1. Definitions

The following are the acronyms used in this document:

- **"CSAP or the Society"**, The Society of Contaminated Sites Approved Professionals of British Columbia
- **"AP "**, Approved Professional
- **"CSR"**, Contaminated Sites Regulation
- **"PAC"**, Performance Assessment Committee
- **"PAP"**, Performance Assessment Panel
- **"PA"**, Performance Assessment
- **"DM"**, the delegated member of the PAC committee
- **"RPA"**, Random Performance Assessment
- **"NRPA**", Non-random Performance Assessment
- **"RoFR"**, Review of Findings Report
- **"RFQ"**, request for qualifications
- **"SoSC"**, Summary of Site Condition
- **"PA Coordinator"** CSAP Executive Director
- **"PAS",** Preliminary Administrative Screening
- **"DAS",** Detailed Administrative Screening
- **"DASL",** Detailed Administrative Screening Checklist
- **"SoSI",** Summary of Screening Issues

2. Introduction

The Society of Contaminated Sites Approved Professionals of British Columbia (CSAP or the Society) is responsible for ensuring that Approved Professional (AP) Submissions recommending issuance of Contaminated Sites Regulation (CSR) legal instruments meet quality standards. To do so, the Society's Board appoints member APs to a Performance Assessment Committee (PAC); the PAC is responsible for undertaking Performance Assessments (PAs) on AP Submissions to determine if they are Sufficient or Deficient.

This document provides information on the Preliminary Administrative and Detailed Administrative Screenings completed on all submissions, as well as information regarding the type, frequency, and scope of PAs which are completed by a Performance Assessment Panel (PAP) and a Delegated Member (DM) of the PAC. The PAP members are chosen from a prequalified list of potential PAP members, and the role of the DM is to direct the PA and make the final determination of the outcome of the PA based on recommendations of the PAP members.

The PAC may revise requirements and guidance provided in this document from time to time, as necessary.

3. Preliminary Administrative and Detailed Administrative Screening

Every CSAP submission undergoes a Preliminary Administrative Screening (PAS) and a Detailed Screening (DAS). The PAS is undertaken by CSAP staff and involves checking that all the required documents have been included with the submission, that the documents have been correctly completed, along with other administrative issues. Potential administrative errors and omissions are recorded and provided to the submitting AP for clarification or correction.

The DAS is undertaken by a selected member from the panel of performance assessors (the Detailed Screener) under the direction of the PAC. The DAS is conducted according to guidance in BC Ministry of Environment and Climate Change Strategy (ENV) Procedure 12: "Procedures for preparing and issuing contaminated sites legal instruments" and involves checking that the appropriate information has been provided in the Summary of Site Conditions, and that the information is consistent with that provided in the other mandatory submission documents. The DAS does not include the review of any of the technical information contained in the reports.

Potential issues identified during the DAS are recorded and provided to the submitting AP for clarification or correction; the Submitting AP is required to respond in a timely manner that must not exceed two months. If an issue(s) identified during a DS is not resolved (generally two rounds of questions and responses although this may vary from case to case) and the issue(s) appears to be a major technical error or regulatory omission, a summary of the screening issues (SoSI) is prepared by the DS and forwarded by the DS to the DS Coordinator (DSC). The DSC will review the DAS and SoSI, and, as appropriate, references to the regulation, protocols and/or guidance to which the issue(s) applies

If the DSC agrees that further consideration of the issues is warranted, the SoSI and Detailed Screening Spreadsheet will be sent by the DSC to the (PAC), who will review the summary and identify a DM to review the submission. The Submitting AP will be informed by the DSC that their submission has been forwarded to the PAC and will be provided a copy of the SoSI.

If a DM is appointed, the DM will review sections of the report(s) relevant to the outstanding issue(s). This may involve discussion with the DS, the submitting AP(s) and/or the BC ENV. If the DM's review of the relevant sections of the report(s) indicates that the outstanding issue(s) is resolved, then the submission is forwarded to the BC ENV. If the DM's review indicates the potential for issues that could impact the conclusions of the reports, the DM will provide the PAC with a summary their review; and the PAC will review the information and determine if a non-random PA (see below for more information on non-random PAs) is warranted. If the DS is a member of the PAC, the DS will excuse themselves from this discussion.

4. Types of Performance Assessments (PAs)

Sections 61 and 62 of the Society Bylaws define the types of PAs, and Section 56 of the Society Bylaws discusses the frequency of PAs. The following sections expand on and clarify the requirements of the Society Bylaws.

4.1. Random PAs (RPAs)

The majority of PAs will be conducted on a random basis; these are referred to as Random Performance Assessments (RPAs). The frequency with which RPAs are completed has been set based on experience with the quality of previous AP submissions. The frequency for RPAs for both numerical and risk-based instruments is:

- 1:8 submissions.

Selection of RPAs follows a random number process based on the day/time the submission is received at the Society's office and logged into the Society's system.

Submissions containing multiple instrument applications are regarded as a single submission for the purpose of RPA selection, as long as the reports and instruments are for one source site and adjacent impacted areas. Consequently, if selected for an RPA, all instruments and associated investigations and reports will be subject to the RPA.

4.2. Non-Random PAs (NRPAs)

Non-Random PAs (NRPAs) will be conducted when deemed necessary, such as when specified as a remedial measure outcome of a previous PA, where a previous submission for a site was found deficient, if requested by the BC ENV or the Society's Board, or when an issue identified during a DAS is not resolved and the PAC determines a NRPA is warranted. CSAP must notify an AP when their submission is the subject of a NRPA.

5. Stages of PAs

Sections 29 through 35 of the Society Rules outline the PA process and requirements, and provide guidance for determining the outcome of PAs. Table 1 of this document (the PA Guidelines) provides guidance forthe PA Stage 1 review conclusions that Additional Information is Required.

As specified in Section 34 of the Society Rules, the DM and the PA Coordinator must attempt to have the PA completed as described in Sections 29 through 32 of the Society Rules within the timeline identified in Section 34 and summarized in Table 2 of this document (the PA Guidelines).

Table 2 summarizes the timeline for a PA and specifies the number of days that the PAP and the DM are allocated to prepare reports. Further details on the PA process and timeline are provided in the following sections. It is noted that the total number of days listed in Table 2 does not include time that the submitting AP may require to prepare additional information requested by the PA Stage 1 Reports, or the time that the BC ENV requires to release an instrument once the submission is transferred to the BC ENV.

Once a submission is selected for PA (RPA or NRPA), the submitting AP and the designated alternate contact person at the firm where the AP works will be notified. It is the responsibility of the AP to notify the site owner or his/her representative that the submission has been selected for a PA.
If following a submission the submitting AP is no longer retained by the site owner or his/her representative (e.g., due to employment status, illness, or other reasons), there is the opportunity for a second AP to complete the original submission, including addressing Stage 1 findings, if additional information is required. If a response is not received within 2 months of the Stage 1 findings, the submission will; however, be considered Deficient.

5.1. PA Team

The PA team consists of the following members:

- The PA Coordinator responsible for administration aspects of the PA. All written correspondence should be addressed to the PA Coordinator and copied to the DM(s).

- The DM(s) are responsible for the technical aspects of the PA, including making the decision on the final outcome of the PA. The outcome would typically be based on the findings of the PAP members. If the circumstance arises, where the DM(s) disagree with PAP findings, the DM(s) will follow the process outlined in 5.6 before making the decision on the final outcome.
- For risk-based submissions, two DMs may be assigned to the PA team; one for the standards portion of the submission, the other for the risk portion. Alternatively, one DM who is both a standards and risk AP may be assigned.
- PAP members are assigned by the PA coordinator on a rotational basis from the list of qualified PAP members, with considerations for potential conflict of interest and other circumstances: o Two PAP members are assigned for standards-based submissions
    - Two additional PAP members are assigned for the risk portion of risk-based submissions
    - Alternatively, if a PAP member is both a standards and risk AP, then this PAP member may be assigned to both the standards and risk portion of the submission

5.2. PA Stage 1 Process

The following is an outline of the process for Stage 1 of the PA:

- The DM undertakes the DAS and provides the findings to the PAP members.
- Each PAP member is provided a copy of the submission (i.e., a review copy).
- Each PAP member conducts a preliminary review of the submission (or the documents relevant to their review) and summarize their cursory findings to the DM during the PA initiating conference call. Where required or determined to be beneficial, the DM will clarify BC ENV policy or technical issues for the PAP.
- As part of the Stage 1 review, the PAP will evaluate whether or not the submission qualifies as a Protocol 6 submission. Based on their assessments and discussions with the other PAP members and the DM, the PAP members each write a PA Stage 1 Report. The PAP members do not need to raise the same issues, but both should agree that the issues raised are appropriate.
- There are two possible findings of the PA Stage 1 Report: “Sufficient” or “Additional Information is Required”.
- Table 1 of this document (The PA Guidelines) provides guidance used by the PAP in determining if Additional Information is Required. Note that the Additional Information to be provided is intended to clarify and/or support conclusions. It is not intended to address major investigation and/or remediation issues such as failure to investigate APECs/PCOCs; lack of delineation, etc.
- The PAP has no direct contact with the submitting AP through the Stage 1 process. All communication with the submitting AP is via the PA Coordinator or the DM.
- The DM reviews each PA Stage 1 Report provided by the PAP members and makes the final decision on the PA Stage 1 outcome, which is communicated in a PA Stage 1 Review Findings Letter. This letter, along with copies of PA Stage 1 Reports prepared by the PAP members, is forwarded to the submitting AP by the PA Coordinator.
- If the PAP members conclude in their Stage 1 findings report that the submission is “Sufficient” and the DM after reviewing these reports is in agreement, then the DM prepares a PA Final Findings letter and this letter is forwarded to the submitting AP by the PA Coordinator.
- If the PAP members conclude in their Stage 1 findings report that the submission requires “Additional Information” and the DM after reviewing these reports is in agreement, then the PA proceeds to Stage 2 as described in the following section.

5.3. When the PA Stage 1 Finding is "Additional Information is Required"

When the PA Stage 1 Review Findings determine that "Additional Information is Required", the next stage of the PA process involves assessing additional information provided by the submitting AP, in the form of a single final addendum to the submission (Addendum), to determine whether the submission is Sufficient or Deficient.

If the AP has questions regarding issues, gaps or other information that is identified by the PA Stage 1 Reports, the Society recommends that the AP contact the DM as soon as possible for clarification before responding in writing to the PA Stage 1 Reports.

The AP has two months from the date they receive the Stage 1 Review Findings to submit the Addendum to the submission. If more time is required, the submitting AP must request an extension to the PA coordinator and provide reasons for the request (extensions are limited to three -2 month periods).

The AP must notify the PA Coordinator within one month (30 days) after receiving the Stage 1 Review Findings letter if he/she would like to request a meeting with the PAP and DM(s). If requested, a meeting with the PAP, the DM(s) and the submitting AP(s), either in person or by conference/video call, will be scheduled. It is strongly recommended that the submitting AP request a meeting; the meeting provides an opportunity for the AP to explain their rationale to the PAP and DM(s), as well as to seek clarification from the PAP and DM(s) prior to finalizing their Addendum. It is noted that the meeting is only intended for the participants in the PA, and no other attendees will be allowed (e.g., Project Manager; authors of the reports).

The draft Addendum must be provided at the time of the meeting request to allow the PAP sufficient time to review the document(s). There is an opportunity to revise the draft Addendum and submit the final Addendum after meeting. To maintain the 2 month timeline, the he final Addendum is required to be submitted within 1 month of the meeting. Only a single final Addendum is permitted, and once the final Addendum is submitted, no subsequent information can be submitted under the PA.

PA Final Findings

Once received, the final Addendum will be reviewed by the DM and PAP according to Table 1, and PAP members will prepare their PA Final Findings Reports. The DM considers the recommendations made by PAP members in their PA Final Findings Reports to determine whether the submission is Sufficient or Deficient and prepares a PA Final Findings Letter, which is issued to the submitting AP.

The Addendum is evaluated in accordance with Table 1 to determine whether it is Sufficient or Deficient. Table 1 specifies the types of errors, field work or clarifications that are considered acceptable as part of an Addendum versus the level of additional work that exceeds what is acceptable in an Addendum.

If it is determined the information provided in the Addendum supports the original conclusions and does not exceed the level of additional work that is defined in Table 1 as being acceptable, the submission will be determined to be Sufficient.

If the Addendum reveals that there was insufficient information available at the time of the original submission to support the AP's recommendation; and/or the additional work is substantial in nature (e.g. new investigation of a previously unexplored APEC), the submission will be determined to be Deficient. In this case, the new information provided in the Addendum will not be reviewed and commented on as part of the PA. Instead the information provided in the Addendum will be reviewed when a resubmission is made.

Once a site has been the subject of a Deficient PA finding, the outcome and site details are recorded by CSAP. Any resubmission or future submission for all or a portion of such a site will be subject to a NRPA, regardless of which AP or applicant makes the submission.

5.4. Resubmissions following a Deficient Final Findings

Following a Deficient Final Findings, the submitting AP will be required to forward applicable resubmission fees to the Society before further review of the Addendum and any revised documents addressing the Deficient findings. As indicated, the resubmission will be subject to a NRPA which would typically be completed by the same DM and PAP that completed the initial PA based on their familiarity with the site and as they would not have to repeat the review of the entire submission.

5.5. Additional Guidance

Although different issues may be raised by PAP members in their PA Stage 1 Reports or PA Final Finding Reports, there must be consensus between the PAP members and the DM that the issues raised have the potential to affect the conclusions of the submission. If a consensus cannot be reached, the DM has several options to reconcile the PAP member differences of opinion. The DM can either:

a) Retain an additional PAP member or members and request that these individuals review the submission; or,
b) Choose to accept one PAP member report conclusion over the other, in which case it is at the discretion of the DM whether to provide the submitting AP with one or both of the PAP member reports. The DM can also at their discretion not accept the findings of the PAP members regarding the need for additional information. If so, the DM will review the relevant section and specify items requiring clarification in the PA Stage 1 Findings letter.

Occasionally, a DM alone may undertake a PA, including the detailed review of the submission, if the PAP cannot reach a consensus on a recommendation or a PAP member is unable to complete the assessment. In such a case, the DM will review the submission and determine whether the submission is Sufficient or Deficient in consultation with the PAC.

6. Final PA Outcomes

Sections 31and 32 of the Society Rules describe the PA process and possible outcomes. Table 1 provides guidance for assessing if submissions are Sufficient or Deficient. Table 1 guidance is not exhaustive; case-specific variations will be warranted for some submissions.

6.1. Sufficient Submissions

Once a submission is found to be Sufficient, no further information is required from the submitting AP; and the submission would be forwarded to the BC ENV. If a PA is found to be Sufficient

following the Stage 1 Review, the Stage 1 Report Findings are considered the PA Final Findings by the DM.

6.2. Deficient Submissions

If a submission has been found to be Deficient, it is not mandatory that the applicant or AP make a resubmission. However, any future submissions for the site will be subject to a NRPA.

Further guidance regarding what may constitute a Deficient submission is provided in Table 1, with the potential steps/outcomes following a Deficient finding presented in a flow chart in Table 3.

6.3. Incomplete Performance Assessment (PA Guidelines)

In rare circumstances, such as when a landowner decides they no longer need a legal instrument for their contaminated site, or when an AP(s) is not paid for their services during a PA, a PA may be categorized as incomplete. If during the PA process such circumstances are encountered, the submitting AP(s) are required to provide, in writing to the PA coordinator, 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 PA Coordinator will respond to the request within 1 month.

7. Remedial or Disciplinary Measures Associated with Deficient Submissions

The PAC will inform the Discipline Committee when a submission is found to be Deficient; the DM of the PA will summarize the rationale for the Deficient finding in a letter to the Chair of the Discipline Committee.

The Discipline Committee will consider the reason(s) for the Deficient finding, as well as the submitting AP's PA history and remedial measures assigned for recent and similar Deficient findings, when determining remedial measures for the submitting AP(s).

Depending on the issue(s) for which a submission is found to be Deficient, either the standards AP, the risk AP, or both may be subject to remedial measures.

If CSAP has approved a request for permission for two APs to sign either the standards or risk portion of a SoSC, then both APs will be subject to the same remedial measure(s)[1] should the submission be found to be Deficient.

The PAs carried out by the PAC, and the potential remedial measures determined by the Discipline Committee, will be undertaken in good faith, and in a fair and courteous manner.

The PAC may notify the Discipline Committee if there is evidence that the submitting AP had deliberately attempted to circumvent regulations or requirements (whether fraudulent or not) or in other ways had deliberately provided misleading statements.

[1] Reference should be made to the CSAP Membership Guidelines regarding credit for submissions with multiple signatories.

8. PA Final Findings Appeal Timing

An AP who wishes to appeal the PA Final Findings and/or remedial measures imposed must state their intention to do so within 7 days of receiving the document(s) in accordance with Section 35 of the Society Rules. A rationale for launching an appeal must be received within 20 working days of the appeal notification.

9. Scope of PAs

A PA will largely be based on PA guidance provided in the CSAP Practice Guidelines. However, the Practice Guidelines specify that it is the responsibility of the submitting AP to look beyond the Practice Guidelines when appropriate. Similarly, the PAP members shall use their professional judgment to determine whether an AP submission subject to a PA generally conforms with the Practice Guidance.

As part of the AP submission, the submitting AP is encouraged to identify, either as part of the supporting reports or as a separate document, the rationale for professional judgement exercised to make the recommendation that is, or could be, interpreted to be inconsistent with the Practice Guidelines. The Society recommends that the following principles guide the DM and PAP members during the PA:

- The protection of human health and the environment is paramount.

- If in doubt regarding a regulatory or other issue that warrants guidance, the DM will request that the BC ENV provide the necessary guidance/clarification in writing. If the question is complex and requires substantial description of site conditions, then the DM will request that the submitting AP prepare the request for guidance/clarification to be forwarded to BC ENV by the DM and copied to the submitting AP and PA Coordinator. The DM will ensure that the BC ENV and the submitting AP are both included in any written correspondence originating from the PAC.

- The CSAP Practice Guidelines should guide the PA. It is encouraged that the Practice Guideline checklists be used by PAP members to guide their review.

- Where atypical methods or interpretations have been employed, all assumptions and uncertainties associated with conclusions and recommendations must be properly documented.

- The use of reasonable and practical professional judgment by the AP is acceptable if defensible and properly documented; and if due consideration of site-specific conditions and limitations were considered.

- The submitting AP is not required to “look behind” the data except as circumstances warrant, and he/she may rely on the data provided such as chemical analyses, borehole and test pit logs, etc. included in reports provided the data meet typical quality assurance and quality control (QA/QC) requirements.

- The PA focuses on major issues with the potential to affect the identified conclusions and recommendations, and in particular if an instrument should be issued. Minor issues should not be commented on.

- The DM should seek clarification from the submitting AP regarding critical information such that the submitting AP is provided reasonable opportunity to address potential deficiencies or issues. A submission is not Deficient if clarification satisfactory to the PAP is provided by the submitting AP.

- The PAP is not expected to review all submission documents in their entirety, which would be a duplication of the effort already expended by the submitting AP. Instead, the PAP is expected to assess representative portions of the submission to enable the PAP to formulate an opinion regarding the recommendation for an instrument.

- Submissions are Deficient if significant supplemental information (such as additional field investigations beyond verification of the results of existing investigations) is required; or if any additional remediation is required to support the recommendation (refer to Table 1 for details).

- The submitting AP is encouraged to prepare a Review of Findings Report (RoFR) documenting their review and considerations or use the Practice Guidance checklists to record their review findings. The RoFR or completed CSAP Practice Guidance checklists would be utilized to help expedite the PA process but will not be considered part of the submission package. CSAP recommends the RoFR or the Practice Guidance completed checklists be retained in the submitting AP's files and only forwarded to CSAP if selected for a PA.

- RoFRs or the Practice Guidance checklists must not include information that has not been included in the reports that comprise the submission (e.g. new search results, calculations).

10. Selection of PAP Members

The Society Board, at the recommendation of the PAC, appoints PAP members that meet specific qualifications (as outlined in a Request for Qualifications). PAP members are then contracted to undertake PAs and are compensated for their work by the Society. Potential PAP members and DMs must consider the potential for an actual or perceived conflict of interest to exist prior to agreeing to become a PAP member for a particular PA. If such a conflict is identified, the issue must be identified to, and discussed with, the PA Coordinator. Such conflicts could include PAP members, or their firm, who worked on the project, provided a proposal for a project, who worked on adjacent properties or who have a standing contract with corporations who may be involved with either the project or projects on adjacent properties.

Table 1: Performance Assessment Process Clarification Chart

<table>
<tr><th colspan="2">Stage 1 Findings: Additional Information Required</th></tr>
<tr><td colspan="2">A submission may be found to require additional information if:
A report contains documentation errors or mandatory information is missing (i.e.: text, calculations, table, figures or appendices);
A conclusion is not clearly supported by the data and/or the rationale presented;
The level of site investigation and/or remediation/risk management appears to be insufficient; or,
A conclusion that has the potential to affect the recommendation for issuance of the instrument appears to be incorrect.</td></tr>
<tr><td colspan="2">The following type of additional information may be provided as an Addendum to the AP submission in response to Stage 1 findings:
Correction to, or provision of missing text, calculations, tables, figures and appendices
Presentation of additional data/details which were already available but had not been adequately presented
Collection of additional field data for confirmation of conclusions drawn as further defined below under Final Findings, “Sufficient”</td></tr>
<tr><th colspan="2">Final Findings</th></tr>
<tr><th>Sufficient</th><th>Deficient</th></tr>
<tr><td>A submission is considered Sufficient if the information provided in the Addendum indicates that:
The correction to, or the provision of missing text, calculations, tables, figures and appendices completes the reporting requirements
Data that was previously omitted or inadequately discussed was found to support the conclusions
Additional confirmatory field data substantiates the conclusions drawn; this does not include new investigations of any unidentified or not previously investigated APEC/PCOC or medium
The scope of the additional confirmatory sampling is limited compared to the original sampling scope</td><td>nission is considered Deficient if the tion provided in the Addendum indicates that:
The response to the “Additional Information Required” is submitted more than 2 months after the date the Stage 1 Findings were provided to the AP, unless a request for extension has been granted by the PAC.
The AP fails to adequately correct or provide missing text, calculations, tables, figures or appendices
Data that was previously omitted or inadequately discussed DOES NOT support the original conclusions
An unidentified or not previously investigated APEC/PCOC or medium required investigation
Additional confirmatory field data DO NOT support previously drawn conclusions
The submission was ineligible for Protocol 6 or the incorrect instrument was applied for
The scope of the additional confirmatory sampling was not limited compared to the original scope</td></tr>
</table>

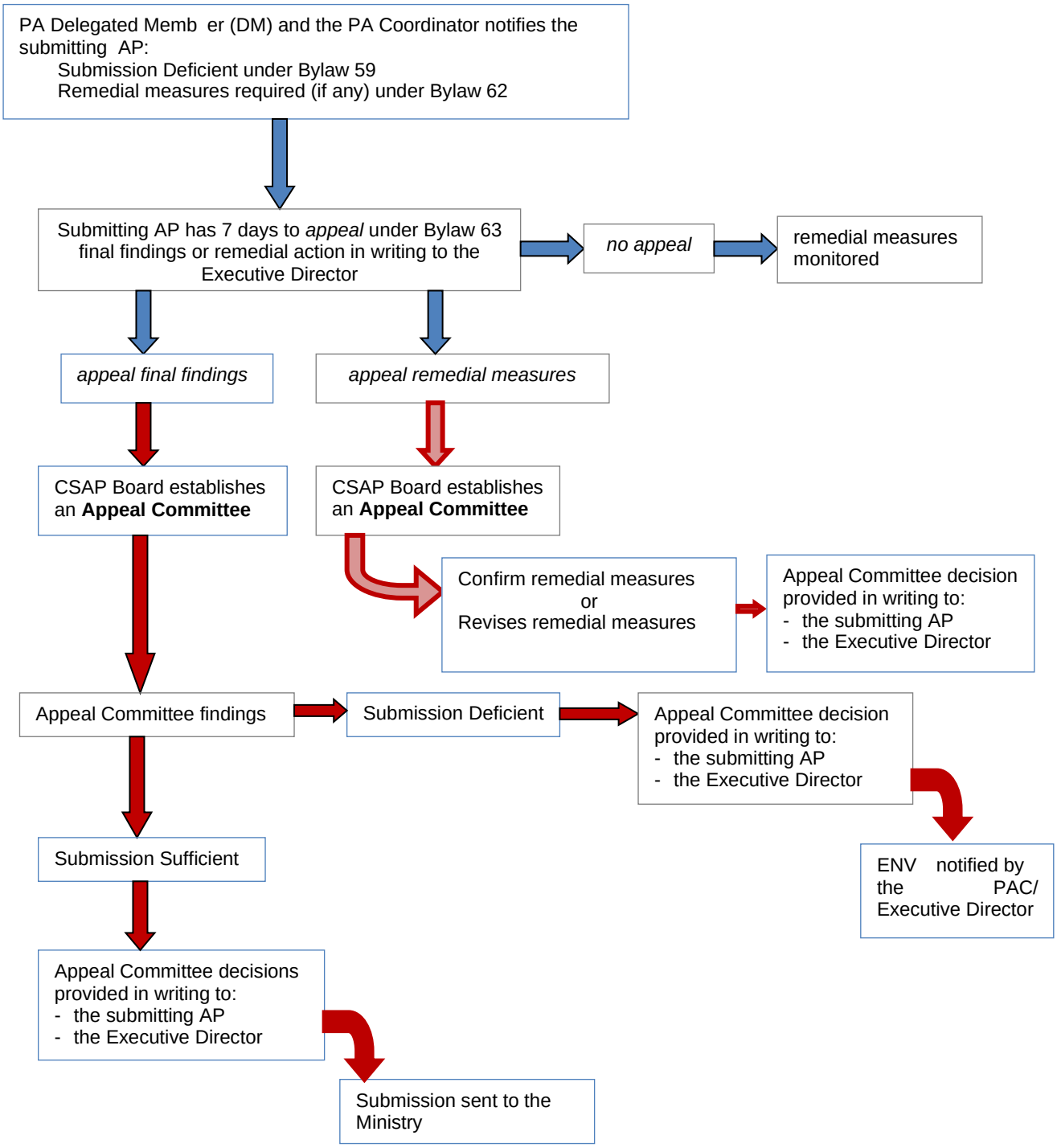
	A conclusion that would affect the recommendation for issuance of the instrument is incorrect The risk management measures proposed are not adequate to address the risk or are overly conservative The scope of the additional receptors, exposure pathways and chemicals of potential concern was not limited compared to the original scope. The technical content of the original reports requires revision

Note: The guidance may not cover all possibilities, and case specific variations may be warranted.

Table 2: Typical Performance Assessment Timeline

Action	Sufficient (Working Days)	Final Findings (Working Days)	TOTAL (Working Days)
Initial and selection of a submission by the PA Coordinator for PA	5		
Stage 1 Report prepared by PAP Members and submitted to Delegated Member. **Note:** PAP Members have 10 days from the time they received the a copy of the submission	10		
For RA Performance Assessments additional time is required for review and preparation of the Stage 1 Report	5		
Review of Stage 1 Report by Delegated Member and approval for forwarding to submitted AP by CSAP Society	5		Std – 20 Risk – 25
If the Stage 1 Report indicates that Additional Information Required: • The submitting AP has up to 2 months to prepare an addendum to the submission providing the requested additional information • During this 2 month period, the submitting AP may request a meeting with the PAP, DM and PA Coordinator to the review the Stage 1 Reports and their DRAFT additional information addendum			
PAP members review the additional information addendum(s) provided by the submitting AP and issue Final Findings Report to DM		10	
Review of the Final Findings Reports by DM and preparation of the Final Performance Assessment Findings letter by the DM and forwarding to submitting AP by CSAP		5 10	Std – 35 Risk – 45

Table 3: CSAP Deficient Performance Assessment Flow Chart



Note: In the case of Deficient submission, the BC ENV will be notified of the Site ID/PID.