

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No.

448

, Approved and Ordered

JUN 21 2007

Lieutenant Governor
Administrator

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the ~~Lieutenant Governor~~^{Administrator}, by and with the advice and consent of the Executive Council, orders that effective July 1, 2007,

- (a) sections 3 (a), insofar as it enacts the definition of "summary of site condition", and (c), 5, 8 to 11, 14 (a) and 17 of the *Environmental Management Amendment Act, 2004*, S.B.C. 2004, c. 18, are brought into force, and
- (b) the Contaminated Sites Regulation, B.C. Reg. 375/96, is amended in accordance with the attached Schedule.

Minister of Environment and Minister Responsible
for Water Stewardship and Sustainable Communities

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: Environmental Management Act, S.B.C. 2003, c. 53, s. 62

Other (specify): Environmental Management Amendment Act, 2004, S.B.C. 2004, c. 18, s. 26

SCHEDULE

- 1** *Section 1 of the Contaminated Sites Regulation, B.C. Reg. 375/96, is amended by repealing the definitions of “complex site”, “simple site” and “substance class”.*

- 2** *Section 8 (1) is amended by adding the following paragraphs:*
 - (m) a notification of substance migration or likely migration, described in section 57 (1.1) or 60.1 (2) of this regulation;
 - (n) a summary of site condition;
 - (o) information respecting the classification of a site, including its reclassification or de-classification, as the case may be.

- 3** *Section 9 is amended*
 - (a)** *in subsection (2) by striking out “Column I of either Table 2 or Table 3 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” and substituting “Column I of Table 2 of Schedule 3 must pay the fees set out opposite the action or activity in Column II”,*
 - (b)** *by repealing subsection (3),*
 - (c)** *in subsection (9) by striking out “A person who pays a fee set out in Column II or III” and substituting “Subject to subsection (19), a person who pays a fee set out in Column II”,*
 - (d)** *in subsection (11) by striking out “up to” and everything after “of the fee paid”,*
 - (e)** *in subsection (12) (b) by striking out “or III”,*
 - (f)** *in subsection (14) (b) by striking out “up to”,*
 - (g)** *in subsection (15) (a) and (b) by striking out “\$150” wherever it appears and substituting “\$165”,*
 - (h)** *in subsection (15) (c) by striking out “item 2 of”, and*
 - (i)** *by adding the following subsections:*
 - (19) If a person withdraws a request referred to in subsection (2) (c), the person is not required to pay the fee referred to in that subsection for that action or activity, however the hourly fees described in subsection (15) (a) and (b) and the travelling and other expenses described in subsection (15) (c) continue to apply and are payable in respect of action or activity done before the person withdraws the request.
 - (20) In addition to any other fees under this section, a person who requests an amendment to any of the following must pay a fee of \$165 per hour that a person is engaged in performing an action or activity on behalf of the ministry in relation to the amendment:

- (a) a determination under section 44 of the Act [*determination of contaminated sites*];
- (b) a determination under section 50 of the Act [*minor contributors*];
- (c) a voluntary remediation agreement under section 51 of the Act;
- (d) an approval in principle under section 53 (1) of the Act;
- (e) a certificate of compliance under section 53 (3) of the Act;
- (f) a contaminated soil relocation agreement under section 55 of the Act;
- (g) if the site is one to which Part 5 of the Act applies, a transfer agreement referred to in section 67 (1) (a) [*advanced exploration sites*] or 68 (1) (a) [*producing or past producing mine sites*] of that Part;
- (h) if the site is one to which Part 5 of the Act applies, indemnification for the site under the *Financial Administration Act*.

4 **Section 15 (5) is amended by adding “section” before “44 of the Act”.**

5 **Section 57 (2) is repealed and the following substituted:**

- (2) In the case of independent remediation arising from emergency response to a spill of a polluting substance, a person is exempt from the requirements of subsection (1.2) if the spill has been reported in accordance with the requirements of section 79 of the Act and the Spill Reporting Regulation.

6 **Schedule 3 is repealed and the following substituted:**

SCHEDULE 3

TABLE 1: FEES FOR SITE PROFILES AND INFORMATION

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 site identification number.	\$10*
(b) (i) Person queries the computer-based site registry by a Land Title Parcel Identifier (PID), Crown Land Parcel Identification Number (PIN), or Crown Lands file number	\$25*
(ii) Person accesses a computer-based site registry site synopsis report	\$25*
(c) (i) Person queries the computer-based site registry by address	\$50*
(ii) Person accesses a computer-based site registry site details report	\$50*
(iii) Person queries the computer-based site registry by geographic area within 0.5 km radius of a specific latitude and longitude	\$50*

TABLE 1: FEES FOR SITE PROFILES AND INFORMATION

COLUMN I Action	COLUMN II Fee
(d) Person queries the computer-based site registry by geographic area within 5.0 km radius of a specific latitude and longitude	\$100*
(e) Person requests assistance of a government employee to perform a computer-based site registry query	\$10
(f) 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
(g) Person requests the custom report described in (f) above to be regularly updated and provided by the site registrar	\$200 per updated report
3 Information Obtained by Accessing Other Computer-based Records Person requests information about a single site by a search of computer-based records in databases, including but not limited to databases for wastes, hazardous wastes and spills	\$100 per database
* In addition to a fee marked by an asterisk, a further operator fee of \$1.00 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.	

TABLE 2: FEES FOR SERVICES AND FUNCTIONS PROVIDED DIRECTLY BY THE MINISTRY OR PERSONS ON BEHALF OF THE MINISTRY

COLUMN I Action or Activity	COLUMN II Fee
1 Determination of Contaminated Site Person requests a determination whether a site is a contaminated site	\$3 000
2 Reviews of Reports, Plans and Covenants (a) Review of a preliminary site investigation report (b) Review of a detailed site investigation report (c) Review of a remediation plan which does not include a risk assessment and/or environmental risk assessment report (d) Review of a remediation plan which includes a risk assessment and/or environmental risk assessment report (e) Review of a confirmation of remediation report (f) Review of a covenant prior to registering (g) Review of a human health risk assessment and/or environmental risk assessment report not included in a remediation plan (h) Review of a summary of site condition	\$5 000 \$15 000 \$12 000 \$20 000 \$7 000 \$6 000 \$10 000 \$2 000
3 Agreements and Indemnifications (a) Contaminated soil relocation agreement (b) Person requests a voluntary remediation agreement (c) Person requests a transfer agreement under Part 5 of the Act (d) Person requests indemnification for a site under the <i>Financial Administration Act</i>	\$2 000 \$4 000 \$4 000 \$8 000

**TABLE 2: FEES FOR SERVICES AND FUNCTIONS PROVIDED DIRECTLY
BY THE MINISTRY OR PERSONS ON BEHALF OF THE MINISTRY**

COLUMN I Action or Activity	COLUMN II Fee
4 Approvals, Certificates and Orders	
(a) Approval in principle for a remediation plan	\$3 000
(b) Certificate of compliance	\$6 000
(c) Additional fee for an approval in principle or certificate of compliance if a person is ordered by a director to investigate or remediate a site	\$12 000
5 Background, Site-specific Standards, Wide Area Sites	
(a) Person requests review of background substance concentrations for a site under section 11, 17 or 18	\$3 000
(b) Person requests review of proposed site-specific standards for a site under section 11 or 17	\$4 000
(c) Person requests designation of an area as a wide area site	\$10 000
6 Minor Contributor Determination	
Person requests a determination as to a person's minor contributor status	\$2 000
7 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

TABLE 3: ADDITIONAL SERVICES AND FUNCTIONS

Action or Activity
Additional Services and Functions
1 A person, on behalf of the ministry, inspects, monitors and verifies for remediation or an approval in principle, certificate of compliance, voluntary remediation agreement, transfer agreement, indemnification request or application, contaminated soil relocation agreement, or contaminated sites compliance or enforcement investigation
2 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"> • analytical method for contaminated sites • approval in principle • certificate of compliance • confirmation of remediation • covenant under section 219 of the <i>Land Title Act</i> • determination of contaminated site under section 44 of the Act • environmental risk assessment • external contract review carried out under section 10 • human health risk assessment • implementation of remediation • indemnification under the <i>Financial Administration Act</i> • independent remediation • ministry contaminated sites guidance

TABLE 3: ADDITIONAL SERVICES AND FUNCTIONS

Action or Activity
Additional Services and Functions
<ul style="list-style-type: none">• ministry contaminated sites policy, procedure or protocol• minor contributor status provision or designation• notification for the migration or likely migration of a substance to a neighbouring site• order for public consultation or review under section 52 of the Act• pollution prevention order or pollution abatement order issued under Part 7 of the Act• providing for appointment or opinion of an allocation panel• remediation order• security, including the posting of security• site investigation• site profile• site registry requirement• soil relocation• standard, criterion or protocol• summary of site condition• transfer agreement under Part 5 of the Act• voluntary remediation agreement• wide area site planning or designation• other provision of Part 4 or 5 of the Act

7 *Schedule 8 is amended by striking out “Signature of BC Environment Manager” in section 3 of Part III and substituting “Signature of Director”.*