

Protocol 6: Eligibility of Applications for Review by Approved Professionals

May 2018

Stakeholder Comments / Recommendations	Ministry Response(s)
<p>...“if the approval is not granted, any subsequent application... will not be considered until the approval is obtained...”. Does this statement need modification? If this is not approved, then the option of additional steps “until the approval is obtained” does not arise.</p>	<p>Agreed, remove the latter portion of the statement.</p>
<p>Due to the short window of opportunity to conduct winter remedial work in remote areas, CAPP would request to remove the requirement to engage Approved Professional (CSAP) to process (C)SRAs.</p>	<p>Removing the ability for CSAP to submit recommendations for issuance of numeric CSRAs to the director would result in detailed ministry review of numerical CSRAs. The result of such a change would be extending timelines further.</p>
<p>Will the Oil and Gas Commission have the authority to make a determination on local soil and/or groundwater background concentrations, rather than the approval of the Director?</p>	<p>Authorities granted to the OGC are not the subject of Protocol 6.</p>
<p>Not all of these terms are defined in the CSR or Procedure 8. References or definitions are required for all the terms “low risk, medium risk, moderate risk, intermediate risk and high risk”. All of these appear in s. 49(3) of the CSR. Also, per Procedure 6, “non-high risk” is not the opposite of “high risk”; the definitions of the two differ.</p>	<p>As indicated on page 2 of Protocol 6, “low or moderate risk sites in sections 43, 47 and 49 of the Contaminated Sites Regulation (the Regulation) are considered non high-risk sites under Protocol 12, while sites considered medium, intermediate or high risk sites under sections 47 and 49 of the Regulation are considered high risk sites.”</p> <p>Added language that referred to Protocol 12 to clarify.</p>
<p>This is not a new section, but I am not sure why it needs to be specified. By contrast, it is not specified in order to recommend a legal instrument (e.g., with engineering design), but the same would apply there.</p>	<p>Agree, language has been modified to be more general.</p>
<p>why is this needed? By contrast, it isn't redefined in Section 5. I would think it was required in both, or neither. In fact, this actual phrase is never used in the document</p>	<p>The phrase is used in sections 4.3, 4.4, 4.5, and 4.6.</p>
<p>Consider alternate wording: The Director will only accept applications for decision that are complete with respect to supporting documentation and application materials.</p> <p>This note may have been required in the past...but may not be required now as it is fairly obvious these days that applications cannot be considered without complete documentation. This section is superfluous / not needed</p>	<p>The ministry sees no harm in keeping this section.</p>

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<p>There is a problem with the use of the term “non-high risk” in Column II. In Procedure 8 the term is defined as meaning a site that was high risk and has been reclassified. This means that sites that are not high risk at the outset are not captured so the term non-high risk needs to be used but the term “not high risk” must also be used.</p>	<p>Footnote added to reflect site risk classification determined under Protocol 12. This comment will be considered in the revision of Procedure 8.</p>
<p>There is a problem with the use of the term “non-high risk” in Column II. In Procedure 8 the term is defined as meaning a site that was high risk and has been reclassified. This means that sites that are not high risk at the outset are not captured so the tern non-high risk needs to be used but the term “not high risk” must also be used.</p>	<p>See above.</p>
<p>Different use of “parcel and “site” between section 4.7 and 4.8. Also, “site” not a defined term listed in definitions above</p>	<p>Changed “site” to “parcel” in section 4.8 which is a defined term in Procedure 8.</p>
<p>If the intent is to convey that pre-approval is required for establishing background groundwater quality, then it is better if groundwater is added to the list of referenced media i.e. surface water and vapour in Table 2.</p>	<p>Determining background concentrations in soil or groundwater does not require approval under Protocol 6; rather applicants must follow Protocols 4 and 9 for those media respectively. Preapproval for determining background concentrations pursuant to Protocol 6 is required for surface water, sediments or vapour.</p>
<p>What about high risk sites, where requirement may be imposed by the Director?</p> <p>Not sure why MoE wouldn't want the same AP report/statement in this case</p>	<p>Depending on the specific circumstances of a site, a Director may exercise discretion whether to require reports or statements be accompanied by the recommendation of an Approved Professional.</p>
<p>This seems to exclude site-specific risk-based remedial objectives. Intentional?</p>	<p>No change necessary, Risk based standards are specifically included in sections 18 and 18.1 of CSR.</p>
<p>Allow Agent to sign for Applicant?</p>	<p>Text was adjusted to allow an agent to also sign acting on behalf of the applicant.</p>