

New Site Risk Classification Protocol Coming into Effect

On June 1, 2010, the Land Remediation Section's new site risk classification protocol will come into effect under the *Environmental Management Act*. This marks an important milestone in the ministry's contaminated sites legal regime.

How will it be implemented?

The new procedures are described in [Protocol 12, "Site Risk Classification, Reclassification and Reporting."](#) Protocol 12 identifies:

- conditions for classifying contaminated sites as high risk,
- notification procedures for all sites, and
- reporting and reclassification requirements for high risk sites.

[Protocols 11, "Upper Cap Concentrations for Substances Listed in the Contaminated Sites Regulation"](#) and [16, "Determining the Presence and Mobility of Nonaqueous Phase Liquids and Odorous Substances"](#) are used in Protocol 12 to establish whether high risk conditions exist at a contaminated site.

Why will this new protocol be introduced?

The current procedures used by the Land Remediation Section to assign risk classifications are based on administrative criteria, rather than criteria that represent the risks of impacts to human health and the environment from contaminants at sites. The ministry intends to move to a system that more directly represents these risks.

When would a site be considered high risk?

The key features of the protocol are reviewed in Fact sheet 45, "Site Risk Classification." A contaminated site is considered high risk under Protocol 12 when either or both of two conditions exist at a site: if mobile nonaqueous phase liquids (NAPLs) are present or if high risk exposure to contaminants is likely.

How will the ministry receive information on the risk classification of sites?

The protocol includes the following site risk classification submission triggers:

- Submission to the Director of a Notification of Independent Remediation initiation.
- Submission to the Director of a site investigation report required or ordered by a Director.
- Submission of a Notification of Offsite Migration to the Director.
- Application to a Director for a contaminated sites service listed in Table 2 or 3 of Schedule 3 of the Regulation.
- Imposition of the requirement for a Site Risk Classification Report submission by the Director.
- Potential or actual high risk conditions at a neighbouring parcel or area are indicated in the Site Risk Classification Report submitted to the Director for a source site under any of the preceding triggers.

As well, the ministry will learn about the risk classification of sites as part of the site profile freeze and release process and when the ministry is considering the need for financial security for a site.

What information will be provided?

Depending on the trigger for reporting and the type and duration of remediation, one or more of the following will be sent to the ministry:

- a Site Risk Classification Report
- an Exposure Pathway Questionnaire
- a Summary of Site Condition
- a summary of remedial methods and schedule for remediation
- interim reporting the Director requires.

How will other ministry documents link to Protocol 12?

Several other protocols and procedures will rely on whether a site is classified as high risk.

Applications for contaminated sites legal instruments

In Protocol 6, “Eligibility of Applications for Review by Approved Professionals” as a default, all applications for legal instruments from the ministry non-high risk sites will come with a recommendation by an Approved Professional that the application be approved.

Security for sites

Protocol 8, “Security for Contaminated Sites” identifies high risk sites as candidates for financial or other forms of security which would be held by the ministry. If security is obtained, funds would be available to ensure that any necessary remediation of high risk contamination occurs.

Site profile freeze and release decisions

The current procedure the ministry uses to decide whether local governments should be released to approve applications (for example for development or subdivision) when a site profile is required is inefficient. In future, these releases will be provided routinely only for non-high risk sites, which will help ensure that high risk contamination is remediated before

development occurs. Releases for high risk sites will be provided on a case by case basis.

What will happen when the ministry is informed that a site is high risk?

Information will be placed on the Site Registry about the risk classification of the site. Other actions will depend on the trigger for sending the ministry site risk classification information.

For example, for a high risk site classification triggered by a Notification of Offsite Migration, the Director may send a letter to the site owner inquiring about the owner’s plans to remediate contamination on- and offsite.

For sites which are being cleaned up by independent remediation the Director may require the submission of a report after the site has been cleaned up, or an interim report on remediation. Depending on the response and supporting information, the Director might indicate that the remediation is satisfactory, or if it is not appropriate, might impose requirements to ensure environmental and human health protection at the site.

Sites which come to the ministry’s attention through an application for a contaminated sites legal instrument will be addressed in two streams. The non-high risk sites will come with the recommendation of an Approved Professional that the application be approved. Applications for high risk sites will come directly to the ministry for review without the recommendation of an Approved Professional

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.