

Site Profile Administration: Local Government Opt Out Option

A provision in the Contaminated Sites Regulation under the *Environmental Management Act* (the Act) allows local governments to opt out of administering the site profile system. Please note that unless otherwise indicated in this fact sheet, the term “local government” means a municipality, regional district, or the Islands Trust and, in the case of subdivision, an approving officer.

Some of the advantages and disadvantages for local governments that opt out are summarized below. Also, a list of those local governments which have opted out is provided.

What is a site profile?

A site profile is a form on which information about the land and the past and present uses of a site is recorded. These forms are used to screen property for possible contamination. The form and associated administrative requirements for using it are described in the Contaminated Sites Regulation (the Regulation).

Who is required to submit a site profile, and when?

A person is required to provide a site profile to the local government when he or she applies for subdivision, zoning, or demolition, development or soil removal permits for land that has previously been or is currently used for certain types of industrial or commercial activities. See our [Land Remediation Section web site](#) for more detailed information on site profiles.

How is local government involved?

The Act assigns two administrative duties to local governments in handling site profiles.

Assessment duties

Local government officials must first check that the site profile form is satisfactorily complete. If it is not, they must inform the person who provided it that the profile needs further work. Once the officials are satisfied that the form has been completed satisfactorily, they will check to see whether any “yes” answers were provided in sections IV through IX.

Forwarding duties

If there are any “yes” answers, the local government official will forward the site profile to a Director of Waste Management. If there are all “no” answers, it will be forwarded to the Site Registrar.

How can local government opt out?

The choice of not participating in the administration of site profiles is incorporated into the Regulation, section 4 (4), which states, “A person is exempt from the duty to provide a site profile ... with respect to any site within a municipality if the municipality ... has filed written notice with the minister that ... [it] does not wish to receive site profiles”

This exempts a local government, by removing the duty of a person such as a developer, to submit site profiles to the local government in that jurisdiction. To exercise this option, the

local government must notify the Minister in writing that it does not wish to receive site profiles under provincial legislation. The notification should include a copy of the council resolution and signatures from both a municipal representative (for example, a city clerk) and the approving officer.

It should be noted that in areas where subdivisions are administered by the Ministry of Transportation, site profiles are required to be submitted with a subdivision application, regardless of whether the local government has opted out in that area.

Can a local government opt out of the entire contaminated sites legal regime?

No. Even if a local government decides it does not want to administer site profiles, all land owners and operators will still be subject to other provisions in the Regulation. For example, a site owner, operator or trustee is required to submit a site profile directly to a Director of Waste Management when a site is decommissioned or subject to foreclosure, even when the local government has chosen to opt out of receiving site profiles.

Which local governments have opted out?

A list of the local governments currently opted out of the site profile system is shown in the table attached to this fact sheet.

Are there any consequences if a local government opts out of the system?

Yes. If a local government chooses not to be part of the site profile system, it will no longer have legal responsibility under the Act to screen sites using site profiles. There will be no site profile system for the geographic area for which that local government is responsible. This will have a number of effects which are discussed below.

What are the pros and cons of opting out?

Advantages:

- Removes any liability concerns about site profile administration by local governments.
- Eliminates barriers in contaminated site legislation to local government approval of specific applications.
- Eliminates local government training and administration costs for the site profile system.
- Allows local governments to develop their own screening system.
- Allows local governments to ignore, as a matter of policy, the screening of potentially contaminated sites.

Disadvantages:

- Increases local government liability in assessing zoning, subdivision, demolition, development, and soil removal applications without a legally defined process to screen for contaminated sites.
- Creates risk of some contaminated sites, including high risk sites, escaping detection or being detected late (for example, during excavation) in those jurisdictions that have no site contamination screening system.
- Creates risk of unacceptable impacts on human health, the environment, and infrastructure occurring or continuing, particularly if high risk sites are not identified.
- Increases remediation costs for cleaning up sites detected late in the development process because of time delays and new planning requirements.
- Results in loss of income from processing site profiles. Local governments may charge up to \$100 per site profile under the Regulation
- Incurs higher administration and training costs where a local government develops and administers its own screening system.

- Results in much less data being entered onto the Site Registry for the area covered by the local government. Developers and others seeking information on contamination will be more likely to seek this information from a local government source rather than the Site Registry.
- Results in loss of province wide uniformity. Developers and property owners would face a patchwork of screening requirements if some local governments used the provincial system and others their own screening tools.

Can a local government opt back in?

Yes. A local government can chose to opt back into the site profile system at any time. To exercise this option, the local government must notify the Minister in writing that it *does* wish to receive site profiles under provincial legislation. The notification should include a copy of the council resolution and signatures from both a municipal representative and the approving officer.

Note: This summary is solely for the convenience of the reader. The current legislation and regulations should be consulted for complete information.

For information about site profiles, please send a message to siteprofiles@gov.bc.ca.

For more information, contact the Environmental Management Branch at site@gov.bc.ca.

Local Governments Currently Opted Out of the Site Profile System

(Includes local governments that are opted out as of February 1, 2012. No local governments have opted in or out of the system since that date.)

Notes:

- In areas where subdivisions are administered by the Ministry of Transportation and Infrastructure, site profiles must be submitted with a subdivision application, even if the local government has opted-out of the site profile process.
- Site profiles triggered at decommissioning or foreclosure must be submitted to the Director even if the local government for the area has opted-out of the site profile process.

This list is subject to change at any time. The ministry does not take any responsibility for

any errors or omissions in this list. Please check with your local government to confirm.

- Alert Bay, Village of
- Armstrong, City of
- Cariboo Regional District
- Central Coast Regional District
- Comox, Town of
- Coquitlam, City of
- Creston, Town of
- East Kootenay Regional District
- Enderby, City of
- Fernie, City of
- Gibsons, Town of
- Gold River, Village of
- Invermere, District of
- Islands Trust
- Langford, District of
- Langley, Township of
- Lions Bay, Village of
- Logan Lake, District of
- Lumby, Village of
- Mount Waddington, Regional District
- Nakusp, Village of
- North Cowichan, District of
- North Okanagan, Regional District of
- Okanagan-Similkameen Regional District
- Oliver, Town of
- Osoyoos, Town of
- Parksville, City of
- Peace River Regional District
- Port Alice, Village of
- Port Clements, Village of
- Port McNeill, Town of
- Pouce Coupe, Village of
- Powell River, City of
- Powell River Regional District
- Radium Hot Springs, Village of
- Rossland, City of
- Sechelt, District of
- Sidney, Town of
- Sooke, District of
- Spallumacheen, Township of
- Summerland, District of
- Valemount, Village of