

## Requirements for Independent Remediation

Independent land remediation is often undertaken by a property owner or other “responsible person” as part of due diligence or to improve the environmental quality of a site before its sale. The provincial Contaminated Sites Regulation under the *Environmental Management Act* requires that a person provide written notice to the ministry within three days of the start of any remediation activity that involves handling, managing, or treating contamination. Only a remediation activity being conducted solely for investigation purposes need not be reported.

### **Who must provide notification?**

Any person responsible for undertaking independent remediation is required to provide notice to the Director of Waste Management, as outlined in section 57 of the Contaminated Sites Regulation. This person might be a property owner, business operator or leaseholder. It also could be a person responsible for a spill, if notification is not already required under the Spill Reporting Regulation. If a spill was reported as part of the emergency response requirements, then the duty to provide notification is considered to have been met.

### **What information must be included in notifications?**

Notifications are required both before and after independent remediation takes place.

The first notification must occur at the start of remediation and contain the following information:

- the legal description (including parcel identifier numbers and latitudinal and longitudinal references) and civic address of the parcels of land at the site to be remediated;
- the name and address of the person or persons who own the parcels of land to be remediated;
- the name, address and telephone number of the person to contact about the remediation activities to be undertaken; and
- a general description of the nature of the contaminated site and the remediation being planned.

The notification should also include a site plan, outlining the location of the site; the exact latitude and longitude of the site; and a Land Title record. This information is useful for adding the site to the Site Registry.

The second notification must occur within 90 days of the completion of remediation. A simple statement confirming completion is all that is required. Remediation reports or summaries included in the completion notification are not necessary and will not be reviewed by the ministry.

## **What other requirements or responsibilities are associated with independent remediation?**

### **General**

Those who are responsible for carrying out independent remediation must meet all the requirements of the *Environmental Management Act* and related regulations such as the Contaminated Sites Regulation and Hazardous Waste Regulation. In general they must identify and address any existing and potential human health or environmental impacts, safety issues and impacts on utilities associated with the contamination at the site in question.

If the ministry has a concern with the remedial work taking place at a site during independent remediation, the Director of Waste Management may (under section 54 of the Act) at any time:

- inspect and monitor any aspect of the remediation to determine compliance with the regulations;
- issue a remediation order;
- order public consultation and review (under section 52 of the *Environmental Management Act*); or
- impose requirements that the director considers to be reasonably necessary to achieve remediation.

### **Soil disposal or relocation**

The responsible person must ensure that contaminated soil removed from a site during remedial activities has been disposed of in accordance with the *Environmental Management Act*. Contaminated soil can be sent to a facility preauthorized to accept soil up to maximum concentrations of contaminants.

If the receiving site is not authorized to accept contaminated soil, a Contaminated Soil Relocation Agreement may be required. Section 55 of the *Environmental Management Act* and sections 40–46 of the Contaminated Sites Regulation specify requirements for such soil relocation.

### **Contamination that has migrated off the property**

If, during an investigation, it is determined that one or more substances are migrating (or are likely to have migrated) to a neighbouring property and are causing (or could cause) contamination there, the responsible person must send written notification to the owner of the neighbouring properties involved. A copy of this notification must also be sent to the Director of Waste Management as outlined in sections 57 (1) and 60.1 of the Contaminated Sites Regulation. The owners of neighbouring properties may include local governments, who often own of rights-of-way, utility corridors and easements.

### **Remedial work that includes a discharge**

If remedial work involves an effluent discharge or a discharge to air, authorization for those activities must be obtained from the Director of Waste Management. The Director can grant such authorization under section 54 (3) (d) of the *Environmental Management Act* and may set out discharge contaminant limits or treatment requirements.

*Note: This summary is solely for the convenience of the reader. The current legislation and regulations should be consulted for complete information.*

*For more information, contact the Environmental Management Branch at [site@gov.bc.ca](mailto:site@gov.bc.ca)*