



Ministry of
Environment

Site Profile Processing Procedure

Stakeholder Consultation Session

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Vince Hanemayer

Vincent.hanemayer@gov.bc.ca

Why Revise our Current Process?

- Simplify and streamline the system
- Improve consistency in decision making
- Increase reliance on Approved Professionals
- Minimize staff time spent processing site profiles
- Minimize local government reliance
 - conditions do not rely on local government to withhold permits that are not connected to site profile process

Recent Activity

- August 2007 – MOE created a working group to address stakeholder comments
- Frank Falzon was hired to:
 - facilitate further working group sessions; and
 - initiate discussion with MOE legal counsel to confirm and clarify the legality of the proposed procedure and associated release requirements.

Key Issues of Concern

- Off-site migration
- Indemnification of local governments

No Site Investigation Required

Three scenarios proposed:

- Determination that site is not contaminated and professional statement that no new contamination exists since issuance
- Voluntary remediation agreement exists with professional statement that no new contamination is present

No Site Investigation Required

- Written confirmation and commitments provided by the proponent that include:
 - a written statement from an Approved Professional (AP) that investigation of entire site is complete; and
 - a written statement from the AP that the site is not high risk (tie into Protocol 12)

Note: the Director must also be satisfied that there are no human health or environmental protection reasons to order or require site investigation

Site Investigation Required – “Release options after decision is made”

- 5 Scenarios Envisioned
 - Demolition
 - Subdivision soil, removal or rezoning where future EMA 40(1) permits pending
 - Subdivision where the core CSR Schedule 2 activity will continue
 - Site upgrades
 - Redevelopment to different use

Scenario 1 – Demolition Permit Release

- Decision - No site investigation required
- One or both of the following will be ordered or required:
 - Submission of a preliminary or detailed site investigation following demolition
 - Submission of a site profile prior to obtaining an EMA 40(1) approval or permit

Scenario 2 – Soil removal permit, subdivision or zoning release

- Decision - No site investigation required
- Released in advance of development permit application
 - Both of the following will be required and/or ordered in advance of obtaining a development or development variance permit:
 - Preliminary and detailed site investigation
 - Submission of a site profile

Scenario 2 is not valid if:

- no future development or development variance permit will be required
- the development or development variance permit is part of the application package

Scenario 3 – Subdivision release when core activity will continue

- Decision - Site investigation required
- Released under the no significant threat or risk clause
- Request for release must include:
 - Confirmation that the primary schedule 2 activity on the core portion of the parcel will continue
 - Statement from an Approved Professional that a DSI is complete and any contamination is contained within the portion of the site to be retained for the Schedule 2 activity

Scenario 4 – release of authorizations for facility upgrades

- Released under acceptance of independent remediation clause
- Requirements:
 - Submission of site investigation reports and a remediation plan
 - Approved professional's written opinion that:
 - The site is not "high-risk" according to Protocol 12; and
 - All contamination has been delineated

Scenario 4 – Continued

- AP's opinion continued:
 - The remediation plan will manage any contamination on the source and impacted properties
- Commitment from the applicant:
 - No change in primary site activity
 - The site will be remediated in accordance with the remediation plan
 - Any required remediation will be completed within building footprints prior to issuance of a building or occupancy permit

Scenario 5 – release of authorizations when land use

- Released under acceptance of independent remediation clause
- Requirements:
 - Submission of site investigation reports and remediation plan with a schedule
 - Written opinion from an Approved professional that;
 - The parcel is not “high-risk”
 - All contamination has been delineated

Scenario 5 - Continued

- AP's Opinion continued
 - Remediation to applicable standards on-site is achievable prior to issuance of a building permit (or occupancy permit)
 - Once complete, site remediation will conform to applicable standards and be eligible for a Certificate of Compliance
- Proponent must provide a written commitment that they will remediate their site in accordance with the remediation plan

What was removed from the procedure?

- No direct requirement to obtain a ministry instrument for off-site areas prior to release of occupancy
- Indemnification of the crown and local government

However...

- For Scenario's 4 & 5 - The Director reserves the right to impose requirements under section 54(3)(d) of the *Environmental Management Act*.
- Under section 48 of the Regulation, those requirements may be supported by restrictive covenants and/or security.