



VIA EMAIL: apriano@amegagroup.ca

Victoria File: 26250-20/25925
Site ID: 25925

November 7, 2023

1157695 B.C. Ltd.
Att: Apriano Meola
102 – 1515 Pemberton Avenue
North Vancouver, BC V7P 2S3

Dear Apriano Meola:

Re: Certificate of Compliance - Leon Avenue at Water Street, Kelowna, B.C.

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 that 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 future site development may create preferential pathways for vapour. In this event, further assessment and remediation of vapour may be warranted.

6. 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 Roberto.prieto@gov.bc.ca.

Yours truly,



Roberto Prieto, P.Ag.
Senior Contaminated Sites Officer

Enclosure

cc: City of Kelowna, planninginfo@kelowna.ca

Jeff Taylor, Approved Professional, Active Earth Engineering Ltd.,
jeff.taylor@activeearth.ca

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

Client Information Officer, ENV Victoria, csp_cio@Victoria1.gov.bc.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.

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

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Roberto Prieto
For Director, *Environmental Management Act*

Schedule A

The site covered by this Certificate of Compliance is located at the intersection of Leon Avenue and Water Street, Kelowna, British Columbia which is more particularly known and described as:

ALL THAT TRACT OF LAND, HEREINAFTER PARTICULARLY DESCRIBED, SITUATE IN BLOCK 10, DISTRICT LOT 139, OSOYOOS DIVISION YALE DISTRICT, KELOWNA, B.C., SAID TRACT OF LAND MORE SPECIFICALLY DESCRIBED AS PORTIONS OF LAND DEDICATED AS ROAD, MORE COMMONLY REFERRED AS WATER STREET AND LEON AVENUE, DESCRIBED LANDS AS SHOWN WITHIN THE HEAVY OUTLINE IN SURVEYORS' SKETCH PREPARED BY CONNOR EMBLETON, BCLS OF WATSON AND BARNARD LAND SURVEYING, DRAWING "40175SK", DATED JUNE 9TH 2022, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT A, BLOCK 10, DISTRICT LOT 139, PLAN EPP111545,

THENCE NORTHERLY AT A BEARING OF 1°44'35", ALONG THE EASTERLY BOUNDARY OF SAID LOT A, SAID BOUNDARY BEING THE WEST BOUNDARY OF WATER STREET, A DISTANCE OF 26.10 METRES;

THENCE EASTERLY AT A BEARING OF 91°44'35", ALONG THE NORTHERLY BOUNDARY OF SAID TRACT OF LAND, A DISTANCE OF 15.10 METRES, SAID POINT BEING THE NORTHEAST CORNER OF SAID TRACT OF LAND;

THENCE SOUTHERLY AT A BEARING OF 181°44'35" ALONG THE EASTERLY BOUNDARY OF SAID TRACT OF LAND, A DISTANCE OF 18.48 METRES; THENCE SOUTHWESTERLY AT A BEARING OF 224°00'00", A DISTANCE OF 18.00 METRES, TO A POINT ON THE SOUTH BOUNDARY OF SAID TRACT OF LAND;

THENCE WESTERLY AT A BEARING OF 271°51'30", A DISTANCE OF 9.90 METRES, SAID POINT BEING THE SOUTHWEST CORNERS OF SAID TRACT OF LAND;

THENCE NORTHERLY AT A BEARING OF 1°44'35", A DISTANCE OF 5.70 METRES, TO A POINT ON THE SOUTH BOUNDARY OF SAID LOT A, MORE OR LESS 6.90 METRES WEST OF THE POINT OF BEGINNING;

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THENCE EASTERLY AT A BEARING OF 91°51'30", ALONG THE SOUTH BOUNDARY OF SAID LOT A, A DISTANCE OF 6.90 METRES, MORE OR LESS TO THE POINT OF BEGINNING;

DESCRIBED TRACT OF LAND CONTAINING 438.9 SQUARE METRES, MORE OR LESS.


The site contains part of a legal parcel depicted in a legal sketch plan prepared by Watson & Barnard, B.C. Land Surveyor.

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

Latitude: 49° 53' 05.5"
Longitude: 119° 29' 52.7"

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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 use 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 standard at the site. These vapour attenuation factors were selected based on assumptions about the structures, locations and depths of buildings existing or expected at the site. These assumptions include the following:

(a) *“The Site will continue to be used as a roadway, with only outdoor air exposure”*

Any inconsistencies that arise between the structures, locations and depths of proposed or constructed buildings at 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 person in a written submission to the Director. An application for an amendment or new Certificate of Compliance may be necessary.

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Schedule C

Substances and Uses

Substances remediated in water for freshwater aquatic life water use:

To meet numerical remediation standards:

LEPHw	N/A
VPHw	N/A

Substances to be remediated in water for drinking water use:

To meet numerical remediation standards:

benzene	71-43-2
ethylbenzene	100-41-4
methylnaphthalene, 1-	90-12-0
methylnaphthalene, 2-	91-57-6
naphthalene	91-20-3

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Schedule D

Documents

Summary of Site Condition, Leon Avenue at Water Street, Kelowna, BC, prepared by Active Earth Engineering Ltd., dated July 2023;

Stage 1 Preliminary Stage Investigation Update and Confirmation of Remediation, 278 Leon Avenue, Kelowna, BC, prepared by Active Earth Engineering Ltd., dated July 2023;

Approval in Principle, Leon Avenue at Water Street, Kelowna, BC, prepared by BC ENV, dated August 26, 2022;

Remediation Plan, 234-278 Leon Avenue & 1620-1630 Water Street, Kelowna, BC, prepared by Active Earth Engineering Ltd., dated June 2022;

Detailed Site Investigation, 234-278 Leon Avenue & 1620-1630 Water Street, Kelowna, BC, prepared by Active Earth Engineering Ltd., dated June 2022;

Stage 2 Preliminary Site Investigation, 234-278 Leon Avenue & 1620-1630 Water Street, Kelowna, BC, prepared by Active Earth Engineering Ltd., dated June 2022;

Stage 1 Preliminary Site Investigation, 234-278 Leon Avenue & 1620-1630 Water Street, Kelowna, BC, prepared by Active Earth Engineering Ltd., dated June 2022.

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