



REPORT

To: Electoral Area Directors Committee

Report Number: DS-EADC-008

From: Shawn Dahlen, Chief Administrative Officer

Date: December 17, 2020

Subject: Contaminated Sites Identification Process

RECOMMENDATION:

That the Electoral Area Directors Committee receive the report titled “Contaminated Sites Identification Process- DS-EADC-008”, which highlights the Ministry of Environment and Climate Change Strategy’s amendments to the site identification process under the *Environmental Management Act* and the Contaminated Sites Regulation, for information.

BACKGROUND/RATIONALE:

The Ministry of Environment and Climate Change Strategy (Ministry) reached out to PRRD staff in November 2020 to advise that starting February 1, 2021, all municipalities in British Columbia will be required to participate in the site identification process for potentially contaminated sites to ensure a consistent and provincially run process for identifying such sites. Under the *Environmental Management Act (EMA)*, municipalities are defined as including regional districts. The site identification process is a series of legal provisions in the *Environmental Management Act (EMA)* and Contaminated Sites Regulation (CSR) that work together with municipal legislation (such as the *Local Government Act*) to ensure contaminated sites are cleaned up before they are redeveloped for a new use. Municipalities are the trigger to bring applications into the process, but it is up to the Province to ensure compliance.

Currently, the PRRD is not participating in this process, as previously, a local government could choose to ‘opt out’. As of February 1, 2021, mandatory participation by all local governments will be in effect. On November 10, 2020, PRRD’s Development Services’ staff attended the ‘Introduction to Site Identification in BC’ webinar, organized by the Ministry. PRRD staff further participated in additional webinars hosted by the Ministry in late November and early December, which provided more detailed information on the process. Figure 1 illustrates the Ministry’s revised site identification process for municipal approvals.

The following are the development applications that trigger site identification:

- Subdivision;
- Zoning; and
- Building or Development Permits, where soil disturbance is likely.

Only properties with a history of specific industrial and commercial uses are impacted by this process; these uses are found in Schedule 2¹ of the Contaminated Sites regulation and generally include:

¹ Uses listed in Schedule 2 of the *Environmental Management Act*.

https://www.bclaws.ca/civix/document/id/complete/statreg/375_96_04

- Chemical industries and activities;
- Electrical equipment and activities;
- Metal smelting, process or finishing industries and activities;
- Mining, milling or related industries and activities;
- Petroleum and natural gas drilling, production processing, retailing, distribution and storage other than storage of residential heating fuel in tanks;
- Transportation industries, operations and related activities;
- Waste disposal and recycling operations and activities;
- Miscellaneous industries, operations or activities; and
- Wood, pulp and paper products and related industries and activities.

It is important to note that determining whether a site is contaminated depends on the property's 'use' and not its 'zone'. When a development application is made for a property where a regulated industrial or commercial use occurred, the PRRD must ask the site owner whether a Schedule 2 use was ever conducted on the property (refer to Figure 1). Examples of affected commercial and industrial properties are gas stations, drycleaners, auto repair shops, metal salvage, pulp & paper mills, railyards, landfills, and road salt storage. If a Schedule 2 use did occur, the site owner or operator must complete a site disclosure statement. The PRRD staff must assess the statement for completeness within 15 days of receiving it and then forward it to the Ministry's registrar. This action would trigger the Ministry's site investigation. The Regional District may charge applicants up to \$100 to cover administrative costs for this process.

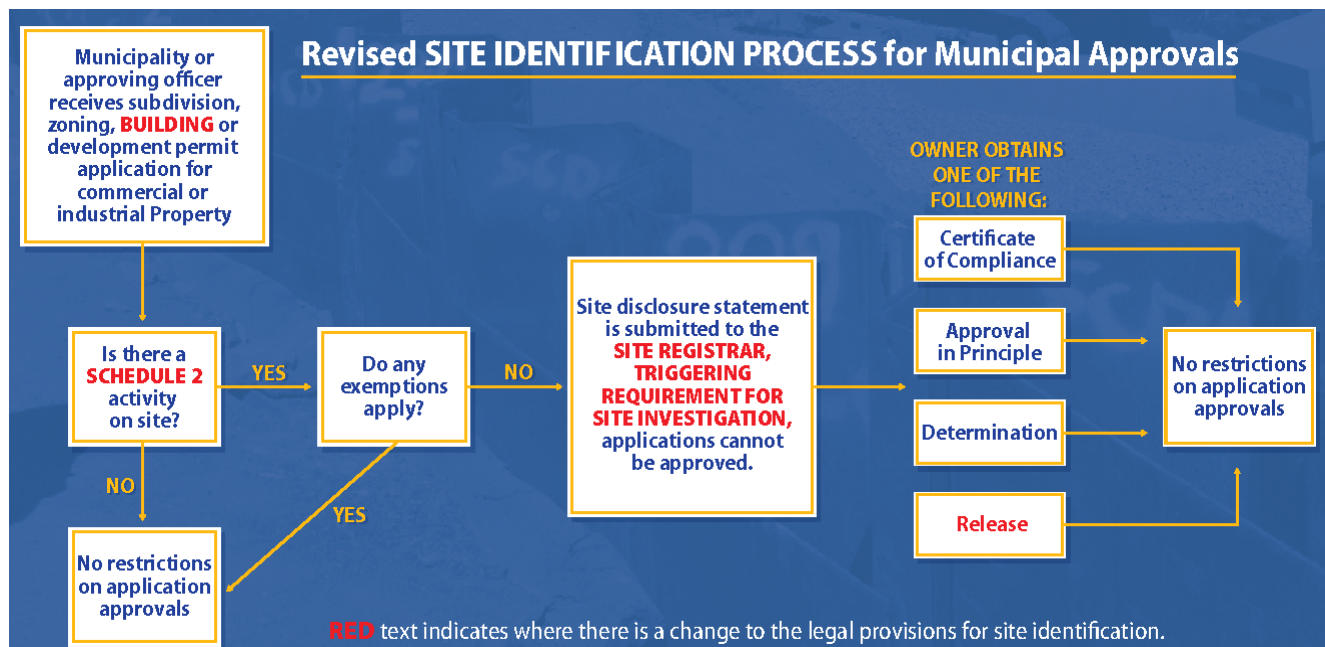


Figure 1. Ministry of Environment and Climate Change Strategy's site identification process (Source: Ministry of Environment and Climate Change Strategy)

Approval of development applications by the Regional District will be suspended until the site investigation of a potentially contaminated site is completed and the site is certified by the Ministry as not contaminated, remediated, or having an approved plan for remediation.

ALTERNATIVE OPTIONS:

1. This information is being provided for information and education purposes only.

STRATEGIC PLAN RELEVANCE:

- ☒ Partnerships
- ☒ Collaboration with Local and First Nations governments

FINANCIAL CONSIDERATION(S):

The Regional District may charge applicants up to \$100 as part of the development applications to cover administrative costs for the site identification process.

COMMUNICATIONS CONSIDERATION(S):

1. The Development Services staff will continue to educate themselves on the matter as we approach February 1, 2021 by:
 - Communicating with Ministry staff; and
 - Connecting with the opted-in Regional Districts to learn how they have been incorporating the site identification process.
2. Starting February 1, 2021, as part of the preliminary review process for any zoning, building or development permit application, PRRD Development Services staff must ask the applicant whether a Schedule 2 use ever occurred on the subject property in question. As subdivision applications are undertaken by the Ministry of Transportation and Infrastructure, site identification will be undertaken through that process.
3. Additionally, the PRRD staff will need to forward the Site Disclosure Statement to the Ministry's registrar for applicable properties.

OTHER CONSIDERATION(S):

Although the PRRD is not responsible for ensuring that contaminated sites are cleaned up before redevelopment, staff are required to be aware of various types of applications and uses that trigger the site identification process, and to ensure that landowners submit a site disclosure statement if a Schedule 2 use was conducted on their property. If PRRD staff are aware that a Schedule 2 use occurred on an applicant's property and the applicant has not disclosed the information, it is the PRRD's responsibility to inform the applicant about it so that the applicant can fill out the site disclosure statement. In case of any disagreements, PRRD staff are recommended to connect directly with the Ministry.