

New Contaminated Sites Regulations Finally Arrive

November 23, 2016

The amendments to the Contaminated Sites Regulation, which take effect November 1st, 2017, will incorporate new soil, water, and vapour standards.

On September 21, 2016, the Minister of Environment Mary Polak amended the Contaminated Sites Regulation, B.C. Reg. 375/96 (the "Regulations"). The amendments take effect November 1st, 2017, following a 12-month transition period, and have been a long time coming, as the Regulations have been sparingly updated since its implementation in 1997.

The amendments will incorporate new soil, water, and vapour standards that were developed while taking into account a number of considerations. These include up-to-date toxicology data, the new B.C. environment groundwater model, and new deviation protocols for environmental quality standards from environmental agencies around the world. Because existing sediment quality criteria already reflect standards used throughout North America, sediment standards remain substantially unchanged.

To improve ease-of-use, the Regulations have been reorganized and consolidated into **four schedules, each representing standards for an environmental medium – soil, water, sediment, and vapour.** A number of Contaminants of Emerging Concern have been added, and the Regulations will now address several specific exposure/land use scenarios, setting particular soil standards for High and Low Density Residential land use, ecological impact standards for Natural and Reverted Wildlands, and vapour standards for at-surface and below-surface parkade facilities.

To streamline the soil relocation process, the new soil and vapour standards will also be used to determine when a soil relocation agreement is required to relocate soil, and leachate tests may now be used (with authorization) to demonstrate that water quality will not be impacted at a soil receiving site.

The Regulations will trigger the need for consequential amendments to the Hazardous Waste Regulation, B.C. Reg. 63/88 and Organic Matter Recycling Regulation, B.C. Reg. 18/2002, which haven't been amended since the 1980s, to bring their standards in line with the Regulations.

Finally, to ensure standards remain scientifically and economically defensible, the Regulations will include provisions requiring the director to review the standards every five years and bring any recommended changes to the attention of the Minister.

The new Regulations will have wide reaching implications on the identification and remediation of contaminated sites, and will likely have implications for property owners across the Province. Owners and potential purchasers of potentially contaminated property should be aware of the consequences of the new Regulations.

By

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