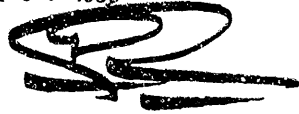


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

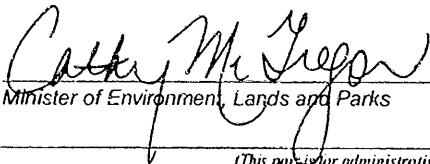
Order in Council No. 843, Approved and Ordered JUL 16 1999



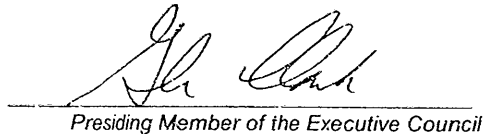
Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that B.C. Reg. 375/96, the Contaminated Sites Regulation, is amended as set out in the attached Schedule.



Cathy McTegart
Minister of Environment, Lands and Parks



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- Waste Management Act, sections 57 & 58

Other (specify):- oic 1480/96

July 9, 1999

re-sub 677/99/13/bgn

Schedule

- 1 *Section 1 of B.C. Reg. 375/96, the Contaminated Sites Regulation, is amended*
 - (a) *in the definition of “numerical standards” by adding “generic numerical water standards” after “generic numerical soil standards,” and*
 - (b) *in the definition of “residential land use”, in paragraphs (a) and (b) by adding “, without limitation,” after “including”.*
- 2 *Section 2 (2) is amended by adding “or approving officer” after “municipality” in both places.*
- 3 *Section 3 (2) is amended by adding “described in section 26.1 (1) (b) (i) of the Act” after “ownership interest”.*
- 4 *Section 4 (1) (a) is amended by striking out “under section 8”.*
- 5 *Section 6 (1) (a) is amended by striking out “set out in Schedule 1,” and substituting “provided by the director,”.*
- 6 *Section 9 (2) is amended by striking out “A person who undertakes an activity or requests an action” and substituting “A person who*
 - (a) *undertakes an activity requiring an action,*
 - (b) *is ordered or required by a manager to undertake an activity requiring an action, or*
 - (c) *requests an action”.*
- 7 *Section 11 (3) is amended by striking out “or equal to”.*
- 8 *Section 13 (d) (ii) is amended by striking out “section 12 (7)” and substituting “section 12 (8)”.*
- 9 *Section 22 (2) is amended by striking out “(a) to (g)” and substituting “(a) to (h)”.*
- 10 *Section 41 is amended*
 - (a) *in subsection (1) (a) by striking out “concentration of any substance is less than the concentration specified for that substance” and substituting “concentrations of all substances are less than the concentrations specified for those substances”,*
 - (b) *in subsection (2) by striking out “For the purpose of section 16 (2) of the Act, a” and substituting “A”, and*
 - (c) *in subsection (3) by adding the following paragraph:*
 - (h) *relocation of contaminated soil to federal property.*

11 Section 47 is amended by adding the following subsections:

- (1.1) A responsible person making an application described in subsection (1) or (4) respecting a site classified under section 53 (1) (i) as a low or moderate risk site must specify in writing whether the application shall be processed
 - (a) in the manner for low or moderate risk sites, or
 - (b) in the manner for medium, intermediate or high risk sites.
- (1.2) A responsible person making an application described in subsection (1) or (4) respecting a site classified under section 53 (1) (i) as a medium, intermediate or high risk site, or not classified under section 53 (1) (i), may specify in writing that the application be processed in the manner for low or moderate risk sites.
- (1.3) A manager may reject an application for which a written specification is made under subsection (1.1) (a) or (1.2) if the manager is satisfied that, for the likely human health and environment impact to be properly assessed, a site covered by the application must be processed in the manner for a medium, intermediate or high risk site before a decision can properly be made whether or not to issue an approval in principle under section 27.6 (1) of the Act.
- (1.4) A responsible person may make an application described in subsection (1) or (4) accompanied by a written specification that it be processed in the manner for medium, intermediate or high risk sites if a previous application respecting the same sites was rejected under subsection (1.3).
- (1.5) If a manager rejects an application described in subsection (1) or (4) for which a professional expert listed on the roster established under section 49.1 has done work specified in the application, the manager must provide written reasons for the rejection within 15 days of the rejection to
 - (a) the applicant,
 - (b) the director, and
 - (c) the Association of Professional Engineers and Geoscientists of the Province of British Columbia.

12 Section 49 is amended by adding the following subsections:

- (3) A person making an application described in subsection (1) respecting a site classified under section 53 (1) (i) as a low or moderate risk site must specify in writing whether the application shall be processed
 - (a) in the manner for low or moderate risk sites, or
 - (b) in the manner for medium, intermediate or high risk sites.
- (4) A person making an application described in subsection (1) respecting a site classified under section 53 (1) (i) as a medium, intermediate or high risk site, or not classified under section 53 (1) (i), may specify in writing that the application be processed in the manner for low or moderate risk sites.

- (5) A manager may reject an application for which a written specification is made under subsection (3) (a) or (4) if the manager is satisfied that, for the likely human health and environmental impact to be properly assessed, a site covered by the application must be processed in the manner for a medium, intermediate or high risk site before a decision can properly be made whether or not to issue a certificate under section 27.6 (2) or (3) of the Act.
- (6) A person may make an application described in subsection (1) accompanied by a written specification that it be processed in the manner for medium, intermediate or high risk sites if a previous application respecting the same site was rejected under subsection (5).
- (7) If a manager rejects an application described in subsection (1) for which a professional expert listed on the roster established under section 49.1 has done work specified in the application, the manager must provide written reasons for the rejection within 15 days of the rejection to
 - (a) the applicant,
 - (b) the director, and
 - (c) the Association of Professional Engineers and Geoscientists of the Province of British Columbia.

13 The following section is added:

Roster of professional experts

- 49.1 (1) The director may establish a roster of professional experts.
- (2) On processing an application described by section 47 (1) or (4) or 49 (1), a manager may consider, in determining the manner and extent of the review that must be undertaken of the work on which the application is based, whether that work was performed by a person listed on the roster established under subsection (1).
 - (3) The director must list a person on the roster established under subsection (1) only if
 - (a) the person is a registered member or licensee of
 - (i) the Association of Professional Engineers and Geoscientists of the Province of British Columbia, or
 - (ii) the British Columbia Institute of Agriologists, and
 - (b) the director is satisfied that the person has a satisfactory experience record in the performance of the work
 - (i) on which an application under section 47 (1) or (4) or 49 (1) may be based, and
 - (ii) which the person may perform from time to time for the purpose of an application under sections 47 (1) or (4) or 49.

14 Section 53 (1) (i) is repealed and the following substituted

- (i) classifying sites as low, moderate, medium, intermediate or high risk sites based on an evaluation of risk to human health and the environment; .

15 Section 58 (1) (a) (i) is amended by adding “, including a search of the site registry,” after “records”.

16 Section 59 (1) (b) is amended by striking out “section 61 (1)” and substituting “section 58 (1)”.

17 Table 2 of Schedule 3 is amended by adding the following Activity or Action 2.1:

COLUMN I Activity or Action	COLUMN II Fee for Small Sized Simple Site	COLUMN III Fee for Medium Sized Simple Site	COLUMN IV Fee for Large Sized Simple Site	COLUMN V Fee for Small Sized Complex Site	COLUMN VI Fee for Medium Sized Complex Site	COLUMN VII Fee for Large Sized Complex Site
2.1 Review of Reports, Plans and Covenants respecting sites processed under section 47 (1.1) (a) or 49 (3) (a)						
(a) Review of a preliminary site investigation report	\$25	\$100	\$200	\$25	\$100	\$200
(b) Review of a detailed site investigation report	\$75	\$150	\$250	\$250	\$500	\$1 000
(c) Review of a remediation plan, which does not include a risk assessment or environmental impact report	\$120	\$240	\$360	\$400	\$800	\$1 600
(d) Review of a remediation plan, which includes a risk assessment or environmental impact report	not applicable	not applicable	not applicable	not applicable	not applicable	not applicable
(e) Review of a covenant prior to registering	not applicable	not applicable	not applicable	not applicable	not applicable	not applicable

18 Schedule 5, Copper is amended

(a) under the heading “ENVIRONMENTAL PROTECTION” by striking out in Column II “40 or 150” opposite “Livestock ingesting soil and fodder” and substituting “150”, and

(b) in the Notes by repealing Note 6 and substituting the following:

- 6. Standard is applicable to livestock other than sheep. Consult director for further advice.

19 Schedule 5, Pentachlorophenol is amended

(a) under the heading "HUMAN HEALTH PROTECTION"

(i) in Columns II, III and IV, by striking out "1000" and substituting "100", and

(ii) in Column V, by striking out "3000" and substituting "300",

(b) under the heading "ENVIRONMENTAL PROTECTION" by striking out everything related to "Groundwater flow to surface water used by aquatic life" and substituting the following:

COLUMN I Site-specific Factor	COLUMN II	COLUMN III	COLUMN IV	COLUMN V	COLUMN VI	Note
Groundwater flow to surface water used by aquatic life						
pH <4.5	300 000	300 000	300 000	300 000	300 000	4,6
pH 4.5-<5.0	20 000	20 000	20 000	20 000	20 000	4,6
pH 5.0-<5.5	150	150	150	150	150	4,6
pH 5.5-<6.0	2.5	2.5	2.5	2.5	2.5	4,6
pH 6.0-<6.5	0.3	0.3	0.3	0.3	0.3	4,6
pH 6.5-<7.0	0.15	0.15	0.15	0.15	0.15	4,6
pH 7.0-<7.5	0.15	0.15	0.15	0.15	0.15	4,6
pH 7.5-<8.0	0.2	0.2	0.2	0.2	0.2	4,6
pH ≥ 8.0	0.35	0.35	0.35	0.35	0.35	4,6

(c) in the Notes by repealing Note 6 and substituting the following:

6. Standard varies with temperature of surface water used by aquatic life; 20°C is assumed. Consult director for further advice.

20 Schedule 6 is amended

(a) under the heading "Inorganic Substances", opposite "aluminum", by striking out everything in Column II,

(b) under the heading "Inorganic Substances", opposite "iron", by striking out "3 000" from Column II,

(c) under the heading "Inorganic Substances", opposite "manganese", by striking out "1 000" from Column II,

(d) under the heading "Inorganic Substances", opposite "zinc", by striking out everything in Column III and substituting "1 000 - 5 000^{15,17}",

(e) under the heading "Phenolic Substances"

(i) by striking out everything in Columns I and II and substituting the following:

Phenolic Substances	
phenols (total)	10

<i>chlorinated phenols</i>	
monochlorophenol	8.5-650 ¹⁸
dichlorophenol	2.5-340 ¹⁸
trichlorophenol	1-270 ¹⁸
tetrachlorophenol	1-180 ¹⁸
pentachlorophenol	1-27.5 ¹⁸

(ii) opposite "trichlorophenol", by striking out "2¹⁹" in Column V and substituting "1^{19,29-2¹⁹,30}",

(f) under the heading "Chlorinated Hydrocarbons", opposite "dichloroethane, 1,2-", by striking out "500¹⁸" in Column II and substituting "1 000",

(g) under the heading "Miscellaneous Organic Substances" by adding the following:

VPHw	1 500 ³¹			
LEPHw	500 ³²			
VHw ₆₋₁₀	15 000 ^{33,35}	15 000 ^{33,35}	15 000 ^{33,35}	15 000 ^{33,35}
EHw ₁₀₋₁₉	5 000 ^{34,35}	5 000 ^{34,35}	5 000 ^{34,35}	5 000 ^{34,35}

(h) in footnote 18 by adding ". temperature" after "pH", and

(i) by adding the following footnotes:

²⁹ Standard is specific for 2,4,6-trichlorophenol.

³⁰ Standard is specific for 2,3,4-trichlorophenol.
2,3,5-trichlorophenol.
2,3,6-trichlorophenol.
2,4,5-trichlorophenol.
3,4,5-trichlorophenol.

³¹ VPHw includes volatile petroleum hydrocarbons with the exception of benzene, toluene, ethylbenzene and xylenes. This generic standard may be modified by developing a site-specific standard. Consult director for further advice.

³² LEPHw includes light extractable petroleum hydrocarbons with the exception of acenaphthene, acridine, anthracene, fluorene, naphthalene and phenanthrene. This generic standard may be modified by developing a site-specific standard. Consult director for further advice.

³³ VHw₆₋₁₀ includes volatile petroleum hydrocarbons.

³⁴ EHw₁₀₋₁₉ includes light extractable petroleum hydrocarbons.

³⁵ Standard is applicable at all sites, irrespective of water use.

21 Schedule 7 is amended

(a) under the heading "Inorganic Substances", opposite "copper", by striking out "40 or 90⁵" in Column III and substituting "90",

(b) under the heading "Phenolic Substances", opposite "pentachlorophenol", by striking out "0.02" in Columns II, III and IV and substituting "0.15",

(c) in footnotes 2 and 3 by striking out "section 37" and substituting "section 40",

(d) in footnote 4 by striking out "section 38" and substituting "section 41", and

(e) by repealing footnote 5.