

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. **1104**

, Approved and Ordered **NOV 20 2003**

Iona Campagnolo

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, effective December 1, 2003, the Contaminated Sites Regulation, B.C. Reg. 375/96, is amended as set out in the Schedule attached.

DEPOSITED

NOV 21 2003

B.C. Reg. 419/2003

Joyce Murray

Minister of Water, Land and Air Protection

G Campbell

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 (2) (h) and (i), (3) (k), 58 (1) (e) and (2)

Other (specify):- oic 1480/96

October 31, 2003

resub 1344/2003/9

SCHEDULE

- 1 *Section 1 of the Contaminated Sites Regulation, B.C. Reg. 375/96, is amended*
 - (a) *by repealing the definitions of “large sized site”, “medium sized site” and “small sized site”, and*
 - (b) *by adding the following definitions:*
 - “**confirmation of remediation report**” means a report under section 49 (2) (b);
 - “**environmental impact report**” means a report under section 18 (6) or 18.1 (5);
 - “**external contract reviewer**” means a person with whom a director has entered into a contract under section 10 (1);
 - “**screening level risk assessment**” means a screening level risk assessment and report described in a protocol approved by the director under section 53; .
- 2 *Section 8 (3) is repealed.*
- 3 *Sections 9 and 10 are repealed and the following substituted:*

Fees

- 9 (1) Subject to this section, a person who undertakes an action described in Column I of Table 1 of Schedule 3 must pay the fee set out opposite the action in Column II.
- (2) Subject to this section, a person who
 - (a) undertakes an activity requiring an action or activity,
 - (b) is ordered or required by a manager to undertake an activity requiring an action or activity, or
 - (c) requests an action or activitydescribed in Column I of Table 2 of Schedule 3 must pay the fees set out opposite the action or activity in Column II or III, as applicable, for the classification of the site to which the action relates.
- (3) If a manager considers it justified on the basis of information in the manager’s possession, the manager may change the classification of a site as a simple site or a complex site as it relates to fees by giving notice to the person described in subsection (2) in relation to the site.
- (4) The federal goods and services tax, if payable, must be added to the fees payable.
- (5) Fees payable under this regulation are payable to the government except that
 - (a) fees established for computer-based site registry inquiries are payable to the electronic data distributor, and

- (b) fees imposed by an approving officer or a municipality for assessing a site profile are payable to the approving officer or municipality.
- (6) Fees imposed by an approving officer or municipality under section 26.1 (6) of the Act may not exceed the amount of the fees established under this regulation for providing a site profile to an approving officer or a municipality.
- (7) A fee referred to in subsection (6) is payable at the time the person provides the site profile to the approving officer or municipality.
- (8) The fees listed in Schedule 3 are exclusive of one another and of fees associated with any other action or activity under this regulation.
- (9) A person who pays a fee set out opposite item 4 (a) or 5 in Column II of Table 1 of Schedule 3 or opposite item 1 (a), 2 (a) to (g), 4 (a) or (c) to (e), 5 (a) to (d) or 6 (a) to (c) in Column II or III of Table 2 of Schedule 3 must be provided with a credit toward any fee payable under subsection (15) (a) of this section in respect of the item for which the fee is paid, equal to 0.5 hours for each \$100 of the fee set out opposite the item.
- (10) If a manager considers that an application or a report submitted in relation to an action under item 4 (a) or (b) or 5 of Table 1 of Schedule 3 or an action or activity listed in Column I of Table 2 of Schedule 3 is incomplete or contains errors, the manager must return the application or report to the person for completion or correction and the person may resubmit a completed or corrected report or plan for another review.
- (11) The fee for a subsequent review of an application or report under subsection (10) is up to 50% of the fee paid on the first submission as is considered justified by the manager on the basis of the additional time it takes a person to review the completed or corrected report or application on behalf of the ministry.
- (12) The fee for a review requested under section 10 (2) is equal to the sum of
 - (a) the amount of the fee payable by the government to the external contract reviewer under a contract referred to in section 10 (1), and
 - (b) 30% of the fee set out in Column II or III of Table 2 of Schedule 3, as applicable, opposite the type of review set out under item 2 (a) to (e) and (g) in Column I.
- (13) If an external contract reviewer considers, and advises the ministry, that a report or plan the reviewer has been asked to review is incomplete or contains an error, the person who requested the assignment of the reviewer may resubmit a completed or corrected report or plan for another review by the external contract reviewer.
- (14) The fee for a subsequent review under subsection (13) is equal to the sum of
 - (a) the amount of the fee payable by the government to the external contract reviewer for the subsequent review, and
 - (b) if a manager considers it justified on the basis of additional time it takes a person to review the completed or corrected plan or report on behalf of the ministry, up to 50% of the fee paid under subsection (12) (b) on the first submission.

- (15) In addition to any other fees under this section, a person who requests an action or activity under
 - (a) item 4 (a) or 5 of Table 1, or item 1 (a), 2 (a) to (g), 4 (a) or (c) to (e), 5 (a) to (d) or 6 (a) to (c) of Table 2, of Schedule 3 must pay a fee of \$150 per hour that a person is engaged in performing the action or activity on behalf of the ministry,
 - (b) item 1 (b), 3 (a) to (f), 4 (b) or 7 (a) or (b) of Table 2 of Schedule 3 must pay a fee of \$150 per hour that a person is engaged in performing the action or activity on behalf of the ministry after the first hour, and
 - (c) item 7 of Table 2 of Schedule 3 must pay a fee equal to the amount of the reasonable traveling and out of pocket expenses necessarily incurred by a person in performing the action or activity on behalf of the ministry.
- (16) If a manager is satisfied, on application, that a risk assessment reviewed under item 2 (d) or (g) of Table 2 of Schedule 3 is a screening risk level assessment, the manager may,
 - (a) in the case of a risk assessment under item 2 (d), reduce the fee by up to 20%, and
 - (b) in the case of a risk assessment under item 2 (g), reduce the fee by up to 50%.
- (17) The director may exempt a person from all or part of a fee under item 2 or 3 of Table 1 of Schedule 3 if, in the opinion of the director, paying the fee or the part would be an unmanageable financial burden on the person who is required to pay it.
- (18) The director may
 - (a) invoice a person for a fee,
 - (b) agree in writing in a particular case to accept the payment of fees in installments, and
 - (c) require in a particular case that a person provide fees in advance of any services being provided.

Review of report or plan by external contract reviewer

- 10** (1) A manager may enter into a contract with a person listed on the roster established under section 49.1 to assist in the review of reports or plans, listed under items 2 (a) to (e) and (g) of Column I of Table 2 of Schedule 3, by making a report to a manager containing the external contract reviewer's professional opinion in respect of
 - (a) the adequacy of the report or plan,
 - (b) the need for remediation of the site in respect of which the report or plan is submitted, and
 - (c) whether the report or plan complies with Provincial laws and ministry policy.
- (2) A person may request a manager to assign an external contract reviewer to assist with a review listed under item 2 (a) to (e) or (g) in Column I of Table 2 of Schedule 3.

4 Section 52 (1) is repealed and the following substituted:

- (1) A manager need not consider an application for an approval in principle, a conditional certificate of compliance or a certificate of compliance until all information required by the Act and this regulation has been provided to the manager for review.

5 Tables 1 and 2 of Schedule 3 are repealed and the following are substituted:

SCHEDULE 3

FEES

**TABLE 1: FEES FOR SITE PROFILES, INFORMATION, ALLOCATION PANELS
AND MINOR CONTRIBUTOR DETERMINATIONS**

COLUMN I Action	COLUMN II Fee
1. Site Profiles	
Person provides a site profile to an approving officer or municipality	\$100
2. Information Obtained by Accessing Computer-based Site Registry	
(a) (i) Person queries the computer-based site registry by a Land Title Parcel Identifier (PID), Crown Land Parcel Identification Number (PIN), Crown Lands file number or SITE identification number	\$25*
(a) (ii) Person accesses a computer-based site registry site synopsis report	
(b) (i) Person queries the computer-based site registry by address	
(b) (ii) Person accesses a computer-based site registry site details report	\$50*
(b) (iii) Person queries the computer-based site registry by geographic area within 0.5 km radius of a specific latitude and longitude	
(c) Person queries the computer-based site registry by geographic area within 5.0 km radius of a specific latitude and longitude	\$100*
(d) Person requests assistance of a government employee to perform a computer-based site registry query	\$10
(e) Person requests the site registrar to prepare a custom report of computer-based site registry information	\$500 plus \$100/hour for time required beyond 3 hours to prepare the information
(f) Person requests the custom report described in (e) to be regularly updated and provided by the site registrar	\$200 per updated report
3. Information Obtained From Other Computer-based and Paper Records	
(a) Person requests a ministry office to provide information about a single site by a search of paper records on contaminated sites	\$200 per site plus \$100/hour for time required beyond one hour to review and prepare the information
(b) Person requests a ministry office to provide information about multiple sites by a search of records held at that office other than records on the computer-based site registry	\$500 plus \$100/hour for time required beyond 3 hours to prepare the information
(c) Person requests information about a single site by a search of computer-based records in databases, including but not limited to databases for wastes, special wastes and spills	\$100 per database
4. Allocation Panel	
(a) Person requests the appointment of an allocation panel	\$2 000
(b) Person requests an allocation panel opinion and an allocation panel carries out work and provides an opinion	\$1 000 per panel member per day
5. Minor Contributor Determination	
Person requests a determination as to a person's minor contributor status	\$2 000

* In addition to a fee marked by an asterisk, a further operator fee of \$1.50 may be charged for any transaction done by electronic means from a location outside a government office or at a government office by a person who is not a government employee.

SCHEDULE 3

FEES

**TABLE 2: FEES FOR DETERMINATIONS OF CONTAMINATED SITE,
REVIEWS, AGREEMENTS, INSPECTIONS, APPROVALS,
CERTIFICATES, ORDERS AND ADDITIONAL SERVICES AND FUNCTIONS**

COLUMN I Action or Activity	COLUMN II Fee for Simple Site	COLUMN III Fee for Complex Site
1. Determination of Contaminated Site		
(a) Person requests a determination whether a site is a contaminated site not processed under section 15 (3)	\$1 000	\$2 000
(b) Person requests a determination under section 15 (3)	\$500	\$1 000
2. Reviews of Reports, Plans and Covenants		
(a) Review of a preliminary site investigation report	\$2 000	\$4 000
(b) Review of a detailed site investigation report	\$3 000	\$6 000
(c) Review of a remediation plan, which does not include a risk assessment or an environmental impact report	\$4 000	\$12 000
(d) Review of a remediation plan, which includes a risk assessment or environmental impact report	\$6 000	\$18 000
(e) Review of a confirmation of remediation report	\$2 000	\$6 000
(f) Review of a covenant prior to registering	\$3 000	\$6 000
(g) Review of a risk assessment or environmental impact report not included in a remediation plan	\$3 000	\$9 000
3. Reviews respecting applications involving a recommendation of a person on the roster of professional experts under section 49.1		
(a) Review of a preliminary site investigation report	\$1 000	\$2 000
(b) Review of a detailed site investigation report	\$1 500	\$3 000
(c) Review of a remediation plan, which does not include a risk assessment or an environmental impact report	\$2 000	\$6 000
(d) Review of a remediation plan, which includes a risk assessment and environmental impact report	\$3 000	\$9 000
(e) Review of a confirmation of remediation report	\$1 000	\$3 000
(f) Review of a risk assessment or environmental impact report not included in a remediation plan	\$1 500	\$4 500
4. Agreements and Indemnifications		
(a) Contaminated soil relocation agreement not processed under section 43 (2)	\$1 000	\$2 000
(b) Contaminated soil relocation agreement processed under section 43 (2)	\$500	\$1 000
(c) Person requests a voluntary remediation agreement	\$2 000	\$4 000
(d) Person requests a transfer agreement under Part 4.1 of the Act	\$2 000	\$4 000
(e) Person requests indemnification for a site under the <i>Financial Administration Act</i>	\$4 000	\$8 000
5. Approvals, Certificates and Orders		
(a) Approval in principle for a remediation plan	\$1 000	\$3 000
(b) Certificate of compliance	\$2 000	\$6 000

**TABLE 2: FEES FOR DETERMINATIONS OF CONTAMINATED SITE,
REVIEWS, AGREEMENTS, INSPECTIONS, APPROVALS,
CERTIFICATES, ORDERS AND ADDITIONAL SERVICES AND FUNCTIONS**

COLUMN I	COLUMN II	COLUMN III
Action or Activity	Fee for Simple Site	Fee for Complex Site
(c) Conditional certificate of compliance	\$4 000	\$12 000
(d) Additional fee for an approval in principle, certificate of compliance or conditional certificate of compliance if a person is ordered by a manager to investigate or remediate a site	\$4 000	\$12 000
6. Background, Site-Specific Standards, Wide Area Sites		
(a) Person requests review of background substance concentrations for a site under section 11, 17 or 18	\$1 000	\$2 000
(b) Person requests review of proposed site-specific standards for a site under section 11 or 17	\$2 000	\$4 000
(c) Person requests designation of an area as a wide area site	\$5 000	\$10 000
7. Additional Services and Functions		
(a) A person, on behalf of the ministry, inspects, monitors and verifies for remediation or an approval in principle, certificate of compliance, conditional certificate of compliance, voluntary remediation agreement, transfer agreement, indemnification request or application, contaminated soil relocation agreement, or contaminated sites compliance investigation		
(b) A person, on behalf of the ministry, consults, negotiates or provides advice with respect to a specific site regarding any <ul style="list-style-type: none"> • site investigation • implementation of remediation • confirmation of remediation • risk assessment • environmental impact assessment • security including the posting of security • standard, criterion or protocol • ministry contaminated sites policy or procedure • ministry contaminated sites guidance • analytical method for contaminated sites • external contract review carried out under section 10 • minor contributor status provision or designation • covenant under section 219 of the <i>Land Title Act</i> • provision for the appointment or opinion of an allocation panel • order for public consultation or review under section 27.5 of the Act • independent remediation • notification for the migration or likely migration of a substance to a neighboring site • transfer agreement under Part 4.1 of the Act • indemnification under the <i>Financial Administration Act</i> • voluntary remediation agreement • soil relocation 		

**TABLE 2: FEES FOR DETERMINATIONS OF CONTAMINATED SITE,
REVIEWS, AGREEMENTS, INSPECTIONS, APPROVALS,
CERTIFICATES, ORDERS AND ADDITIONAL SERVICES AND FUNCTIONS**

COLUMN I	COLUMN II	COLUMN III
Action or Activity	Fee for Simple Site	Fee for Complex Site
<ul style="list-style-type: none"> • approval in principle, certificate of compliance, or conditional certificate of compliance • site profile • site registry requirement • remediation order • other provision of Part 4 or Part 4.1 of the Act • pollution prevention order or pollution abatement order under Part 5 of the Act • wide area site planning or designation 		