

## Wide Area Sites

This fact sheet explains wide area sites and how they fit into the B.C.'s contaminated sites legal regime. It highlights the benefits available to owners of land within wide area sites and examines wide area sites in the context of property lending and development.

### **Why were wide area site provisions created?**

During initial consultations on Contaminated Sites Regulation (the Regulation), the ministry was informed about the need for special provisions for sites with many parcels of land whose contaminants came from one or more specific sources. For example, it was suggested that relief from requirements for Contaminated Soil Relocation Agreements and for site profiles would be appropriate for owners and operators at parcels within such sites, excluding those who caused the contamination. The consultations resulted in the development of the current provisions for wide area sites in the Regulation.

### **What is a wide area site?**

A wide area site is designated by a Director of Waste Management (a Director) under section 14 of the Regulation. A wide area site is a site:

- which contains specified contaminants which originated from specified sources,
- which covers an extensive geographic area and which comprises many individual parcels of land, and
- where many or all of the individual parcels located within the wide area site would likely be contaminated with one or more of the specified contaminants.

### **What are examples of wide area sites?**

One designated wide area site in B.C. was contaminated by PERC (perchloroethylene) which migrated from a dry cleaning operation to 14 nearby parcels. Another on the Fraser River was contaminated with creosote which migrated into the groundwater. Candidates for other wide area site designations include:

- a commercial/industrial area with widespread cobalt contamination in groundwater,
- a city with widely distributed heavy metal contamination in soil from smelter emissions,
- a residential area with nearly 90 parcels contaminated by gasoline from a nearby service station; and
- an area impacted by salt contaminated groundwater originating from a salt storage facility.

### **How does a wide area site differ from a contaminated site?**

There are several features that distinguish wide area sites from contaminated sites which are not wide area sites. First, the sources of the substances causing contamination at the wide area site must be specified by a Director. In contrast, when determining if a non wide area site is contaminated, the sources of contamination need not be specified. Second, wide area sites always contain multiple parcels of land, while a regular contaminated site may not, and may consist of one parcel, part of a parcel or multiple parcels.

**How is a designation of wide area site made?**

A Director is provided discretion to designate a site as a wide area site and may designate such a site with or without a formal application.

**Would the public be consulted before a Director designates a wide area site?**

Normally, yes. In making these and other decisions, a Director must adhere to the principles of administrative fairness. The Director must allow adequate time for affected parties to review a proposed wide area site designation and must carefully consider any comments received before making a decision. Such consultations allow affected site owners to review the nature and extent of contamination, the potential risks from exposure to the contamination, and any restrictions on land and water use that may apply to their parcels during and after remediation.

**What are wide area remediation plans?**

These are cleanup plans for wide area sites — they deal with one or more specific substances coming from sources specified in the plan.

**What are the benefits of designating a wide area site or a wide area remediation plan?**

There are several key advantages for owners of lands located within wide area sites or subject to a wide area remediation plan.

**Remediation liability exemption**

Unless a person caused the contamination which is the subject of a wide area remediation plan, a person who is a current or previous owner or operator of a contaminated site is not responsible for remediation of his or her site if it is contaminated only by substances being managed in accordance with a wide area remediation plan. For example, an owner of a parcel contaminated by substances deposited from the stack at a metal smelter would not be responsible for paying the costs of remediation for those contaminants as long as they are specified in a wide area remediation plan.

**Advantages for land development and lenders**

Communities would benefit by assurances that owners and operators at parcels which are sources of wide area contaminants are accountable for the remediation of those contaminants. Those assurances are provided by wide area site designations and approvals of wide area remediation plans.

Prospective purchasers and lenders for parcels within wide area sites would be confident knowing that they are exempt from responsibility for remediation. Some lenders consider wide area site designations very helpful because they are perceived as eliminating their financial risk as mortgage providers.

**Site profile exemption**

A person is normally exempt from the duty to provide a site profile under section 40 of the Act if the site is within a wide area site for which

- (i) a Director has approved a wide area remediation plan or the scope of a proposed wide area remediation plan, and
- (ii) the site profile would only be provided due to uses or activities that caused contamination which is dealt with in the approved wide area remediation plan or the approved scope of a proposed wide area remediation plan.

This exemption removes potential barriers to landowners seeking local government authorizations for rezoning, demolition, subdivision and site development.

**Soil relocation and disposal exemption**

The relocation of contaminated soil is exempt from the requirement for a Contaminated Soil Relocation Agreement if the relocation of contaminated soil is to be within an area subject to a wide area remediation plan approved by a Director. Note that this exemption applies only with respect to the contaminants which are the subject of the wide area remediation plan.

### **Increased certainty and transparency**

The designation of a wide area site or approval of wide area remediation plan helps clarify who is responsible for remediation of the specified contaminants. This stems from the specification of sources and contaminants in the designation of a wide area site and wide area remediation plan.

### **How would information on wide area sites be made public?**

There are several ways in which information dealing with wide area sites (and contamination in general) is provided to the public in B.C.

### **Would a wide area site be registered on a land title?**

Usually nothing related to the designation of a parcel of land as a wide area site would be registered on a land title, although a covenant might be registered on title for an occasional high risk parcel within a wide area site or if the entire wide area site were classified high risk.

### **Would a wide area site be recorded on the Site Registry?**

Yes. As well as a notation indicating that a site is designated a wide area site, the parcel identification numbers (PIDs) and addresses for individual parcels within a wide area site may be included in the Site Registry. Also, a notation about the approval of the scope of a proposed wide area remediation plan must be included. Consult [Fact Sheet 20, "The Site Registry"](#) for information on that system and its content.

### **Does a notation on the Site Registry mean that a parcel within a wide area site is contaminated?**

No. The Site Registry is not a registry of contaminated sites, although many of the sites on that system are, or were contaminated. Even after a contaminated site has been remediated, it will remain on the Site Registry. When a wide area site is designated, it does not mean that every parcel within the wide area site is contaminated – some are, others likely are, and others may not be contaminated.

### **What contaminated sites legal instruments are available for wide area sites?**

Typical contaminated sites legal instruments under the Act include Determinations of Contaminated Site, Approvals in Principle, and Certificates of Compliance.

### **Determinations of Contaminated Site**

A Director could establish by issuing a Determination of Contaminated Site whether or not a parcel within a wide area site is contaminated. The substances reviewed could include those specified by a Director in a wide area site designation or wide area remediation plan, but other substances may also be considered. For example, a parcel within a wide area site where arsenic is the specified contaminant could also be the subject of a Determination of Contaminated Site where the contaminants include arsenic as well as certain gasoline components not specified in the wide area site designation.

### **Approvals in Principle**

Sections 47 (4) and (5) of the Regulation allow a Director to issue an Approval in Principle for a wide area remediation plan. To apply for such an Approval in Principle the applicant must be a responsible person – usually the current owner or operator of the source of contamination specified in the wide area remediation plan. The remediation liability exemptions discussed previously come into effect when a Director approves a wide area remediation plan under an application for an Approval in Principle.

### **Certificates of Compliance**

While there are no specific provisions in the Act or Regulation dealing with Certificates of Compliance for wide area sites, since it is a type of contaminated site, a Director has the authority to issue a Certificate of Compliance for a wide area site. When a Certificate of Compliance is issued, it certifies that the site meets the remediation standards of the Regulation.

**Note**

A contaminated sites legal instrument such as a Certificate of Compliance for a wide area site applies to all the parcels within that wide area site. Unless there are additional contaminants at a parcel within the wide area site which are not specified in the designation, there would be no need to obtain a Certificate of Compliance for that particular parcel.

**Voluntary Remediation Agreements**

Section 39 (1) of the Regulation enables a responsible person to request a Voluntary Remediation Agreement for a wide area site. That section specifies the information that must be provided with the application.

*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).*