

PROVINCE OF BRITISH COLUMBIA

Ministerial Order No. M 163

REGULATION OF THE MINISTER OF ENVIRONMENT AND MINISTER RESPONSIBLE FOR WATER STEWARDSHIP AND SUSTAINABLE COMMUNITIES

Environmental Management Act

I, Barry Penner, Minister of Environment and Minister Responsible for Water Stewardship and Sustainable Communities, order that, effective July 1, 2007, the Contaminated Sites Regulation, B.C. Reg. 375/96, is amended in accordance with the attached Schedule.

May 19, 2007
Date


Minister of Environment and Minister Responsible for Water Stewardship and Sustainable Communities

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- Environmental Management Act, S.B.C. 2003, c. 53, s. 62

Other (specify):- Environmental Management Amendment Act, 2004, S.B.C. 2004, c. 18, s. 26

SCHEDULE

- 1 *Section 6 (3) (a) and (b) of the Contaminated Sites Regulation, B.C. Reg. 375/96, is amended by striking out “approving officer, division head or district inspector” wherever it appears and substituting “approving officer or commission”.*
- 2 *The following Part is added:*

PART 2.1 – SUMMARIES OF SITE CONDITION

Duty to provide director with summary of site condition in relation to sites that are not high risk

- 7.1 A person applying for, requesting or seeking approval, consideration, review or a determination of any of the following in relation to a site that is classified under a director’s protocol as a low, moderate, medium or intermediate risk site, or that is not classified under a director’s protocol, must provide a summary of site condition, together with a recommendation by an approved professional in respect of the matter, to the director:
- (a) a determination under section 44 of the Act [*determination of contaminated sites*];
 - (b) a determination under section 50 of the Act [*minor contributors*];
 - (c) a voluntary remediation agreement under section 51 of the Act;
 - (d) an approval in principle under section 53 (1) of the Act;
 - (e) a certificate of compliance under section 53 (3) of the Act;
 - (f) a contaminated soil relocation agreement under section 55 of the Act;
 - (g) if the site is one to which Part 5 of the Act applies, a transfer agreement referred to in section 67 (1) (a) [*advanced exploration sites*] or 68 (1) (a) [*producing or past producing mine sites*] of that Part;
 - (h) if the site is one to which Part 5 of the Act applies, indemnification for the site under the *Financial Administration Act*;
 - (i) a covenant to be registered under section 48 (1) of this regulation;
 - (j) a preliminary site investigation report;
 - (k) a human health risk assessment or environmental risk assessment report;
 - (l) a detailed site investigation report;
 - (m) a remediation plan;
 - (n) a confirmation of remediation report;
 - (o) a report respecting local background concentrations of substances.

3 *Section 14 (b) is amended by striking out “contaminants” and substituting “substances”.*

4 *The following Part is added:*

PART 18 – DIRECTOR’S PROTOCOLS

Director’s protocols

67 For the purposes of protocols established under section 64 (1) of the Act, a director may establish protocols in respect of the following matters:

- (a) establishing the form of a summary of site condition;
- (b) establishing procedures for defining and determining the boundaries of a site.

5 *Schedule 2 is amended in Item 5 of Row F by striking out “cardlots” and substituting “card locks”.*

6 *Schedule 5 is amended*

(a) by replacing the first note under each matrix, other than the matrix for mercury, with the following note:

1. All values in µg/g unless otherwise stated. Substances must be analyzed using methods specified in a director’s protocol or alternate methods acceptable to the director. , *and*

(b) in the table respecting “Trichloroethylene (TCE)” by deleting the row respecting “groundwater used for drinking water” and substituting the following:

Groundwater used for drinking water	0.015	0.015	0.015	0.015	0.015	
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7 *Schedule 6 is amended*

(a) under the Column I section entitled “Inorganic Substances” by deleting the row respecting “chloride” and substituting the following row:

chloride	1500 mg/L	100 mg/L ⁹	600 mg/L	250 mg/L ¹¹
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(b) by striking out “salinity” under Column I section entitled “Inorganic Substances” and substituting “salinity⁵⁵”,

(c) under the Column I section entitled “Inorganic Substances” by deleting the row respecting “uranium” and substituting the following row:

uranium	3 000 ⁶ , 1 000 ⁸	10	200	20
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(d) under the Column I section entitled “Organic Substances Chlorinated Hydrocarbons” by deleting the row respecting “trichloroethylene (trichloroethene, 1,1,2-)” and substituting the following row:

trichloroethylene (trichloroethene, 1,1,2-)	200		50	5
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(e) under the Column I section entitled “Halogenated Methanes” by deleting the rows respecting “dibromochloromethane”, “dichlorobromomethane” and “tribromomethane (bromoform)” and substituting the following rows:

dibromochloromethane			100	100
dichlorobromomethane			100	16
tribromomethane (bromoform)			100	100

(f) by replacing footnote 9 with the following footnote:

9. Standard applies to all crops. , and

(g) by adding the following footnote:

55. Values of salinity for a sample provided in g/L or on the Practical Salinity Scale (PSS) are equivalent.

8 Schedule 7 is amended under the Column I section entitled “Organic Substances Chlorinated Hydrocarbons” by deleting the row respecting “trichloroethylene” and substituting the following row:

trichloroethylene	0.015	0.015	0.015
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9 Schedule 9 is amended

(a) in the subheadings to Columns II and IV by striking out “(SedQC_{SCS})” and substituting “(SedQC_{SS})”,

(b) in the subheadings to Columns III and V by striking out “(SedQC_{TCS})” and substituting “(SedQC_{TS})”,

(c) by replacing footnote 4 with the following footnote:

4 Sensitive sediment means sediment at a site with sensitive aquatic habitat and for which sensitive sediment management objectives apply. Consult director for further advice.

(d) by replacing footnote 5 with the following footnote:

5 Typical sediment means sediment that is not sensitive sediment. Consult director for further advice.

(e) by replacing footnote 12 with the following footnote:

12 Total PAHs includes:
2-methylnaphthalene,
acenaphthalene,
acenaphthene,
anthracene,
benz[a]anthracene,

benzo[a]pyrene,
 chrysene,
 dibenz[a,h]anthracene,
 fluorene,
 fluoranthene,
 naphthalene,
 phenanthrene, and
 pyrene.

10 *Schedule 10 is amended by deleting the rows respecting “dibromochloromethane” “dichlorobromomethane”, “tribromomethane (bromoform)” and “uranium” and substituting the following rows:*

dibromochloromethane	124-48-1	11	26	NC ⁶	16	NC ⁶
dichlorobromomethane	72-27-4	NS ⁸	NS ⁸	NC ⁶	100	NC ⁶
tribromomethane (bromoform)	75-25-2	620	2 200	NC ⁶	100	NC ⁶
uranium	7440-61-0	16	200	NC ⁶	20	NC ⁶