

PROTOCOL 17 **FOR CONTAMINATED SITES**

Requirements for Notifications of Independent Remediation and Offsite Migration

Version 1 Draft 5

Prepared pursuant to Section 64 of the
Environmental Management Act

Approved: _____

Director of Waste Management

_____ Date

Effective Date:

1.0 Definitions

The following words, acronyms and expressions used in this protocol are defined in the ministry procedure “Definitions and Acronyms for Contaminated Sites”.

Act	Notification of Completion of Independent Remediation	remediation standards
agricultural land use	Notification of Initiation of Independent Remediation	residential land use
Approval in Principle	Notification of Likely or Actual Offsite Migration	responsible person
Certificate of Compliance	numerical standards	sediment
commercial land use	offsite	site investigation
contaminant	offsite migration	soil
contamination	person	source site
Director	protocol	spill*
emergency response*	Regulation	urban park land use
high risk site	remediation	vapour
independent remediation		wildlands land use
industrial land use		
legal parcel		

2.0 Introduction

This protocol describes the Director’s requirements for notifications of independent remediation¹ in addition to requirements provided in section 54 (2) of the Act, sections 57 (1.2) and (2) of the Regulation, and Protocol 12, “Site Risk Classification, Reclassification and Reporting”. It also expands on the notification requirements for the offsite migration of substances provided in sections 57 (1) and (1.1), and 60.1 of the Regulation.

3.0 Independent remediation

3.1 Notification of Independent Remediation form

Appendix 1 contains the current version of the Notification of Independent Remediation form. The form in Appendix 1 must be used to notify the ministry of independent remediation under section 54 (2) of the Act.

¹ The authority for the Director to establish this protocol lies in section 64 (2) (d) of the Act which states:

- 64 (1)** A director may establish protocols, consistent with this Act and the regulations, in relation to any of the following:
- (d) establishing substantive and procedural requirements for persons planning, conducting or reporting on the remediation of a contaminated site, which may be different for sites contaminated with particular types of contamination;

3.2 Exemptions for Notifications of Independent Remediation

3.2.1 *Soil quantity exemption*

A person undertaking independent remediation is not required to submit a Notification of Initiation of Independent Remediation under section 54 (2) (a) of the Act if the quantity of soil to be remediated does not exceed 10 cubic metres in volume.

A person undertaking independent remediation is not required to submit a Notification of Completion of Independent Remediation under section 54 (2) (b) of the Act if the quantity of soil which has been remediated does not exceed 10 cubic metres in volume.

These exemptions do not apply if a Notification of Likely or Actual Offsite Migration is or would be required with respect to the contamination to be independently remediated.

Also, these exemptions may only be used one time per year for independent remediation carried out at a legal parcel or at a site described by metes and bounds.

3.2.2 *Approval in Principle exemption*

If the Director has issued an Approval in Principle for remediation at a site and the Approval in Principle has approved a remediation plan which contains a schedule of remediation with specific dates, a person undertaking independent remediation is not required to submit a Notification of Initiation of Independent Remediation or a Notification of Completion of Independent Remediation under section 54 (2) of the Act.

This exemption applies only if the person has provided the Director current information on any changes to the schedule of remediation described in the Approval in Principle.

3.2.3 *Certificate of Compliance – numerical standards exemption*

If a Notification of Initiation of Independent Remediation has been submitted to the Director for a site and the Director has received an application for a Certificate of Compliance for the site within 90 days of completion of independent remediation at the site to the numerical standards, a person undertaking independent remediation is not required to submit a Notification of Completion of Independent Remediation under section 54 (2) (b) of the Act.

3.2.4 *Residential underground heating oil storage tank exemption*

A person undertaking independent remediation at a site meeting the criteria below is not required to submit a Notification of Initiation of Independent Remediation or a Notification of Completion of Independent Remediation under section 54 (2) of the Act.

This exemption applies only to independent remediation at sites:

- (a) where the person has no duty to submit a Notification of Offsite Migration associated with the independent remediation of contamination at the site under subsection 57 (1) of the Regulation;
- (b) where the contamination is limited solely to petroleum hydrocarbons in residential heating oil;
- (c) which are not high risk sites;
- (d) which land being used for residential land use; and
- (e) where an underground heating oil storage tank with a volume less than or equal to 2 500 litres has been or will be removed.

3.2.5 Spill reporting exemption

Section 57 (2) of the Regulation already provides an exemption from the duty to submit a Notification of Initiation of Independent Remediation arising from an emergency response to a spill. That exemption is applicable only if the spill has been reported in accordance with the requirements of the Spill Reporting Regulation under the Act.

In addition, under this Protocol a person undertaking independent remediation of a spill is not required to submit a Notification of Completion of Independent Remediation under section 54 (2) (b) of the Act if:

- 1) Remediation of the spill site is completed within 30 days of the occurrence of the spill and sampling and testing results indicate the site is no longer contaminated, or
- 2) Any of the following criteria and conditions are met:
 - (a) The spill is not reportable under the Spill Reporting Regulation;
 - (b) The quantity of soil which has been remediated does not exceed 10 cubic metres in volume;
 - (c) Spilled substances are not listed in Schedules 4, 5, 6, 9, 10, or 11 of the Regulation the Regulation (for example, asbestos, canola oil);
 - (d) Environmental quality standards do not appear in Schedules 4, 5, 6, 9, 10, or 11 of the Regulation for any current or reasonably anticipated future uses of lands at and adjacent to the location of the spill;
 - (e) The spill has been entirely contained in a spill containment system designed, maintained and operated to contain spills at the spill site;
 - (f) The spill has not or would not be reasonably expected to contaminate lands, water, or sediments under Provincial jurisdiction because the spill has occurred to marine waters or other areas under Federal jurisdiction;
 - (g) The Director has received an application for a Certificate of Compliance within 90 days of completion of independent remediation at the spill site.

4.0 Offsite migration of substances

Appendix 2 contains the current version of the Notification of Likely or Actual Offsite Migration form. It must be used to notify the ministry of the actual or likely offsite migration of substances under sections 57 (1) and (1.1), and 60.1 of the Regulation.

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Appendix 1

Notification of Independent Remediation Form



Ministry of Environment

NOTIFICATION OF INDEPENDENT REMEDIATION

Land Remediation Section
 PO Box 9342 Stn Prov Govt
 Victoria B.C. V8W 9M1
 Telephone: (250) 387-4441
 Fax: (250) 387-9935

Section 54 (2) of the Environmental Management Act requires anyone undertaking independent remediation to notify the Director of Waste Management in writing promptly on initiating remediation and within 90 days of completing it. You must complete this form and send it to the e-mail or mailing address below to inform the ministry when independent remediation of your site begins and ends.

A site plan (may be obtained from some local government web sites) and a Land Title record must be submitted.

Section I Timing of Remediation

Check the following items as applicable. This notice is given for:

- Initiation of independent remediation Completion of independent remediation
 Both initiation and completion of independent remediation

Provide the following if you are sending us a **notification of initiation of independent remediation**:

Start date: Estimated completion date: Estimated number of days:
 YYYY-MM-DD YYYY-MM-DD YYYY-MM-DD

Scope of remediation: Whole site Part of site

If you expect that remediation of the entire site will take longer than one year attach a remediation schedule.

Provide the following if you are sending us a **notification of completion of independent remediation**:

Start date: Completion date:
 YYYY-MM-DD YYYY-MM-DD

Section II Land Description

Site ID Number (if known)

PID or PIN

Legal Description

Latitude Degrees Minutes Seconds

Longitude Degrees Minutes Seconds

Site Civic Address Street

City

Postal Code

Location (i.e., nearest roadway)

Section III Property Owner and/or Operator (if applicable)

Name

Address Street

City

Province/State

Country

Postal /Zip Code

Phone

Fax

Section IV Environmental Consultant / Contractor / Agent Contact

Name of Firm:

Contact Name:

Address Street

City

Province/State

Country

Postal /Zip Code

Phone

Fax

Section V Primary Land Use

Contaminated Sites Regulation land use classification at the site surface (check one)

Industrial Commercial Residential Urban park Agricultural Wildlands

Description of current operation (e.g. service station)

Is a change in zoning or land use expected?

Change in zoning Change in land use

From

To

Section VI Confirmed or Suspected Source of Contamination (e.g. leaking underground storage tank)

Underground storage tank (UST)

Oil and gas industry operations

Offsite source

Other (describe):

Was a Notification of Offsite Migration also submitted for this site?

No

Yes

If Yes, date of submission:

YYYY-MM-DD

Section VII Soil Investigations and Remediation

The following contaminants Were found Are suspected

List contaminants (and maximum concentrations if known). Attach additional information if not enough space.

Was the soil investigated following requirements and guidance under the Act? Yes No

Soil remediation strategy

Excavation and offsite disposal Other (describe):

(include volume and intended treatment and/or disposal location for contaminated soil if managed offsite; also include the management facility authorization and/or registration number and if there has been a Contaminated Soil Relocation Agreement the date that agreement)

Remediation standards used: Numerical Risk-based Both

Section VIII Groundwater and Surface Water Investigations and Remediation

The following contaminants Were found Are suspected Were not found

List contaminants (and maximum concentrations if known). Attach additional information if not enough space.

Was the water investigated following requirements and guidance under the Act? Yes No

Water remediation strategy

Pumping and offsite disposal Other (describe):

(include volume and intended treatment and/or disposal location for contaminated water if managed offsite; also include the authorization and/or registration number of the management facility):

Remediation standards used: Numerical Risk-based Both

Section IX Sediment Investigations and Remediation

The following contaminants Were found Are suspected Were not found

List contaminants (and maximum concentrations if known). Attach additional information if not enough space.

Was the sediment investigated following requirements and guidance under the Act? Yes No

Sediment remediation strategy

Excavation and offsite disposal Other (describe):

(include volume and intended treatment and/or disposal location for contaminated sediment if managed offsite; also include the management facility authorization and/or registration number)

Remediation standards used: Numerical Risk-based Both

Section X Vapour Investigations and Remediation

The following volatile contaminants Were found Are suspected Were not found
List contaminants (and maximum concentrations if known). Attach additional information if not enough space.

Was the vapour investigated following requirements and guidance under the Act? Yes No

Vapour remediation strategy

Remediation standards used: Numerical Risk-based Both

Section XI Reason for Remediation:

Construction Demolition Upgrade
 Other:

Section XII Authorizations for Discharges to the Environment from the Site

Provide the authorization numbers under the *Environmental Management Act* for any air, effluent and soil discharges to the environment for treatment works located at the site.

Section XIII Additional Comments

Section XIV Signature

I confirm that the above information is true based on my knowledge as of the date this notification form was completed.

Signature of person completing form

Printed name

Date completed (YYYY-MM-DD)

Sign your completed Notification of Independent Remediation form and include the following:

Site plan Land Title record

Send the package to:

Site Information Advisor
Ministry of Environment
PO Box 9342 Stn Prov Govt
Victoria B.C. V8W 9M1
Fax (250) 387-9935
E-mail: Advisor.SiteInformation@gov.bc.ca

For further information, please refer to the information under our [key topic website on independent remediation](#) or e-mail us at site@gov.bc.ca.

Appendix 2

Notification of Likely or Actual Offsite Migration Form

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Ministry of Environment

NOTIFICATION OF LIKELY OR ACTUAL OFFSITE MIGRATION

Land Remediation Section
PO Box 9342 Stn Prov Govt
Victoria B.C. V8W 9M1
Telephone: (250) 387-4441
Fax: (250) 387-9935

Sections 57 and 60.1 of the Environmental Management Act's Contaminated Sites Regulation require a responsible person who carries out independent remediation or a site investigation and who knows that one or more substances has migrated or is likely to have migrated to a neighbouring site and is or is likely causing contamination to notify the person or persons who own the neighbouring site in writing and submit a copy of the notification to the Director of Waste Management, within 15 days after the responsible person becomes aware of the migration or likely migration to the neighbouring site.

Notified Parties

Owner Name

Address

Street

City

Province/State

Country

Postal /Zip Code

Phone

Fax

Site Civic Address or Location (i.e., nearest roadway):

Type(s) of utility affected (if applicable):

PID

or

PIN

Owner Name

Address

Street

City

Province/State

Country

Postal /Zip Code

Phone

Fax

Site Civic Address or Location (i.e., nearest roadway):

Type(s) of utility affected (if applicable):

PID

or

PIN

Owner Name

Address

Street

City

Province/State

Country

Postal /Zip Code

Phone

Fax

Site Civic Address or Location (i.e., nearest roadway):

Type(s) of utility affected (if applicable):

PID

or

PIN

Section I Notification Trigger

Check the following items as applicable. Likely or actual offsite migration of substances from the source site was identified during:

- Independent remediation (Section 57, Contaminated Sites Regulation)*
- Site Investigation (Section 60.1, Contaminated Sites Regulation)

* You must also complete and submit a notification of independent remediation. The form is available on the ministry's web site at: <http://www.env.gov.bc.ca/epd/remediation/forms/>.

Section II Land Description of Source Site

Site ID Number (if known)
PID or PIN
Legal Description
Latitude Degrees Minutes Seconds
Longitude Degrees Minutes Seconds
Site Civic Address or Location Street
(i.e., nearest roadway) City Postal Code

Section III Property Owner and/or Operator (Source Site)

Name
Address Street
City Province/State
Country Postal /Zip Code
Phone Fax
Include both of the following: Site plan
 Land Title record

Section IV Environmental Consultant / Agent Contact (if applicable)

Name
Address Street
City Province/State
Country Postal /Zip Code
Phone Fax

Section V Confirmed or Suspected Source of Contamination (e.g. leaking underground storage tank)

Section VI Soil

The following contaminants Were found Are suspected Were not found

List contaminants (and maximum concentrations if known). Attach additional information if not enough space.

Section VII Groundwater and Surface Water

The following contaminants Were found Are suspected Were not found

List contaminants (and maximum concentrations if known). Attach additional information if not enough space.

Section VIII Sediment

The following contaminants Were found Are suspected Were not found

List contaminants (and maximum concentrations if known). Attach additional information if not enough space.

Section IX Vapour

The following contaminants Were found Are suspected Were not found

List contaminants (and maximum concentrations if known). Attach additional information if not enough space.

Section X Additional Comments

Section XI Signature

I confirm that the above information is true based on my knowledge as of the date this notification form was completed.

Signature of person* completing form

Date completed (YYYY-MM-DD)

Printed name

* Must be a responsible person or the responsible person's authorized agent