

Approved Professionals Role in the Administration of Site Profile Releases – Scenarios 3, 4 and 5

This guidance document describes the ministry's expectations with respect to statements submitted by Approved Professionals under [Administrative Guidance 6, "Site Profile Decisions and Requesting Releases Where Local Government Approvals Are Required"](#) to both obtain a site profile release letter and meet conditions imposed in a site profile release letter. The intent of this guidance is to ensure that Approved Professional submissions are complete, consistent and meet ministry expectations. This will increase stakeholder confidence in the release process and minimize request processing time.

Note

If the Director determines that a site investigation is required based on a site profile submission, this decision suspends (or freezes) a local government's ability to approve certain applications, for example, for subdivision. This freeze will remain in effect until a release notice from the Director is provided.

Administrative Guidance 6

Scenario 3, 4 and 5 in Administrative Guidance 6 describe the various statements that Approved Professionals must make in order for the Director of Waste Management (the Director) to issue one of those types of releases. These statements refer to the quality of site investigation conducted, whether delineation of contamination was achieved, and whether a remediation plan, once implemented, would ensure that the property meets provincial remediation standards.

The Director relies on these Approved Professional statements to decide whether it is appropriate to release the ministry's freeze on specified local government approvals. For Scenarios 4 and 5, the Director may also impose conditions as part of a release under the independent remediation provisions of the *Environmental Management Act* (the Act). This process is intended to provide property owners and developers with more flexibility for completing remediation during the development process.

Part I – Release requests for Scenarios 3, 4 and 5

The following sections describe the ministry's expectations regarding information that must be reviewed by an Approved Professional in order for them to make the necessary statements for a release request; specifically, with respect to the extent of site investigations, delineation of contamination, and appropriateness of a remediation plan. All other applicable protocols and guidance should also be reviewed and adhered to when reviewing site information and preparing a release request.

Site investigation and site risk classification

Sufficient data needs to be collected through a preliminary site investigation and if necessary, a detailed site investigation to classify the site risk and to make the necessary statements regarding delineation of contamination. All applicable media need to be investigated (i.e., soil, water, soil vapour, and/or sediment).

Delineation of contamination

To obtain a release under Scenario 3, 4 or 5, the Approved Professional must confirm that all contamination has been delineated both at the source parcel(s) and at all neighbouring affected parcels.

Delineation and remediation of contamination is not required in specific instances. Refer to draft [Administrative Guidance 15, “Approval Not to Delineate or Remediate the Entire Area of Contamination at a Site”](#) for detailed information on these instances.

At the proponent’s parcel

Delineation of contamination at the proponents parcel has been achieved for all applicable media. Contamination is expected to be delineated according to [Technical Guidance 1, “Site Characterization and Confirmation Testing”](#) and any other available ministry guidance. If certain areas of concern are inaccessible due to the presence of features at a site, the expectation is that contamination is at least sufficiently delineated at the property boundary and adjacent to the site.

At neighbouring parcels

If substances have migrated to neighbouring parcels, then the affected parcels are to have been investigated and the extent of contamination delineated. Where delineation has not been achieved, sufficient justification and supporting documents as described in Administrative Guidance 15 is to be included in the release request.

Remediation requirements

Scenarios 4 and 5 both require remediation of source parcel contamination following issuance of a release letter. For Scenario 4, contamination within the construction area must be addressed. For Scenario 5, the entire extent of contamination at the source parcel must be remediated before an end point specified by the Approved Professional, for example, before the issuance of an occupancy permit.

Remediation plan

A remediation plan and schedule must be included as part of Scenario 4 and 5 release requests. The contents of a remediation plan are defined in Part I, Section 1 of the Contaminated Sites Regulation (the Regulation). A remediation plan and schedule are required in all instances except in the case where remediation is already complete. This is because the release mechanism used is based on the intent to complete or potential to complete independent remediation at the parcel.

Risk assessment

If the remediation plan is based on risk assessment, a final risk assessment report must be complete at the time of submitting the release request and any statements referring to the risk assessment must be signed by a Risk-based Standards Approved Professional.

Where risk assessment is used to remediate a parcel, only those classified as Type 1A, 1B and 2 (as described in [Administrative Guidance 14, “Performance Verification Plans, Contingency Plans and Operations and Maintenance Plans”](#)) are eligible for Scenario 4 and 5 releases under the Administrative Guidance 6 process.

For risk assessed sites classified as Type 3, the site owner must obtain an Approval in Principle or other ministry instrument in lieu of obtaining a Scenario 4 or 5 release.

Part II – Compliance reporting

For Scenarios 4 and 5 where ‘acceptance of independent remediation’ is used as the release mechanism, the Director would normally impose requirements under section 54 (3) (d) of the Act to ensure that the proposed remediation plan is carried out before the specified end point in the development. Depending on the remediation schedule provided, the Director may require the submission of progress statements at specific intervals followed by

submission of a confirmation of remediation report and possibly a performance verification plan (PVP) upon completion of remediation. In most cases, remediation must be completed within 5 years following the issue date of the release letter. The ministry tracks these reporting requirements on the SITE database, and they are also released to the Site Registry.

Progress statements

The information required in a progress statement is described in the release letter. Note that progress statements are to be submitted even if the project has been delayed or no remediation has occurred during the reporting period.

Confirmation of remediation reports

For those sites where a confirmation of remediation report is required (Scenario 4 and 5), the contents of the report must meet the requirements set forth in section 49 (2) (b) of the Contaminated Sites Regulation. The report should be accompanied by a cover letter confirming that:

- remediation was completed according to the remediation plan (or variation approved by the Director), and
- the site would be eligible for a Certificate of Compliance (for Scenario 5 only).

Note that a separate confirmation of remediation report is not required to satisfy release conditions if a contaminated sites legal instrument is obtained within the 5-year remediation period allowed by the release.

A Notification of Completion of Independent Remediation is also required as per the Regulation.

If no contamination was found during the site upgrade or redevelopment, instead of the direction above, the Approved Professional must submit a letter indicating that the site would be eligible for a Determination that the site is not contaminated.

Performance verification plans

Where risk assessment has used to remediate a site, a PVP must be submitted for Type 1B and 2 sites along with the confirmation of remediation report described above. For more information on the content and implementation of a PVP, please refer to Administrative Guidance 14. The Director may impose long term reporting requirements based on the contents of a PVP.

Submitting release related documents

As with most ministry submissions, release requests and compliance reporting submissions must be provided in both electronic and hard copy format. Submissions may be sent electronically via the siteprofiles@gov.bc.ca email address and hard copies should be mailed to:

Land Remediation Section, Site Profiles
Ministry of Environment
Second Floor, 10470 152 Street
Surrey, BC V3R 0Y3

A Contaminated Sites Services Application form is not required unless requested by ministry staff. Examples of situations where fees may be charged are described in Administrative Guidance 6.

For release request submissions:

Example release request letters can be found on our [website](#) and can be edited to suit your specific request. Be sure to include a summary of the approvals required (all applications requiring release) and which scenario you are requesting.

Along with the Approved Professional statement the following documents are to be included with the request:

- Site Risk Classification Report
- all site investigation reports relied on to make the Approved Professional statements;
- remediation plan and remediation schedule (for Scenario 4 and 5);

- all supporting documentation relating to approval not to delineate the entire extent of contamination; and
- Contaminated Sites Services Application form (if requested by ministry staff).

Note that release requests will not be reviewed until the applicable local government forwards a satisfactorily completed site profile.

For compliance reporting submissions:

Be sure to clearly identify the reason for submission and include the Site ID, address and PID for the property.

Note: This document is solely for the convenience of the reader. It does not contain and should not be construed as legal advice. The current legislation and regulations should be consulted for complete information.

For more information, contact the Environmental Emergencies and Land Remediation Branch at siteprofiles@gov.bc.ca or visit the "[Site Profiles](#)" key topic on our website.

Revision history

Approved Date	Effective Date	Document Version	Notes
November 23, 2015	December 7, 2015	1.0	