



VIA EMAIL ONLY

File: 26250-20/26962
Site ID: 26962
App ID: 14779

June 7, 2024

PGL Environmental Consultants

1500-1185 West Georgia Street
Vancouver, BC V6E 4E6

Attn: James Smith jsmith@pggroup.com

Dear James Smith:

**Re: Approved Professional Recommendation for a Certificate of Compliance
410 Audley Boulevard, Delta BC
PID 032-102-267**

I am nearing a decision for the above-referenced recommendation for a Certificate of Compliance (CoC), originally submitted January 19, 2024. As the Approved Professional (AP, James Smith) and according to the Summary of Site Condition (SoSC) submitted with the application, you have recommended a numerical CoC, pursuant to Section 53 of the *Environmental Management Act* (EMA), for the property located at 410 Audley Boulevard, Delta, BC (the Site).

Due to concerns I had with the content of the original AP recommendation and subsequent communications and documentation, I solicited the opinion of an internal technical specialist to assess the adequacy of the submission, related to best practices as provided in various Ministry of Environment and Climate Change Strategy (the ministry) Technical Guidance (TG) documents. The details of this review are discussed below.

The Site is more specifically described as follows:

Legal Address: Lot 1, District Lot 351, New Westminster District, Plan EPP127251
PID: 032-102-267

Key documents that were provided as part of the original AP recommendation are as follows:

- *Summary of Site Condition*, PGL Environmental Consultants, dated December 14, 2023.
- *Stage 1 and 2 Preliminary Site Investigation and Confirmation of Remediation*, 410 Audley Boulevard, Delta, BC, dated August 2023, from PGL Environmental Consultants.

Based on my comments to the AP, the following subsequent documentation was provided in support of the original recommendation:

- Email *Re: Site ID 26962 – CoC Num: 410 Audley Blvd. Delta, BC, PID: 032-102-267*, dated March 11, 2024, from J. Smith to J. Plett.
- Email *Re: Site ID 26962 – CoC Num: 410 Audley Blvd. Delta, BC, PID: 032-102-267*, dated March 15, 2024, from J. Smith to J. Plett.
- *Stage 1 and 2 Preliminary Site Investigation and Confirmation of Remediation*, 410 Audley Boulevard, Delta, BC, dated March 2024, from PGL Environmental Consultants.
- *Summary of Site Condition*, PGL Environmental Consultants, dated March 14, 2024.
- Email *Re: Site ID 26962 – CoC Num: 410 Audley Blvd. Delta, BC, PID: 032-102-267*, dated March 20, 2024, from J. Smith to J. Plett.

Ministry review of application

As mentioned previously, the subject application underwent a focussed internal review, as I noted several discrepancies in the generally accepted content/methods expected in Stage 1 and Stage 2 Preliminary Site Investigations (PSI).

Although the internal review was on conformance of the PSI and Confirmation of Remediation (CoR) report with guidance established in TG 1, 4, 8, 10, and 11, it primarily focussed on potential issues related to the Conceptual Site Model (CSM) and the hydrogeologic characterization/investigation of the Site.

A summary of the key findings of the internal review is as follows:

- Start and end dates for the operations associated with each of the Areas of Potential Environmental Concern (APECs) were not provided.
- Full descriptions of the APECs were not provided nor was the rationale for excluding off-site operations as APECs. In addition, the conclusions of the Stage 1 PSI were not re-examined with respect to groundwater flow direction.
- Adequate rationale was not provided for each of the investigation locations. The generally accepted best practices for coverage/spacing of investigation locations and delineation step-out/confirmation samples were not consistent with TG1.
- Groundwater and vapour samples were not collected to assess seasonal variations and/or tidal conditions.

- Groundwater monitoring wells were developed within 24 hours of installation, contrary to the generally accepted methods in TG8.
- Two cross-section drawings were not provided, nor were the limits of the former excavation shown on the cross-section that was submitted.
- The proposed future building or future Site plans were not provided, nor was any rationale provided for assumptions about the future conditions (i.e. the elevation of the future Site grade/building foundation).
- The groundwater flow direction and gradient were not determined using the generally accepted methods set out in TG8.
- A groundwater monitoring well screen may have been installed across more than one aquifer/hydrogeologic unit, not consistent with TG8.

In addition, the internal reviewer provided the following comments:

- The Schedule 2 operations at the Site were ongoing at the time of the Stage 2 PSI and there was no discussion or consideration of whether contamination could have occurred after the investigation was conducted.
- Sediment was not investigated, and the AP stated that APECs were not present near the foreshore area of the Site. However, figures showed APEC 3 (fill material) to be present site-wide, including the foreshore area.
- The application of Protocol 9 background groundwater concentrations was documented in the PSI/CoR report, but cobalt was omitted from the discussion.

Director's consideration and decision

I have considered the internal review, and I am in general agreement with the conclusions, as presented above. Therefore, based on the internal review and my professional opinion, the departure from methods presented in the ministry's technical guidance documents was not adequately supported.

Of additional significance is the observation that preliminary investigation of the Site may be incomplete and therefore insufficient to support conclusions regarding confirmation of remediation and any potential risks to human health and the environment.

I also note that the decision-making process provided you with multiple opportunities to consider and respond to identified data gaps and/or omissions, as outlined in the email communications referenced above.

In view of the above circumstances, I am unable to accept your recommendation for a CoC and I intend to proceed to my decision by June 14, 2024.

Closure

My review and assessment of the subject application is based on the most recent information provided to the ministry regarding the Site. The ministry, however, makes no representation or warranty as to the accuracy or completeness of that information. The ministry expressly reserves the right to change or substitute different requirements where circumstances warrant.

This letter is provided without prejudice to existing requirements or any further action, requirement or order that may be taken under the *Environmental Management Act*.

Please contact the undersigned at James.Plett@gov.bc.ca should there be any questions about this letter.

Sincerely,



James Plett
For Director, *Environmental Management Act*

cc: James Longo jiml@idealwelders.com
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