



VIA EMAIL: patrick@iwcd.ca

Victoria File: 26250-20/1783
Site ID: 1783

April 8, 2024

Island West Coast Developments Ltd.
2241 McCullough Road
Nanaimo, BC V9S 4M8

Dear Patrick Brandreth:

**Re: Certificate of Compliance – Eastern Portion of 2230 Boxwood Road,
Nanaimo, British Columbia**

Please find enclosed a Certificate of Compliance respecting the site referenced above.

In addition to the conditions set out in Schedule B of the Certificate of Compliance, please be advised of the following:

1. Information about the site will be included in the Site Registry established under the *Environmental Management Act*.
2. The provisions of this Certificate of Compliance are without prejudice to the right of the Director to make orders or impose requirements as the Director may deem necessary in accordance with applicable laws. Nothing in this Certificate of Compliance will in any way restrict or impair the Director's power in this regard.
3. A qualified environmental consultant should be available to identify, characterize and appropriately manage:
 - (a) any environmental media that may be contaminated, or
 - (b) removal of soil under the provisions of Part 8 of the Contaminated Sites Regulation and may be encountered during any future work at the site.
4. Groundwater wells that are no longer required must be properly decommissioned in accordance with the *Water Sustainability Act's* Groundwater Protection Regulation.
5. Please note that the attached Certificate of Compliance 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 Worksafe BC.

Issuance of this Certificate of Compliance is a decision that may be appealed under Part 8 of the *Environmental Management Act*.

If you require clarification of any aspect of this Certificate of Compliance, please contact the undersigned at Peter.Yan@gov.bc.ca.

Yours truly,



Hong (Peter) Yan, M.A. Sc., P.Eng.

Enclosure

cc: Patrick Brandreth, Vice President, Island West Coast Developments Ltd.,
patrick@iwcd.ca

Paul Gardner, Approved Professional, Tetra Tech Canada Inc.,
Paul.Gardner@tetrattech.com

Phil Stewart City of Nanaimo, Phil.Stewart@nanaimo.ca

Anna Popova, CSAP Society, apopova@csapsociety.bc.ca

Client Information Officer, ENV, Victoria, csp_dsi@victoria1.gov.bc.ca

Jenna Wright Coastal Community Credit Union, Jenna.Wright@cccu.ca



CERTIFICATE OF COMPLIANCE
(Pursuant to Section 53 of the *Environmental Management Act*)

THIS IS TO CERTIFY that as of the date indicated below, the site identified in Schedule A of this Certificate of Compliance has been satisfactorily remediated to meet the applicable Contaminated Sites Regulation remediation standards and criteria.

This Certificate of Compliance is qualified by the requirements and conditions specified in Schedule B.

The substances for which remediation has been satisfactorily completed and for which this Certificate of Compliance is valid are listed in Schedule C.

I have issued this Certificate of Compliance based on a review of relevant information including the documents listed in Schedule D. I, however, make no representation or warranty as to the accuracy or completeness of that information.

A Director may rescind this Certificate of Compliance if requirements and conditions imposed in the Certificate of Compliance are not complied with or any fees payable under Part 4 of the Act or regulations are outstanding.

This Certificate of Compliance should not be construed as an assurance that there are no hazards present at the site.

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Hong Yan
For Director, *Environmental Management Act*

Schedule A

The site covered by this Certificate of Compliance is located at 2230 Boxwood Road, Nanaimo, British Columbia which is more particularly known and described as:

The described area is that part of Lot 1, Section 18, Range 7, Mountain District, Plan EPP111742 (PID: 031-680-810) lying to the east of a line drawn parallel to and perpendicularly distant 88.834 metres west of the west boundary of Lot 2, Section 18, Range 7, Mountain District, Plan EPP110454.

The area of the described portion of said Lot 1 is approximately 1.185 hectares more or less.

The approximate centre of the site using the NAD (North American Datum) 1983 convention is:

Latitude:	49°	11'	33.9"
Longitude:	123°	59'	40.0"

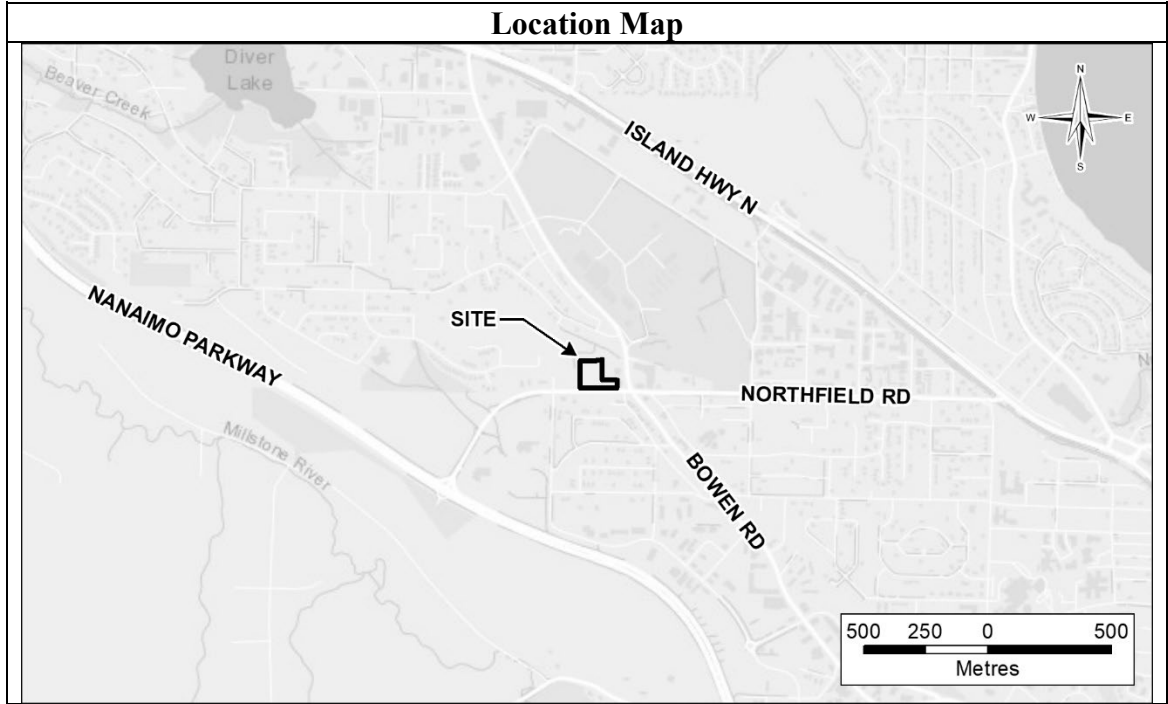
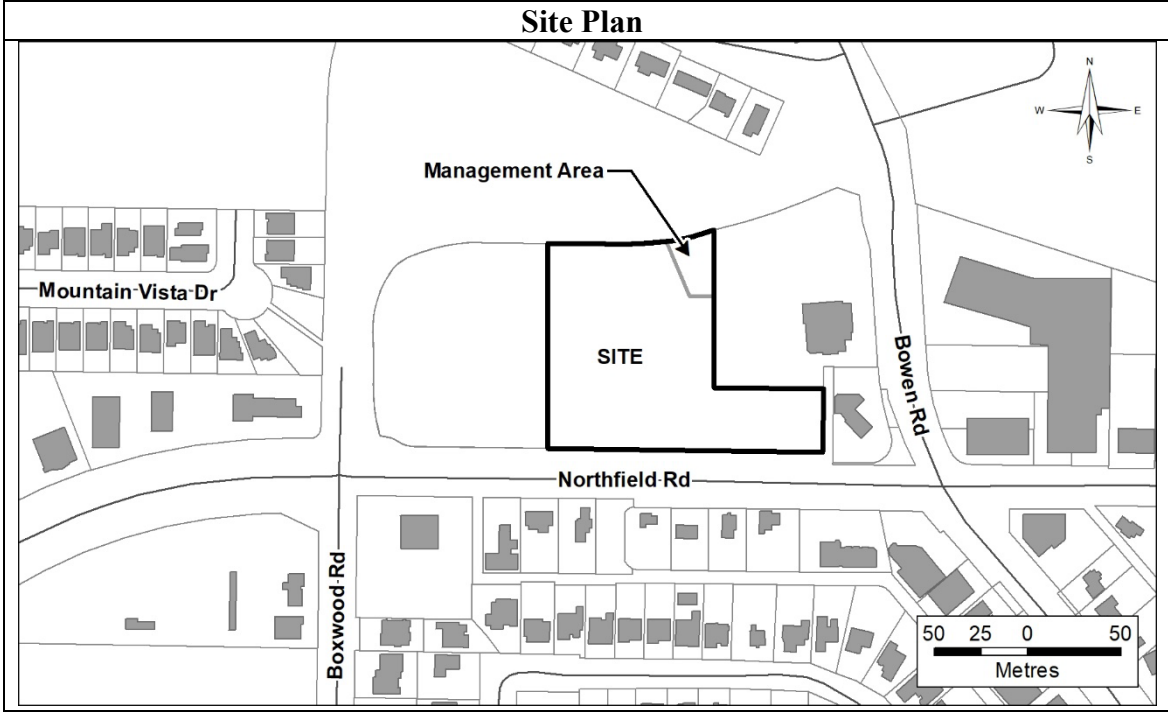
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Schedule B

Requirements and Conditions

1. Any changes in land, vapour, or water use 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. The uses to which this condition applies are described in Schedule C and in the site investigation documents listed in Schedule D.


The documents listed in Schedule D indicate that vapour attenuation factors were applied to meet a Contaminated Sites Regulation numerical standards at and adjacent to the site. These vapour attenuation factors were selected based on assumptions about the structures, locations and depths of buildings existing or expected at and adjacent to the site. These assumptions include the following:

- (a) Any building(s) erected can be constructed as slab-on-grade or with an underground parkade.*

Any inconsistencies that arise between the structures, locations and depths of proposed or constructed buildings at or adjacent to the site and the range of structures, locations and depths of buildings assumed in the selection of vapour attenuation factors in the documents listed in Schedule D must be promptly identified by the responsible persons in a written submission to the Director. An application for an amendment or new Certificate of Compliance may be necessary.


2. The principal risk controls which must be present or implemented and must be maintained at the site include the following:
 - (a) Groundwater from the Site must not be used as a source of drinking water.*
 - (b) Contaminated soils (see Management Area location on the Site Plan) must remain covered by a minimum of 1.0 m of material meeting residential low density land use standards or covered by an impermeable barrier such as intact pavement or building foundations.*
3. If requested by the Director, the responsible person must provide a signed statement indicating whether the principal risk controls listed in clause 2 of this Schedule have been and continue to be met. This may include providing a signed statement by an Approved Professional.
4. Performance verification must be undertaken as specified in the Performance Verification Plan listed in Schedule D or as specified in a modification of the plan approved by the Director.

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5. Where required under a Performance Verification Plan for the site, records of performance verification actions and results must be maintained by the responsible person or their agent. The records must be available for inspection by the Director.
6. The Director must be notified promptly by the person responsible for the site if performance verification actions indicate that any institutional and engineering controls required in clause 2 of this Schedule are not being met. The following information must be submitted to the Director with the notification, or as soon as practicable thereafter:
 - (a) The time period over which institutional and engineering controls did not meet the requirements of Schedule B;
 - (b) The nature of the excursion;
 - (c) The temporary or permanent corrective measures implemented or to be implemented;
 - (d) An implementation schedule; and
 - (e) Supporting documentation.
7. A statement signed by an Approved Professional on whether the institutional and engineering controls required in clause 2 of this Schedule have been implemented and are being met must be submitted to the Director *annually for a period of five years* within 90 days of the anniversary of the date of issuance of this Certificate of Compliance or as otherwise approved by the Director.
8. If requested by the Director, a report signed by an Approved Professional must be submitted for review to the Director and must include the following:
 - (a) An evaluation of the performance of the institutional and engineering controls;
 - (b) Recommendations for modification of any plans referenced above, along with supporting rationale;
 - (c) Interpretation of current and cumulative results of the performance verification actions undertaken according to the plan described in clause 4 above; and
 - (d) Supporting documentation.

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**Schedule C
Substances and Uses**

Substances remediated in soil for residential low density land soil use:

To meet risk-based remediation standards:

arsenic	7440-38-2
benz(a)anthracene	56-55-3
benzo(b+j)fluoranthene	205-99-2 & 205-82-3
copper	7440-50-8
lead	7439-92-1
lithium	7439-93-2

Substances evaluated in soil for residential low density land use:

To meet local background concentrations:


aluminum	7429-90-5
iron	7439-89-6
vanadium	7440-62-2

Substances evaluated in water for drinking water use:

To meet local background concentrations:

cobalt	7440-48-4
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Schedule D

Documents

- *Summary of Site Condition 2230 Boxwood Road, Nanaimo, BC, Tetra Tech Canada Inc., January 2024*
- *Performance Verification Plan, Midtown Gateway, 2230 Boxwood Road, Nanaimo, BC, Tetra Tech Canada Inc., January 18, 2024;*
- *Screening Level Risk Assessment, Midtown Gateway, 2230 Boxwood Road, Nanaimo, BC, Tetra Tech Canada Inc., January 18, 2024;*
- *Confirmation of Remediation, Midtown Gateway, 2230 Boxwood Road, Nanaimo, BC, Tetra Tech Canada Inc., January 18, 2024;*
- *Remediation Plan, Midtown Gateway, 2230 Boxwood Road, Nanaimo, BC, Tetra Tech Canada Inc., November 30, 2023;*
- *Stage 1 and 2 Preliminary Site Investigation, and Detailed Site Investigation, Midtown Gateway, 2230 Boxwood Road, Nanaimo, BC, Tetra Tech Canada Inc., November 29, 2023;*
- *Re: Approval in Principle – 2230 Boxwood Road & 2241 Bowen Road, Nanaimo, BC (Site ID: 1783; PID: 023-477-741, 2230 Boxwood Road & PID: 023-477-750, 2241 Bowen Road), Ministry of Environment and Climate Change Strategy, March 15, 2019;*
- *Summary of Site Condition, McElhanney Consulting Services Ltd., November 13, 2018;*
- *Remediation Plan, 2230 Boxwood Road and 2241 Bowen Road, Nanaimo, BC, McElhanney Consulting Services Ltd., November 13, 2018;*
- *Human Health and Ecological Risk Assessment, 2230 Boxwood Road & 2241 Bowen Road, Nanaimo, BC, Trillium Environmental Ltd., November 7, 2018;*
- *Stage 2 Preliminary Site Investigation (PSI) / Detailed Site Investigation (DSI), 2230 Boxwood Road and 2241 Bowen Road, Nanaimo, BC, McElhanney Consulting Services Ltd., November 6, 2018;*
- *Overview Environmental Assessment for 2230 Boxwood Rd., Nanaimo, BC, McElhanney Consulting Services Ltd., October 29, 2018;*

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- *Biological Uptake Assessment of Soil Contaminants in Tissues and Vegetative Health Assessment – Boxwood Connector Ground Improvements Project*, McElhanney Consulting Services Ltd. and Trillium Environmental Ltd., October 24, 2018;
- *Stage I Preliminary Site Investigation (PSI), 2230 Boxwood Road and 2241 Bowen Road, Nanaimo, BC*, McElhanney Consulting Services Ltd., August 30, 2018;
- *Hydrogeological Assessment and 2018 Pre-Risk Assessment Environmental Investigation – Boxwood Connector Ground Improvements Project*, McElhanney Consulting Services Ltd., June 19, 2018;
- *Boxwood Road Connector Site – Hydrogeological Assessment*, Western Water Associates Ltd., May 7, 2018;
- *Supplemental Environmental Site Investigation – Boxwood Connector Ground Improvements Project*, McElhanney Consulting Services Ltd., July 7, 2017;
- *City of Nanaimo – Boxwood Connector Ground Improvements Project, Screening Level Risk Assessment Review*, McElhanney Consulting Services Ltd., June 29, 2017;
- *City of Nanaimo – Boxwood Connector Ground Improvements Project, Environmental Data Evaluation and Gap Analysis*, McElhanney Consulting Services Ltd., May 30, 2017;
- *Phase I Environmental Site Assessment (ESA) located at 2230 Boxwood Rd, Nanaimo, BC*, McElhanney Consulting Services Ltd., May 30, 2017

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