BRITISH COLUMBIA | Ministry of Environment	**Environmental Protection Division**	**9**

Name of procedure:
Procedures for processing site profiles

Staff affected:
Ministry of Environment staff responsible for administering site profiles

Authority:
Environmental Management Act (Sections 40 and 41 (1))
Contaminated Sites Regulation (Part 2)
Islands Trust Act (Section 34.1)
Land Title Act (Section 85.1)
Local Government Act (Section 557)
Vancouver Charter (Section 571B)

Purpose of procedure:
To provide guidance to Ministry of Environment staff, acting on behalf of the Director, who process site profiles and make decisions on the requirements for site investigations and on releases of external authorities to approve specified applications under the *Islands Trust Act,* the *Land Title Act,* the *Local Government Act* and the *Vancouver Charter.*

The procedure does not address related issues under the *Petroleum and Natural Gas Act.*

Relationship to previous procedure:
None

Issued by: Environmental Emergencies and Land Remediation Branch

Director's Approval: Mike Macfarlane, Land Remediation Section **Date:** November 20, 2015

1.0 Definitions

The following words, acronyms and expressions used in this document are defined in the ministry procedure "Definitions and Acronyms for Contaminated Sites":

Act
affected parcel
Approval in Principle
Approved Professional
approving authority
authorization
Certificate of Compliance
CSAP Society
detailed site investigation
Director
freeze
high risk site
ministry
Notification of Independent Remediation
Notification of Likely or Actual Migration
Numerical Standards Approved Professional
Risk-based Standards Approved Professional
parcel
performance verification plan
preliminary site investigation
Regulation
release
remediation plan
site activity
site profile
source parcel
Voluntary Remediation Agreement

2.0 General

The site profile system is a mandatory process under the Act used to bring potentially contaminated sites to the attention of the ministry at a time when a parcel is conducive to investigation and remediation. This system is used to determine if and when site investigation is required. Site profile submissions are triggered by certain applications for zoning of land, subdivision, development and development variance permits, soil removal and demolition permits. Site profiles must also be submitted for certain sites upon decommissioning and/or foreclosure.

2.1 Legal and regulatory provisions

Under section 7 (1) of the Regulation, a Director must, within 15 calendar days of receiving a satisfactorily completed site profile, advise whether he or she intends to require or order a site investigation. The decision period may be extended to a total of 30 calendar days if additional information is required by the Director as provided in Section 7 (2) of the Regulation.

Similarly drafted provisions in various local government statutes provide that where a site profile is required, approving authorities are prohibited from approving specified applications (for example, in relation to zoning, development permits or subdivision) unless at least one of seven statutory conditions is met, several of which involve receiving notifications or determinations of a Director under the Act.

2.2 Guiding principles

The following principles guide the application of this procedure:

- This procedure is to be read in harmony with the Act, its regulations and protocols, and associated policies, procedures and guidance documents. Its provisions are to be applied in accordance with the overriding purpose of protecting human health and the environment.
- A Director is responsible for determining whether, upon receiving a site profile, a preliminary or detailed site investigation should be required or ordered.
- Under the applicable sections of the *Islands Trust, Land Title, and Local Government Acts* and the *Vancouver Charter* a Director is responsible for:
  - receiving and deciding whether to accept a Notification of Independent Remediation with respect to a parcel; and
  - determining if a parcel would or would not present a significant threat or risk if an application under those statutes were approved.
- Notwithstanding the provisions of this procedure, a Director may issue an order requiring remediation of neighbouring parcels where the Director is satisfied that, based on the available information and investigations, such an order is appropriate for environmental protection or human health reasons.
- This procedure serves as guidance to a Director and is not intended to be binding. Each site profile presents a unique set of circumstances which should be considered when a Director is determining whether to require or order a site investigation or release an approving authority to approve an application.

2.3 General requirements

Decisions and requirements of a Director should be communicated to proponents using standard letters following templates approved by the Director. These templates must be maintained and updated regularly by ministry staff. Appendix 1 lists the templates that are to be maintained. Notice of a Director's decision must also be entered into the ministry's Site Registry database.

3.0 Procedure

3.1 Receipt of Site Profiles

The Act outlines the circumstances in which individuals and approving authorities have a duty to forward a site profile to a Director. These duties, set out in section 40 of Act and section 3 of the Regulation, are qualified by the exemptions from that duty as set out in sections 2 (1) and 4 of the Regulation.

Where any question in sections IV to IX of a site profile is answered "yes", the individual or approving authority is required to forward the site profile to a Director. Under section 6 (6) of the Regulation, the approving authority may also forward a site profile to a Director if any response in the site profile is inconsistent with the approving authority's knowledge or information. The approving authority must provide the applicant an opportunity to review and comment on any proposed changes to the site profile. The approving authority may then forward the amended site profile and all supporting documentation to the Director

Site profiles with any "yes" answers in sections IV through IX should be processed by ministry staff as described in this procedure.

Site profiles without "yes" answers in sections IV through IX must be sent directly to the Site Registrar for entry onto the Site Registry. For these types of site profiles, a Director should normally make no decision on whether a site investigation is required, nor should a formal response be provided to the applicant, unless the approving authority has raised special concerns about the site profile or the ministry has reliable information suggesting that the site is or may be contaminated.

3.2 Ensuring that a Site Profile is satisfactorily completed

The Act requires an approving authority to ensure that any site profile it is required to receive is satisfactorily completed. Under section 6 (1) of the Regulation, the approving authority is also required to assess the site profile and notify the applicant of any deficiencies within 15 days after receiving it. Once the site profile is satisfactorily completed in accordance with the applicant's legal duty under section 5 of the Regulation, the approving authority is required to forward the site profile to a Director or the Site Registrar as described above in Section 3.1.

Once received, ministry staff must assess the site profile to determine if it has been completed satisfactorily. If it is not, the site profile must be returned to the approving authority to address the deficiencies in accordance with the requirements of the Regulation.

3.3 Determining whether a site investigation is required

3.3.1 Site investigation is required decision

Where a question in sections IV through IX of the site profile is answered "yes", a site investigation must be required, subject to situations where (a) a Director otherwise determines that no site investigation is required (see section 3.3.3 below), or (b) the site investigation may be deferred or delayed without prejudicing human health or the environment: (see sections 4.2.1 and 4.2.2).

If a site investigation is required, a "site investigation is required" letter using a standard template must be sent to inform the person submitting the site profile of the Director's decision.

For a site that is being decommissioned, the template letter should state that the site investigation reports and a complete Site Risk Classification Report must be submitted to the Director within one year following the issue date of the decision letter.

3.3.2 Preliminary site investigation or detailed site investigation is required decision

If the ministry has no previous knowledge of the parcel and no information beyond the "yes" response to a question in sections IV to IX of the site profile, a preliminary site investigation rather than a detailed site investigation should be required.

A detailed site investigation must be required if, in addition to a "yes" answer to sections IV to IX of the site profile, any of the following conditions is met:

- The site profile has a "yes" answer for the question on spills greater than 100 litres (section IV-A) or the question on contamination resulting from migration of substances from other properties (section IV-D).
- The Site Registry has a Notification of Independent Remediation, Notification of Likely or Actual Migration, application for an Approval in Principle or other notation indicating that contamination is present at the parcel.
- The ministry has received reliable information from a third party reporting contamination on the parcel.

3.3.3 No site investigation is required decision

Under section 41 of the Act, the decision by a Director whether to order or require a site investigation is discretionary. A site investigation should not be required in the following instances:

1. Where a Voluntary Remediation Agreement has been entered into for the site under section 51 of the Act and a Director has received a written opinion from an Approved Professional that no additional contamination exists at or neighbouring the site outside the terms of the Voluntary Remediation Agreement.

2. Where a Director:
   (a) has been provided with a preliminary site investigation report and, if contamination has been identified, a detailed site investigation report;
   (b) has been provided with a written opinion from a Numerical Standards and Risk-based Standards Approved Professional, as appropriate,

confirming that the professional has reviewed the investigation information and that in the professional's opinion

(i) the report or reports reflect current conditions at the parcel,

(ii) the report or reports are in compliance with current requirements under the Act and Regulation, and

(iii) the parcel is not a high risk site; and

(c) is satisfied that there is no human health or environmental protection reason to order or require a site investigation.

4.0 Release of authorities to approve applications

4.1 General

The triggering of a requirement for a site profile submission has important implications for approving authorities. Where a site profile is required under section 40 of the Act, an approving authority is prohibited from approving an application for an authorization unless and until it is released. Appendix 2 summarizes and describes the release conditions for authorizations in a typical local government statute.

Any application made for the release of an authorization for a high risk site requires all information and evidence to be subject to ministry assessment, and must be brought directly to the attention of a Director for consideration outside this procedure.

4.2 Common scenarios

Five scenarios in which release decisions are required from a Director are described below. Scenarios 1 and 2 use the "site investigation is not required" release, Scenario 3 uses the "determination by a Director that the site would not present a significant threat or risk if the application were approved" release and the remaining two scenarios rely on the "receipt and acceptance of a notification of independent remediation" release.

4.2.1 Demolition

Scenario 1

Where a site profile is forwarded to a Director respecting a demolition permit, staff must first satisfy themselves (and where necessary consult with the Director) that a site profile is required despite the exemption in section 4 (9) of the Regulation, which is provided in Appendix 3. If a site profile is not required under section 4 (9) of the Regulation, staff must inform the proponent and the approving authority in writing that in the ministry's opinion no release is required as there is no duty to provide a site profile.

To obtain a release under this scenario the proponent must submit a written request to the Director. The request must specify whether the demolition is associated with site decommissioning and confirm if further applications under section 40 (1) of the Act would be required for redevelopment of the parcel.

In response to a release request under this scenario, a letter should be issued indicating that "no site investigation is required" prior to approval of the demolition permit, recognizing that in many instances demolition is essential before proper site investigation may take place. The letter must specify that the release is for the limited purpose of the demolition.

Because the demolition is to take place at a parcel for which there is a "yes" answer to a question on the site profile, the letter must also:

1. Require, under section 7(1) of the Regulation, a site investigation following completion of the demolition activities.

2. Advise the proponent and approving authority that such a requirement freezes the approval of any further applications for authorizations under section 40 (1) of the Act until another release is granted or a ministry instrument is obtained.

If the demolition is associated with site decommissioning and/or if it is known that there will not be any future applications under section 40 (1) of the Act for the site, the letter should state that the site investigation reports and a complete Site Risk Classification Report must be submitted to the Director within one year following the issue date of the decision letter.

4.2.2 Preliminary or interim authorizations required (with or without change in site activity)

Scenario 2 With or without a proposed change in site activity

In some instances, certain approvals are sought before redevelopment of a parcel occurs, or in connection with minor site upgrades, remedial excavations or lot line adjustments. Such approvals may be released based on the conclusion that "no site investigation is required" for those limited purposes.

Some examples where this scenario may apply include:

- minor construction on a parcel with a site activity where minimal soil disturbance is required (for example, installation of signage or utilities, landscaping or paving), and where a site profile exemption does not exist; and

- installation of a temporary use structure prior to redevelopment of a parcel.

To obtain a release under this scenario the proponent must submit a written request to the Director and provide written confirmation from the local government that further applications under section 40 (1) of the Act would be required for redevelopment of the parcel. In response to a release request, a letter should be issued indicating that "no site investigation is required" prior to approval of the current application. The letter must specify that the release is for the limited purpose of the current application and must also:

1. Require, under section 7(1) of the Regulation, a site investigation following approval of the current application.

2. Advise the proponent and approving authority that such a requirement freezes the approval of any further applications for authorizations under section 40 (1) of the Act until another release is granted or a ministry instrument is obtained.

The streamlined release process in this Scenario must not be used in either of two situations:

1. Where no further local government applications listed in section 40 (1) of the Act would be required for the parcel; or

2. Where the release request includes all of the applications required for development of the parcel.

In these instances, the receipt and acceptance of independent remediation release should be sought under Scenario 4 or 5.

Scenario 3 No proposed change in site activity on the portion of a parcel to be retained following subdivision

Sometimes a proponent wishes to subdivide a portion of a parcel from the original parcel where an ongoing site activity exists. This subdivision is often required to expand roadway right of ways or to separate a residential portion of a parcel from commercial or industrial operations. In this circumstance a site investigation must be required and the release of the subdivision application should be issued under the "no significant threat or risk release" provision in legislation once the applicant has provided the following:

1. Confirmation that the site activity will continue on the retained portion of the parcel, and

2. A written opinion from a Numerical Standards and Risk-based Standards Approved Professional, as appropriate, with the site investigation reports attached, confirming that:
   (a) the parcel is not a high risk site;
   (b) investigations have been carried out to adequately delineate contamination at the parcel and migrating to neighbouring parcels; and
   (c) any existing contamination has not migrated to the portion of the parcel to be subdivided.

In some instances, statement 2(b) and/or 2(c) above may not apply. See Section 4.3 for information on approvals to not delineate or remediate the entire extent of contamination.

The letter should indicate that, following subdivision, the requirement for site investigation applies only to the retained portion of the parcel where the site activity is ongoing.

4.2.3 Applications for soil removal, zoning, subdivision, development and development variance not addressed in Scenarios 2 or 3

Scenario 4 No proposed change in site activity – facility upgrades with independent remediation

In this scenario the site activity will not change, but a site profile is required due to upgrades to operating facilities at the parcel that require the issuance of an authorization. The filing of a site profile in this situation would, as noted in section 3.3.1, normally result in a "site investigation is required" decision. Facility upgrades undertaken by way of independent remediation sometimes involve only partial remediation – remediation as is necessary for the development.

Only those sites classified as Type 1A, 1B and 2 are eligible for release under this scenario. For a Type 3 site an Approval in Principle or other legal instrument must be obtained in order to release the freeze on local government approvals. This is because failure of risk controls at a Type 3 site would likely result in immediate unacceptable risk to human health or the environment.

A person seeking a release under the receipt and acceptance of independent remediation for a site upgrade must provide the following:

1. A written opinion from a Numerical Standards and Risk-based Standards Approved Professional, as appropriate, with the site investigation reports and remediation plan and schedule attached, confirming that:

(a) the parcel is not a high risk site;

(b) all contamination at and migrating from the proponent's parcel has been delineated at the proponent's parcel and neighbouring parcels;

(c) implementation of the remediation plan will, during redevelopment, result in the appropriate management of any contamination encountered in accordance with the Act and its regulations;

(d) remediation will be completed before an end point or event specified by the Approved Professional and selected only from the following three options:

(i) prior to the issuance of a building permit,

(ii) prior to the issuance of an occupancy permit, or

(iii) prior to completion of a final building inspection.

In some instances, statements 1(b) and/or 1(c) above may not apply. See Section 4.3 for information on approvals to not delineate or remediate the entire extent of contamination.

If site investigations consistent with the requirements of the Act and applicable ministry guidance have not identified contamination but there remains the potential for contamination to be encountered during redevelopment, confirmation 1(b) above does not apply and is not required. The Approved Professional must instead provide a written statement indicating that contamination has not been encountered at the parcel to date but there remains the potential for contamination to exist at the parcel.

Note: If there is no potential for contamination at the site, then the proponent is not eligible for a release under this Scenario and must obtain a Determination that the site is not contaminated in order to release the "freeze" on any local government authorizations.

2. A commitment in writing from the proponent that :

(a) there will be no change in the site activity;

(b) the parcel will be remediated in accordance with the remediation plan; and

(c) any required remediation will be completed within any proposed construction area before the end point or event as specified by the Approved Professional in 1(d) above.

As a condition of providing any release in such cases, a Director should, under section 54 (3) (d) of the Act, normally require the proponent to:

1. Undertake remediation at the parcel being developed in the manner and schedule specified in the remediation plan for as long as the project proceeds.
2. Submit to the Director progress statements from an Approved Professional at appropriate intervals set by the Director. The statements must include the following:
   (a) a summary of remedial activities undertaken during the reporting period; and
   (b) an assessment of overall remediation progress, including evaluation in comparison to the actions and schedule set out in the remediation plan.
3. Complete the remediation plan within 5 years of the date the release letter is issued.
4. Submit to the Director a confirmation of remediation report within 90 days following completion of remediation.
5. For Type 1B and 2 sites submit a performance verification plan (PVP) following completion of remediation.
6. Immediately notify a Director and register a covenant under section 219 of the *Land Title Act*, incorporating the contents of the remediation plan, if the property is sold before completion of the development.

Scenario 5 Proposed change in site activity – site redevelopment with independent remediation

In this scenario independent remediation is also being conducted, but the site activity will change following redevelopment.

Only those sites classified as Type 1A, 1B and 2 are eligible for release under this scenario. For a Type 3 site an Approval in Principle or other legal instrument must be obtained in order to release the freeze on local government approvals. This is because failure of risk controls at a Type 3 site would likely result in immediate unacceptable risk to human health or the environment.

For a person to obtain a receipt and acceptance of independent remediation release in this situation the following must be provided:

1. A written opinion from a Numerical Standards and Risk-based Standards Approved Professional, as appropriate, with the site investigation reports and remediation plan and schedule attached, confirming that:
   (a) the parcel is not a high risk site;
   (b) all contamination at and migrating from the proponent's parcel has been delineated at the proponent's parcel and neighbouring parcels;

(c) remediation of the entire extent of contamination at the proponent's parcel to applicable standards is achievable prior to an appropriate end point or event specified by the Approved Professional and selected only from the following three options:
    (i) prior to the issuance of a building permit,
    (ii) prior to the issuance of an occupancy permit, or
    (iii) prior to completion of a final building inspection; and

(d) once remediation is complete, the proponent's parcel will meet applicable environmental quality standards and criteria in the Regulation and will be eligible for a Certificate of Compliance.

In some instances, statements 1(b) and/or 1(c) above may not apply. See Section 4.3 for information on approvals to not delineate or remediate the entire extent of contamination.

If site investigations consistent with the requirements of the Act and applicable ministry guidance have not identified contamination but there remains the potential for contamination to be encountered during redevelopment, confirmation 1(b) above does not apply and is not required. The Approved Professional must instead provide a written statement indicating that contamination has not been encountered at the parcel to date but there remains the potential for contamination to exist at the parcel. For confirmation 1(d), it should be noted that if no contamination is encountered during redevelopment the parcel will be eligible for a Determination that the site is not contaminated.

Note: If there is no potential for contamination at the site, then the proponent is not eligible for a release under this Scenario and must obtain a Determination that the site is not contaminated in order to release the "freeze" on any local government authorizations.

2. A commitment in writing from the proponent that the parcel will be remediated in accordance with the remediation plan.

As a condition of providing any release in such cases, a Director should, under section 54 (3) (d) of the Act, normally require the proponent to:

1. Undertake remediation at the parcel being developed in the manner and schedule specified in the remediation plan for as long as the project proceeds.
2. Submit to the Director progress statements from an Approved Professional at appropriate intervals set by the Director. The statements must include the following:

(a) a summary of remedial activities undertaken during the reporting period; and
(b) an assessment of overall remediation progress, including an evaluation in comparison to the actions and schedule set out in the remediation plan.

3. Complete remediation of the site within 5 years of the date the release letter is issued.
4. Submit to the Director a confirmation of remediation report within 90 days following completion of remediation.
5. For Type 1B and 2 sites submit a performance verification plan (PVP) following completion of remediation
6. Immediately notify a Director and register a covenant under section 219 of the *Land Title Act*, incorporating the contents of the remediation plan, if the property is sold before completion of the development.

4.3 Approvals to not delineate or remediate the entire extent of contamination

This section applies to Scenario 3, 4 and 5 release requests.

In some cases, the requirement to delineate or remediate the entire extent of contamination may not apply at a parcel. Common scenarios where this may occur are described in Administrative Guidance 15, "Approvals Not to Delineate or Remediate the Entire Extent of Contamination at a Site".

The Approved Professional must include a statement in the release indicating that the proponent is not required to delineate or remediate (as applicable) the entire extent of contamination. All supporting documentation as described the Administrative Guidance 15 must be included in the release request submission.

4.4 Alternatives if criteria for release scenarios are not met

Not all possible release scenarios are described in this procedure document. If an applicant wishes the approving authority to approve an application, but has not met the criteria for the releases in Scenarios 1 – 5, the applicant should contact the ministry for further advice or he or she may obtain one of the other exemptions presented in Appendix 2, which will allow the application approval to proceed.

5.0 Performance assessments

Release requests submitted for Scenarios 3, 4 and 5, which require statements from Approved Professionals may be subject to performance assessment at the Director's discretion. All audits will be completed by ministry staff. For those release requests selected for audit, the audits must be completed before the issuance of a release letter by the ministry.

Selected release requests for Scenario 3 or 4 would include confirming submission requirements as per the Procedure, completing a cursory review of the site investigation data provided and confirming the site risk classification according to the Protocol 12 audit procedures.

Selected release requests for Scenario 5 would include confirming submission requirements as per the Procedure, completing a technical review of the information used as the basis for the Approved Professional's statement, and confirming the site risk classification according to the Protocol 12 audit procedures.

Audit results must be provided to the Contaminated Sites Approved Professionals (CSAP) Society on a quarterly basis for information purposes.

Revision history

Approved Date	Effective Date	Document Version	Notes
May 28, 2010	June 1, 2010	1.0	
February 28, 2013	April 1, 2013	2.0	
January 14, 2014	February 1, 2014	2.1	
November 20, 2015	February 1, 2016	2.2	

Appendix 1

Templates for Site Profile Processing Procedure

Templates must be developed and maintained for the following:

For use by ministry staff

- A checklist to send to individuals or approving authorities indicating which parts of the site profile are incomplete
- A site profile processing checklist
- A letter indicating that no site investigation is required
- A letter indicating that a site investigation is required
- A letter indicating that a site investigation is required (Site decommissioning)
- A release letter for applications for demolition only (Scenario 1)
- A release letter for preliminary or interim applications where subsequent EMA 40 (1) authorizations will be required (Scenario 2)
- A release letter for Scenarios 1 and 2 where a requirement for site investigation already exists
- A release letter for applications where a portion of a parcel will be subdivided from the original parcel and the site activity will continue on the retained portion (Scenario 3)
- A release letter for applications for development, development variance, zoning, and subdivision with or without a change in site activity (Scenarios 4 and 5)

For use by an applicant

- An example letter requesting a "no site investigation required" decision (per section 3.3.3)
- An example letter requesting release of an application under Scenario's 1 – 5

Appendix 2

Release Provisions for Local Government Statutes

Where a site profile is required under section 40, an approving authority must not approve an application for listed authorizations unless and until it is released for that purpose in one of the seven circumstances described in the local government statutes: *Islands Trust Act* (section 34.1), *Land Title Act* (section 85.1), *Local Government Act* (section 557) and the *Vancouver Charter, (section 571B):*

(a) the authority has received a site profile required under section 40 of the Act with respect to the site and the authority is not required to forward a copy of the site profile to a Director under section 40 (4) (b) of that Act;

(b) the authority has received a site profile under section 40 of the Act with respect to the site, has forwarded a copy of the site profile to a Director under section 40 (4) (b) of that Act and has received notice from the Director that a site investigation under section 41 of that Act will not be required by the Director;

(c) the authority has received a final determination under section 44 of the Act that the site is not a contaminated site;

(d) the authority has received notice from the Director under the Act that it may approve an application under this section because, in the opinion of the Director, the site would not present a significant threat or risk if the application were approved;

(e) the authority has received notice from the Director under the Act that the Director has received and accepted a notice of independent remediation with respect to the site;

(f) the authority has received notice from the Director under the Act that the Director has entered into a voluntary remediation agreement with respect to the site;

(g) the authority has received a valid and subsisting approval in principle or certificate of compliance under section 53 of the Act with respect to the site.

In three of the seven listed circumstances (a), (c) and (g), the statutory "freeze" on approval is automatically lifted without communication with the ministry.

The remaining four circumstances require communication with the ministry before the statutory "freeze" on approval being lifted:

- In two of those instances, (e) and (f), the freeze on approval can be removed upon the approving authority receiving information from the Director that the Director has received and accepted a notification of independent remediation or has entered into a Voluntary Remediation Agreement with the proponent.

The final two circumstances for removal of the freeze on approval involve more specific action by a Director based on the site profile.

- In the first case (b), the authority may be released to approve an application because a Director has given the authority notice that a site investigation will not be required.

- In the second case (d), the authority may be released based on notice of a Director's opinion that the site would not present a significant threat or risk if the application were approved. To satisfy this requirement, an applicant would have to provide a Director with sufficient information to satisfy the Director that he or she can arrive at this conclusion with the appropriate degree of confidence.

Appendix 3

Section 4 (9) of the Contaminated Sites Regulation

A person is exempt from the duty to provide a site profile under section 40 (1) (b) (iv) and (2) (b) of the Act if (a) the person seeks to demolish or dismantle temporary camps and facilities that are associated with construction of rights of way and petroleum, natural gas, mineral or geothermal exploration and development, (b) the person seeks to demolish or dismantle buildings or structures not associated with decommissioning a site, or (c) the demolition does not involve any disturbance or excavation of soil other than that which is incidental to the demolition.