

Administrative Guidance 5: Approved Professional Recommendations for Non-High Risk Sites

May 2018

Stakeholder Comments / Recommendations	Ministry Response(s)
<p>Page 1, Column 2 The CSR under the referenced sections states that “(b) the professional association, in the Province, of which the approved professional is a member.” The “professional association” is not defined under the CSR and for the purposes of the CSR the professional society should be the CSAP Society. As the CSAP Society regulates its members and the specific sections that reference section (b) above all indicate this is an application by an “approved professional”. Any rejection of submission would be one made by a CSAP approved professional and who’s appointment, training and discipline of its members it is administered by the CSAP Society. Sending a letter to APEGBC, CAB, BCIA or ACPBC creates confusion for these associations as they have no process to address such correspondence unless it comes in a form of a complaint against a member, which is not the intent or format of the rejection letter which MOE has supplied on at least on occasion to APEGBC.</p>	<p>Section 49(8) of the Contaminated Sites Regulation states, “ If a director rejects the recommendation of an approved professional provided under subsection (6) or (7), the director, within 15 days of the rejection, must provide written reasons to</p> <ul style="list-style-type: none"> (a) the applicant, and (b) the professional association, in the Province, of which the approved professional is a member.” <p>[am. B.C. Regs. 244/99, s. 12; 17/2002, s. 11; 322/2004 and 324/2004, s. 49.].</p> <p>The Society of Contaminated Sites Approved Professionals is a society with members who belong to various professional associations across the province. The professional associations to be notified would be APEGBC, CAB, BCIA, ACPBC, etc.</p>
<p>Page 2, Column 2 Since the last update of AG05 provisions have been added that a “sample borehole log” should be included in submission packages.</p>	<p>The ministry agrees and added “sample borehole log” to the document.</p>
<p>Page 3 Column 1 Bullet 1 “Additional requirements for preparing Schedule “A” of contaminated sites legal instruments” The added text [the ministry] proposed seemed to add potential confusion: “Portions of legal parcels, such as portions of neighboring properties affected by contaminant migration”. The added text appears to conflict with the MOE’s position that the instrument should not combine different owners on the same instrument Procedure 12 9.2.2 In accordance with the advice in Fact Sheet 48, “Remediation Liability and Combining Parcels with Different Owners”, parcels with different owners should not be combined into one site or be assigned the same Site ID number unless that is agreed to in writing by each parcel owner.</p>	<p>The bullet as written reflects the ministry requirement for a metes and bounds description for an application that applies to a portion of a legal parcel. The bullet makes no reference to combining different owners under the cover of a single CSR legal instrument.</p> <p>If clarity is added by removing the example provided (e.g., portions of neighbouring properties affected by contaminant migration) the example should be removed.</p>
<p>Page 3 Column 1 Bullet 2 “Additional requirements for preparing Schedule “A” of contaminated sites legal</p>	<p>The ministry agrees that Metes and Bounds information should be shown in Schedule A and that the “Legal Plan or Engineered Plan” showing the</p>

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instruments” CSAP suggests expanding this section to indicate that the metes and bounds area should be shown on Schedule A and that the “Legal Plan or Engineered Plan” showing the metes and bounds area should be included with the submission.	metes and bounds area should be included with the submission. The ministry incorporated the following language into the document: Portions of legal parcels, such as portions of neighbouring properties affected by contaminant migration, must be shown on the site plan along with a metes and bounds description. The area defined by the metes and bounds should also be shown and described on a more detailed site plan provided by a legal surveyor or an engineered drawing and included with the submission. The name of the survey or engineering firm and the date of the drawing must be provided.”
Page 3 Column 1 Bullet 1 “Land, water, vapour and sediment uses” CSAP suggests an additional to provide clarity when establishing multiple uses under Protocol 18 including the provision to provide a metes and bound survey or engineering showing the areas to which the different uses apply.	The ministry added, “When establishing multiple land, water, vapour and sediment uses the areas must be shown by a metes and bounds description and plan, provided in a legal survey or engineered drawing. The name of the survey or engineering firm and the date of the drawing must be provided. The name of the survey or engineering firm and the date of the drawing must be provided.” to the document.
Page 3 Column 1 Bullet 2 “Land, water, vapour and sediment uses”The areas of the site, in addition to the list of substances, should be identified on legal submissions. Submissions have been received by CSAP showing remediation to different standards but without specifying the areas of the site to which they apply.	The ministry accepts the suggestion and added the area of the site must also be provided along with the list of substances in the legal instrument.
Page 3 Column 2 “Substances List”The substance list was specified as being “ For substances remediated to the numerical standards in the Contaminated Sites Regulation, only those substances appearing in the Regulation”. It is our understanding that instrument to numeric or risk based standards can only be for substances in the CSR and the need to specify “numeric” is unnecessary.	The ministry accepts the suggestion and removed the term, “numeric” from the paragraph.
“The Approved Professional must submit the final determination documents to the ministry electronically and in hard copy, via the CSAP Society, after 30 days and before 60 days”. While not specified in the CSR this could be clarified here as being “calendar days”.	The ministry accepts the suggestion and added calendar days as a clarification.