

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

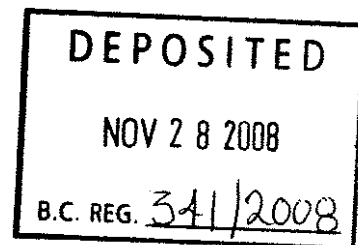
Order in Council No. **851**, Approved and Ordered **NOV 27 2008**



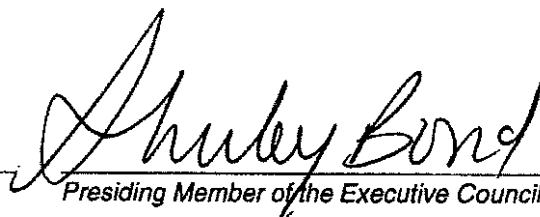
Lieutenant Governor

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 January 1, 2009, the Contaminated Sites Regulation, B.C. Reg. 375/96, is amended as set out in the attached schedule.



Minister of Environment



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, sections 62 and 138

Other (specify):- OIC 1480/96; MO 271/2004

October 20, 2008

R/844/2008/14

SCHEDULE

1 Section 17 of the Contaminated Sites Regulation, B.C. Reg. 375/96, is amended

(a) in subsection (1) by adding the following paragraph:

- (a.1) the use of the site is wildlands land use and
 - (i) the soil at a depth of less than 3 metres does not contain any substance with a concentration greater than the numerical standards for soil that would apply if the land use of the site were urban park land use, and
 - (ii) the soil at a depth equal to or greater than 3 metres does not contain any substance with a concentration greater than the numerical standards for soil that would apply if the land use of the site were commercial land use, ,

(b) in subsection (1) by striking out “and” at the end of paragraph (b.1) and by adding the following paragraph:

- (b.2) the vapour at the site does not contain any substance with a concentration greater than the generic numerical vapour standard for that substance for the applicable land use of the site, ,

(c) in subsection (1) (c) by striking out “groundwater or sediment” and substituting “groundwater, sediment or vapour”,

(d) in subsection (1) by adding the following paragraphs:

- (d) despite paragraph (a), for land less than 15 metres from a natural gas or petroleum well head and the use of the site is agricultural land use,
 - (i) the soil at a depth of less than 2 metres does not contain any substance with a concentration greater than
 - (A) the generic numerical soil standard, or
 - (B) the lowest value of the applicable matrix numerical soil standardthat would apply if the land use of the site were agricultural land use, and
 - (ii) the soil at a depth of 2 metres or more does not contain any substance with a concentration greater than
 - (A) the generic numerical soil standard, or
 - (B) the lowest value of the applicable matrix numerical soil standardthat would apply if the land use of the site were commercial land use, and
- (e) despite paragraph (a.1), for Crown land less than 15 metres from a natural gas or petroleum well head and the use of the site is wildlands land use,
 - (i) the soil at a depth of less than 2 metres does not contain any substance with a concentration greater than
 - (A) the generic numerical soil standard, or

(B) the lowest value of the applicable matrix numerical soil standard

that would apply if the land use of the site were urban park land use, and

(ii) the soil at a depth of 2 metres or more does not contain any substance with a concentration greater than

(A) the generic numerical soil standard, or

(B) the lowest value of the applicable matrix numerical soil standard

that would apply if the land use of the site were commercial land use. ,

(e) by repealing subsection (2) and substituting the following

(2) A contaminated site has been remediated in accordance with the numerical standards if

(a) the soil, surface water, ground water, vapour or sediment at the site does not contain any substance with a concentration greater than or equal to the applicable site-specific numerical standard for the soil, surface water, groundwater, vapour or sediment, respectively, or

(b) the soil, surface water, ground water, vapour or sediment at the site does not contain any substance with a concentration greater than the local background concentration of that substance in the soil, surface water, groundwater, vapour or sediment, respectively. ,

(f) in subsection (3) by striking out “if it does not contain” and substituting “if it or the vapour in it does not contain” and by adding the following paragraph:

(a.1) the generic numerical vapour standard, ,

(g) in subsection (4) by striking out “the standards for soil” and substituting “the standards for soil or vapour”, and

(h) by adding the following subsection:

(4.1) Subsections (3) and (4) do not apply in relation to land to which subsection (1) (d) or (e) applies.

2 Table 2 of Schedule 3 is amended in Column 1 of item 2 (c) and (d) by striking out “a risk assessment” and substituting “a human health risk assessment”.