



INTENTIONS PAPER SERIES

REVIEW OF
BRITISH COLUMBIA'S
SITE REMEDIATION
LEGAL REGIME

B.C. MINISTRY
OF ENVIRONMENT
LAND REMEDIATION SECTION

**IDENTIFICATION OF
CONTAMINATED SITES**



Ministry of
Environment

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Review of British Columbia’s Site Remediation Legal Regime

INTENTIONS PAPER

IDENTIFICATION OF CONTAMINATED SITES

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1 Introduction

The B.C. Ministry of Environment (the ministry) plans to update some aspects of British Columbia's contaminated sites legal regime, including the mechanism for identifying contaminated sites (presently called the site profile process).

The ministry issued a [discussion paper](#) on this topic in October 2014 and has carefully reviewed the resulting comments from stakeholders, as well as practices in several other jurisdictions. Information gathered through this process was used to guide the ministry in proposing a revised process for the identification of contaminated sites in B.C. The resulting intentions paper presented herein describes what the ministry considers an effective, workable process for identifying contaminated sites in B.C.

Stakeholders are requested to comment on this intentions paper (see Section 8, Invitation to Comment). All comments will be considered as we finalize a process for identifying contaminated sites that meets ministry priorities and objectives and also considers stakeholder comments.

2 Background

2.1 What is the existing mechanism for identifying contaminated sites?

The existing site profile process has been in effect since 1997 and is founded on a series of legal provisions set out in the *Environmental Management Act* (the Act) (formerly the Waste Management Act) and Contaminated Sites Regulation (the Regulation). These provisions are intended to bring contaminated sites to the attention of the ministry when a parcel of land is at a stage conducive to site investigation and remediation, such as when a site is being decommissioned or before reuse or redevelopment. Fact sheets and guidance documents describing the current site profile process are available from the ministry's [website](#).

2.2 Why was the site profile process established?

The site profile provisions set out in the Act and Regulation were established largely due to local government concerns regarding liability protection and the redevelopment of contaminated lands. Local governments wanted a legally defined, uniform process to screen for contaminated sites and to ensure that remediation occurred before land use changed.

2.3 How does the site profile process presently work?

The provisions of the Act and Regulation apply to sites used for those industrial and commercial purposes and activities listed in [Schedule 2 of the Regulation](#). The provisions specify the purposes or activities that may trigger the requirement to submit a site profile to the ministry. Site profiles are submitted to the ministry as follows:

- directly (for site decommissioning or foreclosure proceedings)
- via the Oil and Gas Commission (for applications for Certificate of Restoration)
- via the relevant local government (for applications for subdivision, development, development variance, zoning, demolition and soil removal).

The Regulation lists several exemptions to the site profile submission requirements, and it allows individual local governments to opt out of site profile administration.

The ministry, the Oil and Gas Commission (the Commission) and local government have separate but integrated duties to ensure that (1) site profiles are submitted and satisfactorily completed, and (2) the applications listed in the last two bullets above are not approved until the requirement for site investigation has been met.

Where a site profile is required, an approving authority (the Commission or local government) must not approve any of the applications listed (in the last two bullets above) unless and until the application is released under one of the seven circumstances described in various other statutes (*Islands Trust Act, Land Title Act, Local Government Act, Vancouver Charter and Oil and Gas Activities Act*). These provisions are intended to ensure that appropriate site investigation and, if necessary, remediation occur before a site is redeveloped.

2.4 Why are we revising the site profile process?

The ministry is revising the site profile process because several weaknesses and gaps have become apparent.

The existing process was intended to ensure that a parcel of land is investigated and remediated before reuse or redevelopment of the land, but in practice it is overly conservative, capturing too many sites. For example, the existing triggers commonly bring a parcel into the site profile process when proponents undertake activities that will not change the land use. This has resulted in the ministry having to add additional release mechanisms to the Act. In practice, the site profile process is confusing and requires significant ministry resources to administer. These and other concerns were described in the previous discussion paper.

Although the proposed site identification process will not identify all contaminated sites in the province, there are many other ways in which the ministry finds out about contaminated sites. These include Notification of Independent Remediation (NIR), Notification of Likely or Actual Offsite Migration (NOM), complaints, spill reports, emergency response, and service applications. Thus, it is not necessary or desirable to create a site identification process so stringent that it captures 100 percent of the contaminated sites in the province. In fact, creating such a stringent process would likely over-capture these sites and cause an unnecessary administrative burden for all parties and increase the cost of redeveloping sites in BC.

3 Ministry Priorities and Objectives

When industrial or commercial land is going to be reused or redeveloped, and when that reuse or redevelopment will change the land use, it is important to have an effective mechanism for identifying contaminated sites. The ministry has identified the following priorities and objectives with respect to identifying contaminated sites.

Priorities

- Create a process for identifying contaminated sites that is consistent across the province.
- Provide stakeholders with an automatic, predictable process.
- Write clear requirements directly into the legislation, eliminating statutory decision making by the Director and the need for oversight by ministry staff.

Objectives

- Streamline the site identification process by identifying contaminated sites at an appropriate time in the redevelopment process.
- Ensure that potentially contaminated sites are adequately investigated and, if necessary, remediated, before reuse or redevelopment.

The ministry intends to retain the current immunity provisions in the Act relating to municipalities and related officials.

4 Review of Other Jurisdictions

Legislation in several jurisdictions was reviewed to determine how contaminated sites are identified and regulated in relation to the redevelopment and reuse of land.

Alberta, Canada

Local government is responsible for ensuring that sites are suitable for use (with respect to environmental conditions) as part of the approval process for land-use planning. The local government may or may not require a remediation certificate (similar to a Certificate of Compliance) when redeveloping a contaminated site.

Ontario, Canada

Ontario's contaminated sites legislation focuses on remediation of industrial and commercial land prior to a change to a more sensitive use, for example from industrial to residential use. When a change in land use occurs, all industrial and commercial properties must undergo a Phase 1 Environmental Site Assessment (ESA). If it is determined that an activity listed in Table 2

of the *Environmental Protection Act* occurred, the site owner must also complete a Phase 2 ESA. If contamination is found, remediation must be completed and a Record of Site Condition (RSC) must be filed on the Environmental Brownfield Site Registry. A building permit cannot be issued until an RSC has been filed on the Registry. A wide range of people (e.g., lenders or municipalities) have the authority to require an RSC for any purpose. Feedback provided suggests this leads to much uncertainty about whether an RSC will be required for a certain activity and drives site investigation and remediation at inappropriate times (e.g., no change in land use).

Quebec, Canada

Quebec's contaminated sites legislation focuses on remediation of industrial and commercial land (as listed in the Land Protection and Rehabilitation Regulation, Schedules III and IV—Categories of industrial and commercial activities) prior to a change in use, regardless of whether the new use is more sensitive. Relevant requirements include:

- Within six months of decommissioning an industrial or commercial activity or when changing land use from industrial or commercial use to another use, an owner must complete a site investigation and submit a rehabilitation plan to the ministry for approval.
- The site must then be remediated and a Notice of Decontamination obtained from the ministry **prior to** applying for local government approvals for redevelopment. If contamination has been left in place, local government permitting requirements must be met before redeveloping the site. Land use restrictions may be registered on land title.

Oregon, United States

There is no defined process for identifying contaminated sites in the State of Oregon. Identification of contaminated sites is often market-driven (e.g., site investigation may be required by a lending institution prior to approving a loan for redevelopment of a site).

There is no connection to the local government permitting process. However, some local governments may require documentation from the Department of Environmental Quality confirming that remediation has occurred before they will issue permits for redevelopment.

United Kingdom

In the United Kingdom, the national "suitable for use" policy for contaminated land is intended to ensure that all sites are investigated and unacceptable risks mitigated prior to redevelopment. However, the national Environmental Agency is limited to an advisory role, whereas the Local Planning Authority (i.e., local government) is responsible for the following:

- determining the appropriateness of a developer' site investigation, risk assessment and proposal for remediation
- controlling the development, taking into account all material considerations including contamination
- ensuring that planning conditions (requirements) are complied with

In addition, the national Building Regulations include provisions relating to land affected by contamination and require that people and buildings be safeguarded against contamination at a site. Building control approval (final building inspection) is required for all new developments, and the building control provider (building inspector) is responsible for determining that the Building Regulations have been complied with.

Queensland, Australia

The State of Queensland has two land registries. The Environmental Management Register (EMR) is similar to the B.C. Site Registry and provides information about historic and current land uses of a site, whether the site is known to be contaminated and whether any measures are required to manage site contamination. Landowners and local government must register any site where a "notifiable activity" has occurred or is occurring (as listed in Schedule 3 of the *Environmental Protection Act*). The EMR is a public database that can be searched by landowners, developers and prospective purchasers.

The Contaminated Land Register is for sites that are confirmed to be contaminated and where the land must be remediated to prevent serious environmental harm (similar to B.C.'s so-designated high risk sites).

Lands listed on the EMR must be investigated and remediated prior to a change in land use. If a proposed development involves "rezoning" to a sensitive use (e.g. Residential), or to commercial use where the development includes underground facilities (e.g., for a parkade), then a compliance permit is required from government. A compliance permit appears to be similar in purpose to a Certificate of Compliance.

This state-run process occurs in conjunction with the local government permitting process. Additional requirements for risk management may be imposed by local government in relation to a development permit or other approval.

5 Proposed Changes to the Process for Identifying Contaminated Sites

Note about the terms “site profile” and “site identification”

Under the proposed process, the site profile form will no longer exist in its current state. Instead, a modified short form will be used to identify sites with industrial and commercial purposes or activities (as listed in the Regulation) that are to be decommissioned or redeveloped or that are going through insolvency proceedings. In this intentions paper, we refer to the process for identifying contaminated sites as the “site identification process” and to the form as the “site identification form.”

The ministry proposes to change the process for identifying contaminated sites so that it is easier for proponents to follow and will be more efficient for the ministry, the Oil and Gas Commission and local government to administer. The changes proposed in the following sections are intended to meet ministry priorities and objectives and take into account comments the ministry received from stakeholders regarding the discussion paper.

The intent of the new site identification process is to identify sites upon decommissioning, when they will be redeveloped for a new use or when they are going through insolvency proceedings.

Attributes of the proposed site identification process

Clarity. The process will be more automatic and therefore more predictable. For example, when the site identification process has been triggered, if a site has had a Schedule 2 activity:

- Currently, the *Director* must decide whether a preliminary site investigation (PSI) or detailed site investigation (DSI) is required based on a site profile submission. The Regulation does not specifically state when remediation is required.
- Under the proposed process, the *Regulation* will state when a PSI is required (followed by a DSI if contamination is identified) and whether remediation is required. No Director’s decision is needed.

Under the proposed process, there will be no need for a Director’s decision requiring site investigation or remediation at any stage. This is because the triggering requirements will be clearly stated in the Regulation and will apply province wide. As a result, proponents will know in advance what is expected and will be able to integrate site investigation and remediation requirements into their planning for the site.

Simplicity. The new process will be simpler and easier to understand. Proponents and stakeholders will no longer have to look in multiple acts, regulations and guidance documents to

understand the process for identifying contaminated sites. They will no longer have to wait up to 30 days for a Director’s decision regarding requirements for site investigation; instead, requirements for site investigation and site remediation will be specified in the Regulation.

The proposed process will benefit proponents by offering predictable outcomes and should reduce the time and effort spent obtaining permits from local government. This streamlined process should require less ministry oversight and allow ministry resources to focus on high risk sites and overall compliance verification.

Flexibility. The process will no longer put a hold on local government approvals (for example, development permits). Proponents will be free to continue with their development plans while concurrently completing the site investigation and remediation requirements.

The main differences between the existing site profile process and the proposed process are summarized in Table 1. Details are provided in the remainder of this intentions paper.

*Note: Table 1 is a summary only. It must be read in conjunction with the full text of this intentions paper for a complete understanding of the concepts presented.

Table 1. Comparison of the existing site profile process and the proposed site identification process

Aspect of process	Present site profile process	Proposed site identification process
Forms and schedules	Site Profile form (Schedule 1) includes questions about site use (Sections IV through IX of the form).	Schedule 1 (to be termed “Site Identification Form”) will no longer include questions about site use.
Triggers for submission of a site identification form (initiates site investigation and remediation requirements)	Site decommissioning or insolvency proceedings	Site decommissioning and foreclosure will remain triggers. The definition of decommissioning a site may change for clarity. New trigger: application for protection under <i>Companies’ Creditors Arrangement Act</i> .

Aspect of process	Present site profile process	Proposed site identification process
<p>Triggers for submission</p> <p>(continued)</p>	<p><i>Local government applications</i></p> <ul style="list-style-type: none"> Zoning, subdivision, development or development variance, soil removal or demolition. <p>Application for a Certificate of Restoration (Petroleum and Natural Gas Act) is a trigger.</p>	<p><i>Local government applications</i></p> <ul style="list-style-type: none"> Retained as triggers: zoning, development, or development variance permit Removed from the list of triggers: subdivision, soil removal, demolition New trigger: building permit <p>Application for a Certificate of Restoration (Petroleum and Natural Gas Act) is no longer a trigger, but sites will be identified during site decommissioning.</p>
<p>Exemptions from the requirement to submit a site identification form and subsequently complete a site investigation</p>	<p>Section 4 of the Regulation exempts some proponents from having to submit a site profile.</p> <p>Municipalities can opt out</p>	<p>Section 4 of the Regulation will be revised to omit obsolete exemptions and add or revise exemptions as needed to make the exemptions complement the other proposed changes.</p> <p>Municipalities cannot opt out.</p>
<p>Process for decommissioning or foreclosure</p>	<p>If Schedule 2 activities have occurred and at least one question in Sections IV through IX is marked "yes" on a site profile form, the Director decides whether to require a site investigation.</p> <p>If a site investigation is required, site investigation reports and a Site Risk Classification Report must be submitted within 1 year.</p>	<p>If Schedule 2 activities have occurred, a site investigation will automatically be required by the Regulation. Submission of site investigation reports and a Site Risk Classification Report will be required within 1 year.</p> <p>Provision for extension of the 1-year timeframe at the discretion of the Director.</p> <p>Note: Refer to Section 5.2.1 for details regarding sites regulated</p>

Aspect of process	Present site profile process	Proposed site identification process
Process for local government approvals	<p>If Schedule 2 activities have occurred and at least one question in Sections IV through IX on a site profile form is marked "yes," the Director decides whether to require a site investigation.</p> <p>If a site investigation is required, local government approvals are "frozen" until a legal instrument or a release letter is obtained.</p> <p>Immunity is provided for local government—"protected person" under the Act.</p>	<p>under the Oil and Gas Activities Act.</p> <p>If Schedule 2 activities have occurred, a site investigation will automatically be required by the Regulation. If contamination is present, remediation will automatically be required. Annual progress reporting will be required.</p> <p>Local government approvals will not be frozen.</p> <p>A Determination that the site is not contaminated or a Certificate of Compliance must be obtained prior to the final building inspection or issuance of an occupancy permit.</p> <p>Immunity for local government will be retained.</p>
Compliance and enforcement	<p>For a release, the Director imposes requirements for annual progress reporting and closure reporting.</p> <p>Reporting requirements are tracked by ministry staff via the Site Registry.</p> <p>Remediation must be completed within 5 years.</p>	<p>The Regulation will require annual progress reporting.</p> <p>Reporting requirements will be tracked by ministry staff via the Site Registry.</p> <p>The proponent can take as long as desired to remediate the site, but remediation must be complete (and a legal instrument obtained) prior to the final building inspection or issuance of an occupancy permit.</p>

5.1 Forms and schedules

The ministry intends to revise and simplify the site identification form (presently Schedule 1 of the Regulation – the site profile form) and the Industrial and Commercial Uses and Purposes list (presently Schedule 2 of the Regulation).

5.1.1 Site identification form (Schedule 1)

The site identification form (presently the site profile form, Schedule 1) will be amended so that it does two things:

1. **Identifies the site.** It will retain Sections I and II of the present form, possibly with minor changes.
2. **States whether the site has had a Schedule 2 use.** It will retain Section III of the present form.

All the questions about historical site use will be removed (currently Sections IV through XI).

The revised form will be used to notify the ministry (specifically, the Site Registrar) that a Schedule 2 activity has occurred on a property and that the site identification process has been initiated. This will enable the Site Registrar to enter the information on the Site Registry and to note the reporting requirements required by the Regulation.

Under the proposed process, when the ministry receives a site identification form, the proponent will be sent a notice (which may include a fact sheet) outlining their obligations and requirements under the Regulation. Where applicable, the local government will be provided with a copy of the site identification form and be notified of the proponent's obligations under the legislation.

Site history searches

Section III of the site identification form will continue to request information about Schedule 2 activities. However, to improve the accuracy of information provided in this section, a proponent will be required to complete specific information searches to determine the historical use of the site. The site identification form will include a check box and declaration to sign confirming that the required searches have been completed. The resulting information must be maintained by the site owner and can be requested by the Director. If new information about historical site use subsequently becomes available, the proponent must notify the ministry so that the Site Registry can be updated.

The ministry intends that it will be possible and reasonable for information searches to be completed by the proponent without help from a consultant. The required record searches may include all of the following:

- the Site Registry
- historic and current land titles
- local government records relating to business licences, zoning, soil deposit records and other relevant site activities
- city street directories, where available
- information provided by current and former owners
- environmental and geotechnical reports and/or government issued discharge authorizations relevant to the site, where available
- spill records

The existing offence provisions in the Act, Section 120(17)(a), relating to submission of site profiles, will be retained and updated to reference the new site identification form.

5.1.2 Industrial and commercial purposes and activities (Schedule 2)

Schedule 2 will be updated to ensure that the listed activities are relevant and adequately capture contaminated sites in B.C.

Activities and uses currently listed in the question sections of the site profile form will be incorporated into Schedule 2 where applicable. This approach will eliminate the problem of proponents not knowing whether a question presently in Sections IV–IX of the site profile form should be marked “yes” or “no.”

5.2 Activities triggering submission of a site identification form (initiating requirements for site investigation and site remediation)

The ministry aims to identify contaminated sites when a parcel of land is at a stage conducive to site investigation and to ensure that contaminated sites are remediated during the redevelopment process. With this in mind, the ministry intends to amend the triggers for submission of a site identification form (which initiates the requirements for site investigation and remediation) as follows.

5.2.1 Site decommissioning and foreclosure

Site decommissioning and foreclosure will remain as key triggers for the site identification process. We will redefine the term “decommission a site” to ensure clarity of meaning and ensure that all sites being decommissioned are captured.

Sites where industrial or commercial purposes and activities listed in Schedule 2 of the Regulation have occurred that are being decommissioned or foreclosed will trigger a

requirement to complete a site identification form for submission directly to the ministry's Site Registrar, or to the Oil and Gas Commission (the Commission) (for sites regulated under the *Oil and Gas Activities Act*). Site decommissioning and foreclosure will automatically trigger a requirement in the Regulation to complete a site investigation and to

- submit site investigation reports and a Site Risk Classification Report to the Director within one year of site decommissioning, or
- for sites regulated under the *Oil and Gas Activities Act*, submit site investigation reports and a Site Classification Form to the Commission within one year of site decommissioning.

The ministry presently achieves this through requirements imposed by the Director; the difference is that under the new process, the requirements will be automatic under the Regulation.

A provision will be included to allow extension of the one-year deadline for report submission at the discretion of the Director or the Commission.

5.2.2 Application for protection under the *Companies' Creditors Arrangement Act*

Companies that make an application to the Court for protection under the *Companies' Creditors Arrangement Act* (CCAA) will trigger a requirement to complete a site identification form for all properties located within the province of British Columbia and where industrial or commercial purposes and activities listed in Schedule 2 of the Regulation have occurred. The form(s) would be submitted directly to the ministry's Site Registrar. Application for protection under CCAA would automatically trigger a requirement in the Regulation to submit any and all existing site investigation reports and a Site Risk Classification Report to the Director within 30 days of filing the application.

5.2.3 Local government applications (zoning, subdivision, development or development variance, soil removal or demolition)

The following is proposed:

- Applications for any of the following will remain triggers: zoning, development or development variance.
- Applications for demolition, soil removal and subdivision will no longer be triggers. This is because these activities are often not related to site redevelopment. Under the current site profile process, for these types of applications, proponents are able to obtain a release that defers site investigation requirements until a later stage in the development process. Accordingly, the ministry considers it reasonable to remove these

triggers in order to meet our goal of only identifying sites being redeveloped for a new use.

- Application for a building permit will be added as a trigger. This is because a building permit is the most common local government approval required to redevelop a site. Adding building permits as a trigger further justifies the removal of the triggers mentioned above and will ensure greater consistency in identifying contaminated sites throughout the province.

5.2.4 Selling property that has had a Schedule 2 activity

The requirements for disclosure when selling a property that has had a Schedule 2 activity will remain unchanged. That is, a vendor will still need to provide a site identification form to a prospective purchaser if the property has had a Schedule 2 activity. The form will be for the prospective purchaser's information only. It will not be forwarded to the ministry and will not trigger a requirement for a site investigation.

5.2.5 Oil and gas sector

An application for a Certificate of Restoration under the Petroleum and Natural Gas Act will no longer be a trigger because these certificates are not related to the redevelopment of a site. This change will require consequential amendments to the *Oil and Gas Activities Act*.

Sites in the oil and gas sector will continue to be identified upon site decommissioning (as described above in Section 5.2.1.).

5.3 Exemptions

Presently, many exemptions exist regarding the requirement to submit a site profile form (see the Regulation, Section 4). The exemptions are meant to ensure that only those sites undergoing decommissioning or foreclosure, or being redeveloped for a new use, are captured by this process. To ensure that the exemptions continue to meet their intended purpose, we propose the following changes:

- Remove the opt-out provision. Municipalities will no longer be able to opt out of the site identification process (section 4(4) of the Regulation). This will ensure consistency of process in all jurisdictions across the province.
- Remove the exemption from the duty to submit a site profile if one has already been filed on the Site Registry and accurately reflects current knowledge about the site (section 4(1)(a) of the Regulation). Submission of a site identification form would be required every time a triggering action occurs. This is because different requirements are intended to be incorporated into the Regulation for site investigation and

remediation depending on the action occurring (for example: following site decommissioning or subsequent redevelopment of a parcel).

- Remove obsolete exemptions (for example, section 4(2) of the Regulation, which applies to sites remediated prior to April 1, 1997).
- Add new exemptions to ensure that site investigation and/or remediation are only required upon site decommissioning or foreclosure, or during redevelopment of a site. (Examples of possible exemptions: minor changes to zoning language where the land use stays the same or where a development permit is for the purpose of upgrading an existing facility currently used for an activity or purpose listed in Schedule 2.)

What if there is no Schedule 2 activity?

Under the existing site profile process, a person is exempt from the duty to submit a site profile if no Schedule 2 activities ever occurred on a property. However, a municipality can ask a proponent to fill out the form for their records only. These provisions will be retained in the Regulation.

5.4 Process for local government approvals

5.4.1 Site profile “freeze and release” provisions: Focus on the end point

The ministry intends to discontinue the present practice of freezing local government authorizations following a site profile submission. Instead, the ministry proposes to focus on the end point and require that the parcel be satisfactorily investigated and remediated before the final building inspection or occupancy occurs.

Under the proposed process, proponents would be allowed to proceed with site redevelopment but will be obligated to follow new requirements for site investigation and remediation. To confirm that proponents have satisfactorily investigated or remediated a site, they will need to obtain either a Determination or a CoC.

This approach is aligned with the ministry’s priorities and objectives (see Section 3 of this intentions paper), and it will ensure that contaminated sites are investigated and successfully remediated prior to reuse.

The proposed changes will require consequential amendments to several local government statutes, including the *Islands Trust Act*, *Land Title Act*, *Local Government Act* and *Vancouver Charter*.

5.4.2 Requirements when a property being redeveloped has had a Schedule 2 activity (where no exemptions apply)

Unless otherwise exempted, when a proponent applies for specific local government approvals (zoning, development, development variance or building) and a Schedule 2 activity has been present on the site, this will trigger the requirement to complete a site identification form and submit it to the Site Registrar. The proponent will also be obligated to provide a copy of the form to the applicable local government.

Automatic requirements

Under the proposed process, submission of a site identification form to the Site Registrar will automatically trigger the following requirements, which are anticipated to be incorporated into the Regulation:

- The parcel(s) must be investigated until contamination is delineated in all media (soil, sediment, water, soil vapour) both on the parcel(s) and migrating from the parcel(s);
- Contamination must be remediated (this may include risk management and risk management controls) prior to the final building inspection or issuance of an occupancy permit;
- Annual progress reporting must be submitted for the duration of the project; and
- Remediation must be confirmed by obtaining a legal instrument (Determination or CoC) prior to final building inspection or occupancy, as determined by the local government permitting process.

The proposed changes will minimize local government responsibilities and shift them from the permit application stage (planning) to the final building inspection/occupancy stage (building officials). The existing immunity protection for local government officials provided under the Act will be retained. Local government officials are considered “protected persons” under the Act. Under those immunity provisions, local government officials are not liable for damages arising from reliance on a Determination, Approval in Principle or Certificate of Compliance.

6 Compliance and Enforcement

When the ministry receives a site identification form, staff will notify the proponent of their obligations, i.e., requirements triggered in the Regulation regarding site investigation, remediation and reporting. Where applicable, the ministry will also provide local government with a copy of the proponent’s obligations under the legislation. Providing this information to local government will allow local governments to track properties that require ministry instruments prior to final building inspection or occupancy. Information from the site identification form, requirements for site investigation, remediation and reporting and compliance history will be entered on the provincial Site Registry and tracked.

Responsibility for enforcing requirements related to the site identification process will rest with the ministry (or the Commission, in the case of applicable upstream oil and gas sites), and not with local government. Non-compliance with these requirements will be an offence under the Act.

7 Education and Training

The ministry recognizes that there will be a need for ministry support in order for those affected to understand and properly apply any changes made to the requirements. To this end, the ministry intends to provide extensive public education and training opportunities, including the following:

- webinars
- interactive training sessions for local governments and other stakeholders
- an updated ministry website with fact sheets and guidance documents for reference

8 Invitation to Comment

Comments on the proposed process for the identification of contaminated sites can be provided to the Ministry of Environment by email attachment or by mail to the address listed below.

All comments received through this process will be reviewed and carefully considered by the ministry prior to proposing future legislative and regulatory amendments relating to the identification of contaminated sites, which are anticipated to occur in 2017 or later.

Before submitting a response, interested parties are invited to participate in an information webinar scheduled to be held on June 15, 2016. If you are interested in receiving information about or participating in the webinar please contact Margaret Shaw at the email or address below for further details.

The ministry has prepared consultation questions and included them in this intentions paper. We encourage those interested to submit comments on the proposed process using the prepared consultation questions or by separate submission if desired.

All submissions will be treated confidentially by ministry staff and contractors when preparing consultation reports. Please note, however, that comments you provide and information that identifies you as the source of those comments may be publicly available if a Freedom of Information request is made under the *Freedom of Information and Protection of Privacy Act*.

If you have any questions or comments regarding this intentions paper, or comments on the ministry's schedule for the consultation process, please contact Margaret Shaw, who has been contracted to manage consultation comments, at:

Email: **margaret_shaw@shaw.ca**

Mail: **Margaret Shaw, Writer/Editor/Consultant**
703 Macintosh Street, Coquitlam, BC V3J 4Y4

Comments to the ministry should be made on or before July 31, 2016. Thank you kindly for your time and comments.

9 Consultation Questions

The B.C. Ministry of Environment relies on critical input from our stakeholders to assist us in making informed decisions related to changes in policy. To this end, we welcome your input and suggestions in streamlining and improving the site identification process and the ideas proposed in this intentions paper. In framing this request we respectfully ask that you take the time to reply to the following questions about this intentions paper, and we appreciate your time and effort in doing so.

1. Section 5.1.1 – What is your opinion of the proposed list of historical searches that must be performed prior to completing a Site Identification form? What amendments, if any, do you believe are needed?
2. Table 1 and Section 5.2 – What comments or concerns do you have regarding the changes to the trigger activities (for example, removal of demolition and addition of building permit)?
3. Section 5.3 – Please provide examples of activities other than those listed in Section 5.3 that you believe should be exempted from the proposed process.
4. Table 1, Section 5.4.1 and Section 5.4.2 – What comments or concerns do you have regarding the selected endpoint for remediation for sites being redeveloped (i.e., what do you think of the endpoint being prior to final building inspection)?
5. What additional comments or suggestions do you have regarding our proposed changes to the process for identifying potentially contaminated sites in B.C.?

Background and Area of Interest

Please mark an “x” in the appropriate boxes.

Your primary interest in site remediation relates to:

- Work in the land development or redevelopment sector**
- Work providing professional services to private companies or government**
Please describe (e.g., engineering, qualified professional):
- Work for a government regulatory agency**
Please describe (e.g., federal, provincial, municipal):
- Work for a public sector organization**
Please describe (e.g., health authority, education institution, Crown corporation)
- First Nation:** Please describe:
- Involvement with or work for an environmental or community interest group**
Please describe:
- Other interest:** Please describe:

If you wish, you may also provide contact information below. Contact information will be compiled separately from responses and will be used to update respondents on the ministry’s review of British Columbia’s site remediation legal regime.

Contact Information

If you wish to receive further information concerning the ministry’s review of British Columbia’s site remediation legal regime, please include an email address.

Note that all information will be treated as confidential by government staff and contractors. However, information that identifies you as the source of submission comments may be publicly available if a Freedom of Information request is made under the *Freedom of Information and Protection of Privacy Act*.

Contact Name:

Business or Organization Name (if appropriate):

Email:

Mailing address:

Telephone:

Thank you very much for your comments and feedback. Please remember to return this response form to the ministry on or before July 31, 2016.