

Progress on a Second Stage Contaminated Sites Regulation Amendment

April 4, 2000

Introduction

This ministry is required to evaluate the [Contaminated Sites Regulation](#) within three years of its coming into force on April 1, 1997, to determine if changes are appropriate based on advances in science, law and the management of contaminated sites.

This update describes recent progress of the ministry and contaminated sites stakeholders to provide a review of the regulation. The reader may wish to consult the update dated 99/7/28, which describes the first stage amendment of this regulation made on July 19, 1999.

Role of the Contaminated Sites Implementation Committee (CSIC)

CSIC was formed shortly after the regulation came into effect on April 1, 1997. It advises the ministry on the implementation of the regulation and assists in streamlining and improving implementation efficiencies.

Work of CSIC Subcommittees

As part of the regulation review process, CSIC created 12 subcommittees to address specific issues. The subcommittees include members from environmental groups, business, law firms, academia, and government. The following describes the key issues for, and the progress of each subcommittee. The ministry has not yet developed formal responses to any proposals.

Timelines for ministry review of reports

Some stakeholders think it takes too long for the ministry to review applications, reports and plans. The subcommittee has made several proposals, including:

- timelines be set for all review activities
- the ministry workload be reduced by expanding the expert roster process
- a public computer-based tracking system be provided by the ministry to show where a site resides in the review process

Fees

Concern has been expressed that the current fees do not accurately reflect the ministry costs. The subcommittee has proposed that:

- new fees be charged for site inspections, review of site-specific standards, and substance background determinations
- report resubmission fees be increased from 20% to 50%
- fees for risk assessment reviews should be separated from remediation plan review fees
- the fee class for service stations should be expanded to include similar facilities in the forest, mining, and transportation industries
- for detailed site investigations and remediation plans the size of a site should be defined by the area of contamination
- the complexity of site contamination should be defined through a matrix approach
- the fee for a site profile submission to local government should be increased to \$100

Independent remediation

Proposals not yet submitted.

Contaminated soil relocation agreements

Proposals not yet submitted.

Mining

This subcommittee has developed five options to simplify and rationalize the environmental regulation of mine sites. Senior government officials will be reviewing these options.

Blood lead

A new section of the regulation for risk-based standards for wide area sites has been drafted and will be reviewed by the Health Officers Council and the Trail Community Lead Task Force. This section would allow sites to be cleaned up to standards involving biological measurements, such as blood lead levels.

Brownfield sites

These are derelict sites taken out of economic use because they are contaminated. As a first step, this subcommittee will identify how many of these sites are located in BC.

Certificates of Compliance

Concern has been expressed that although a site may have been cleaned up in accordance with a Certificate of Compliance issued by the ministry, government retains the right to require further remediation. The subcommittee proposes that a ministry policy be developed to limit its ability to re-open a certificate unless a risk to health or the environment occurs where:

- substance levels exceed new standards, or
- there is a change in use of a site

Financial security

This subcommittee will be focussing on proposals on when financial security should be required by government to ensure sites are cleaned up, and on the amount and type of security to be required.

Local government issues

Several local government issues are being addressed by other subcommittees. There are two proposals – that local governments not be required to submit site profiles in major rezoning applications where development is not occurring, and that additional training and public information be provided to their clients.

Allocation panels

This committee considers that amendments to the *Waste Management Act* will be required to address various concerns with these panels.

Ministry issues

These consist of several minor housekeeping proposals to amend the regulation. Most involve site profiles.

Other Issues Presented to CSIC

CSIC has been requested to review several other proposals which may involve policy or regulatory changes:

- replace about 30 waste management permits with new regulations for air stripping facilities. These remove volatile petroleum hydrocarbons from groundwater, typically at old gasoline service stations
- revise and update the soil and water quality standards in the regulation:
 - up to 9 new matrices in schedule 5, and
 - 130 changes in schedule 6

What are the Next Steps?

Once decisions on the issues have been finalized by CSIC, amendments to the regulation and new ministry policies will be drafted. It is intended that draft amendments to the regulation be made available to Cabinet next fall.