

## **Soil Relocation from Contaminated Sites – Provincial Regulatory Aspects**

Committee of the Whole Meeting  
District of Highlands  
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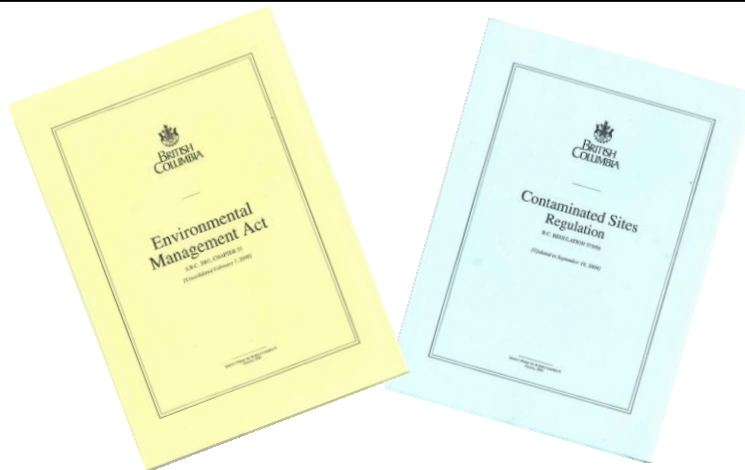
Land Remediation Section – Environmental Management Branch

### **Overview of presentation**

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- **Site remediation regulatory framework**
- **Environmental quality (remediation) standards for soil**
- **Soil relocation from contaminated sites**
  - Genesis and objectives of provincial regulations
  - Summary of regulatory process
  - Compliance promotion and verification
- **Upcoming work**

## Site remediation regulatory framework



(Part 4 of the *Environmental Management Act* ("Contaminated Site Remediation") and *Contaminated Sites Regulation* applicable province-wide since 1997; also *Hazardous Waste Regulation*)



## Key objectives of regulatory framework

- **Human health protection**
  - Protection of drinking water aquifers, reducing risks due to contaminated soil, water, sediment and vapour.
- **Environmental protection**
  - Protection of receiving water quality, aquatic and terrestrial habitat, etc.
- **Providing a clear, streamlined framework for the identification, investigation, and remediation of contaminated sites**
  - Increasing market confidence so that sites can be remediated and redeveloped



## Key features of regulatory framework

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- Staged identification, assessment and cleanup provisions
- **Flexible, science-based remediation standards to protect human health and the environment**
- Ministry approval and certification of site remediation
- Linkages to local government land use authorization processes (e.g., development permits, land use zoning)



## Key features of regulatory framework (cont'd)

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- Extensive rules on liability (who's responsible for clean up, who's not). Based on "polluter pays" principle.
- Significant reliance on private-sector qualified professionals ("APs")
- Transparency
  - Public access to site information (Site Registry)
  - Notifications of offsite migration, start/end of clean-up
- Provisions to regulate **soil relocation from contaminated sites**



## Environmental quality (remediation) standards

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- Two main types of remediation standards for variety of media including soil, water, sediment, vapour:
  - Generic (“**numerical**”) standards
  - Site-specific (“**risk-based**”) standards
- Standards for a variety of **land uses**:
  - *Industrial, commercial, residential, urban park, agricultural, etc.*
- Standards for a variety of **water uses**:
  - *Protection of drinking water, aquatic organisms, irrigation, livestock watering, etc.*



## Genesis and objectives of provincial soil relocation regulations

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- Concerns expressed by local government regarding relocation of surplus soils from former commercial/industrial lands (e.g., False Ck in Vcr)
  - Concerns about **environmental protection**
  - Concerns about **local government awareness**
- In 1991/92, the ministry formed a multi-stakeholder **Soil Management Task Force** which recommended development of a uniform system for regulating the classification and movement of soil in B.C.
- **Legal provisions** drafted, consulted upon, and brought into effect in 1997 (designed to prevent creation of new contaminated sites and to provide notifications and a public record)



## Summary of soil relocation regulatory process

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- Relocation of soil from a contaminated site may require a **Contaminated Soil Relocation Agreement** (CSRA) if soil quality exceeds trigger values and the relocation is not otherwise exempted.
  
- **Exemptions** include:
  - Relocation within same site;
  - Volume < 5 m<sup>3</sup>;
  - Relocation to a facility authorized under the EMAct.
  
- A **CSRA** is a tri-party agreement (source property owner, receiving site owner/operator, ministry Director) authorizing relocation subject to any conditions the Director imposes.



## Summary of soil relocation regulatory process

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- Relocated soil must meet either the generic (numerical) or site-specific (risk-based) **environmental quality standards** at the receiving site.
  
- Most CSRAs are issued with the involvement of Contaminated Sites **Approved Professionals**



## Compliance promotion and verification

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- Under the **ministry's compliance and enforcement framework strategy**, recent efforts in the area of soil relocation have included:
  - Investigation of referrals/complaints (e.g., S. Vancouver Island; Lower Mainland);
  - Compliance promotion and educational projects including:
    - Ministry soil relocation workshops in Victoria, Vancouver and Kelowna (targeting truckers/haulers, env consultants, local govt, and developers) – Feb 2012
    - Support of CRD soil relocation workshop (attended by CRD, CVRD, Min of Ag, ALC, CFIA etc.)
    - City of Surrey soil relocation informational brochure development
    - Enhanced "Key Topic" on ministry website



## Upcoming work

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- Review of soil relocation regulatory framework to identify opportunities for improvement, streamlining, including:
  - The "terminology" challenge
  - Increased coordination with other parts of the *Environmental Management Act*
  - Provincial and local government "concurrent regulatory authority" in area of prohibiting soil removal/deposit (provincial regulations and local bylaws)
- Discussion paper and consultation on any proposed changes



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<http://www.env.gov.bc.ca/epd/remediation>

