



Next Steps to Reduce the Service Backlog

This update is to advise of additional steps the ministry is taking to reduce application backlogs and to focus our limited resources on high-risk contaminated sites:

- effective July 15, 2004, all eligible applications must be submitted either as roster submissions by approved professionals or for external contract review; and
- effective November 1, 2004, all applications for low to moderate risk sites must be submitted as roster submissions by approved professionals.

Background

The ministry's latest Service Plan reaffirms the high priority that we have placed on reduction of the contaminated sites application backlog. For some time, the ministry has been encouraging applicants to take advantage of the roster and external contract review options to minimize review turnaround times. In addition, the ministry has redirected some applications to external and other review contractors at increased cost to the ministry. These and other efforts during recent years have reduced the backlog to a limited extent only.

Rationale for Key New Requirements

These new steps are being taken for several reasons, including further backlog reduction, improving client service, meeting Service Plan targets, focusing ministry resources on high risk

sites and expanding the role of approved professionals on lower risk sites.

By taking these actions and continuing to improve our internal processing efficiencies, we anticipate a positive effect on backlog reduction. The number of applications reviewed by those other than ministry staff will increase and ministry review timelines will decrease.

What does eligible mean?

Eligible applications are those that qualify under Protocol 6 for the roster process and those that are eligible for external contract review including site investigations, remediation plans and confirmation of remediation reports. Table 1 (attached) provides a summary of the services and their eligibility under the various processes and timelines.

Resubmissions that were originally processed by the ministry may be eligible for roster submission or external contract review. Applications for eligible portions of a site or eligible services *may* be submitted under the roster or external contract reviewer process but we advise clients to contact the ministry to discuss available options in advance of submitting their applications.

What is the legal authority for this strategy?

Stage 4 amendments to the Contaminated Sites Regulation (the Regulation), as part of the bringing into force of the new *Environmental*

Management Act, mean that the director of waste management may require applications for low to moderate risk sites to be accompanied by the recommendation and report of an approved professional.

What is an approved professional?

Under the amendments to the contaminated sites legal regime “professional experts” have been renamed “approved professionals”.

How will clients be affected by this strategy?

Clients will soon have to retain the services of an approved professional if their application is for a lower risk site. However, clients can expect much faster ministry turnaround times enabling them to proceed with development and other activities in a more timely fashion.

Why is the ministry taking this approach now?

This is simply the continuation of a number of steps the ministry has been taking for several years to increase reliance on approved professionals. The ministry is committed to meeting the performance measures set out in the ministry’s Service Plan. These include a 95% reduction in the backlog of lower risk applications by March 31, 2006. The ministry is taking a number of steps to process the existing backlog of applications but our analysis shows that the backlog will only significantly decrease if we reduce the number of new applications for internal ministry review.

Why isn’t the ministry giving clients more time?

The ministry has been encouraging the use of approved professionals since the option first became available in 1999. Since that time, the ministry has expanded the role of approved professionals. These new requirements continue the trend of increased reliance on approved professionals. The announcement of our next

steps will allow clients to make any necessary adjustments to their projects. The ministry needs to implement the new strategy by the end of this year so that Service Plan performance measures can be met.

How will this affect site remediation costs?

The fees under the Regulation for processing applications through approved professionals is half of those for direct ministry review. Some clients have noted that consulting companies charge higher fees to investigate and remediate a site if the services of an approved professional are required. However, the level of effort should be the same in either instance.

Will there be enough approved professionals to take on the extra work?

The number of approved professionals has increased steadily from less than 10 to the current level of 39 professionals associated with 18 organizations. The ministry estimates that these organizations are associated with about 80% of the current application caseload, suggesting that the capacity exists to absorb additional demands on the pool of approved professionals. In addition, the Roster Steering Committee, which currently oversees the appointment of approved professionals, is currently working with the ministry to expand the number of approved professionals as well as the scope of applications that can be processed by approved professionals.

What if a client cannot afford an approved professional?

The potential for any additional costs of hiring an approved professional may be offset by the reduced costs of submitting the application through this process. As the number of approved professionals increases, market competitiveness may lead to a decline in the costs of hiring an approved professional.

Furthermore, clients who hire approved professionals should expect to avoid the additional cost of resubmitting applications in cases where deficiencies are identified by other reviewers.

What if a client cannot find an approved professional?

If a client is unable to find an approved professional willing to issue a recommendation, it is usually in the context of work completed by others. In some cases, it may be necessary for the client to expend additional effort to secure the recommendation of an approved professional. The ministry encourages all clients to carefully review the experience and references of their consultants when seeking professional services.

What if a client cannot find an approved professional in their local area?

British Columbia's approved professionals routinely work across the Province and many have regional offices or affiliates outside the Lower Mainland, which can provide local support to clients.

What if my firm has no approved professionals on its staff?

We encourage all qualified contaminated sites practitioners to apply for appointment to the roster. This includes the successful completion of a qualifying exam. The next exam is scheduled for September 24, 2004. More detail is available at

<http://www.apeg.bc.ca/aboutus/cs/RosterofProfessionalExperts.html>.

How will the ministry address approved professional's concerns about audits?

The ministry and the professional bodies to whom approved professionals belong are responsible for maintaining the public trust in the work performed by approved professionals.

This is why 10% of applications from approved professionals are audited.

An audit framework has been set up to identify and categorize deficient applications. This system is continuously being refined to ensure fair and due process with approved professionals who are given opportunities to defend their work. In most cases, any deficiencies can be addressed with minimal extra effort. All audit results are published, while protecting the confidentiality of the approved professionals under audit.

Will the ministry continue to retain contractors to assist with backlog reduction?

The ministry has contracted more than 10 companies to provide review services in support of applications submitted for ministry review. The ministry will continue to exercise this option, where appropriate, to reduce the backlog and to maintain ministry staff focus on the highest risk sites.

For more information, contact the Contaminated Sites Program, at (250) 387-4441.

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Table 1
Summary of Contaminated Sites Services That Are Eligible for The External Contract Review and Roster Processes

Services	Effective July 15, 2004		Effective November 1, 2004	
	Roster ¹	External	Roster ¹	External ²
Review of a preliminary site investigation report	✓	✓	✓	✓
Review of a detailed site investigation report	✓	✓	✓	✓
Review of a remediation plan, without risk assessment	✓	✓	✓	✓
Review of a remediation plan, including a risk assessment	3	✓ ⁴	3	✓ ⁴
Review of a confirmation of remediation report	✓	✓	✓	✓
Review of a risk assessment not included in a remediation plan		✓		✓
Contaminated soil relocation agreement	✓		✓	
Determination whether a site is a contaminated site	✓ ⁵		✓ ⁵	
Approval in principle for a remediation plan	✓ ⁵		✓ ⁵	
Certificate of compliance	✓ ⁵		✓ ⁵	
Review of background substance concentrations	✓		✓	
Review of proposed site-specific standards	✓		✓	

¹ See Protocol 6 for details of which sites are eligible for the roster process

² Effective November 1, 2004, external contract review will not be available for sites that qualify under Protocol 6

³ The ministry is working with the Roster Steering Committee and Science Advisory Board to develop tools to allow approved professionals to make recommendations regarding risk assessments

⁴ Risk assessments are not currently within the scope of external contract reviewers. The ministry is working to resolve this. In the meantime, ministry review process will be available for applications with risk assessment components

⁵ Approved professionals make recommendation but instrument issued by ministry