



Site Remediation Service Enhancement Review



Discussion Paper
December 2023



Ministry of
Environment and
Climate Change Strategy

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BACKGROUND

The Ministry of Environment and Climate Change Strategy's (ministry) Land Remediation Section administers the investigation and remediation of contaminated sites in B.C. under the *Environmental Management Act* (EMA) and Contaminated Sites Regulation. The ministry provides information to the public on the requirements for site identification, investigation and remediation. The Land Remediation Section focuses on the remediation of sites that are slated for redevelopment and other complex, high-risk contaminated sites.

Site remediation services are a critical step in the development of both industrial and commercial businesses as well as important public infrastructure such as roads, health-care facilities, and schools. Housing applications are another key focus. The contaminated sites process can be triggered by a variety of factors, including due diligence during property transactions, municipal permit applications, land-use changes, and the decommissioning and cessation of commercial/industrial operations.

In addition to these services, the EMA requires the establishment and maintenance of a registry that's accessible to the public and contains records for many sites across the province. This Site Registry contains information on:

- Sites that are contaminated and sites that are not contaminated
- Sites that may be at different stages of investigation or remediation
- Sites that have been cleaned up to meet applicable remediation standards



SITE REMEDIATION SERVICES

Site investigation:

The process of gathering detailed information about the environmental conditions of a site. Site investigations can be undertaken by landowners to determine the quality of a site but these need to be conducted by an experienced, qualified professional.

Site information data hosting:

Establishment and maintenance of a registry that's accessible to the public and contains records about the identification, investigation, and remediation of contaminated sites as well as the Soil Relocation Information System.

Identification of contaminated sites:

If a property has been used for industrial or commercial purposes listed in Schedule 2: [Contaminated Sites Regulation](#), there is a potential for a site to be contaminated and any contaminants must be managed appropriately before redevelopment, decommissioning or ceasing operations.

Site Remediation Services

Remediation planning and implementation:

This step begins when a site investigation has identified contamination at a site. Non-high-risk sites are primarily under the oversight of qualified professionals, who apply to the ministry for site remediation services as needed. High-risk sites are under the direct supervision of the ministry that regularly provides progress reports and remediation information. Remediation plans are prepared and implemented to address contamination at a site.

Professional reliance:

If applying for contaminated sites services, you need to employ the services of a professional with contaminated sites expertise. Professionals may include members of the Contaminated Sites Approved Professional Society.

Certification:

Under the [Environmental Management Act](#), a site is confirmed to be remediated, or in the process of remediation.



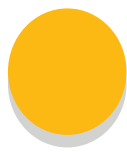
CURRENT FEE STRUCTURE

Site remediation services are supported through the collection of fees. *Part 4 and Schedule 3* of the Contaminated Sites Regulation (CSR) outline the fees that must be paid to the government for various aspects of administering the site remediation process. These are identified in Table 1: Fees for Site Profiles and Information; Table 2: Fees for Services and Functions Provided by the Ministry or by Persons on Behalf of the Ministry; and, Table 3: Additional Services and Functions (see Appendix I). The following table summarizes the activities, services and types of fees currently contained in the CSR and whether they are subject to review.

Action or Activity	Service provided by	Type of fee	Reference in Regulation	Under Review
Site profile submission	Local Government	Flat rate	Table 1, Section 1, column II	No
Request for information from the Site Registry	BC Online	Flat rate	Table 1, Section 2 (a) to (e), column II	Yes
	Ministry	Flat rate and hourly	Table 1, Section 2 (f) and (g), column II	Yes
Request for Information from other databases	Ministry	Flat rate	Table 1, Section 3, column II	No longer used
Fees for Services and Functions Provided Directly by the Ministry or Persons on Behalf of the Ministry	Ministry	Flat rate	Table 2	Yes
	Approved professionals	Flat rate	Table 2	Yes
Additional functions	Ministry	Hourly	Table 3	Yes
Hourly fees for services for amending documents issued by a statutory decision maker	Ministry	Hourly	Section 9 (20)	Yes

Determining fee amounts

The fees payable for services provided by the ministry usually depend on the complexity of the site and the number of hours it takes to review an application by the ministry.



RECENT IMPROVEMENTS

INFORMATION REQUESTS – TABLE 1 OF THE CSR (SCHEDULE 3)

In the past, clients would request ministry staff to retrieve information from paper records or other databases. However, as record keeping moves more and more to digital formats, the ministry is reviewing this function to determine how this process may become more automated and efficient.

Information on specific sites can be obtained by searching the ministry's Site Registry. These searches are most often done by people who have an account with BC Registries and OnLine Services. Fees vary according to the type of search performed. For retrieving non-site-specific records (custom reports), the cost is \$500, plus \$100 an hour for ministry work beyond three hours. We are assessing the ability to transition this service into our new digital system and reviewing the fees associated with this function.

CORE SERVICE REQUESTS – TABLE 2 OF THE CSR (SCHEDULE 3)

Table 2 of Schedule 3 of the CSR lists fees charged for core services provided directly by the ministry or someone on its behalf. The flat rate amount of each service type has been calculated based off the average amount of time it takes to complete. For example, a Certificate of Compliance takes an average of 30 hours to complete, for which a client earns 30 credits towards service that can be used towards administrative costs if needed. These are calculated at \$200 per hour, to a total of \$6,000.

SERVICES PROVIDED BY APPROVED PROFESSIONALS OR THE MINISTRY – TABLE 3 OF THE CSR (SCHEDULE 3)

Table 3 of Schedule 3 lists the fees charged for application-related work carried out by approved professionals or the ministry for which there is no fixed fee. These services are currently charged at \$165 per hour and include inspecting, monitoring, verifying for remediation, consulting, negotiating, and advising on items such as site investigations, soil relocation, and risk assessments. The ministry is reviewing the effectiveness of hourly and flat fees, focusing on clear and accurate terminology, efficient invoicing practice and updating newly acquired services.

Over the past few years, the ministry has made improvements and efficiencies to site remediation services. For example, the Business Improvement Project was completed in 2019, and its findings were implemented in 2020-2022. This resulted in several changes to operations and procedures including,

- Re-aligning teams and clarifying roles and responsibilities for ministry staff and the Contaminated Sites Approved Professional Society of BC (the ministry's service delivery partner) to streamline delivery of services;
- Creating role-specific training materials;
- Transitioning all legislated forms to online, digital versions;
- Aligning the Contaminated Sites Regulation with the new Digital Site Remediation Services Project (see Appendix II for more details). This will increase search parameters and access to information stored in the Site Registry; and
- Updating policy and procedures to streamline processes and increase efficiency by reducing processing time for applications.

WHY ARE WE DOING A FEE REVIEW?

When the Contaminated Sites Regulation (CSR) came into effect in 1997 it mandated fees for service. While fees have been amended a few times, the last fee review was in 2007. Since that time, the ministry has seen an increase in demand for site remediation services and an increase in resourcing needs to appropriately manage service applications. This current review also provides an opportunity to examine the potential for other changes in the land remediation framework to improve the overall process.

The specific objectives of the service review are to:

- 1 Propose regulatory updates to the CSR fee structure to simplify and clarify costs for services;
- 2 Ensure fees are proportionate to the services provided;
- 3 Ensure First Nations interests are reflected in the updated CSR;
- 4 Align site information requests through the Site Registry with the new Digital Site Remediation Services Project.

PURPOSE OF THE DISCUSSION PAPER

The ministry is looking at ways to gather information from the public, First Nations and stakeholders on fees and the best methods to enhance and improve access to site information on contaminated sites. This discussion paper is a continuation of the ministry's ongoing efforts to support a sustainable remediation sector while ensuring the services remain timely and efficient.



STEPS AND TIMELINE

The CSR fee review is following several steps:

Winter 2024

Publication of this discussion paper to inform the public, First Nations and stakeholders of the proposed service structure changes to the regulation

Winter 2024

Seek input and feedback on the changes and other options proposed for improving site remediation services through workshops, engagement sessions with First Nations and written comments

Winter 2024

Preparation of a *"What We Heard Report"* that summarizes input from the workshops and written comments

Winter 2024

Development of an *"Intentions Paper"* based on input received that outlines the course of action the ministry has intended to pursue in amending the regulation

Winter 2024

Public consultation on the intentions paper

Winter 2025

Lieutenant Governor in Council amends the Contaminated Sites Regulation

WE WANT TO HEAR FROM YOU

The ministry is interested to hear your thoughts about existing fees for site remediation services and changes you believe could improve the fee structure. Below are some specific questions where the ministry is looking for feedback. We also welcome your input on potential changes not listed here, but which you may have either experience or opinions.

Do you have experience using the online Site Registry? What is your opinion with regard to its ability to search for what you are looking for? What types of information would you like to be able to receive. We are considering enhancements to the registry to improve search parameters that are currently available as outlined in Section 2 of Table 1.

We are analyzing the effectiveness of fixed rate and hourly rate fees (See Appendix I). How easy or difficult is it to work with the current fee structure? Would you prefer all services to have a flat rate fee charge? Why? In which circumstances do you find hourly fee charges useful? Why?

We are looking at more efficient ways for fees to work for users. Are there any additional areas where you would suggest improvements to the fee structure?

CONTAMINATED SITES ON INDIGENOUS LANDS

As part of British Columbia's commitment to true and lasting reconciliation with Indigenous Peoples in B.C., the Province passed the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) in November 2019. The *Declaration Act* aims to create a path forward that respects the human rights of Indigenous Peoples, while introducing more transparency and predictability in the work we do together.

In keeping with this commitment, the ministry will be conducting a series of engagement sessions with Indigenous peoples about about fees charged for site remediation services. Part of the update to the fee schedule includes assessing the option to allow for fewer barriers to the site database for Indigenous peoples. The option to potentially waive fees for access to the information contained in the site registry for Indigenous peoples was discussed in another contaminated sites engagement session titled *Making Contaminated Sites Climate Ready*¹ in November 2022.

¹ Ministry of Environment and Climate Change Strategy. Land Remediation Section. *Making Contaminated Sites Climate Ready*. Discussion Paper, October 2022



HOW TO GET INVOLVED?

The ministry wants to hear your ideas for how fees are administered for various site remediation services and your input on accessing online information. Please take the time to provide us with your input to the questions above and any other ideas or comments you may have with the CSR. This will help us to draft amendments that meet the needs of the users while protecting the environment and human health.

There are several ways to provide your feedback on the Contaminated Sites Regulation fee review:



1

Register for one of the upcoming virtual workshops:

Tuesday, January 16th

10:00am – 11:30am

Thursday, January 18th

10:00am – 11:30am

Additional engagement sessions with First Nations are currently being planned and will be announced when dates are set.

See: <https://engage.gov.bc.ca/govtogetherbc>

2

Submit your written comments via email to site@gov.bc.ca
Comments must be submitted by February 1st, 2024.

For site remediation news and subscription services please go to:

<https://www2.gov.bc.ca/gov/content/environment/air-land-water/site-remediation/site-remediation-news>

Environmental Management Act **CONTAMINATED SITES REGULATION**

[Last amended July 7, 2021 by B.C. Reg. 179/2021]

Part 4 — Fees

Fees

- 9** (1) Subject to this section, a person who undertakes an action described in Column 1 of Table 1 of Schedule 3 must pay the fee set out opposite the action in Column 2.
- (2) Subject to this section, a person who
- (a) undertakes an activity requiring an action or activity,
 - (b) is ordered or required by a director to undertake an activity requiring an action or activity, or
 - (c) requests an action or activity
- described in Column 1 of Table 2 of Schedule 3 must pay the fees set out opposite the action or activity in Column 2.
- (3) Repealed. [B.C. Reg. 201/2007, s. 3 (b).]
- (4) The federal goods and services tax, if payable, must be added to the fees payable.
- (5) Fees payable under this regulation are payable to the government except that
- (a) fees established for computer-based site registry inquiries are payable to the electronic data distributor, and
 - (b) fees imposed by an approving officer or a municipality for assessing a site disclosure statement are payable to the approving officer or municipality.
- (6) Fees imposed by an approving officer or municipality under section 40 (5) of the Act may not exceed the amount of the fees established under this regulation for providing a site disclosure statement to an approving officer or a municipality.
- (7) A fee referred to in subsection (6) is payable at the time the person provides the site disclosure statement to the approving officer or municipality.
- (8) The fees listed in Schedule 3 are exclusive of one another and of fees associated with any other action or activity under this regulation.
- (9) Subject to subsection 19, a person who pays a fee set out in Column 2 of Table 2 of Schedule 3 must be provided with a credit toward any fee payable under subsection (15) (a) of this section in respect of the item for which the fee is paid, equal to 1 hour for each \$200 of the fee set out opposite the item.
- (10) If a director considers that an application or a report submitted in relation to an action or activity listed in Column 1 of Table 2 of Schedule 3 is incomplete or contains errors, the director must return the application or report to the person for completion or correction and the person may resubmit a completed or corrected report or plan for another review.

(11) The fee for a subsequent review of an application or report under subsection (10) is 50% of the fee paid.

(12) The fee for a review requested under section 10 (2) is equal to the sum of

(a) the amount of the fee payable by the government to the external contract reviewer under a contract referred to in section 10 (1), and

(b) 50% of the fee set out in Column 2 of Table 2 of Schedule 3, as applicable, opposite the type of review set out under item 2 (a) to (e) and (g) in Column 1.

(13) If an external contract reviewer considers, and advises the ministry, that a report or plan the reviewer has been asked to review is incomplete or contains an error, the person who requested the assignment of the reviewer may resubmit a completed or corrected report or plan for another review by the external contract reviewer.

(14) The fee for a subsequent review under subsection (13) is equal to the sum of

(a) the amount of the fee payable by the government to the external contract reviewer for the subsequent review, and

(b) if a director considers it justified on the basis of additional time it takes a person to review the completed or corrected plan or report on behalf of the ministry, 50% of the fee paid under subsection (12) (b) on the first submission.

(15) In addition to any other fees under this section, a person who requests an action or activity under

(a) Table 2 of Schedule 3 must pay a fee of \$165 per hour that a person is engaged in performing the action or activity on behalf of the ministry,

(b) Table 3 of Schedule 3 must pay a fee of \$165 per hour that a person is engaged in performing the action or activity on behalf of the ministry after the first hour, and

(c) Table 3 of Schedule 3 must pay a fee equal to the amount of the reasonable traveling and out of pocket expenses necessarily incurred by a person in performing the action or activity on behalf of the ministry.

(16) If a director is satisfied, on application, that a risk assessment reviewed under item 2 (d) or (g) of Table 2 of Schedule 3 is a screening risk level assessment, the director may,

(a) in the case of a risk assessment under item 2 (d), reduce the fee by up to 20%, and

(b) in the case of a risk assessment under item 2 (g), reduce the fee by up to 50%.

(17) A person or organization is exempt from all or part of a fee under item 2 or 3 of Table 1 of Schedule 3, in the amount specified by a director, if

(a) the person or organization satisfies the director that paying the fee or the part would be an unmanageable financial burden on the person or organization required to pay it, or

(b) in the case of a government ministry or a person acting on behalf of a government ministry, the fee does not exceed \$500 and the director is satisfied that granting the exemption is in the public interest.

(18) A director may

(a) invoice a person for a fee,

(b) agree in writing in a particular case to accept the payment of fees in installments, and

(c) require in a particular case that a person provide fees in advance of any services being provided.

(19) If a person withdraws a request referred to in subsection (2) (c), the person is not required to pay the fee referred to in that subsection for that action or activity, however the hourly fees described in subsection (15) (a) and (b) and the travelling and other expenses described in subsection (15) (c) continue to apply and are payable in respect of action or activity done before the person withdraws the request.

(20) In addition to any other fees under this section, a person who requests an amendment to any of the following must pay a fee of \$165 per hour that a person is engaged in performing an action or activity on behalf of the ministry in relation to the amendment:

(a) a determination under section 44 [*determination of contaminated sites*] of the Act;

(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 (1.1) 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*](#).

[en. B.C. Reg. 419/2003, s. 3; am. B.C. Regs. 322/2004 and 324/2004, s. 9; 464/2004, s. 1 (a); 201/2007, s. 3; 343/2008, s. 4; 253/2016, s. 2; 161/2020, App. 2, s. 5.]

Review of report or plan by external contract reviewer

10 (1) A director may enter into a contract with an approved professional to assist in the review of reports or plans, listed under items 2 (a) to (e) and (g) of Column 1 of Table 2 of Schedule 3, by making a report to the director containing the external contract reviewer's professional opinion in respect of

(a) the adequacy of the report or plan,

(b) the need for remediation of the site in respect of which the report or plan is submitted, and

(c) whether the report or plan complies with Provincial laws and ministry policy.

(2) A person may request a director to assign an external contract reviewer to assist with a review listed under item 2 (a) to (e) or (g) in Column 1 of Table 2 of Schedule 3.

[EN. B.C. REG. 419/2003, s. 3; AM. B.C. REGS. 322/2004 AND 324/2004, s. 10; 253/2016, s. 3.]

SCHEDULE 3

[B.C. Reg. 11/2019, s. 13.]

TABLE 1: Fees for Site Profiles and Information

COLUMN 1 Action	COLUMN 2 Fee
1 Site Profiles Person provides a site profile to an approving officer or municipality	\$100
2 Information obtained by Accessing Computer-based Site Registry (a) (i) Person queries the computer-based site registry by a site identification number. (b) (i) Person queries the computer-based site registry by a Land Title Parcel Identifier (PID), Crown Land Parcel Identification Number (PIN), or Crown Lands file number (ii) Person accesses a computer-based site registry site synopsis report (c) (i) Person queries the computer-based site registry by address (ii) Person accesses a computer-based site registry site details report (iii) Person queries the computer-based site registry by geographic area within 0.5 km radius of a specific latitude and longitude (d) Person queries the computer-based site registry by geographic area within 5.0 km radius of a specific latitude and longitude (e) Person requests assistance of a government employee to perform a computer-based site registry query (f) Person requests the site registrar to prepare a custom report of computer-based site registry information (g) Person requests the custom report described in (f) above to be regularly updated and provided by the site registrar	\$10* \$25* \$25* \$50* \$50* \$50* \$100* \$10 \$500 plus \$100/hour for time required beyond 3 hours to prepare the information \$200 per updated report
3 Information obtained by Accessing Other Computer-based Records Person requests information about a single site by a search of computer-based records in databases, including but not limited to databases for wastes, hazardous wastes and spills	\$100 per database

* In addition to a fee marked by an asterisk, a further operator fee of \$1.00 may be charged for any transaction done by electronic means from a location outside a government office or at a government office by a person who is not a government employee.

TABLE 2: Fees for Services and Functions Provided Directly by the Ministry or Persons on Behalf of the Ministry

Action	Fee
1 Determination of Contaminated Site Person requests a determination whether a site is a contaminated site	\$3 000
2 Reviews of Reports, Plans and Covenants (a) Review of a preliminary site investigation report (b) Review of a detailed site investigation report (c) Review of a remediation plan which does not include a human health risk assessment and/or environmental risk assessment report (d) Review of a remediation plan which includes a human health risk assessment and/or environmental risk assessment report (e) Review of a confirmation of remediation report (f) Review of a covenant prior to registering (g) Review of a human health risk assessment and/or environmental risk assessment report not included in a remediation plan (h) Review of a summary of site condition	\$5 000 \$15 000 \$12 000 \$20 000 \$7 000 \$6 000 \$10 000 \$2 000
3 Agreements and Indemnifications (a) Contaminated soil relocation agreement (b) Person requests a voluntary remediation agreement (c) Person requests a transfer agreement under Part 5 of the Act (d) Person requests indemnification for a site under the <i>Financial Administration Act</i>	\$2 000 \$4 000 \$4 000 \$8 000
4 Approvals, Certificates and Orders (a) Approval in principle for a remediation plan (b) Certificate of compliance (c) Additional fee for an approval in principle or certificate of compliance if a person is ordered by a director to investigate or remediate a site	\$3 000 \$6 000 \$12 000
5 Background, Site-specific Standards, Environmental Management Areas (a) Person requests review of background substance concentrations for a site under section 11, 17 or 18 (b) Person requests review of proposed site-specific standards for a site under section 11 or 17 (c) Person requests designation of an area as an environmental management area	\$3 000 \$4 000 \$10 000
6 Minor Contributor Determination Person requests a determination as to a person's minor contributor status	\$2,000
7 Allocation Panel (a) Person requests the appointment of an allocation panel (b) Person requests an allocation panel opinion and an allocation panel carries out work and provides an opinion	\$2 000 \$1 000 per panel member per day

TABLE 3: Additional Services and Functions

Action or Activity Additional Services and Functions

- 1 A person, on behalf of the ministry, inspects, monitors and verifies for remediation or an approval in principle, certificate of compliance, voluntary remediation agreement, transfer agreement, indemnification request or application, contaminated soil relocation agreement, or contaminated sites compliance or enforcement investigation
- 2 A person, on behalf of the ministry, consults, negotiates or provides advice with respect to a specific site regarding any
 - analytical method for contaminated sites
 - approval in principle
 - certificate of compliance
 - confirmation of remediation
 - covenant under section 219 of the Land Title Act
 - determination of contaminated site under section 44 of the Act
 - environmental risk assessment
 - external contract review carried out under section 10
 - human health risk assessment
 - implementation of remediation
 - indemnification under the Financial Administration Act
 - independent remediation
 - ministry contaminated sites guidance
 - ministry contaminated sites policy, procedure or protocol
 - minor contributor status provision or designation
 - notification for the migration or likely migration of a substance to a neighbouring site
 - order for public consultation or review under section 52 of the Act
 - pollution prevention order or pollution abatement order issued under Part 7 of the Act
 - providing for appointment or opinion of an allocation panel
 - remediation order
 - security, including the posting of security
 - site investigation
 - site profile
 - site registry requirement
 - soil relocation
 - standard, criterion or protocol
 - summary of site condition
 - transfer agreement under Part 5 of the Act
 - voluntary remediation agreement
 - environmental management area planning or designation
 - other provision of Part 4 or 5 of the Act

APPENDIX II: Digital Site Remediation Services Project



The Environmental Protection Division's (EPD) Digital Service Enhancement Program is designed to build a strong foundation to serve EPD's and the B.C. government's digital and service-driven goals. The goal of this program is to deliver a suite of digital tools, that maximizes user experience, automating manual processes and improving transparency, which will result in increased productivity and service delivery of the EPD.

The Site Remediation Services team is part of this program, which is modernizing the way it delivers its mandate through the enhancement and integration of the Site Information System and Contaminated Sites Tracking System. The new Site Remediation Services web app launched in August 2023, making it easier to submit applications for site remediation services with a more streamlined approach to the application handling process. A new feature in development is payment. This feature allows users to purchase reports as well as pay invoices. With the advanced and customizable payment options, the fees for service can range from one-time fees, subscription-based options, and à la carte purchase options for data or information needs. Online payment options can include credit card, electronic transfers and traditional payment methods.

The results from the fee review discussion paper will provide the development team with the payment feature and functionality requirements, types and level of fees. These findings are critical in building a forward-designed payment module to support the overall service delivery of Site Remediation Services. This includes aligning with its revenue model, automating manual payment processes and enhancing user experience.