



Ministry of
Environment

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

THIS IS TO CERTIFY that as of the date indicated below, the lands identified below have been satisfactorily remediated to meet Contaminated Sites Regulation standards and criteria for **commercial land soil and vapour uses, and drinking water use.**

The site covered by this Certificate of Compliance is comprised of two properties; Lot A and Lot 2, located at 726 and 816 Clement Avenue, Kelowna, British Columbia. Both properties are owned by BC Tree Fruits Cooperative which are more particularly known and described as:

All those portions of Lot A Section 30 Township 26 Osoyoos Division Yale District Plan KAP55948 and of Lot 2 Section 30 Township 26 Osoyoos Division Yale District Plan EPP34493, which said portions may be more particularly described thus:

Firstly, the portion of said Lot A:

Commencing at the south-east corner of the said Lot A,

Thence westerly on a bearing of 272°07'40" along the southerly boundary of said Lot A, a distance of 69.248 metres;

Thence northerly on a bearing of 1°59'50", a distance of 37.174 metres, more or less, to a point on the northerly boundary of said Lot A;

Thence easterly on a bearing of 92°12'25" along the northerly boundary of said Lot A, a distance

of 69.248 metres, more or less to the north-east corner of said Lot A;

Thence southerly on a bearing of 181°59'40" along the easterly boundary of said Lot A, a distance of 37.080 metres, more or less, to the point of commencement;

Containing 2,571 square metres, more or less, as shown in bold outline and labelled Area

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For Director, *Environmental Management Act*

“A” on a sketch numbered 15846 prepared by Douglas A. Goddard, BCLS, dated May 1, 2014.

Secondly, the portion of said Lot 2:

Commencing at the south-west corner of said Lot 2,

Thence northerly on a bearing of 1°59'50” along the westerly boundary of said Lot 2, a distance of 37.080 metres, more or less to the north-east corner of Lot A;

Thence, easterly on a bearing of 92°12'25”, a distance of 80.594 metres, more or less to a point on the easterly boundary of said Lot 2;

Thence, southerly on a bearing of 182°07'40” along the easterly boundary of said Lot 2, a distance of 36.970 metres, more or less to the south-east corner of said Lot 2;

Thence, westerly on a bearing of 272°07'40” and along the southerly boundary of said Lot 2, a distance of 80.509 metres, more or less, to the point of commencement.

Containing 2,982 square metres, more or less, as shown in bold outline and labelled Area “B” on a sketch numbered 15846 prepared by Douglas A. Goddard, BCLS, dated May 1, 2014.

The total area of Area “A” and Area “B” comprises 5,553 square metres.

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

Lot A

Latitude:	49°	53'	37.73"
Longitude:	119°	29'	10.0"

Lot 2

Latitude:	49°	53'	37.65"
Longitude:	119°	29'	5.83"

A site plan is attached as Schedule “A” to this Certificate of Compliance.

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I have issued this Certificate of Compliance based on the information summarized in:

Summary of Site Condition. Robin Jones & Cindy Ott, CSAP Approved Professionals, SLR Consulting (Canada) Ltd., June 2, 2014;

Performance Verification Plan for 726 & 816 Clement Avenue, Kelowna, BC and Former Chevron Bulk Plant and Cardlock, 862 Clement Avenue, Kelowna, BC. Barbara Glijer and Sam Reimer, SLR Consulting (Canada) Ltd., November 29, 2013;

Human Health and Ecological Risk Assessment- OTFC Properties Former Chevron Bulk Plant and Cardlock 862 Clement Avenue, Kelowna, British Columbia. Kirstin Webster and Barbara Glijer, SLR Consulting (Canada) Ltd., November 28, 2013; and

Stage 1 Preliminary Site Investigation, Detailed Site Investigation and Confirmation of Remediation Report Former Chevron Bulk Plant and Cardlock 862 Clement Avenue, Kelowna, BC. Francisco Lavina and Allan Michener, SLR Consulting (Canada) Ltd., April 8, 2013.

This Certificate of Compliance is qualified by the conditions described in Schedule "B" which is attached to and is part of this Certificate of Compliance. The substances for which remediation has been satisfactorily completed are listed in Schedule "C".

This Certificate of Compliance is based on the most recent information provided to the ministry regarding the specified lands. I, however, make no representation or warranty as to the accuracy or completeness of this information.

A Director may rescind this Certificate of Compliance if 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 on the site described above.

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Schedule "B"

Conditions

1. Any changes in land or water uses could invalidate remediation of the site to numerical standards. Any of these changes must be promptly identified by the responsible person(s) in a written submission to the Director. An application for an amendment or new Certificate of Compliance may be necessary. The Director may rescind this Certificate of Compliance if the conditions imposed herein are not complied with. The use(s) to which this condition applies is described in:

Stage 1 Preliminary Site Investigation, Detailed Site Investigation and Confirmation of Remediation Report Former Chevron Bulk Plant and Cardlock 862 Clement Avenue, Kelowna, BC. Francisco Lavina and Allan Michener, SLR Consulting (Canada) Ltd., April 8, 2013.

2. Any changes to conditions described in the risk assessment could invalidate the risk assessment. The director may rescind this Certificate of Compliance if the conditions imposed herein are not complied with. Risk management measures required to satisfy risk-based standards must be maintained as described in the following document(s):

Human Health and Ecological Risk Assessment- OTFC Properties Former Chevron Bulk Plant and Cardlock 862 Clement Avenue, Kelowna, British Columbia. Kirstin Webster and Barbara Glijer, SLR Consulting (Canada) Ltd., November 28, 2013.

The principal risk management conditions upon which the risk management is based include the following:

- a). Health and Safety Plans for subsurface work to the depth of groundwater or dewatering of trench/excavation areas must be developed and implemented to eliminate the potential for subsurface workers to be exposed to groundwater.
- b). Health and Safety Plans for subsurface work must ensure workers wear inhalation protective equipment while conducting work in trenches, OR that the width of the trench is greater than its depth.
- c). The existing floor within the OTFC warehouse must remain intact.
- d). Groundwater must not be used for drinking water.

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3. Performance verification must be undertaken as specified in the following plan(s):

Performance Verification Plan for 726 & 816 Clement Avenue, Kelowna, BC and Former Chevron Bulk Plant and Cardlock, 862 Clement Avenue, Kelowna, BC. Barbara Glijer and Sam Reimer, SLR Consulting (Canada) Ltd., November 29, 2013.

or as agreed by the Director in response to an acceptable request for modification.

4. Up-to-date records of performance verification actions and results must be maintained by the responsible person(s) or their agent. The records must be available for inspection by the Director.
5. If requested by the Director, the responsible person(s) must provide a signed statement on whether conditions set out in this Schedule "B" are being met. This may include a signed statement by an Approved Professional.
6. A qualified environmental consultant must be available to identify, characterize and appropriately manage any environmental media that may be contaminated and may be encountered during any future subsurface work at the site.
7. The documents listed in Schedule B indicate that vapour attenuation factors were applied to meet Contaminated Sites Regulation numerical and risk-based standards at the site. These vapour attenuation factors were selected based on assumptions about the structures, locations and depths of buildings and trenches expected at the site. These assumptions include the following:
 - a. All buildings at the Site will be slab on grade;
 - b. No trench work will be conducted as depths greater than 1.5 m below grade,

Any inconsistencies that arise between the structures, locations and depths of proposed or constructed buildings or trenches at the site and the range of structures, locations and depths of buildings or trenches assumed in the selection of vapour attenuation factors in the documents listed in Schedule B must be promptly identified by the responsible person or persons 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 remediated in soil:

To meet Contaminated Sites Regulation risk-based standards:

- Benzene, ethylbenzene, xylene, VPHs and LEPHs.

Substances remediated in water:

To meet Contaminated Sites Regulation numerical standards:

- Xylenes and EPH_{w10-19}.

To meet Contaminated Sites Regulation risk-based standards:

- Benzene, ethylbenzene and benzo[a]pyrene.

Substances remediated in soil vapour:

To meet Contaminated Sites Regulation risk-based standards:

- Naphthalene.

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