



Ministry of  
Environment

**APPROVAL IN PRINCIPLE**  
**(Pursuant to Section 53 of the *Environmental Management Act*)**

**THIS IS TO CERTIFY** that the remediation plan described herein submitted by Nelson Landing Development Corporation for the contaminated site identified in Schedule A of this document has been approved.

When implemented, the remediation plan must be implemented in accordance with the requirements and conditions specified in Schedule B.

The substances for which remediation will be conducted and for which this Approval in Principle is valid are specified in Schedule C.

I have issued this Approval in Principle based on a review of 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 Approval in Principle if conditions imposed in the Approval in Principle are not complied with or any fees payable under Part 4 of the Act or regulations are outstanding.

This Approval in Principle should not be construed as an assurance that there are no hazards present at the site.

Date Issued

July 8, 2014

For Director, *Environmental Management Act*

L. Zanini  
Lavinia Zanini

## Schedule A

The site covered by this Approval in Principle is located at Nelson Landing (no civic address), Nelson, British Columbia, which is more particularly known and described as:

A part of Lot A District Lots 58A, 97, 4280 and 16272 Kootenay District Plan NEP70102  
Except Plan NEP74998

PID: Portion of 025-180-142

The site contains part of a legal parcel depicted in an engineering drawing prepared by Pottinger Gaherty Environmental Consultants Ltd., dated January 2014, said part more particularly described as follows:

### AREA I:

Commencing at the North Easterly corner of Lot 1, District Lots 58A, 97, 4280 and 16272 Kootenay District Plan NEP74998;

Thence easterly bearing 111°15'50" a distance of 1.365m;

Thence easterly bearing 75°14'20" a distance of 80.005m;

Thence south easterly a bearing of 120°59'00" a distance of 43.152m;

Thence southerly a bearing of 166°30'10" a distance of 46.707m;

Thence westerly a bearing of 256°30'10" a distance of 112.328m;

Thence northerly a bearing of 346°49'45" a distance of 75.957m more or less to the point of commencement.

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

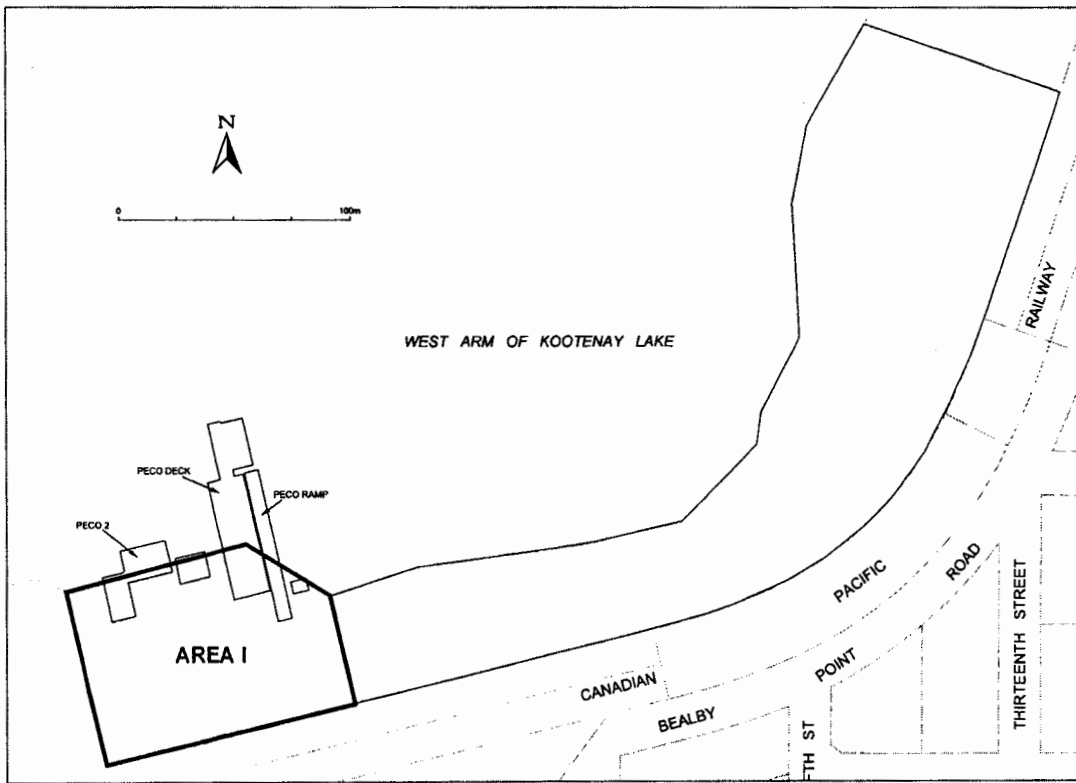
Latitude: 49° 30' 38.66"

Longitude: 117° 16' 12.18"

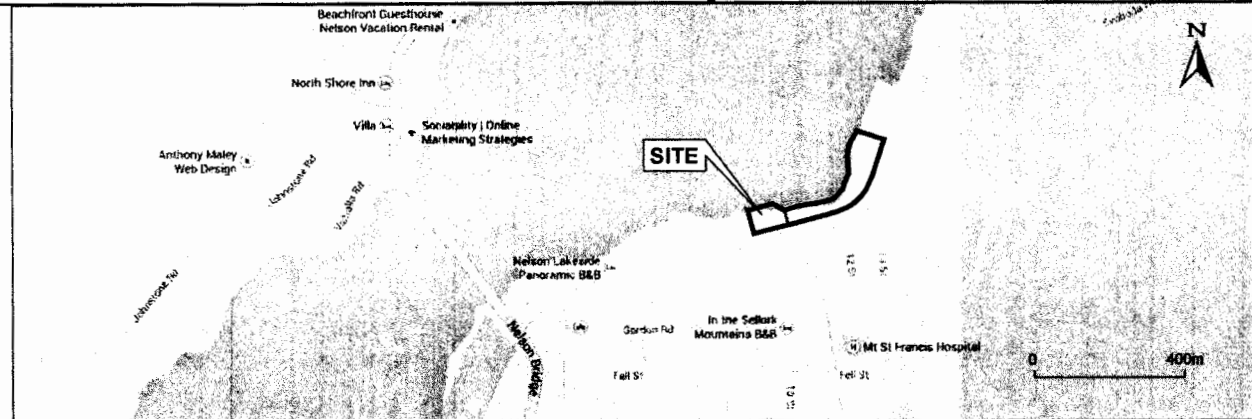
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### Site Plan



### Location Map



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## Schedule B

### Requirements and Conditions

1. Remediation, including monitoring, inspections and maintenance of any works, must be undertaken by the responsible persons in the manner and schedule specified in the plans listed in Schedule D or as specified in a modification of the plans approved by the Director.
2. Any substantial modifications to the approved remediation plans, including substantial changes to the remediation schedule, conditions or circumstances described in the risk assessment upon which the remediation plans are based, or changes in land, vapour, water, or sediment use, must be promptly identified in a written submission by the responsible persons to the Director. An application for an amendment or new Approval in Principle may be necessary.
3. Up-to-date records of monitoring, inspections and maintenance of any works must be maintained by the responsible persons or their agent. The records must be available for inspection by the Director.
4. Remediation must be completed within five years of the date of issuance of this Approval in Principle.
5. Remediation must be confirmed in accordance with applicable legislation and ministry guidance. Within 90 days of completing remediation, a report summarizing confirmation of remediation must be prepared in accordance with section 49 (2) of the Contaminated Sites Regulation and submitted to the Director.
6. A statement signed by an Approved Professional must be submitted to the Director annually within 90 days of the anniversary of the date of issuance of this Approval in Principle. The statement must include the following:
  - (a) A summary of remedial activities undertaken during the reporting period; and
  - (b) An assessment comparing remediation progress to the actions and schedule set out in the plans referenced above. Refer to Condition 3 above if remedial progress differs substantially from the schedule set out in the approved plans.

If requested by the Director, a report signed by an Approved Professional must be submitted for review to the Director and must include the following:

- (a) A summary of remedial activities undertaken to date;

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- (b) An assessment comparing remediation progress to the actions and schedule set out in the plans referenced above. Refer to Condition 3 above if remedial progress differs substantially from the schedule set out in the approved plan; and
  - (c) Supporting documentation (e.g., analytical reports, records of inspection, maintenance of treatment works, etc.).
7. 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 and trenches existing or expected at the site. These assumptions include the following:
- (a) All buildings will be slab-on-grade construction. Future Site buildings will not include basements;
  - (b) Prior to any person entering a trench on site that is deeper than it is wide, a qualified professional must determine if and what health and safety measures are required to protect the person from vapour exposure. If health and safety measures are deemed to be required, they must be implemented.

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 D must be promptly identified by the responsible persons in a written submission to the Director. An application for an amendment or new Approval in Principle may be necessary.

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## Schedule C

### Substances and Uses

#### *Substances to be remediated in soil for residential land soil use:*

To meet risk-based remediation standards:

- Antimony, arsenic, barium, copper, lead, manganese and zinc;
- HEPHs and LEPHs; and
- Cresol.

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## Schedule D

### Documents

- *Summary of Site Condition*, prepared by Duncan Macdonald, P.Eng., dated 01 Jan 2014;
- *Stage 1 and 2 Preliminary Site Investigation and Remediation Plan, Nelson Landing, Nelson, BC*, prepared by Pottinger Gaherty Environmental Consultants Ltd., dated Jan 2014;
- *Human Health and Ecological Risk Assessment, Nelson Landing, Nelson, BC*, prepared by Pottinger Gaherty Environmental Consultants Ltd., dated Jan 2014; and
- *Site Investigation and Confirmation of Remediation with Human Health and Ecological Risk Assessment, Lot A District Lots 58A, 97, 4280 And 16272 Kootenay District Plan NEP70102 Except Plan NEP74998, PID 025 180 142*, prepared by UMA Engineering Ltd., dated April 2007.

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