



VIA EMAIL: jeff_mckay@obmg.com

Victoria File: 26250-20/26080
Site ID: 26080

May 6, 2024

Jeff McKay
Oak Bay Marina Ltd.
1327 Beach Drive
Victoria, BC V8S 2N4

Dear Jeff Mckay,

Re: Certificate of Compliance - 901 Gladden Road and 1251 & 1261 Rocky Creek Road, Ladysmith, 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 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 Liliana.Jerade@gov.bc.ca

Yours truly,



Liliana Jerade
Senior Contaminated Sites Officer

Enclosure

cc: Town of Ladysmith, Development Services
(BY EMAIL) DS@Ladysmith.ca

Jason Wilkins, Approved Professional, Legacy Environmental Ltd.
(BY EMAIL) jwilkins@legacyenv.ca

Contaminated Sites Approved Professional Society of BC
(BY EMAIL) submissions@csapsociety.bc.ca

Client Information Officer, BC Ministry of Environment and Climate Change Strategy,
Land Remediation Section
(BY EMAIL) 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.

May 6, 2024

Date Issued



Liliana Jerade

For Director, *Environmental Management Act*

Schedule A

The site covered by this Certificate of Compliance is located at 901 Gladden Road and 1251 & 1261 Rocky Creek Road, Ladysmith, British Columbia which is more particularly known and described as:

Lot B District Lots 86, 87 and 98 Oyster District and District Lot 2054 Cowichan District
Plan EPP87265

PID: 030-801-478

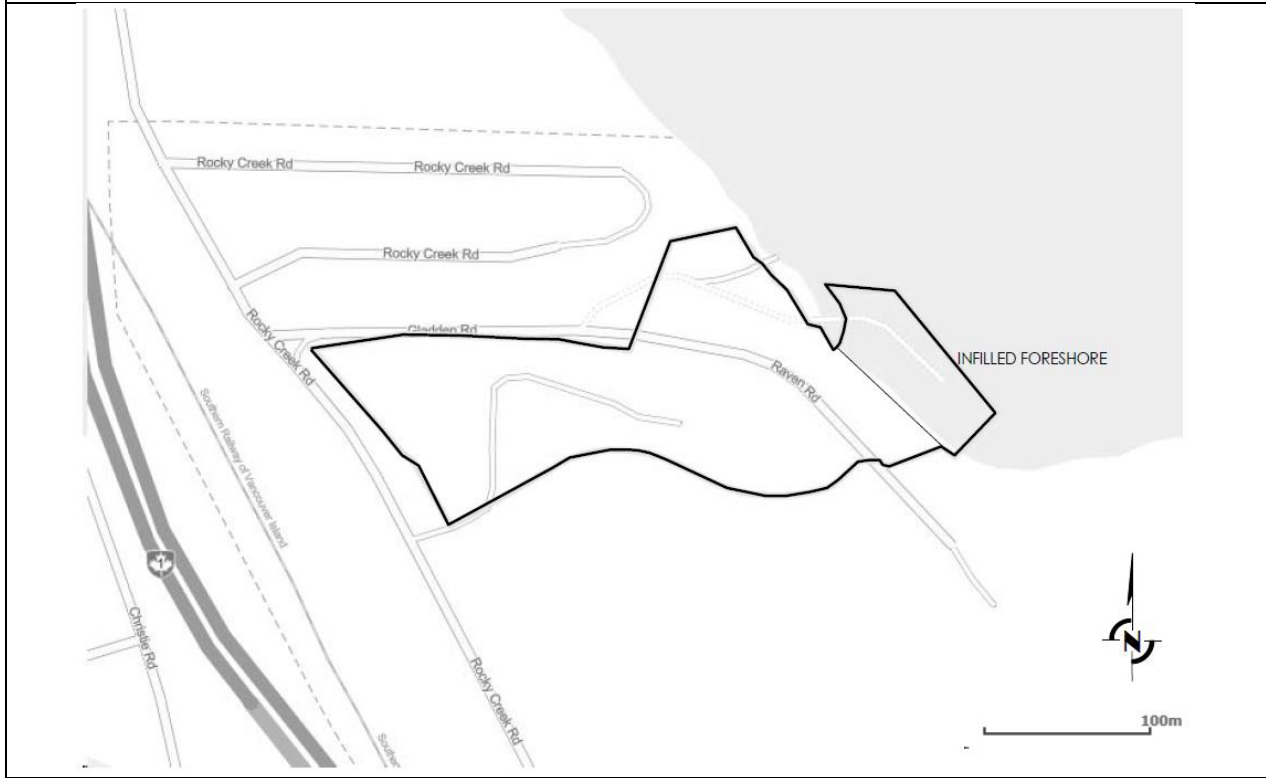
The approximate centre of the site using the NAD (North American Datum) 1983 convention is:

Latitude: 49° 0' 17.62"
Longitude: 123° 49' 46.43"

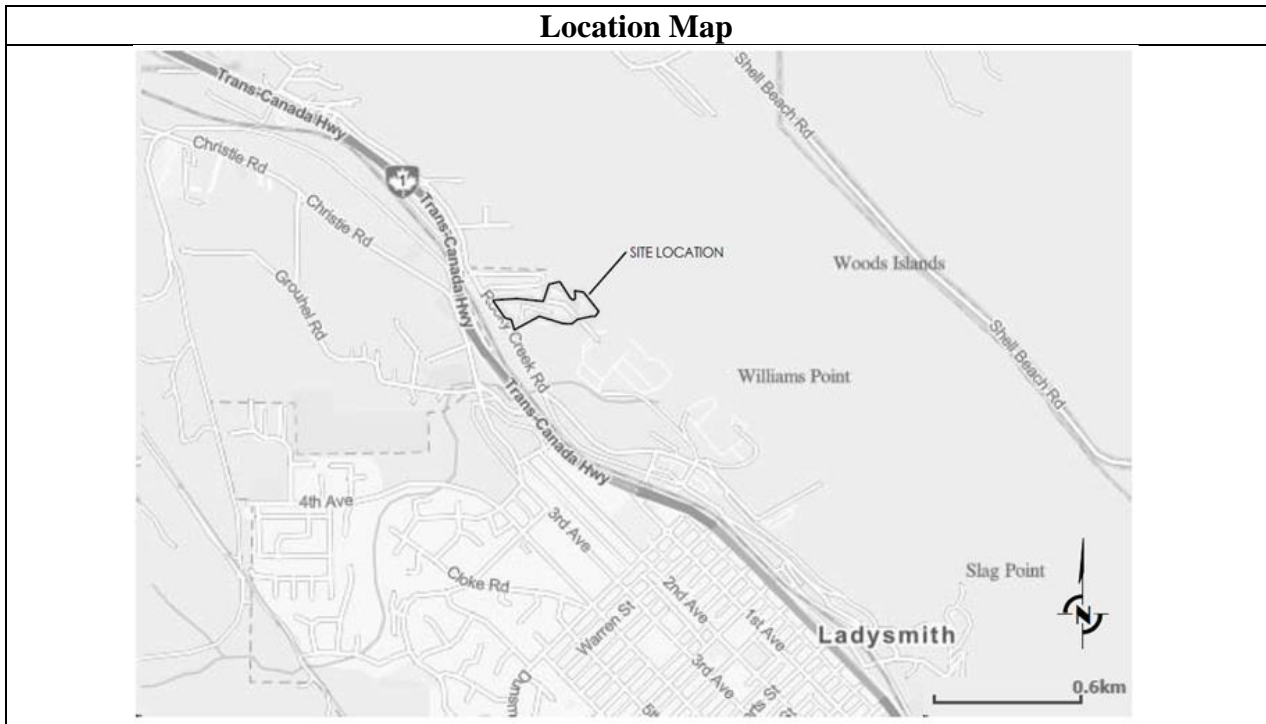
May 6, 2024
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Liliana Jerade
For Director, *Environmental Management Act*

Site Plan



Location Map



May 6, 2024
Date Issued



Liliana Jerade
For Director, *Environmental Management Act*

Schedule B

Requirements and Conditions

1. Any changes in land, vapour or water uses 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.
2. The documents listed in Schedule D indicate that vapour attenuation factors were applied to meet Contaminated Sites Regulation numerical standards at 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) *Future buildings can be slab-on-grade, include a basement that does not contact groundwater, or can be constructed entirely over an underground parkade;*
3. 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 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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Liliana Jerade
For Director, *Environmental Management Act*

Schedule C

Substances and Uses

Substances remediated in soil for commercial land soil use:

To meet numerical remediation standards:

arsenic	7440-38-2
zinc	7440-66-6

Substances evaluated in soil for commercial land soil use:

To meet local background standards:


cobalt	7440-48-4
vanadium	7440-62-2

Substances remediated in water for drinking water use:

To meet numerical remediation standards:

benzo(a)pyrene	50-32-8
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Schedule D

Documents

Summary of Site Condition., Legacy Environmental Ltd., dated March 13, 2024.

Confirmation of Remediation Report, 901 Gladden Road, 1251 & 1261 Rocky Creek Road, Ladysmith, BC. TerraWest Environmental Inc. dated February 14, 2024

Stage 2 Preliminary Site Investigation and Detailed Site Investigation, 901 Gladden Road, 1251 & 1261 Rocky Creek Road, Ladysmith, BC. TerraWest Environmental Inc. dated January 31, 2024

Site Risk Classification Report. TerraWest Environmental Inc. dated November 11, 2023

Stage 1 Preliminary Site Investigation, 901 Gladden Road, 1251 & 1261 Rocky Creek Road, Ladysmith, BC. TerraWest Environmental Inc. dated April 18, 2023

Limited Phase II Environmental Site Assessment, 1301 Rocky Creek Road, Ladysmith, BC. TerraWest Environmental Inc. dated January 21, 2019

Phase I Environmental Site Assessment, 1301, 1391 Rocky Creek Road, northern portion of 1251 Rocky Creek Road, and west portion of 901 Gladden Road, Ladysmith, BC. TerraWest Environmental Inc. dated December 14, 2018

Limited Soil Sampling Report. Lewkowich Engineering Associates Ltd. dated October 29, 2018


Phase I Environmental Site Assessment, 901 Gladden Road, Nanaimo, BC. Lewkowich Engineering Associates Ltd. dated February, 2017

Geotechnical Assessment. Lewkowich Engineering Associates Ltd. dated February 14, 2014

Soil Quality Assessment, 12335 Rocky Creek Road, Ladysmith, BC. Levelton Consultants Ltd. dated April 23, 2009

Preliminary Site Investigation Stage 1, Ladysmith Marina, Ladysmith, BC. Keystone Environmental Ltd. dated November 2004

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Date Issued


Liliana Jerade
For Director, *Environmental Management Act*