



## SPEAKER

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## SNC Lavalin Inc.

I am a member of the CSAP Board of Directors and the Performance Assessment Committee and have participated on a number of Performance Assessment Panels as Delegated Member and as PA panel member. Recently I have worked at implementing the Detailed Screening process and have completed a number of detailed screenings.

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## MODERATOR

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## SESSION INFORMATION

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- Should you not be able to hear the presentation, please also dial in to the conference call line supplied to you (please note your line will be muted)
- Questions should be typed in and will be answered by the presenters

# INTRODUCTION

Bob Symington



# INTRODUCTION

- In today's webinar we will be addressing;
- revisions to the Detailed Screening Process,
  - Lessons Learned from the Detailed Screenings, and
  - Lessons Learned from recent Performance Assessments.

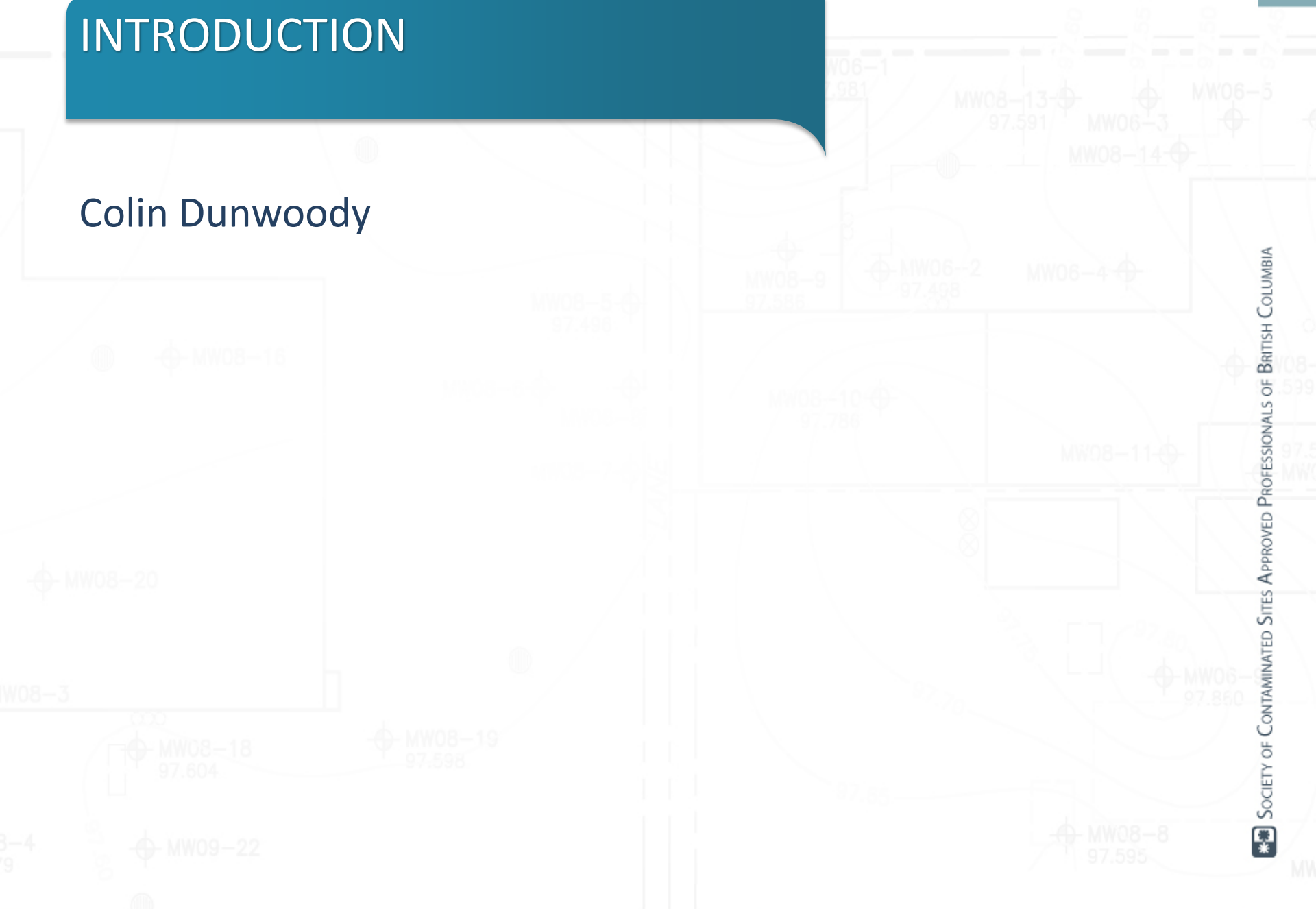
# INTRODUCTION

- MOE is continuing to gain confidence in the Detailed Screening Process,
- The co-operation of AP's with the process is appreciated by the PAC
- The Webinar will speak to proposed revisions to the Detailed Screening process which have come about through the experience of the PAC and MOE with the current system.



# INTRODUCTION

Colin Dunwoody



# SCREENING

- Detailed Screeners (DS) are now reviewing all submission with respect to the referenced MoE documents. This screening was previously completed by Dave Lockhart at MOE. When he retired MOE asked CSAP to take on the screening.
- Only the now required standalone supporting documents as detailed in the CSAP Transmittal Letter are reviewed

# SCREENING

- The DS's do not have access to the reports nor is the purpose of the screening to determine if the declarations made by the Submitting AP, in completing the annotated SoSC and other supporting documents, are in order.
- The DS's do not look behind the declarations made by the Submitting AP and do not have access to the reports supplied with the Submission.

# SCREENING FLOW CHART

**STEP 1: Upon Receiving Protocol 6 Submission**  
Submission is assigned a Submission Number

**STEP 2: Preliminary Administrative Screening**  
Admin issues resolved before the submission go to the DS (if the Submission has not been selected for a Performance Assessment)

**STEP 3: Detailed Administrative Screening**  
The DS receives the AS (Administrative Screening) comments and electronic copies of all submission documents.

**STEP 5: Detailed Screening Coordinator reviews comments**

- Maintains consistency
- Spots trends

**STEP 6: DASL is forwarded to the Submitting AP(s) by CSAP**



# SCREENING FLOW CHART

## STEP 7: Submitting AP has the opportunity to respond to the DASL:

Submitting AP may either provide;

- Revisions or
- Clarification

## STEP 8: DAS Reviews Responses or Clarifications.

- Identifies that issue(s) are resolved (or not)
- Informs CSAP that the Submission should be submitted to MoE, or,
- If issues are not resolved, refers submission to PAC.

## Step 9: Submission with DASL (Detailed Administrative Screening List) is Forwarded to MOE

MoE approves the submissions and issues the instrument

MoE provides comments to CSAP which are forwarded to the AP

MOE May Request a non-random Performance Assessment



- Pack assigns DM who communicates with submitting AP to try and resolve issues
- Pack assigns DM who communicates with submitting AP to try and resolve issues
- PA  sufficient or deficient/measures

# QUESTIONS?

# DETAILED ADMINISTRATIVE SCREENING – LESSONS LEARNED

Bob Symington





## DETAILED ADMINISTRATIVE SCREENING – LESSONS LEARNED

### AREA WIDE DESIGNATION

- AP had prepared and submitted submission where SoSC identified that Area Wide contamination was present at the Site.
- MOE's response was that the rationale and supporting data to support the conclusion of “area-wide” contamination needs to be provided either in the SoSC on or in a section of the DSI that is referenced in the SoSC.

## DETAILED ADMINISTRATIVE SCREENING – LESSONS LEARNED

### MOE RATIONAL TO SUPPORT AN AREA WIDE DESIGNATION

1. Reiterate the results of PSI investigations undertaken for the Site demonstrating that all APECs have been identified (Stage 1) and assessed (Stage 2) and that the only outstanding APEC, retained as an AEC, is Historical Fills.
2. Demonstrate that the Historical Fills are physically continuous throughout the area through the use of cross-sections and comparing physical descriptions contained within reports completed for the Site and adjacent properties.

## DETAILED ADMINISTRATIVE SCREENING – LESSONS LEARNED

MOE RATIONAL TO SUPPORT AN AREA WIDE DESIGNATION

3. Demonstrate that Historical Fills are chemically synonymous throughout the area by comparing contaminant types and concentrations (in both soil and shallow groundwater) at the Site and adjacent properties.
4. Identify the proposed remediation at the site.

## DETAILED ADMINISTRATIVE SCREENING – LESSONS LEARNED

### DESIGNATION OF APPLICABLE WATER STANDARDS

- The “A” Team (Annette and Amy) were tasked with ensuring that sufficient information was present in the SoSC to support the selection of applicable water use standards particularly focussing on DW.
- The authority to determine that sufficient information is present in the SoSC to support a no DW designation has been migrating to the Detailed Screeners.

# DETAILED ADMINISTRATIVE SCREENING – LESSONS LEARNED

## APPLICABILITY OF DW STANDARDS

- Several recent submissions have been returned to the Submitting AP's for clarifications regarding the information contained in Section 4.2 of the Summary of Site Conditions with respect to the applicability of DW standards at the Site.
- The information contained in Section 4.2 should be sufficiently clear such that the reader can identify the technical rationale as to why the DW standards do not apply at your Site. Please insure that the information in the SoSC clearly supports a TG6 and/or P21 determination. standards.

# DETAILED ADMINISTRATIVE SCREENING – LESSONS LEARNED

## APPLICABILITY OF DW STANDARDS

- Arguments that do not meet the guidance/protocol for a determination that DW does not apply and the information provided represents a “weight of evidence” approach, approval must be obtained from MOE.
- Guidance for completion of Section 4.2 of the SoSC and be found in the Annotated SoSC and a reminder that when specifying that a confining layer is “free of contamination”, remember to specify the depth at which the sample in the natural confining barrier has substance concentrations in soil or water that meet the standards and the applicable standards.

# DETAILED ADMINISTRATIVE SCREENING – LESSONS LEARNED

## METES AND BOUNDS SURVEY

- Instruments that include conditions (either areas for application of vapour attenuation factors or for other RA conditions) must have a metes and bounds survey of this area of the Site.
- Instruments have been reviewed that use reference to radius around monitoring wells or to site infrastructure to delineate area of the Site.
- AP's should consider that the reference to existing site features, which may or may not be present when any future development occurs, are not acceptable.

# DETAILED ADMINISTRATIVE SCREENING – LESSONS LEARNED

## PROTOCOL 6 AND PRE-APPROVALS

- AP's must insure that submissions are admissible under P6 and review the conditions where pre-approval may be required for your submission.
- Two recent submissions were received by MOE which were concluded by MOE not to be P6 submissions based on the presence of a "Pollution Prevention Order" on the Site and for "Not obtaining delineation".



# DETAILED ADMINISTRATIVE SCREENING – LESSONS LEARNED

## PROTOCOL 6 SUMMARY

1. If the applicant for a contaminated sites legal instrument is a responsible person for the source parcel and has not delineated and/or remediated the entire area of contamination including contamination at a parcel and contamination which has migrated from that parcel to neighbouring parcels.
2. If, under the application, local background substance concentrations in surface water, sediments or vapour were derived by any methods.

# DETAILED ADMINISTRATIVE SCREENING – LESSONS LEARNED

## PROTOCOL 6 SUMMARY

3. If the application refers to a parcel currently subject to a preliminary or detailed site investigation order (excluding an order in response to the submission of a site profile under section 7.1 of the Contaminated Sites Regulation), remediation order, pollution prevention order or pollution abatement order under the Act.
4. If the application is for an Approval in Principle under which remediation is not be expected to be completed within five years of the anticipated date of issuance of the Approval in Principle.

## DETAILED ADMINISTRATIVE SCREENING – LESSONS LEARNED

### PROTOCOL 6 SUMMARY

5. If the application refers to a parcel where risk-based standards were or would be applied under a risk assessment and the parcel has or requires a hazardous waste in situ management facility authorization.

6. If the application is based on a risk assessment that includes any of the following: (a) probabilistic analysis; (b) toxicity testing of materials (soil, water, sediment), or organisms obtained at or from the parcel; (c) de novo modification of toxicity reference values; (d) derivation or use of a site-specific risk-based concentration.

# DETAILED ADMINISTRATIVE SCREENING – LESSONS LEARNED

## PROTOCOL 6 AND PRE-APPROVALS

### CASE 1;

- A Pollution Prevention Order was found to exist on a Site which was not listed in the Detailed Site Registry Search for the Site.
- MOE has indicated that AP's are now required to search additional databases above and beyond the Site Registry prior to making a submission.
- An email update was sent out to AP's which provides links to the Authorization Management System, The Datasmart System and the Environmental Enforcement Reporting databases.

# DETAILED ADMINISTRATIVE SCREENING – LESSONS LEARNED

## PROTOCOL 6 AND PRE-APPROVALS

### CASE 2;

- An application was made for an instrument for an upland lot adjacent to a surface water body.
- The Submitting AP's had made arguments as to why delineation was not required for the water lot.
- MOE disagreed with the AP's conclusions and has indicated that delineation is required for the water lot.
- Should the AP believe that some doubt in their approach may exist either in their minds or potentially MOE, that MOE should be contacted prior to making the submission to discuss.

## DETAILED ADMINISTRATIVE SCREENING – LESSONS LEARNED

### CONDITIONS ON RISK ASSESSMENT INSTRUMENTS

- Several reviews have identified inconsistencies between the conditions listed in the Instrument, PVP and SoSC.
- Please check that the conditions are consistent with all 3 and that any AG11 communication refers to the final RA conditions selected for the Site.

# DETAILED ADMINISTRATIVE SCREENING – LESSONS LEARNED

## CONDITIONS ON RISK ASSESSMENT INSTRUMENTS

- MOE has indicated that as long as AP's follow all appropriate MOE guidance that instrument can be issued despite not obtaining agreement from an instruments being obtained under AG11 for offsite properties or properties not owned by the applicant.
- Several responses have been received from both property owners and municipalities where non-agreement with the risk conditions have occurred.
- Objections have included;
  - potential damages to municipal infrastructure,
  - That the risk conditions will result in an economically undevelopable parcel, and
  - That the future value of the property for redevelopment has been impacted by the risk conditions.

# QUESTIONS?



# PERFORMANCE ASSESSMENTS - RECENT LESSONS LEARNED

Reidar Zapf-Gilje

## CSAP Submissions Manager



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**Category:** [Investigation](#) > [APECs PCOCs](#)

**Lessons Learned:** If an APEC and PCOC are identified then they must be either discounted or remediated and confirmatory sampled and reported in the documentation. If this work is done by "others", the submitting AP has to review the work done and make a statement that the work was sufficient and that the AP agrees with the results.

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Sufficient/Deficient

Sufficient

Issue

Fill identified as an APEC but not addressed sufficiently to discount it as an AEC.

Resolution

Rationale provided

[View Detail / Print Detail](#)

# PERFORMANCE ASSESSMENTS - RECENT LESSONS LEARNED

## CONSOLIDATION OF SITE INVESTIGATION REPORTS

1. Results from previous investigations should be consolidated and discussed in the most recent report.
2. It is difficult for reviewers to assess the adequacy of the site investigation information if it has not been consolidated into a comprehensive report. Also, the authors of the most recent report must state the reliance on, and the use of, previous information.
3. CSAP Guidance: Conducting review of Stage 2 PSI and DSI items 12 and 17.

# PERFORMANCE ASSESSMENTS - RECENT LESSONS LEARNED

## AG11 – COMMUNICATION REQUIREMENTS

- Written communication records are required.
  - See Appendix 1 for a checklist on Key requirements and expectations
  - See Appendix 2 for Communication Requirements
- **NOTE!** MOE expects that the required information be sent via registered mail. If no response is obtained within 30 days, then direct contact should be attempted (phone, email, in-person) for an additional 30 day response time.
- The adequacy of the communication records are reviewed as part of the Detailed Screening, and also in Performance Assessments.

# PERFORMANCE ASSESSMENTS - RECENT LESSONS LEARNED

## CONCEPTUAL SITE MODEL – EXAMPLES FOR GROUNDWATER AND SOIL VAPOUR INVESTIGATIONS

- Groundwater: Well screens installed too deep. Required additional wells to confirm conditions at the water table.
- Soil Vapour: Soil vapour probes installed outside building. If source is shallow, the vapour concentrations is expected to be higher under buildings (TG4 references Health Canada document for further information: e.g. Fig 7.1)

# PERFORMANCE ASSESSMENTS - RECENT LESSONS LEARNED

## IN-SITU HAZARDOUS WASTE

- Work to de-link Hazardous Waste Regs and Contaminated Site Regs is still on-going
- MOE will present the interim policy at CSAP PD Workshop on October 28
- Site investigation should include testing for hazardous waste

# QUESTIONS?

# CSAP DETAILED SCREENING SUMMARY

<b>CSAP Detailed Screening Summary</b>		
Submissions subjected to a detailed screening since January 1 2015		25
Comments received from MoE	11	
	Comments resolved & released	10
	Released without comment	7
	Outstanding	8