



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 for **commercial land soil use and drinking water and freshwater aquatic life water uses**.

The site covered by this Certificate of Compliance is located at 1502 and 1504 Sutherland Avenue, Kelowna, British Columbia and adjacent City Lands which is more particularly known and described as:

Plan 19444, Lot A, District Lot 141, Osoyoos Division Yale District, and

All that portion of Burtch Road in the City of Kelowna, B.C. dedicated as road on Plans 1834, 10512, 19444 and KAP46498 registered in the Land Title Office at Kamloops, B.C. and that portion of Sutherland Avenue established pursuant to section 42 of the Transportation Act, which said portions may be more particularly described thus:

Commencing at a point 8.787 metres on the southerly boundary from the southeast corner of Lot A, District Lot 141, Osoyoos Division Yale District, Plan 19444,
Thence southerly on a bearing of 196°34'30" a distance of 33.632 metres, more or less to a point on the northerly boundary of Lot A, District Lot 141, Osoyoos Division Yale District, Plan 31346;
Thence westerly on a bearing of 237°59'16" along the northerly boundary of said Lot A a distance of 17.428 metres;
Thence westerly on a bearing of 300°42'53" a distance of 35.782 metres, more or less to a point on the easterly boundary of Lot 1, District Lot 141, Osoyoos Division Yale District, Plan 30180, except Plan KAP46498 ;
Thence northerly along the easterly boundary of said Lot 1 an arc distance of 4.795 metres;
Thence northerly on a bearing of 1°59'00" along the easterly boundary of said Lot 1 a distance of 6.181 metres;
Thence easterly on a bearing of 45°48'25" a distance of 32.320 metres, more or less to a point on the westerly boundary of Lot A, District Lot 141, Osoyoos Division Yale District, Plan 19444;

April 9, 2014
Date Issued


Colm Condon
For Director, *Environmental Management Act*

Site Identification Number 2519
R

1 of 6

Thence southerly on a bearing of 182°05'55" along the westerly boundary of said Lot A a distance of 30.050 metres;

Thence easterly on a bearing of 58°02'18" along the southerly boundary of said Lot A a distance of 37.519 metres, more or less to the point of commencement;

as depicted in plan number 19444, by William J.C. Kane, September 1966, and Runnels Denby, November 27, 2013, 12439.

PID: 008-048-631

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

Latitude: 49° 52' 49.49"
Longitude: 119° 27' 56.45"

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*, SLR Consulting Ltd., December 2013;
- *Performance Verification Plan- 1502 Sutherland Avenue*, SLR Consulting Ltd., December 2013; and
- *Preliminary Site Investigation and Detailed Site Investigation 1502-1504 Sutherland Avenue, Kelowna, BC*, Summit Environmental Consultants, February 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.

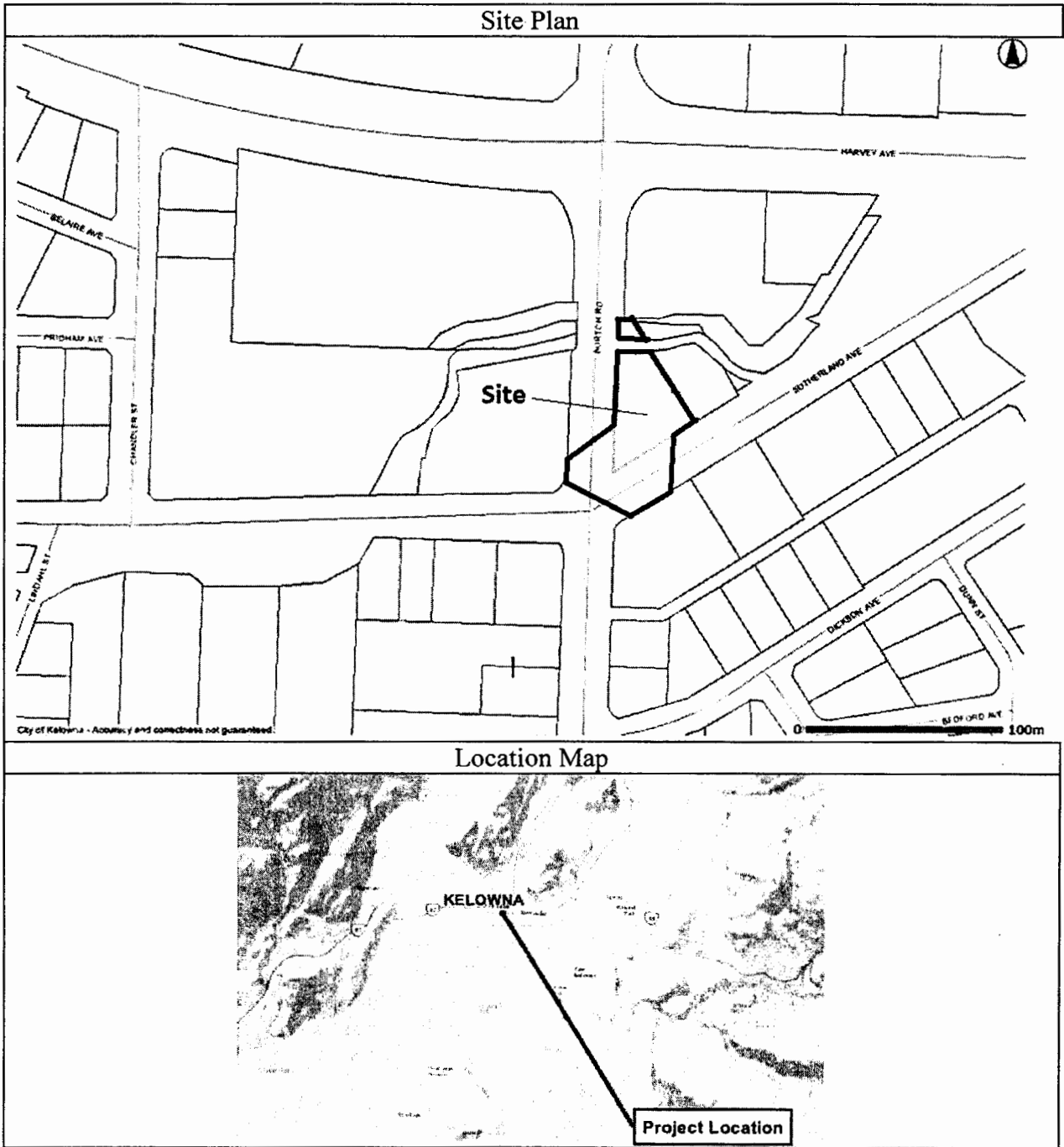
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For Director, *Environmental Management Act*

Site Identification Number 2519
R

2 of 6

Schedule "A"



April 9, 2014
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For Director, *Environmental Management Act*

Site Identification Number 2519
R

Schedule "B"

Conditions

1. Any changes in land, water or sediment use could invalidate this Certificate of Compliance for 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:
 - *Preliminary Site Investigation and Detailed Site Investigation 1502-1504 Sutherland Avenue, Kelowna, BC*, Summit Environmental Consultants, February 2013.
2. Any changes to the conditions described in the risk assessment could invalidate the 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):
 - *Summary of Site Condition*, SLR Consulting Ltd., December 2013;
 - *Performance Verification Plan- 1502 Sutherland Avenue*, SLR Consulting Ltd., December 2013; and
 - *Preliminary Site Investigation and Detailed Site Investigation 1502-1504 Sutherland Avenue, Kelowna, BC*, Summit Environmental Consultants, February 2013.

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

- Land use at the site presently covered by sidewalks and roadways must remain sidewalks and roadways
 - A continuous, unbroken surficial layer of asphalt or concrete shall remain present over the sidewalk and roadway portions of the site
 - A health and safety plan to mitigate vapour inhalation by trench workers must be prepared before, and implemented in the event that, any trench work is conducted at the site
3. 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 providing a signed statement by an Approved Professional.

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4. Performance verification must be undertaken as specified in the following plan(s):
- Performance Verification Plan- 1502 Sutherland Avenue, SLR Consulting Ltd., December 2013*
- or as agreed by the Director in response to an acceptable request for modification.
5. 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.
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 standard(s) at and adjacent to 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:
- Only slab on grade structures may be constructed on the site
 - The site will not be used for residential development
 - Land use at the site presently covered by sidewalks and roadways must remain sidewalks and roadways
 - A continuous, unbroken surficial layer of asphalt or concrete shall remain present over the sidewalk and roadway portions of the site

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 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 numerical standards:

- HEPH.

To meet Contaminated Sites Regulation risk-based standards:

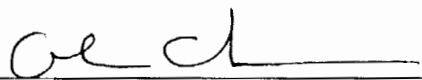
- Xylene and VPHs.

Substances remediated in water:

To meet Contaminated Sites Regulation numerical standards:

- Benzene, ethylbenzene, xylenes, VPHw and LEPHw.

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R

6 of 6