

Site Profile Freeze and Release Provisions

When a Director of Waste Management (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. This freeze will remain in effect until a release is obtained for the site.

Local government applications affected by these provisions are listed in section 40 of the *Environmental Management Act* (the Act) and include demolition, soil removal, zoning, subdivision, development and development variance.

What are the goals of the site profile system?

The site profile system was developed to create a legally defined, uniform process that provides a consistent and fair method to:

- screen for potentially contaminated sites;
- ensure that cleanup of a site is completed before re-use or redevelopment; and
- provide basic site information to the public through the Site Registry.

For a detailed overview of the site profile system, see [Fact Sheet 19, "The Site Profile System."](#)

How can I obtain a release for my site?

Similarly drafted provisions in the *Islands Trust Act* (section 34.1), *Land Title Act* (section 85.1), *Local Government Act* (section 557) and the *Vancouver Charter* (section 571B) list the seven circumstances in which the freeze on approving applications can be lifted. They include:

- The approving authority is not required to forward a copy of the site profile to a Director;
- The authority has received a final determination that the site is not a contaminated site;
- The authority has received an Approval in Principle or Certificate of Compliance with respect to the site;
- The authority has received notice from the Director indicating he or she has entered into a Voluntary Remediation Agreement with respect to the site;
- The authority has received notice from the Director that site investigation is not required;
- The authority has received notice from the Director that it may approve an application because the site would not present significant threat or risk if the application were approved; and
- The authority has received notice from the Director that the Director has received and accepted a notice of independent remediation with respect to the site.

Under the first four, the statutory freeze on approval is automatically lifted without further communication with the ministry. To obtain a notice listed in the last three situations please submit a release request to the ministry.

For instructions on completing and submitting a request for release of a local government application, see "[Administrative Guidance 6, "Site Profile Decisions and Requesting Release Where Local Government Approvals are Required."](#)" This document describes the five most common release request scenarios.

When and to whom should I submit my application for a release notice?

A request for release of an application can be submitted to the ministry at any time. However, the request will not be processed until a site profile has been received by the ministry.

How long does it take for the ministry to process a release request?

The ministry has no legislated time requirements for responding to a release request. Satisfactorily completed applications are processed on a first come, first served basis. Please allow at least 2-3 weeks for processing.

How will I be notified if my release request has been approved?

The ministry will send you a letter indicating whether site investigation is required, and if the local government is released to approve an application (as identified in section 40 of the Act) related to the proposed activities at the site.

Some releases may be subject to site-specific conditions imposed by the Director. If so, these conditions will be outlined in the ministry's response letter.

What conditions could the ministry impose on a site owner if a release is approved?

Conditions will vary depending on the circumstances of the application (such as whether the site is to be upgraded or redeveloped for a new land use). In some cases, the Director may impose requirements under section 54(3)(d) of the Act for sites undergoing

independent remediation. Failure to comply with requirements under that section is an offence under the Act and could result in significant penalties. For a summary of typical conditions imposed on site owners for each release scenario, refer to Administrative Guidance 6, Table 1.

Can I request release of an application that does not conform to Scenarios 1 – 5?

Yes. The ministry will review release requests for any applications frozen by a site investigation decision (where site profiles are required) including those for high risk sites.

Under what circumstances would the ministry deny a release request?

In general, release requests are not approved if:

- the applicant does not submit all of the required information;
- there is an outstanding noncompliance issue with the site or there is evidence of potential significant risk to human health or the environment.

Does the ministry charge fees for processing release requests?

Normally, no. However, under section 9 (15) (b) and Schedule 3 of the Contaminated Sites Regulation, an hourly fee may be charged if processing requests take longer than one hour to complete. This may occur when processing release requests for high risk sites and other sites that do not conform to Scenarios 1 through 5. In these instances, the applicant will be required to submit a [Contaminated Sites Services Application form](#).

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 siteprofiles@gov.bc.ca or visit the "[Site Profiles](#)" key topic on our website.