

Stage 6 Amendments to the Contaminated Sites Regulation

Stage 6 amendments to the Contaminated Sites Regulation (the Regulation) under the *Environmental Management Act* (the Act) will come into effect on January 1, 2009. They were made under the authority of an Order-in-Council and a Minister's Order under sections 62 and 63 of the Act late this fall.

Many of the amendments will expand or amend the environmental quality standards in the Regulation. Key changes to the standards will include new matrices for barium, chloride ion and sodium ion, and new provisions for wildlands and vapours. As well, a number of clarifications will be made to the site profile regime and an updated Summary of Site Condition will be added as Schedule 1.1

Key changes to the environmental quality standards

New vapour standards

The types of environmental media to which the Regulation applies will be expanded to include vapours, in addition to soil, water and sediment. The Stage 6 amendments include new definitions for "vapour" and "generic numerical vapour standards," the latter which comprise the new Schedule 11 in the Regulation. Vapour standards are provided for three uses:

- agricultural, urban park, and residential;
- commercial; and
- industrial.

Amendments have also been made to sections 11, 12 and 17 of the Regulation to enable the new standards to be used to define a "contaminated site" and to identify site remediation standards.

New wildlands land use and standards

In April this year we announced a new policy which included a definition for "wildlands" and procedures for establishing wildlands environmental quality standards based on the standards for the existing land uses in the Regulation. These policies will be adopted and expanded in these amendments.

As well as providing a definition for wildlands, the amendments expand sections 11, 12 and 17 of the Regulation to accommodate wildlands standards for the oil and gas drilling sector as well as wildlands in other parts of British Columbia.

New and amended numerical soil, water and vapour standards

Schedule 4 Generic Numerical Soil Standards

The entry for barium will be deleted to accommodate a new barium matrix in Schedule 5.

Schedule 5. Matrix Numerical Soil Standards

New matrices will be added for barium, chloride ion, and sodium ion. These are key to the remediation of oil and gas drilling sites in the northeast part of the province.

Also on January 1, 2009 we expect that Protocol 14, "Requirements for Determining Barite Sites" will come into effect. Barite is a chemical compound containing barium which is used in oil and gas drilling. The purpose of this protocol will be to provide procedures by which a site may be determined to be a "barite site" for which the use of Analytical Method 9 for barium will be authorized.

Schedule 6. Generic Numerical Water Standards

The Stage 6 amendments will contain a number of changes to Schedule 6 based on amendments to the Canadian Drinking Water Guidelines. Also several errors in the previous version of the Schedule will be corrected. The key changes will include:

- Amended drinking water standards for arsenic (25 to 10 ug/L) and methyl tertiary butyl ether (MTBE) (20 to 15 ug/L).
- A clarification in footnote 37 that drinking water standards for trihalomethanes are for their sum.
- A new table of standards for irrigation water for boron varying with crop, in footnote 9.
- The aquatic life marine and estuarine standard for arsenic increasing to 125 from 120 ug/L.
- The aquatic life standard for chloride ion restricted to freshwater aquatic life.
- Dichlorobromomethane renamed bromodichloromethane.

Schedule 7. Standards Triggering Contaminated Soil Relocation Agreements

The environmental quality standards for barium will be lowered to 400 ug/g for all land uses while new standards for chloride and sodium ions will be added.

Schedule 10. Generic Numerical Soil and Water Standards

Schedule 10 will be simplified by eliminating the Practical Quantification Limits (PQLs) in the current version of the schedule. Several errors will also be corrected. In addition, the requirement for an assertion by a responsible person that ecological receptors will not be significantly impacted (described in Technical Guidance 18, "Standards for Substances in Schedule 10 of the Contaminated Sites Regulation") will be removed in that document.

Schedule 11. Generic Numerical Vapour Standards

New Schedule 11 will provide numerical standards for vapour.

Multiple land uses

Section 12(1) of the Regulation will be amended to recognize a protocol under section 64 of the Act which provides for more than one land use at a site. Currently there may be more than one water or sediment use at a site, but only one land use.

Conflict with Hazardous Waste Regulation

Section 13 of the Regulation currently addresses conflicts between the Contaminated Sites and Hazardous Waste Regulations under the Act. The conflicts arose in relation to federal Transportation of Dangerous Goods Regulation provisions in the Hazardous Waste Regulation. The section in the Federal regulation causing the conflict has now been repealed so section 13 of the Contaminated Sites Regulation is no longer legally functional, and it will also be repealed.

Site-specific numerical remediation standards

These standards were deleted from the Regulation in 2004 and based on stakeholder requests will be restored in section 17(2)(a).

Site profiles

The provisions for site profiles in the Regulation will be amended for clarity and, in a few instances, expanded.

Section 4(1)(f) currently provides an exemption from the requirement to submit a site profile if there has been a “positive determination” – where a Determination of Contaminated Site by the Director of Waste Management reveals that the site is contaminated. This exemption will be expanded to include the case where a “negative determination” has been issued, where the site is not contaminated.

Schedule 1. Site Profile

A number of changes will be made to the site profile form. Section II of the form will be reorganized and providing latitude and longitude information will be made mandatory. This is because for most sites it is simple to obtain geographic coordinates on the Internet free of charge.

The waste disposal heading in section VI will be clarified to include spillage and the heading for section VII will be amended to clarify that it excludes residential heating fuel tanks.

Schedule 2. Industrial and Commercial Purposes and Activities

Changes which will be made to this schedule include:

- Reference to the federal *Controlled Drugs and Substances Act* in place of a generic reference to pharmaceutical products manufacturing. The idea is to expand the scope to include illegal drug operations.

- In section B, which deals with electrical equipment industries and activities, the addition of power generation operations.
- In section F, excluding compressed gases from petroleum and natural gas products.
- In section G, clarifying the scope of boat repair to include maintenance and paint removal from boat hulls.
- In section H, by indicating that construction demolition material includes asphalt and concrete.

Summary of Site Condition (SoSC)

Provisions for Summaries of Site Condition will be expanded. In addition to the new SoSC form which appears in Schedule 1.1, Part 2.1 of the Regulation will be amended to require a SoSC submission with any contaminated sites service request. Currently SoSCs must be submitted only with non-high risk site service applications. Minor clarifications will be made and the form will be updated to reflect the new generic numerical vapour standards.

Soil Relocation Agreements

As well as the amendments to Schedule 7 (Standards Triggering Contaminated Soil Relocation Agreements), section 40(2) will be expanded to include substances in Schedule 10 (Generic Numerical Soil and Water Standards) and Schedule 11 (Generic Numerical Vapour Standards).

Note: This summary is solely for the convenience of the reader. The current legislation and regulations should be consulted for complete information.

For more information, contact the Environmental Management Branch at site@gov.bc.ca.