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Contaminated Sites Regulation: Stage 6 Amendments in Effect

Barbara Harvey

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Contaminated Sites Regulation: Stage 6 Amendments In Effect

— By Barbara Harvey

On January 1, 2009, Stage 6 amendments to the Contaminated Sites Regulation (CSR) came into effect. These amendments were first introduced in fall 2008 through an Order-in-Council and a Minister's Order made under sections 62 and 63 of the Environmental Management Act.

The amendments include several key changes, including:

1. Expanded and amended environmental quality standards (for example, new matrices for barium, chloride ion, and new provisions for wildlands and vapours);
2. Site profile regime amended for clarity and expanded;
3. Expanded provisions for Summaries of Site Condition, including an updated Summary of Site Condition added as



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- Schedule 1.1; and
4. Soil Relocation Agreement requirements expanded.

These changes are discussed in

further detail below.

(1) Environmental quality standards

New vapour standards: With the addition of vapour standards, sites must now be assessed for vapours in addition to soil, water and sediment. Vapour standards are outlined for three categories of uses: (1) agricultural, urban park, and residential; (2) commercial; and (3) industrial.

New wildlands land use and standards: The amendments adopt and expand a Ministry of Environment policy, announced in April 2008, regarding a "wildlands" definition and procedures for establishing wildlands environmental quality standards based on the standards for the existing land uses in the CSR.

In addition, sections 11, 12, and 17 of the CSR are expanded to include

Continued on page 3

President's Message

We need you on the EMA Board



Ed Lee

I've had the privilege of being involved in this association for a number of years. Since last May, I've been honoured to serve as its President. I truly believe that the EMA serves as an important resource to the environmental community and its professionals.

The EMA Board and I have been

committed to providing our members with value for their membership fees. For example, we've had outstanding feedback and excellent attendance at our presentations (such as last month's "Effective Working Relationships with Aboriginal Peoples"). Some of our monthly sessions have been approved for Personal Development credits from accrediting professional associations such as: ACPBC, Law Society of BC, Professional Biologists Assoc. and APEGBC.

As my term is coming to its end, I would like to ask other Environmental Manager's and professionals to become actively involved behind the scenes at the EMA.

Our Annual General Meeting and executive elections will take place May 21, 2009. See page one. There are a number

of Board positions that need to be filled this May, including: President, Vice President, VP Education, Treasurer and three Members At Large. Please come out, get involved and join us!

And finally, I would like to also remind everyone to renew their membership for the 2009-2010 year which begins April 1. You must be a member-in-good-standing to attend and cast a vote at the AGM.

Thanks!

— Ed Lee

**Renew your membership
and vote at the EMA
Annual General Meeting,
May 21, 2009**

Continued from page 2

Contaminated Sites Regulation

wildlands standards for the oil and gas drilling sector and wildlands in other parts of the province.

New and amended numerical soil, water and vapour standards: A number of schedules are amended, including:

- **Schedule 4 (Generic Numerical Soil Standards):** The entry for barium is deleted to accommodate a new barium matrix in Schedule 5;
- **Schedule 5 (Matrix Numerical Soil Standards):** New matrices are added for barium, chloride ion, and sodium ion (all key to the remediation of oil and gas drilling sites in northeast B.C.);
- **Schedule 6 (Generic Numerical Water Standards):** Amended in accordance with amendments to the Canadian Drinking Water Guidelines, and several corrections made to the previous version;
- **Schedule 7 (Standards Triggering Contaminated Soil Relocation Agreements):** The environmental quality standards for barium are lowered to 400 ug/g for all land uses, and new standards are added for chloride and sodium ions;
- **Schedule 10 (Generic Numerical Soil and Water Standards):** Simplified by elimination of the Practical

Quantification Limits (PQLs), several errors corrected, and requirement that responsible person assert that ecological receptors will not be significantly impacted is removed; and

- **Schedule 11 (Generic Numerical Vapour Standards):** Provides numerical standards for vapour.

Multiple land uses: Section 12(1) now recognizes a protocol under section 64 of the Act which provides for more than one land use at a site. Previously there could be more than one water or sediment use at a site, but only one land use.

Conflict with Hazardous Waste Regulation: The former section 13 of the CSR, which dealt with conflicts between the CSR and the Hazardous Waste Regulation, has been repealed. The conflicts arose from federal Transportation of Dangerous Goods Regulation provisions in the Hazardous Waste Regulation. The section in the federal regulation causing the conflict has been repealed, making section 13 of the CSR unnecessary.

Site-specific numerical remediation standards: Deleted from the CSR in 2004, these standards will be restored in section 17(2)(a) as a result of stakeholder requests.

(2) Site profile regime

The provisions for site profiles in the CSR are amended for clarity and

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We plan to issue another *Journal* in June. If you are an EMA member and would like to submit an article of 800 – 1000 words for consideration, please contact Newsletter Editor **Fred Chen** at fred.chen@maxxamanalytics.com.

expanded in certain respects.

The section 4(1)f exemption from the requirement to submit a site profile is expanded to encompass situations in which the Director of Waste Management makes a “negative determination” (the site is not contaminated). Formerly, the exemption only applied to cases in which the Director of Waste Management made a “positive determination” (the site is contaminated).

Various changes are made to the Site Profile Form (Schedule 1), including: section II is reorganized; providing latitude and longitude information is necessary; the section VI waste disposal heading is amended to specifically include spillage; and the section VII heading is amended to specifically include residential heating fuel tanks.

Changes are also made to the Industrial and Commercial Purposes and Activities schedule (Schedule 2), including: the generic reference to pharmaceutical products and manufacturing is replaced with a reference to the federal, in order to expand the scope to include illegal drug operations; power generation operations are added to section B; compressed gases are excluded from section F; maintenance and paint

Did you know?

- You can renew your EMA membership using a credit card? Simply click on the yellow “Buy Now” button on our homepage at www.emaofbc.com and you can pay your fee quickly and securely with Pay Pal. Remember that 2008-2009 memberships expire March 31, 2009 and membership must be renewed in order for your company to have a vote at the AGM in May.
- EMA members have access to many past speakers’ Power Point presentations on our website in the “Members Only Site” area. Contact Krista at info@emaofbc.com for the required ID and password.

Continued on page 4

Continued from page 3

Contaminated Sites

removal from boat hulls is included in section G; and asphalt and concrete are included in section H.

(3) Summary of Site Condition

The provisions for Summaries of Site Condition in the CSR are expanded: Part 2.1 of the CSR is amended to require a Summary of Site Condition submission with any contaminated sites service request. Formerly, proponents were only required to submit Summaries of Site Conditions with

non-high risk site service applications.

A new Summary of Site Condition form appears in Schedule 1.1. This form is updated to reflect the new generic numerical vapour standards.

Additional minor clarifications are made.

(4) Soil Relocation Agreements

In addition to amendments to Schedule 7 (Standards Triggering Contaminated Soil Relocation Agreements), section 40(2) is expanded to include substances in Schedule 10 (Generic Numerical Soil and Water Standards) and Schedule 11 (Generic Numerical Vapour Standards).

CARBON Workshop Registration Form

Thursday, April 16, 2009

BCIT Downtown Campus, 555 Seymour St.

7:45 am – 5:00 pm

See www.emaofbc.com for more information. We still have room for trade booths! If you would like to sponsor the workshop, contact **Patrick Novak** at pnovak@caro.ca.

First Name: _____ Last Name: _____

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WORKSHOP FEES

- | | |
|-------------------------------------|--------------------------------------|
| <input type="checkbox"/> EMA Member | <input type="checkbox"/> Non-member* |
| \$240 on or before April 1, 2009 | \$290 on or before April 1, 2009 |
| \$340 after April 1, 2009 | \$390 after April 1, 2009 |

Payment: CHEQUE CREDIT CARD online (a Paypal invoice will be sent by email). All prices include GST. No refunds after April 15, 2009; substitutions okay. **Make cheques payable to EMA of BC.**

*Not a current EMA member? Pay NOW for your 2009-2010 membership good until March 31, 2010 and enjoy the member fee for the workshop! Visit www.emaofbc.com for a complete list of member benefits and use the yellow "Buy Now" button on our homepage to join the EMA today!

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