

Stage 5 Amendments to the Contaminated Sites Regulation

On July 1, 2007, the Stage 5 amendments to the Contaminated Sites Regulation go into effect. They pave the way for Approved Professionals to take on greater responsibilities in administering and managing contaminated sites in B.C. In addition, a number of provisions from the *Environmental Management Amendment Act, 2004* (Bill 13) will be brought into force.

Amendments made in two parts

The Stage 5 amendments to the Regulation have been made under the authority of an Order-in-Council and a Regulation of the Minister. The two parts are needed because, with the passage of the *Environmental Management Act* (the Act) in 2004, regulation-making powers for contaminated sites were divided between Cabinet and the Minister of Environment (sections 62 and 63).

Key changes to the Regulation

A number of areas of the Regulation have been amended and the changes are summarized in the following sections.

Fees regime simplified

In January 2003, the Minister's Advisory Panel on Contaminated Sites recommended a fee regime with the following features:

- cost recovery fees for overseeing and reviewing remediation of high risk sites and for other services;
- clear, reasonable fees proportionate to the services provided;
- flat fees charged according to a matrix; and
- market-level hourly rates charged when staff provide professional services.

On December 1, 2003, as part of the government-wide fee and licence review, the fees were revised in response to the Advisory Panel's recommendations. Those changes (made as Stage 3 amendments to the Regulation) resulted in the current flat fees for many different services for both simple and complex sites. When the time credits associated with each flat fee are exceeded, then a \$150 per hour fee applies.

The Stage 5 amendments significantly simplify the fees and the fee structure. They also signal a further shift in the ministry's focus towards high risk sites.

- Fees for simple sites are eliminated from the Regulation. Ministry staff will no longer provide review services for simple sites, and the classification of sites as simple or complex are removed.
- Ministry fees are eliminated for the review of reports and plans included with service applications submitted by Approved Professionals.
- A new fee for the review of a Summary of Site Condition will take effect in relation to the new requirement for persons on the Roster of Approved Professionals to submit this document to the ministry.
- Several fees for ministry review services are increased to reflect the demands on ministry time and resources for providing oversight, monitoring and administration solely of high risk sites.

- Fees for amendments of contaminated sites legal instruments and service application withdrawals are in effect.
- The hourly rate charged for ministry staff time is increased to reflect inflation and the increased fees the ministry now pays contractors for report review services.

Simpler, streamlined application reviews introduced – Summary of Site Condition

The amendments bring into force provisions for Summaries of Site Condition which will be required with all service applications submitted to the ministry *via* the Approved Professional process. The use of Summaries of Site Condition will simplify the ministry review of applications made for low and moderate risk sites. For example, currently the ministry charges for the review of preliminary and detailed site investigation reports included in an application package submitted by an Approved Professional. With these amendments, the ministry will accept the site investigation reports without a review and fees, and will require a lesser fee for the review of a Summary of Site Condition.

Site Registry information expanded

Part 43 of the *Environmental Management Act* requires the Minister to establish a Site Registry that contains information specified in the Act and Regulation. Several new types of information have become and will be available to the Site Registrar. The amendments

authorize the Site Registrar to add this information to the Site Registry. It includes:

- notifications about the offsite migration of substances;
- Summaries of Site Condition; and
- the classification of sites according to the risks they pose.

New authority for Director’s protocols

Section 64 (1) of the *Environmental Management Act* contains general provisions for the establishment of Director’s protocols that deal with administrative and technical requirements for the investigation and remediation of sites. The amendments give the Director authority to publish protocols that establish the form of a Summary of Site Condition and procedures that define and determine the boundaries of a site.

Environmental quality standards amended

The ministry’s Approved Water Quality Guidelines for chloride in water have been recently changed, as have the Canadian Drinking Water Guidelines for a number of substances. Amendments to environmental quality standards for chloride, uranium, trichloroethylene, and bromomethanes have therefore been made, affecting Schedules 5, 6, 7, and 10 of the Regulation.

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

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