management Act and Contaminated Sites Regulation, it is the director's obligation to ensure that parties that may be affected by the decision have been consulted in accordance with the principals of administrative fairness. It is the ministry's expectation that those consultations have been completed prior to the ministry receiving the recommendation from CSAP to issue a legal instrument. The most common scenario for affected parties is contamination that has migrated onto their property from an adjacent source. The ministry's expectations for this scenario are clearly laid out in Administrative Guidance 11; however, the principles of AG-11 should also be applied by leaseholders seeking CS instruments. In this scenario the expectation for leaseholders to communicate with property owners with whom they hold a lease flows from the director's obligations to consult with potentially affected third parties. Without provision of a communication record consistent with the principals of AG-11, the director has no basis to determine whether the principals of administrative fairness had been complied with during

consultation with an affected party. This may result in an application being considered incomplete or of insufficient quality for a director's decision.

CSAP Committee Reports

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

Performance Assessment Committee Updates

- Members are reminded it is required that the AG 11 Communication Process must be complete prior to making a submission. In order to allow the 60 days required in AG 11, communications for pre-Omnibus submissions (i.e., submissions made on or before October 31) must be initiated by August 31 or prior. The MoE has indicated that for submissions where the 60 day requirement is met, but valid comments are received by the affected property owner(s) prior to the signing of the CofCs, the MoE will consider those comments. The MoE has also indicated that if the valid comments (e.g., a different development than that contemplated in the submission) result in further work at the affected property following Oct. 31, 2017, **the NEW standards would apply.**
- The MoE has indicated that if a complete submission of adequate quality is received and stamped by CSAP prior to or on Oct. 31, the CofC will be issued based on the old standards. For submissions that are selected for Performance Assessment, if they are found deficient in accordance with the CSAP Guidelines for Performance Assessment of Submissions by Contaminated Sites Approved Professionals (see Summary in Table 1) or if responses are not completed within the timeframes specified in Table 2, the work will be deemed Deficient and **all data will have to be compared to the NEW Standards. The Ministry of Environment may also refer Documents for Non-Random Performance Assessment.** In addition, it is noted that if during a PA there are substantive changes to the CofCs, the AG 11 communication process will need to be restarted.
- The MoE has indicated that a P20 is required for all DERA, even when a DERA ends at the Problem Formulation stage (e.g., SLRA is used to rule out all pathways but fails for soil leaching/groundwater model, but DERA evaluates deep rooting vegetation and references DSI to indicate groundwater plume is stable/decreasing and no operable pathway to aquatic receptor). They have also indicated that Protocol 1 should only be used in conjunction with Protocol 13 or 20.
- The PAC would like to advise members that following the receipt of the Stage 1 Findings during a Performance Assessment, it is recommended that the submitting **APs request a meeting with the PA panel within 30 days.** The DRAFT Additional Information Addendum must be provided to the PA Coordinator at the time of the meeting request to allow sufficient time for the PA panel to review the addendum.
- The PAC would like to remind members that where risk controls apply only to a portion of a property/MA, as per Procedure 12, the areas should be defined within Schedule A of the CofC (or a figure attached to the CofC), and metes and bounds for the area(s) must be provided.
- Members are reminded that when applying for a Determination, as per recent MoE direction, all parties with a financial interest in the property must be copied on the instrument.

Detailed Administrative Screening Update

- *Referencing MoE Direction/Correspondence*
When referencing BC MoE direction/correspondence in Sections 4.8 (Investigation or Interpretation Issues to be Addressed) or 5.6 (Remediation Issues) of the SoSC, please attach correspondence with the MoE to the SoSC to ensure that the Detailed Administrative Screening of your submission is completed in a timely manner. When not included, it will be requested.

Submitting AP's are reminded to visit the CSAP Website and Submission Manager regularly for updates on submitting documents.

- *Instrument Templates*
Some Submitting AP's have been noted for using outdated templates for Certificates of Compliance and Determinations. Please make sure to visit the Submission Manager and download the current templates.

An example of a missing Instrument Cover Letter clause is:

"Please note that the attached <legal instrument> does not address obligations of employers regarding worker health and safety under the Workers Compensation Act and Occupational Health and Safety Regulation. Development of site-specific work procedures in accordance with Workers' Compensation Board regulations may be warranted. Please direct related questions to WorkSafeBC BC."

An example of a missing instrument clause is:

"The substances to which this Certificate of Compliance applies migrated to the site from a neighbouring source. It should not be assumed that this Certificate of Compliance certifies the remediation of all contaminants at the site"

- *Make a Submission*
AP's are reminded to visit the "Make a Submission" under the Members Tab on the CSAP Website to download the Transmittal Letter for your submissions. While the Transmittal Letter is not mandatory we encourage members to use this format to speed the screening of your submission and as a checklist against required documents. AP's are also reminded that a Word copy of the SoSC and the Annotated SoSC are both available on this same page.
- *Instrument Conditions: Detailed Screening: Risk Condition Where Ambient Monitoring is Conducted*
As per MoE guidance and highlighted in the last newsletter where vapours were confirmed to have been remediated by measurement of indoor ambient air in the parkade of the new building constructed on the site, APs should confirm in the SoSC that there was no HVAC system operating at the time of vapour sampling and provide the rationale for concluding that worst-case samples were collected.

In these cases, Clause 1 of Schedule B of the CofC should be revised as follows:

"The documents listed in Schedule D indicate that indoor air within the underground parkade of

the existing building at the site was measured to demonstrate substances in vapour meet the Contaminated Sites Regulation numerical standards at the site. The assumption of the vapour assessment is:

1. The current building structure, configuration and depth must be maintained; Any change in the structure, configuration or depth of the current building at the site must be promptly identified by the responsible person in a written submission to the Director. An application for an amendment or new Certificate of Compliance may be necessary.

- Arms Length Review

Screeners have noted submission where the Num-AP wrote down in section 7.3 'n/a' under arms length number even though Risk-AP wrote '4'. "The Ministry of Environment has recently re-clarified the "[Ministry Procedures for the Roster of Approved Professionals](#)" that it is not acceptable under Table 1 items 3 and 5 (**Approved Professional Work and requirements for arm's length review**) for a numerical standards Approved Professional to self-review the numerical standards portion of a Protocol 6 submission (other than a screening level risk assessment) for a risk-based standards Approval in Principle or Certificate of Compliance. The arms length review requirement applies whether or not the contamination extends off of the site.

Technical Review Committee Updates:

Thanks to CSAP members who replied with their availability to review omnibus-related guidance – as you know, the second tranche of [documents](#) was posted on July 31. CSAP's Technical Committee has established review teams for each document, ensuring that each team represents the necessary disciplines. Thanks to good work by CSAP staff, all volunteers should have heard from the review leads by now – if you volunteered but were not contacted, please call the CSAP office and ask to speak with Catherine Schachtel or Nelly Pomareda - some APs may have been overlooked due to a software glitch. If you still want to participate but have not been contacted, let us know so we can draw you, as possible.

Also, based on inputs from members, over the past few months the TRC has been working alongside MoE to evaluate some of new standards (e.g., against background concentrations) prior to November 1 2017. If revisions to standards are identified as being needed, MoE has indicated they will issue an updated [Errata \(v4\)](#) in early September 2017.

Aside from these reviews, we have various Special Projects bring planned or underway and will report to membership on those in coming months.

Membership Updates:

Risk Approved Professionals/BC MoE Meeting Takeaways

On June 14, 2017, a group of CSAP Risk Assessment APs met with BC MoE representatives at the MoE office in Victoria. The meeting was held to discuss issues that are primarily related to risk-based submissions; however, some of the discussions included topics that may be relevant to general AP community, and practitioners. Such topics include AG 11 communications for pre-Omnibus submissions, recommended changes to the requirements for PVPs, a review of the upcoming changes to TG4/P22 and Detailed Screenings. The minutes from the meeting are [here](#) for your review. Some of the issues have also been summarized in the Performance Assessment Committee Update.

Changes to the Membership Committee include Tony Gillett replacing Scott Steer as Chair as well as Paul Embregts and Micheal Gill replacing Vijay Kallur and Brant Doorman as committee members. Thank you to Scott, Vijay and Brant for their efforts on the committee. This summer, the committee will continue the work of reviewing and refining the Membership Guidelines, Experience Review Guidelines and Experience Forms. The Experience Review summary provided to candidates should clearly state how much additional experience is still needed to meet the requirements. As well, the Exam Leads (Risk exam lead- Sam Reimer, Regulatory- Paul Webb, Numerical– Patricia Carmichael) are reviewing the exam question bank to identify questions that are impacted by the Stage 10 Amendments to the Contaminated Sites Regulation. Questions will be reformulated, or new questions added, as necessary to retain a broad bank of questions for future exams.

IMPORTANT NOTICE REGARDING THE CSAP EXAMS 2017 SCHEDULE

A reminder that based on the November 1, 2017 effective date for the Stage 10 Amendments 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.

Professional Development Committee Updates:

Fall PD Workshop 2nd call for abstracts: 2nd 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](#). Presentation length should be approximately 30 minutes.

The PD Sub-committee is planning to continue with our successful webinar series. Did you know that currently there are nine webinars available? Topics range from SLRAs to Preparing CSAP Submissions. Check them out! We are looking forward to new webinars on topics of interest, such as the new Technical Guidance 4 on Soil Vapour. Stay tuned!"

CSAP News:

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Message from the President

As the sun has returned to West Coast I hope everyone is getting some time to enjoy the natural wonders of our Beautiful British Columbia. At the same time, our thoughts are with our members affected by the dry conditions and the fires that have decided to pay us a visit this summer. From a CSAP perspective there is three things I want to address.

Omnibus Roll Out: The Ministry of Environment continues to roll out the Omnibus changes. The new documents are out and the CSAP teams are getting busy reviewing and providing comments. Thank you to all those who have volunteered. CSAP continues to work with the MoE on the background groundwater quality issue. If you have previously made a submission to the MoE that would have representative background metals data please email Catherine as we are in the process of aiding the MoE in compiling all publicly available data in this effort.

Professional Judgement: We continue to move forward with promoting the use of professional judgement in completing our work. Where you have been successful in the use of professional judgement in a non-standard approach please consider e-mailing Catherine the details. We are compiling a list of examples to aid others in how to document their use of professional judgement.

Preventative Health: As a follow-up to the AGM, I suggest that there is no time like the present to see your family doctor and develop a preventative health plan. Since the AGM several members have shared comparable stories to the one I shared. We spend so much time looking after the public, a little time looking after ourselves before a problem sets in will go a long way.

[IMPORTANT CSAP BOARD MEMO: Preparing for CSR Stage 10 Amendments](#)

CSAP's new Board and Committee Chairs

Welcome to the new CSAP elected and appointed Board members.

Parent Organization Representatives:

- APEG BC – Tony Gillett, Vice President, Membership Committee Chair
- BCIA – Eva Gerencher, Performance Assessment Chair
- CAB – Beth Power, Technical Review Chair

Appointed Directors:

- Industry – Paul Gordon
- Environment - Andrea Akelaitis
- Local Government – Patrick Johnstone
- Representing the Ministry – Vince Hanemayer

At Large Directors:

- President, Peter Reid
- Secretary Treasurer, Andrew Sorensen
- Professional Development Chair, Guy Patrick
- Governance Chair, Trish Miller

- Discipline Chair, Tara Siemens-Kennedy

Thank you to all involved including the CSAP screeners and the Ministry of Environment for processing the submission for the [BC Children's Hospital Redevelopment Project](#) in a timely manner, 12 days. We're delighted to know that we contributed to improving patient experience, providing a scenic environment and ultimately, a positive effect on health and healing. This is what it meant to one of the children:

After 3 years, the patio in the oncology ward has been reopened at the BCCH. Yesterday, children came out of their rooms and gathered outside to play video games together. There was chatter and laughter and more than a healthy dose of trash talking. After what seemed like an eternity of being locked up in his room, he had the opportunity to breathe fresh air and socialize with kids who were well acquainted with this cancer journey.

CSAP Event Calendar:

EXAM deadline	Sept.1st	More info
CSAP Fall PD Workshop Vancouver Convention Centre	Nov.16th	More info to come...

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](#)
[Register here.](#)

In The News:

[Understanding the implications of the contaminated sites regulation updates](#)

[Commercial Real Estate: Huge Logistics Centre Going Up On Tsawwassen Land](#)

[If it's not green on this map, it's a water source that's been hurt by climate change: report](#)