



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 **industrial land soil use, and drinking water use.**

The site covered by this Certificate of Compliance is located adjacent to the southern boundary of the property owned by BC Tree Fruits Cooperative at 816 Clement Avenue, Kelowna, British Columbia which is more particularly known and described as:

All that Portion of Clement Avenue in the City of Kelowna, B.C. dedicated as road on Plan 202 registered in the Land Title Office at Kamloops, B.C., which said portion may be more particularly described thus:

Commencing at the north-west corner of Lot 13, Section 30 Township 26 Osoyoos Division Yale District Plan 1277,

Thence westerly on a bearing of 272°07'40" along the southerly limit of Clement Avenue and the northerly boundaries of Lots 14 to 24 Section 20 Township 26 Osoyoos Division Yale District Plan 1277 inclusive and the said northerly boundaries produced a distance of 134.112 metres;

Thence northerly on a bearing of 2°07'40" a distance of 20.117 metres, more or less to a point on the southerly boundary of Lot 2, Section 30 Township 26 Osoyoos Division Yale District Plan EPP34493;

Thence easterly on a bearing of 92°07'40" along the southerly boundary of said Lot 2 and the said southerly boundary produced, a distance of 134.112 metres;

Thence southerly on a bearing of 182°07'40" a distance of 20.117 metres, more or less, to the point of commencement;

Containing 2,698 square metres, more or less, as shown in bold outline and labelled Area "E" on a sketch numbered 15846 prepared by Douglas A. Goddard, BCLS, dated May 1, 2014.

June 19, 2014
Date Issued

L. Zanini
Lavinia Zanini
For Director, *Environmental Management Act*

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

Latitude: 49° 53' 36.74
Longitude: 119° 29' 3.73"

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

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

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

Performance Verification Plan Clement Avenue-Residual Contamination Associated with 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- Clement Avenue Former Chevron Bulk Plant and Cardlock 862 Clement Avenue, Kelowna, British Columbia. Kirstin Webster, Celine Totman 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.

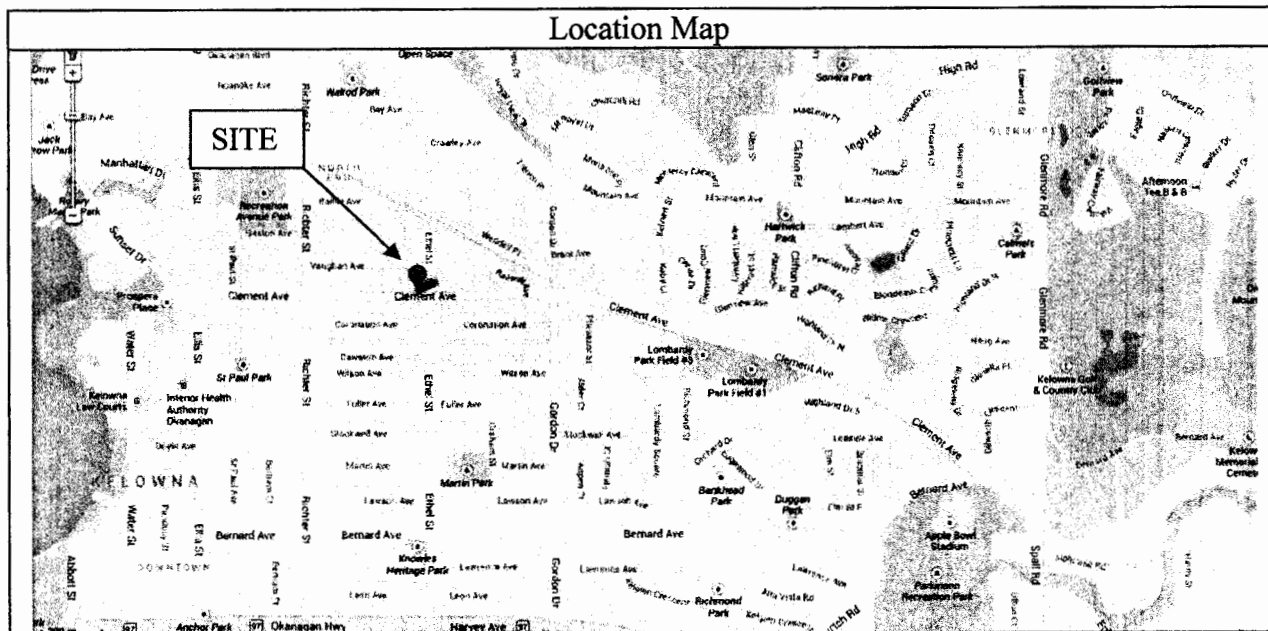
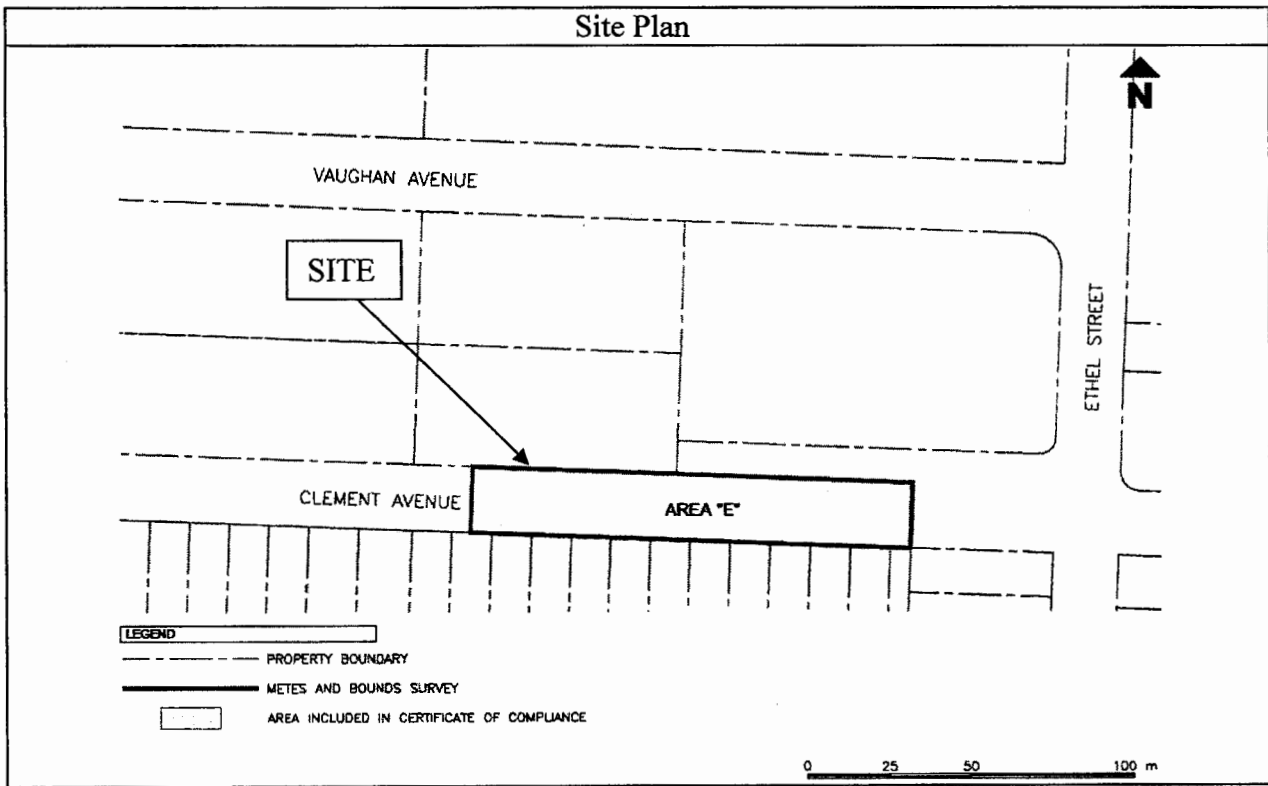
A Director may rescind this Certificate of Compliance if conditions imposed in the Certificate of Compliance are not complied with or any fees payable under Part 4 of the Act or regulations are outstanding.

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 "A"



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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 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 uses to which this condition applies are 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- Clement Avenue Former Chevron Bulk Plant and Cardlock 862 Clement Avenue, Kelowna, British Columbia. Kirstin Webster, Celine Totman 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) The site will remain a roadway.
 - b) Groundwater must not be used for drinking water.
 - c) In the event of subsurface work, a health and safety plan must be developed and implemented to protect workers:
 - i. from inhalation in the event of an excavation/trench where the depth is greater than the width.
3. Performance verification must be undertaken as specified in the following plan(s):

Performance Verification Plan Clement Avenue-Residual Contamination Associated with Former Chevron Bulk Plant and Cardlock 862 Clement Avenue, Kelowna, BC. Barbara Glijer and Sam Reimer, SLR Consulting (Canada) Ltd, November 29, 2013.

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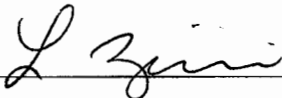
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or as agreed by the Director in response to an acceptable request for modification.

4. Up-to-date records of performance verification actions and results must be maintained by the responsible person 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 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. Roadway will remain paved;
 - b. No trench work will be conducted at depths greater than 1.5 m below grade,

Any inconsistencies that arise between the surface condition of the road, and depths of trenches at the site 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, toluene, xylene, VPHs and LEPHs.

Substances remediated in water:

To meet Contaminated Sites Regulation numerical standards:

- Toluene, xylenes, EPHw₁₀₋₁₉ and benzo[a]pyrene.

To meet Contaminated Sites Regulation risk-based standards:

- Benzene and ethylbenzene.

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