



# **SITE REMEDIATION SERVICE ENHANCEMENTS DISCUSSION PAPER 2023/24 SUMMARY OF COMMENTS**

**Ministry of Environment and Climate Change Strategy  
Site Remediation Program**

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Ministry of  
Environment and  
Climate Change Strategy

# Site Remediation Service Enhancements-Discussion Paper

## Summary of Comments

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## Background

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The Ministry of Environment and Climate Change Strategy (the ministry) is conducting a review of Site Remediation core services and contaminated sites information requests. The last review for services was in 2007. Since then, the ministry has seen an increase in demand for site remediation services and an increase in resourcing needs to appropriately manage service applications. The review provides an opportunity to simplify and clarify costs for services, ensure First Nations interests are considered, improve how site registry information is accessed, and ensure fees accurately reflect the cost to process service applications. If the proposed changes are adopted, they will result in an amendment to the Contaminated Sites Regulation (CSR). Costs for contaminated sites services have been charged since 1996, enabled by section 62(1)(b) of EMA. Contaminated sites service fees are outlined in Schedule 3 of the CSR.

Regulatory fees are generally set to fully recover government's direct costs to provide the good or service in question. Contaminated sites fees do not currently meet this guideline. In addition, although the fixed fees in Table 2 of CSR Schedule 3 were set with the intention of reflecting the time required to process each type of application, the current fee structure does not accomplish this with some fees charged at a higher rate, while most fees do not cover processing costs.

In addition, the Site Remediation Program is currently upgrading their site information database, allowing for more search parameters. These added search options will enhance external user access to information needed for site investigation of properties intending to redevelop, including housing projects. The intention is to upgrade Table 1 fees for Site Information access to reflect these changes. The goal of this project is to undertake a full fee review to update fees included in the CSR and ultimately make an Order in Council, setting out the updated fees, to Cabinet in 2025.

### Ministry Discussion Paper Objectives

The primary objective of engagement and consultation was to gather feedback on the existing CSR fee structure and examine potential opportunities to improve the overall process of the site remediation framework.

The ministry was interested in:

1. Obtaining feedback on the proposed regulatory updates to the CSR fee structure that is aiming to simplify and clarify costs for services;
2. Confirming that fees were proportionate to the services provided by the ministry;
3. Ensuring that First Nations interests are reflected in the updated CSR; and,

4. Aligning site information requests through the Site Registry with the new Digital Site Remediation Services Project.

## Information process

The Ministry of Environment and Climate Change Strategy contracted VGN Resources Group, Inc. to assist in developing and delivering two virtual engagement sessions and collecting and analysing feedback. The virtual dialogue sessions held on the dates below were attended by a total of 136 participants.

Table 1 – Virtual Engagement Dates and Number of Participants

Virtual Webinar Session	Number of External Participants	Participants Grouped by Company	Participants without Company ID
January 16, 2024	75 participants	48 companies	2
January 18, 2024	61 participants	41 companies	4

The target audience for these virtual sessions was consultants, developers, local governments, construction and engineering consultants, real estate industry representatives, environmental groups, community representatives, legal professionals, and financial institutions.

In addition to the two virtual information sessions, the following outreach was conducted:

- In October 2023, a survey was sent to the Site Remediation professional association (Contaminated Sites Approved Professionals - CSAP) about upcoming changes to the Site Registry and the parameters used to access information.
- The Discussion Paper was sent separately to ministries and crown corporations with a deadline of December 2023 for feedback and responses.
- The discussion paper and a corresponding survey was posted on the govTogetherBC website from January 2 to February 29, 2024. The ministry requested feedback and comments on the ministry’s intentions by February 29, 2024.

## Purpose

This document compiles and summarizes comments received by the ministry on the Discussion Paper. The summary of comments is arranged by topic as presented in the paper. Comments received between Fall 2023 and March 11, 2024, have been included in this document.

The complete set of comments and submissions received through the engagement and information sessions, as well as questions and comments received during webinars, has been compiled for detailed review and consideration. All comments and references submitted through this process, through independent submissions and through direct engagement with stakeholders and during information sessions were reviewed and carefully considered.

## Respondent Comments

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### 1. General Comments

Key themes are identified below.

- **Improving the invoicing system.**

Participants expressed frustration with the slowness of the invoicing system, which is reported to have created challenges for them and their clients. Additionally, there is a strong desire for greater transparency on the review process and invoicing timeframe. Participants requested the opportunity to make digital payments, especially for smaller charges.

- **Split support for flat rate charge compared to hourly fee charge.**

Some participants stated a flat rate structure could be easier while others suggested an hourly charge could be useful for larger projects. Overall, participants were receptive to the idea of an hourly charge on the condition of having clearer details and transparency about the range of hourly charges.

- **Minor modifications to online registry will improve functionality.**

Changes to the downloading process, and increasing flexibility of the area search function, can generate simplified user experiences.

## 2. Responses to Questions asked during the public virtual engagement sessions.

2.1 Have you used the online Site Registry: In total, about 2/3 of the participants were familiar with using the online Site Registry, as shown in Table 2:

Virtual Webinar Session	Yes	No	No Reply	Total
January 16, 2024	48 (64%)	25 (33%)	2 (3%)	75
January 18, 2024	30 (49%)	16 (26%)	15 (25%)	61
Combined Total	78 (57%)	41 (30%)	17 (13%)	136

### 2.2 What was your experience using the online Site Registry?

Overall feedback between the two virtual sessions was a mix between 'no issues' and 'difficult':

- Some participants found that the current system is 'generally smoother than the old B.C. system.' They like 'the automatic downloads of the Site Detail Reports.'
- Others found it 'difficult to find the location to enter the site' and suggested that the dates for last revisions to Site IDs should be clearer in the area searches.

### 2.3 What improvements would you like to see to the online Site Registry?

- **Changes to downloading.** Participants provided three suggestions:
  1. Allowing full reports for downloading;
  2. Providing the option to request reports that are listed with the detailed reports or other file documentations that are held digitally; and
  3. Having the opportunity to pull certification documents (like the CSAP GIS database).
- **Increasing flexibility.** Participants recommended three ways the registry can be more flexible:
  1. Increasing flexibility when using the area search function, such as providing an interactive map and defining submission types (for example, was it a COC submission or an oil tank pull with an NIR?)

2. Creating a flexible buffer around a polygon instead of just a 500-meter radius from a point would improve the search function. A flexible polygon can allow the user to expand, or contract based on likely groundwater flow direction.
3. Providing flexibility in setting different distances. For example, providing a 100/200/500-meter buffer.

- **Additional feedback:**

1. Including a linear site search to support P19 evaluation for infrastructure projects.
2. Using latitude and longitude of the centroid of the site can be problematic as it does not reflect the size of site.
3. It would be helpful if iMap BC told users what documents were available for a site instead of it 'just existing in the registry.'

## 2.4 Is the current fee structure easy or difficult to work with? What works and what doesn't?

### **Participants feedback for what works:**

- Participants stated that services like the fee structure and Certificates of Compliance through CSAP are straightforward.
- Another participant said that 'based on recent experience with information searches and related invoicing, "I think it's working well."

### **Participants feedback for what does not work:**

- Conclusively, many participants voiced having challenges with the existing invoicing structure. Many urged for more timely invoicing and increasing invoicing transparency.
- Concerning invoicing timeframe, participants voiced their displeasure about the slowness of the current invoicing system, causing uncertainty and delay issues that compound. A participant stated that 'they have received invoices for services years after the project is done.' A participant suggested that the uncertainty of costs for hourly rates could be managed if users get the invoice quickly. Another participant states that 'it is the timeline that's the current headache. Clients would happily pay higher fees for faster services on P4/P6/P9 approvals.'
- Regarding invoicing transparency, participants state that users have no way to know where their report is in the queue. Some report they have received no response after waiting three years. Others state that for hourly services, they will not know the cost until they get the invoice and would like more invoicing transparency.

- There is also a recommendation for the Ministry to include the folio number (our project # reference) with the invoicing.
- One participant mentioned that ‘paying in advance and not being able to pay by credit card are challenges’ Additionally, a participant mentioned it would be helpful to include other electronic payments, such as providing the ability to pay smaller invoices via credit card.

## 2.5 Should all services have a flat rate charge? If so, why?

Participants supportive of a flat rate charge commented:

- A lump sum fee structure can allow them to accurately provide clients with the costs.
- While flat rate can be convenient, it is understandable why it does not always make sense to have a flat rate.
- A transparent flat rate fee structure would be helpful.
- For release requests, a flat rate might be easier.

Participants not supportive of a flat rate charge stated:

- Flat fee rates seem to consider worst case scenarios. In some cases, the Ministry flat fees cost more for the review than having a consultant write the actual report.
- Participants were neutral on a flat rate charge compared to hourly. They would like a fee charge option that provides the users the quickest turnaround time.

## 2.6 Are hourly fee charges useful sometimes? If so, what are these, and why?

For the question when hourly fee charges are useful, participants responded:

- They are more useful when the consultant requested a meeting with the Ministry to discuss a remedial plan.
- They are more useful when the user has a large, complicated site that requires regular ministry involvement (for sites that require additional review time or input from the ministry).

Additional feedback on an hourly fee charge include:

- Hourly fee charges can potentially offer better value than a flat rate. It will be helpful to provide a range of what to expect for the hourly charges to help provide clients an accurate budget.



## 2.7 Can you suggest any additional improvements to the fee structure?

Additional improvements to the fee structure include:

- No revision for the fees until Winter 2025 as current client budgets is set.
- It will be helpful for users of the fee structure to include a few assumed hours that the review entails.
- An exploration of billing on a quarterly basis or within a 30 to 60 days after a meeting or service.
- A possibility of including a surcharge to have a faster turnaround time. The potential challenge for the surcharge idea identified was a backlog for the Ministry on the surcharges.
- An update is needed for the services on the fee schedule with an updated in line with the recent changes. For example, release requests / approval are not currently listed.
- Better transparency of workload and current review times. The ministry review timeline is often the largest unknown in projects.

Overall, participants of the virtual engagement sessions had a mixed response on the existing fee structure. For example, there was almost a 50/50 split on a positive experience using the online registry. Additionally, the conversation on using a flat rate charge also produced a split response in support of a lump sum fee in comparison to using hourly fee charges. Conversely, consensus was achieved in the conversation to improve the current fee structure's invoicing framework timeline and generating greater transparency on the review timeframe. Regarding an hourly fee charge, respondents were receptive to the idea on the condition of providing clearer details and transparency on the range of hourly charges. Lastly, there was a caution to make revisions after the Winter 2025 timeframe as the existing client budgets are set.

## 3. CSAP Survey Results

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. In October 2023, Site Remediation sent a survey to CSAP to collect feedback on more effective ways to access and use the Site Registry. The following points reflect some of these suggestions from CSAP.

### 3.1 How often do you request information from the Site Registry?

ANSWER CHOICES	RESPONSES
More than once a month	46.43%
Once a month (10-12 times a year)	32.14%
2-3 times a year	10.71%
Less than once a year	10.71%

### 3.2 We anticipate being able to increase the search parameters to include allowing for the ability to search for site information by city, town, municipality or district. Would this be useful to you?

ANSWER CHOICES	RESPONSES
Yes	82.29%
No	10.71%

### 3.3 We anticipate being able to search for site information on an interactive map. If this service were available, would it be more useful to be able to search for information using a polygon or a radius (for example, 5-10 kilometers) from a fixed point.

ANSWER CHOICES	RESPONSES
Polygon	3.57%
Radius from a fixed point	14.29%
Both	82.14%

### 3.4 Would it be useful for you to be able to search by notation in the Site Registry. For example, searching by a P-21 water-use notation, by Order (such as an Investigative Order), AiP's, or Orphan Sites? If so, how often would you anticipate using this feature:

ANSWER CHOICES	RESPONSES
Once a month	50.00%
More than once a month	42.86%
Once a year	3.57%
I would not use this option	3.57%

3.5 If you did a search by notation, would you find it useful to also add another parameter, such as a defined area?

ANSWER CHOICES	RESPONSES
Yes	89.29%
No	7.14%
Other (please specify)	3.57%

3.6 Would you find it useful to search by risk classification (e.g. high risk or non-high risk) within a defined area?

ANSWER CHOICES	RESPONSES
Yes	88.46%
No	11.54%

3.7 Would you find it useful to be able to search by company (e.g., a specific consultant)?

ANSWER CHOICES	RESPONSES
Yes	59.26%
No	40.74%

3.8 Would you find it useful to search by specific reports or documents?

ANSWER CHOICES	RESPONSES
Yes	100%
No	

3.9 Are there any other additional search parameters that are not listed in the survey that you might find useful?

- iMap integration for direct access to site registry search information desired.
- Drinking water applicable area needs evaluation.
- Protocol 4 and 9 applications searchable by physical parameters (e.g., arsenic).

- Contaminant category search (e.g., metals or hydrocarbons) required.
- Instruments download from Site Registry, p6 preapproval desired.
- Various document types (e.g., AIP, background approval, NIR, etc.) should be available for download.
- Date range searches for documents requested, if feasible.
- Complete download of the entire registry preferred with feedback mechanism for typos or inaccuracies.
- Approved background submissions with reports should be accessible.
- Search by date range for last update of Site Registry for new entries.
- Property owner and Schedule 2 activity details required.
- Background rulings should be included in the search options.
- More Site Registry notations for comprehensive search needed.
- P4, P9, and water-use decisions to be included in the search criteria.

## 4 Additional comments received through govTogetherBC and the Site Remediation general mailbox.

### 4.1 Comments on flat rate fees versus hourly billing and payment methods:

- If services had a flat rate, it would make estimating costs of services for clients way easier.
- A flat rate in most circumstances would be helpful, with billing within one month (at most) of the service.
- A flat rate charge would be preferable for budgeting purposes, but we are not sure this would be an effective solution for pulling paper records. For simple digital retrievals and small documents (e.g. notations in detailed reports), a flat rate charge might make the most sense and would aid in our project budgeting.
- Preference for invoices to be paid by cheque or bank transfer, but a reluctance to pay more to be able to use a credit card.
- BC Online payment method works well, where a one-time deposit could be made to the account and any searches can draw from this account until it needs to be topped up again.

### 4.2 Comments about additional search parameters for the Site Registry:

- It would be helpful to be able to filter the results on iMap (not just through the database) by whether an instrument has been received, if a release has been issued, P4 or P9 and status.

- It would be helpful to be able to do an area search and have it display the status of each site or whether the site has had an instrument issued.
- The information on when the last time a site was updated is currently available, but not frequently correct.
- The detailed search gives you all the information available for a site, and there isn't much that can be added to this, other than whether records are available electronically, the status of the records, and time it would take to receive them as this affects project turn-around time.

## 5. Comments from Provincial Ministries

The Discussion Paper was sent to priority ministries in Fall 2023, and the following comments were summarized from the feedback received.

- BC Ministry of Agriculture
  - BC Ministry of Energy, Mines and Low Carbon Innovation
  - BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development
  - BC Ministry of Municipal Affairs
  - BC Ministry of Housing
  - BC Ministry of Transportation and Infrastructure
- 
- BCeID's are not accessible to people or companies located outside of BC, making Site Registry searches and access to BC Registries and Online Services difficult for those users.
  - The transition from BC Online to BC Registries and Online Services was under communicated and complicated.
  - Fixed rates allow for better budget preparation, but hourly fees are valuable for strategic planning and regulatory advice. Timely estimates would be valuable for budget preparation.
  - Sometimes there are challenges with paying vendors for contracts because they would like the option to pay by credit card.
  - Often invoices are received late with little explanation. There is a preference for electronic invoices with detailed breakdowns.
  - Overall, respondents would like clearer communication and accessibility to the Site Registry. Improvements are sought to fee structures, including better payment methods and invoicing practices to enhance efficiency and transparency.

- Stakeholders expressed a desire for more clarity on the proposed fee changes in the Discussion Paper. While they understood the intent was to initiate broader policy discussions, they expected at least some indication of the direction of fee adjustments, such as percentage increases or shifts to flat-rate schemes.
- The *Contaminated Sites Regulation* is not clear that the \$100 fee that is charged when a person provides a site profile to an approving officer or municipality is a fee for the municipality or approving officer to assess that site profile. This should be redrafted for clarity.
- ENV should consult with UBCM and municipalities about whether the \$100 fee needs to be increased to adequately recover costs.
- ENV should engage directly with UBCM, municipalities and regional districts about overall local government experiences with the contaminated sites registry and the fee structure as they may also interact with this system in their capacity as owners of contaminated sites.
- There is need for published Site Remediation Program service standards with timelines for delivery of service requests.



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