



Ministry of
Environment

The Site Profile Process

**Statutory Approving Officers Workshop
May 17, 2011**

Kelli Larsen, Sr. Contaminated Sites Officer

Presentation Overview

- Description of the site profile process
- How site profiles fit into the local government permitting process (subdivision)
- Understanding site profile response letters
- Future legislative changes



Applicable legislation

- Requirements relating to submission of site profiles are provided in the following legislation:
 - *Environmental Management Act*
 - Contaminated Sites Regulation
- Other legislation dictates when applications can be approved if the application is subject to the site profile process:
 - *Land Title Act (Section 85.1)*
 - *Local Government Act (Section 946.2)*
 - *Vancouver Charter (Section 571B)*
 - *Islands Trust Act (Section 34.1)*

What is a site profile?

Site profiles are legal forms (Schedule 1 of the Contaminated Sites Regulation) used to:

- Identify potentially contaminated sites at a time when site investigation is appropriate
- Provide basic information to the public through the Site Registry

Goal of the site profile process:

To ensure cleanup of a site is complete before reuse or redevelopment



When is a site profile required?

- Local government authorizations which may trigger submission of site profiles: zoning, subdivision, soil removal, demolition, development or development variance permits
- There must be a Schedule 2 activity associated with the site

III COMMERCIAL AND INDUSTRIAL PURPOSES OR ACTIVITIES	
Please indicate below, in the format of the example provided, which of the industrial and commercial purposes and activities from Schedule 2 have occurred or are occurring on this site.	
EXAMPLE	
<u>Schedule 2</u>	<u>Description</u>
<u>Reference</u>	
E1	appliance, equipment or engine repair, reconditioning, cleaning or salvage
F10	solvent manufacturing or wholesale bulk storage
<i>Please print legibly. Attach an additional sheet if necessary.</i>	
<u>Schedule 2</u>	<u>Description</u>
<u>Reference</u>	

Site profile exemptions

- CSR Section 2(1): exempt from duty to submit a site profile if there is no Schedule 2 activity associated with the site
- CSR Section 4 provides many exemptions to the requirement to provide a site profile when applying for a local government authorization
- Most applicable exemptions for subdivision:
 - 4(1)(b & f) – valid Approval in Principle, Certificate of Compliance or Determination exists for the site
 - 4(4) – local government has opted out of system
 - 4(5) – an application for subdivision under Section 114 of the *Land Title Act*

Land Title Act – Section 85.1

- If a site profile is required, a subdivision application must not be approved until at least one of the following is satisfied:

- The authority is not required to forward the site profile to the Director (e.g. SP with all “no” answers forwarded to Site Registrar).

Ministry instruments

- The authority receives a final determination that the site is not a contaminated site.
- The authority has received a valid and subsisting AiP or COC for the site.

Release notices

- The authority has received a notice from the Director that no site investigation is required.
- The authority receives a notice from the Director that he or she has entered into a Voluntary Remediation Agreement for the site.
- The authority receives a notice from the Director indicating that the site does not present a significant threat or risk if the application were approved.
- The authority has received notice from the Director that he or she has received and accepted a notice of independent remediation for the site.

Approving Authorities: Receipt of site profiles

- CSR 6(1) requires approving authorities to assess site profiles and notify applicants of any deficiencies
 - Approving authority can charge up to \$100 fee
 - The ministry will not process incomplete site profiles, approving authority will be notified of deficiencies
- Site profiles with any “yes” answers in sections IV through IX are forwarded to Director to decide if site investigation is required
- Site profiles with all “no” answers in sections IV through IX are forwarded to the Site Registrar, no Director’s decision required
- See Administrative Guidance 2, “Site Profile Processing Requirements for Municipalities and Approving Officers” for more detailed information

Approving Authorities: Receipt of site profiles

1

Completing and Submitting Site Profiles

Provisions for contaminated sites in the *Environmental Management Act* (the Act) and Contaminated Sites Regulation create a system to screen for potentially contaminated sites using site profiles. This document provides answers to common questions about completing and submitting site profiles.

What are site profiles?

Site profiles are forms that require information about the past and present uses of a site, as well as basic land descriptions. The site profile form is provided in Schedule 1 of the Regulation. The ministry has also prepared a user friendly site profile form available on our Land Remediation Section web site under "Forms". *Please use this version if you are submitting a site profile.*

When do I need to complete a site profile?

There must be a legal trigger in the Act or Regulation for a site profile to be completed and submitted. Site profiles submitted to the ministry for other reasons are not legally considered site profiles, and are not subject to the usual site profile processing requirements. Figure 1 and the three-step procedure described below will help you decide when you would be required to submit a site profile for a site.

Step 1. Establish if a specific type of application is being made or activity is being proposed. If any of the following items specified in the Regulation are involved, you will have to complete a site profile (unless you are otherwise exempted):

1. You are applying for
 - subdivision,
 - zoning,
 - development or development variance,
 - soil removal, or
 - demolition.

2. You are decommissioning a site.

Please note that "decommission a site" means the removal, destruction or treatment of soil, process equipment or buildings, including the removal of storage tanks, in a manner designed to stop or reduce a significant portion of the operations at a site or to significantly change the use of the site.

3. You are taking over a property as a trustee, receiver or liquidator.
4. You are selling property that has, or has had, a Schedule 2 activity on it.

If you answer "yes" to any of the above, then you may have to complete a site profile.

2

Site Profile Processing Requirements for Municipalities and Approving Officers

When a site profile has been submitted to a municipality or approving officer under triggers set in the *Environmental Management Act* and Contaminated Sites Regulation, what is the next step?

This document outlines the requirements and procedures that municipalities and approving officers should follow for processing site profiles.

What is a site profile?

Site profiles require information about the past and present uses of a site, as well as basic land descriptions. The content and format of a site profile is provided in Schedule 1 of the Regulation. The ministry has prepared a user-friendly version of the site profile which contains additional official use sections. *Please use that version when submitting a site profile.*

Note: How to obtain a site profile form
The [site profile form](#) can be printed from the Land Remediation Section's website.

When is a site profile required?

The events that trigger a site profile submission are outlined in [Administrative Guidance 1](#), ["Completing and Submitting Site Profiles"](#) and [Fact Sheet 19](#), "The Site Profile System."

Processing a site profile

There are five steps that municipalities and approving officers should follow once they receive a site profile:

- Step 1. Determine if the site profile has been satisfactorily completed
- Step 2. Determine if the site profile is legally required
- Step 3. Assess the site profile and decide if it should be forwarded to a Director of Waste Management or the Site Registrar
- Step 4. Forward the site profile
- Step 5. Notify the applicant whether the site profile has been forwarded to a Director.

Step 1. Determine if the site profile has been satisfactorily completed
Ensure that the site profile is completed legibly. If it is deficient in any of the following areas, the applicant must be notified within 15 days. *See the form letter in Attachment A for a suggested response format.* After the site profile is resubmitted correctly, the local government or approving officer's processing time of 15 days should be reset to day 1.

Director's Role: Determine if site investigation is required

- 'Site investigation required' decision
 - Preliminary site investigation – required when the ministry has no previous knowledge of the parcel and no information beyond a “yes” answer on site profile
 - Detailed site investigation – required when site profile has “yes” answer to questions on spills and/or migration of substances from other properties,
- 'No site investigation required' decision
 - Where Director is provided with the following:
 - Site investigation reports
 - Written opinion from an Approved Professional confirming site not a high risk site
 - No human health or environmental protection reason to require a site investigation

Example Site Profile Decision Letter

Re: Site Profile Submission – **Subdivision Application**
5258 Brenton Page Road, Ladysmith
PID: 014-945-291

Director's Decision

This letter is to acknowledge receipt of a satisfactorily completed site profile pertaining to the above-referenced site. In accordance with section 7(1) of the Contaminated Sites Regulation, the **Director does require a detailed site investigation for the subject site.** Pursuant to the *Local Government Act* (section 946.2), or the *Land Title Act* (section 85.1) in the case of subdivision, this **decision will suspend approval of the subdivision and future applications for the site** as identified in section 40 of the *Environmental Management Act* (Act), until¹:

- the proponent has applied for, and obtained one of the following instruments, as applicable: a determination that the site is not a contaminated site, a Voluntary Remediation Agreement, an Approval in Principle of a remediation plan or a certificate confirming the satisfactory remediation of the site. A copy of the instrument must be provided to the approving authority;

Ministry instruments

How to release "freeze" on subdivision

¹ Except where the municipality or approving officer has opted out of the site profile process as per section 4(4) of the Contaminated Sites Regulation.

Ministry of Environment

Environmental Protection Division
Environmental Management Branch
Land Remediation Section

Mailing/Location Address:
Second Floor
10470 152 Street
SURREY BC V3R 0Y3

Telephone: (604) 582-5200
Facsimile: (604) 584-9751
<http://www.env.gov.bc.ca>

- 2 -

- the approving authority has received notice from the ministry that it may approve a specific application because either a) in the opinion of the Director, the site would not present a significant threat or risk if the specific application were approved or b) the Director has received and accepted a notice of independent remediation with respect to the site.

Director's release notice



Site profile release notices

- The site profile processing procedure (for staff use) and Administrative Guidance 6 (for public use) outline the requirements for obtaining a release notice from the Director
- 5 Scenarios described– their use depends on the authorizations required at the site
- In certain Scenarios, Approved Professionals are required to review site investigation reports and provide statements confirming ministry requirements have been met

Example – Scenario 2

- Used to obtain release of “interim” authorizations when **future authorizations will be required at a site**

Example:

Subdivision required for lot line adjustment only

- Ministry release letter will indicate:
 - Site investigation is not required *prior* to subdivision

However:

- Site investigation would be required *following* subdivision before any future authorizations could be approved

Example – Scenario 3 (Subdivision only)

- Can only be used when the site activity (Schedule 2 use) will continue on a portion of the site

Example: large parcel with an operating sawmill on one portion and residential house on another portion – subdivide for tax purposes

- Approved Professional (AP) statement required: any contamination must be contained on the portion of the site with the Schedule 2 activity
- Future authorizations for site will be frozen until instrument or other release is obtained

Example – Scenario 4 (Site upgrades)

- Refers to an upgrade to an existing Schedule 2 activity *or* rebuild of the same or similar historical activity (i.e. if a vacant site)

Examples: gas station raze and rebuilds or additions to buildings

- AP statement, **including reports and schedule** and commitment from proponent is required for release
- Remediation only required in accessible areas or areas where upgrade is occurring
- Ministry release letter will impose requirements under EMA 54(3)(d) requiring remediation to be completed as planned and impose reporting requirements

Example – Scenario 5 (Site redevelopment)

- Refers, in most cases, to redevelopment of a site from a Schedule 2 use to a non-Schedule 2 use

Examples: former strip mall with dry cleaner and gas station redeveloped into residential tower

- AP statement, **including reports and schedule** and commitment from proponent is required for release
- Remediation of entire site is required, must be eligible for Certificate of Compliance following remediation
- Ministry release letter will impose requirements as per Scenario 4

Example Site Profile Release Letter

Re: **Site Profile Submission – Subdivision Application**
12155 and 11877 Corkscrew Road, Vanderhoof
PID: 001-644-486

This letter is to acknowledge receipt of the proponent's request for release of the above-referenced subdivision application. According to our records, there is an outstanding requirement for a preliminary site investigation for the subject site as outlined in our site profile decision letter dated September 3, 2009.

Release provided

Based on the information provided by the applicant, the ministry is prepared to provide the necessary release so that the approving officer may proceed with approval of the subdivision application. To that end, please accept this letter as notice pursuant to the *Land Title Act* (section 85.1(2)(b)) that the approving officer may approve the subdivision under this section because the Director does not require site investigation prior to approval of the subdivision. This decision is for the limited purpose of the subdivision.

Future requirements and conditions

Please note that the requirement for a site investigation is not extinguished by this release and this outstanding requirement will suspend the approval of future applications for the site identified in section 40 of the *Environmental Management Act* (the Act) until:

- the proponent has applied for, and obtained one of the following contaminated sites legal instruments, as applicable: a Determination that the site is not a contaminated site, a Voluntary Remediation Agreement, an Approval in Principle of a remediation plan or a

Summary: Types of response letters and what they mean

- Site Investigation Required – no release requested
 - All applications frozen until release obtained
- No Site Investigation Required – release notice
 - Site investigation already completed
 - Site investigation deferred - future requirements imposed as appropriate (Scenarios 1 & 2)
- Site Investigation Required – release notice (Scenarios 3, 4 and 5)
 - Requirement for site investigation remains outstanding following release, may affect future applications

For More Information

www.env.gov.bc.ca/epd/remediation

The screenshot shows the website interface for the Land Remediation Section. At the top, there is a search bar and navigation links for 'Advanced Search', 'Help', and 'Contact Us'. Below this is a breadcrumb trail: 'Environment > Environmental Protection'. The main header features a banner with the text 'Ministry of Environment' and images of a mountain, a sheep, and a bear. The 'Land Remediation' section is titled 'Welcome' and includes a photograph of a large metal container. Below the photo is a caption: 'A container used to treat wood with chemicals by saturation.' The text describes the Land Remediation Section's role in administering the investigation and remediation of contaminated sites under the Environmental Management Act and Contaminated Sites Regulation. It also mentions the section's focus on brownfields, orphan sites, and complex, high-risk sites, and its management of the Site Registry. A final paragraph states the section's commitment to collaboration with communities and agencies to support development opportunities, protect human health, and keep the province healthy and beautiful.

On the left side, there is a navigation menu with the following items: 'B.C. Home', 'Environment', 'Environmental Protection', 'Land Remediation', 'About Us', 'Contaminated Sites 101', 'Updates', 'Annual Reports', 'Presentations', 'Comments Requests', 'Related Links', and 'Contact Us'. The 'Contact Us' link is circled in red. Below the menu is a 'RESOURCES' section with links to 'Acronyms & Definitions', 'FAQs', 'Q&As', 'Fact Sheets', 'Forms', 'Protocols, Procedures and Policies', 'Guidance', 'Remediation Project Profiles', 'Reports', 'Standards and Criteria', and 'Analytical Methods'. At the bottom of the menu is a 'LEGISLATION & REGULATIONS' section with links to 'Environmental Management Act (EMA)' and 'Contaminated Sites'.

On the right side, there are two boxes. The top box is titled 'Our Mailing Lists' and contains 'Contaminated Sites:' with links to 'Subscribe Now' and 'Recent Messages', and 'Site Profiles:' with links to 'Subscribe Now' and 'Recent Messages'. The 'Site Profiles' link is circled in red. The bottom box is titled 'Key Topics' and contains links to 'Information on Sites', 'Residential Heating Oil Storage Tanks', 'Our Services', 'Site Risk Classification', 'Approved Professionals', 'Independent Remediation', 'Site Profiles', 'Real Estate', 'Brownfields', 'Offsite Migration', 'Remediation Liability', 'High Profile Sites', 'Soil Relocation', 'Hazardous Waste', and 'Discharge Authorizations'. The 'Site Profiles' link is also circled in red.

Contact Us
siteprofiles
@gov.bc.ca

Site Profile e-link mailing service

Quick link to Site Profile information



Key Topic: Site Profiles



- Contaminated Sites 101
- Updates
- Annual Reports
- Presentations
- Comments Requests
- Related Links
- Contact Us
- RESOURCES**
- CS e-Link Mailing List
- SP e-Link Mailing List
- Acronyms/Definitions
- Q&As
- Fact Sheets
- Forms
- Protocols, Procedures and Policies
- Guidance
- Remediation Profiles
- Reports
- Standards
- Analytical Methods
- LEGISLATION**
- Environmental Management Act
- Contaminated Sites Regulation
- Legal Decisions

Site Profiles

Site profiles are a screening tool used to identify potentially contaminated sites. They are completed and submitted when potentially contaminated sites are being decommissioned, are in foreclosure proceedings, are subject to local government applications and/or permits, and are being sold. The Site Profile Form is provided in [Schedule 1](#) of the Contaminated Sites Regulation. [Schedule 2](#) lists the industrial and commercial activities triggering site profile submission to the ministry. More detailed guidance is provided in the following links.

Site Profiles e-Link Mailing List NEW JANUARY 2009

- [Join the SP e-Link mailing list](#)
- [Recent SP e-Link messages](#)

Fact Sheets

- 19 [The Site Profile System](#) (pdf/117 KB) ISSUED NOVEMBER 2007
- 5 [Site Profiles: Local Governments Duties](#) (pdf/191 KB) ISSUED JANUARY 2007
- 6 [Site Profile Administration - Local Government Opt Out Option](#) (pdf/164 KB) UPDATED AUGUST 2008
- 35 [Requirements for the Environmental Cleanup of Illegal Drug Manufacturing Sites](#) (pdf/176 KB) UPDATED JANUARY 2009
- 37 [Site Profile Freeze and Release Provisions](#) (pdf/148 KB) ISSUED JUNE 2007
- 42 [Subscribing to our Site Profiles E-mail Service](#) (pdf/156 KB) NEW JANUARY 2009
- 43 [Site Profile Requirements for Site Decommissioning](#) (pdf/139 KB) NEW JULY 2009
- 44 [Site Profiles and Foreclosure](#) (pdf/98 KB) NEW JULY 2009

Administrative Guidance

- 1 [Completing and Submitting Site Profiles](#) (pdf/196 KB) ISSUED NOVEMBER 2007
- 2 [Site Profile Processing Requirements for Municipalities and Approving Officer](#) (pdf/150 KB) ISSUED NOVEMBER 2007
- 6 [Site Profile Decisions and Requesting Releases Where Local Government Approvals are Required](#) (pdf/290 KB) UPDATED JUNE 2010
 - [Previous version of Administrative Guidance 6](#) (pdf/140 KB) for releases already underway

Q&As

- [Site Profiles](#)

Forms

- [Site Profile Form with Instructions](#) (pdf/46 KB)

Form Letters

- [Requesting a No Site Investigation Decision](#) (MS DOC/40KB)
- [Requesting a Release Notice](#) (MS DOC/52KB)

Laws and Regulations



Future Legislative Amendments

- Looking at options to streamline process
 - Less confusion, greater certainty for clients
 - Minimize transactions by staff
- Example: incorporate site investigation requirements directly into CSR
 - If site profile indicates a Schedule 2 activity and a “yes” answer: site investigation required
 - Site must be remediated prior to some endpoint
 - Possibly issuance of occupancy permit
 - Within timeframe specified by ministry
 - Site profile form would become more of a notification to ministry

Questions

