

## Requirements for Independent Remediation

Independent remediation is often undertaken by a property owner or other “responsible person” as part of due diligence or to improve the environmental quality of a property before its sale. The provincial Contaminated Sites Regulation under the *Environmental Management Act* (the Act) requires that a person provide written notice to the ministry within three days of the start of any remediation activity that involves handling, managing (including risk management), or treating contamination. Only remediation activity being conducted solely for investigation purposes need not be reported.

### Who must provide notification?

Any person undertaking independent remediation is required to provide notice to the Director of Waste Management, as outlined in section 57 of the Contaminated Sites Regulation. This person might be a property owner, business operator, leaseholder, contractor or a person responsible for a spill.

### Are there exemptions to the notification requirements?

Currently, the only exemption to the notification requirements is in the case of independent remediation arising from emergency response to a spill, where a person is exempt from the initiation notification requirements if the spill has been reported in accordance with section 79 of the Act and the Spill Reporting Regulation.

### What information must be included in notifications?

Notifications are required both before and after independent remediation takes place. The first notification must be provided when remediation is initiated and must contain the following:

- the legal description (including parcel identifier numbers and latitudinal and longitudinal references) and civic address of the parcels of land to be remediated;
- the name and address of the person or persons who own the parcels of land to be remediated;
- the name, address and telephone number of the person to contact about the remediation activities to be undertaken; and
- a general description of the nature of the contaminated site and the remediation being planned.

The notification should also include a site plan, outlining the location of the parcel and a Land Title record. This information is useful for adding the parcel to the Site Registry.

The second notification must occur within 90 days of the completion of remediation. This is required even if the ministry later becomes involved in the remediation and a Certificate of Compliance is applied for. Remediation reports or summaries provided with the completion notification are not necessary and will not be reviewed by the ministry.

The ministry's notification form, found on the Land Remediation Section website under the key topic "[Independent Remediation](#)", should be completed to ensure that all required information is provided.

## **What other requirements or responsibilities are associated with independent remediation?**

### **General**

Those who are responsible for carrying out independent remediation must meet all the requirements of the Act and related regulations such as the Contaminated Sites Regulation and Hazardous Waste Regulation. In general they must identify and address any existing and potential human health or environmental impacts, safety issues and impacts on utilities associated with the contamination at the parcel in question. All the requirements are reviewed in [Administrative Guidance 9, "Independent Remediation of Contaminated Sites"](#).

If the ministry has a concern with the remedial work taking place at a parcel during independent remediation, the Director of Waste Management may (under section 54 of the Act) at any time:

- inspect and monitor any aspect of the remediation to determine compliance with the regulations;
- issue a remediation order;
- order public consultation and review (under section 52 of the *Environmental Management Act*); or
- impose requirements that the director considers to be reasonably necessary to achieve remediation.

### **Site risk classification**

Submission of a Notification of Initiation of Independent Remediation triggers additional notification and reporting requirements under [Protocol 12, "Site Risk Classification,](#)

[Reclassification and Reporting."](#) This protocol provides procedures for classifying sites based on their risks to the environment and human health. Refer to Protocol 12 and the [key topic on site risk classification](#) on our website for more detailed information.

### **Soil disposal or relocation**

The responsible person must ensure that contaminated soil removed from a parcel during remedial activities has been disposed of in accordance with the Act. Contaminated soil can be sent to a facility preauthorized to accept soil up to maximum concentrations of contaminants.

If the receiving parcel is not authorized to accept contaminated soil, a Contaminated Soil Relocation Agreement may be required. Section 55 of the Act and sections 40–46 of the Contaminated Sites Regulation specify requirements for such soil relocation.

### **Contamination that has migrated offsite**

If, during an investigation, it is determined that one or more substances has migrated (or is likely to have migrated) to a neighbouring property and has caused (or is likely to have caused) contamination there, the responsible person must send written notification to the owners of the neighbouring properties involved. A copy of these notifications must also be sent to the Director of Waste Management as outlined in sections 57 (1) and (1.1) of the Contaminated Sites Regulation. The owners of neighbouring properties may include local governments who often own rights-of-way, utility corridors and easements. Please use the offsite migration notification form which is on our website under the key topic, "[Offsite Migration](#)".

### **Remedial work that includes a discharge**

If remedial work involves an effluent discharge or a discharge to air, authorization for those

activities must be obtained from the Director of Waste Management.

*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](mailto:site@gov.bc.ca) or visit the “[Independent Remediation](#)” key topic on our website.*