



REPORT

To: Chair and Directors

Report Number: DS-BRD-114

From: Shawn Dahlen, Chief Administrative Officer

Date: February 11, 2021

Subject: Contaminated Sites Identification Fee

RECOMMENDATION: [Corporate Unweighted]

That the Regional Board receive the report titled “Contaminated Sites Identification Fee – DS-BRD-114”, which seeks to determine whether the PRRD should charge a fee for submitting a site disclosure statement to the Ministry of Environment and Climate Change Strategy as part of their site identification process, for discussion.

BACKGROUND/RATIONALE:

As of February 1, 2021, all local governments have been mandated to participate in the Ministry of Environment and Climate Change Strategy’s (the Ministry) site identification process, which is designed to ensure that applicable contaminated sites are cleaned up before they are redeveloped for a new use. Previously the PRRD had opted out of this process.

Starting February 1st, when a development application for a rezoning, development permit, or building permit is submitted to the PRRD, the applicant must, “declare” whether or not a Schedule 2¹ use was ever conducted on the subject property by filling out a Contaminated Site Declaration form (attached for reference). If the applicant declares that a Schedule 2 use **did** occur on the subject property, they must complete the Ministry’s Site Disclosure Statement, which is available online and could also be provided to the applicant by PRRD staff. PRRD staff are not required to conduct a search of the records or archives to confirm whether such a use ever occurred. The local government **is** responsible to receive the Ministry’s Contaminated Site Disclosure Statement and assess it for completeness within 15 days of receiving it, and then forward it to the Ministry’s registrar. Only upon a response from the Ministry can the PRRD’s development application process continue.

As per recent amendments to the *Environmental Management Act*, local governments may charge² a fee of up to \$100 per site disclosure statement submitted to the Ministry to cover administrative costs for this process. It is up to each local government to determine whether to charge a fee and how much they will charge.

PRRD staff is asking the Regional Board to decide if they wish to charge a fee to cover administrative costs of this new step in development application processing, and if so, how much.

¹ Uses listed in [Schedule 2](#) of the *Environmental Management Act*

² Stated in [Schedule 3](#) of the Contaminated Sites Regulation

- Option 1: Do not charge any additional fee. Continue with the same fee schedule for all development applications.
- Option 2: Charge applicants \$100 if a site disclosure statement is forwarded to the Ministry for their application.
- Option 3: Charge an amount between \$1 and \$100 (for example, \$50).

ALTERNATIVE OPTIONS:

1. That the Regional Board amend Development Procedures and Fees Bylaw No 2156, 2016 to include a \$100 fee for processing site disclosure statements and forwarding them to the Ministry of Environment and Climate Change Strategy.
2. That the Regional Board provide further direction.

STRATEGIC PLAN RELEVANCE:

- ☒ Not Applicable to Strategic Plan.

FINANCIAL CONSIDERATION(S):

Based on the Regional Board's decision, the PRRD may or may not charge applicants a fee for submitting a site disclosure statement to the Ministry. If a fee is to be collected, the bylaw will first need to be amended to authorize the fee.

COMMUNICATIONS CONSIDERATION(S):

Changes to the development application due to the site identification process will be communicated to property owners within the PRRD via the PRRD website.

OTHER CONSIDERATION(S):

PRRD staff connected with other Regional Districts in British Columbia and all municipalities within the PRRD to investigate their fee structure for the site identification process. The findings are attached to this report. In summary, of the local governments contacted, three require an applicant to sign a waiver form and only one currently will charge the \$100 fee if the Ministry's Site Disclosure Statement is required. Out of the local governments contacted, the Village of Pouce Coupe and Cariboo Regional District had previously opted out. A number of local governments have had limited occurrences with the site identification process within their jurisdiction and are currently in the process of developing their site identification process.

Attachments:

1. PRRD Contaminated Site Declaration Form
2. Findings – BC Local Governments and Site ID
3. Ministry of Environment and Climate Change Strategy Site Disclosure Statement

External Links:

1. [EADC Report – Contaminated Sites Identification Process - December 17, 2020](#)