

Relocation of Soils from Contaminated Sites

The ministry encourages property owners and developers to reuse suitable soils from contaminated sites. Relocated soils have been used to reclaim mine sites, to serve as fill for site consolidation, and to provide landfill cover. Such soil relocations have facilitated the successful remediation and redevelopment of many sites that might otherwise simply become brownfields.

The relocation of soils from contaminated sites is governed by Section 55 of the *Environmental Management Act* (the Act), Part 8 of the Contaminated Sites Regulation, the Hazardous Waste Regulation, and, for sites within the Agricultural Land Reserve (ALR), the *Agricultural Land Commission Act*. Contravention of the requirements of Section 55 of the Act is an offence.

Why does the Province regulate the movement of soils from contaminated sites?

Regulating the movement of soils from contaminated sites is necessary to protect human health and the environment by ensuring that soil is moved and deposited only at appropriate locations.

What is a Contaminated Soil Relocation Agreement (CSRA)?

A CSRA is an agreement between the owner of a source site, the owner or operator of a receiving site, and the Director of Waste Management, authorizing the relocation of soils from a contaminated site to a suitable deposit site.

To determine whether a deposit site is suitable or not – that is, it would have no unacceptable impacts on health or the environment – the Director must take into account the quality of the soil being moved, the existing and future uses of the receiving site, and the applicable environmental quality standards.

When is a CSRA required?

A CSRA is required when soil that exceeds the “trigger values” set out in Schedule 7, 10 or 11 of the Contaminated Sites Regulation is proposed for transport to a receiving site that is not permitted under the Act to take the soil. Note that the trigger values listed in Schedules 7 and 10 represent the most stringent of the Schedule 4 and 5 standards provided for each associated land use, regardless of site-specific factors.

The soil to be relocated must also meet either the numerical or risk-based environmental quality standards for the receiving site. These standards are set according to the land use of the receiving site and the soil pH as described in Technical Guidance 5, “[Sampling and Determining Soil pH at Soil Relocation Receiving Sites.](#)”

The soil relocation process helps ensure that soils are relocated only to suitable deposit sites. For example, soils that meet the urban park, residential, agricultural, and commercial land use standards can be relocated to commercial or industrial sites – but soils that meet commercial and industrial land use standards cannot go to residential, urban park, or agricultural sites. See Fact Sheet 13 for more information about environmental quality standards.

How can I obtain a CSRA?

Most CSRAs are issued based on the recommendation of an Approved Professional. Refer to Fact Sheet 30 for more information on the role of Approved Professionals. All other applications are processed by ministry staff.

Applying for a CSRA involves completing a [Contaminated Soil Relocation Agreement Application Form](#) (Schedule 8 of the Contaminated Sites Regulation) and a [Contaminated Sites Services Application Form](#). Service fees are listed in Schedule 3 of the Contaminated Sites Regulation and reviewed in Fact Sheet 25.

How long does it take to obtain a CSRA?

Applications received by the ministry through an Approved Professional are typically processed within two weeks. Applications submitted directly to the ministry are usually processed within four weeks.

Who is notified when a CSRA is approved?

The Director provides notice of the approved CSRA to the municipality for both the source and receiving sites. Before soil relocation begins, the applicant must ensure either a) that the municipalities have received notice from the Director or b) wait at least four business days after receiving the approved CSRA before moving any soil.

Do CSRAs become part of the public record?

All documents submitted in relation to a CSRA application are made available to the public through the Site Registry.

Can I obtain a CSRA for soil that does not meet the receiving site numerical standards?

Yes. Soil that exceeds the numerical land use standards for the receiving site may be relocated, but must be managed in an appropriately designed facility or in accordance

with an approved risk assessment. Normally, any soil undergoing treatment must be remediated to the applicable land use standards before being discharged at the receiving site.

Do I have to manifest soil relocated under a CSRA?

No. Only hazardous waste needs to be manifested for transport. For more details, contact the Hazardous Waste Section of the Regional Operations Branch or visit the ministry's [Hazardous Waste](#) web site.

Can all soil that exceeds the Contaminated Sites Regulation trigger values be relocated under a CSRA?

No. Hazardous Waste must be relocated to a facility specifically approved for managing hazardous waste, in keeping with the requirements of the Hazardous Waste Regulation.

Do I need a CSRA if I am relocating contaminated sediment to land?

Yes. If contaminated sediment from a source site is to be deposited at a receiving site that is on land a CSRA is required. Sediment that is deposited on land is considered to be soil and is subject to the CSRA application process.

Do I need a CSRA if I move soils from a contaminated site to another property that I own?

Yes, but note the exemptions below.

Are there any exemptions from the requirement for a CSRA?

There are a number of exemptions. A CSRA is not required if, for example:

- you plan to move soil within the same site on which the soil originates;
- the soil volume is less than 5 m³;
- the area and substances in soil are the subject of an approved wide area remediation plan;

- you are transferring soils from a contaminated site to federal property or to a site outside British Columbia;
- you are transferring soil to a facility authorized under the Act to accept contaminated soil; or
- you are transferring soil that is deemed contaminated only because of the presence of the local background concentration of a substance.

The last exemption applies only if the contaminated soil is relocated within the geographic area having soil with this local background level of contamination. See Protocol 4, “Determining Background Soil Quality” for more information on local background concentrations.

Other considerations when relocating contaminated soil

Relocation of contaminated soil to land within an Agricultural Land Reserve (ALR) is prohibited without the written consent of the Agricultural Land Commission. Information about the Commission can be obtained at www.alc.gov.bc.ca.

Relocation of contaminated soil to land regulated by a *Mines Act* permit (for example, a gravel pit) may require prior approval from the Ministry of Energy, Mines and Petroleum Resources. Contact the Chief Inspector of Mines at (250) 952-0492 for further information.

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.