

# Remediation Regulation



Alberta Environment and Parks

February 13, 2019

Alberta

# Goal

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Support effective contaminated sites management, encourage brownfield redevelopment and provide clarity for stakeholders on risk management and remediation.

# Remediation Regulation

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- On June 1, 2018, an Order in Council was signed to amend the Remediation Certificate Regulation.
- Amendments to what is now called the Remediation Regulation came into effect on January 1, 2019.
- Amendments
  - clearly outline remediation requirements, and
  - incent community renewal by providing certainty for parties on whether a property is available for redevelopment.

# Amendments: Before and After

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Previous Regime	Regime as of Jan 1, 2019
Voluntary area-based remediation certificate	Voluntary limited remediation certificate and site-based remediation certificate
Duty to report and take remedial measures under EPEA	Further description of duty to report discovery of historic contamination Requirement to submit a remedial action plan if a site is not remediated within two years.
Tier 1 and Tier 2 soil and groundwater guidelines referenced in regulation.	Addition of risk management plan guide, environmental site assessment standard and exposure control guide to regulation.
No administrative closure option for sites which did not require remediation to meet Tier 2 guidelines.	Tier 2 compliance letter (does not provide same regulatory closure as a remediation certificate).

# Duty to take remedial measures, s. 112 EPEA

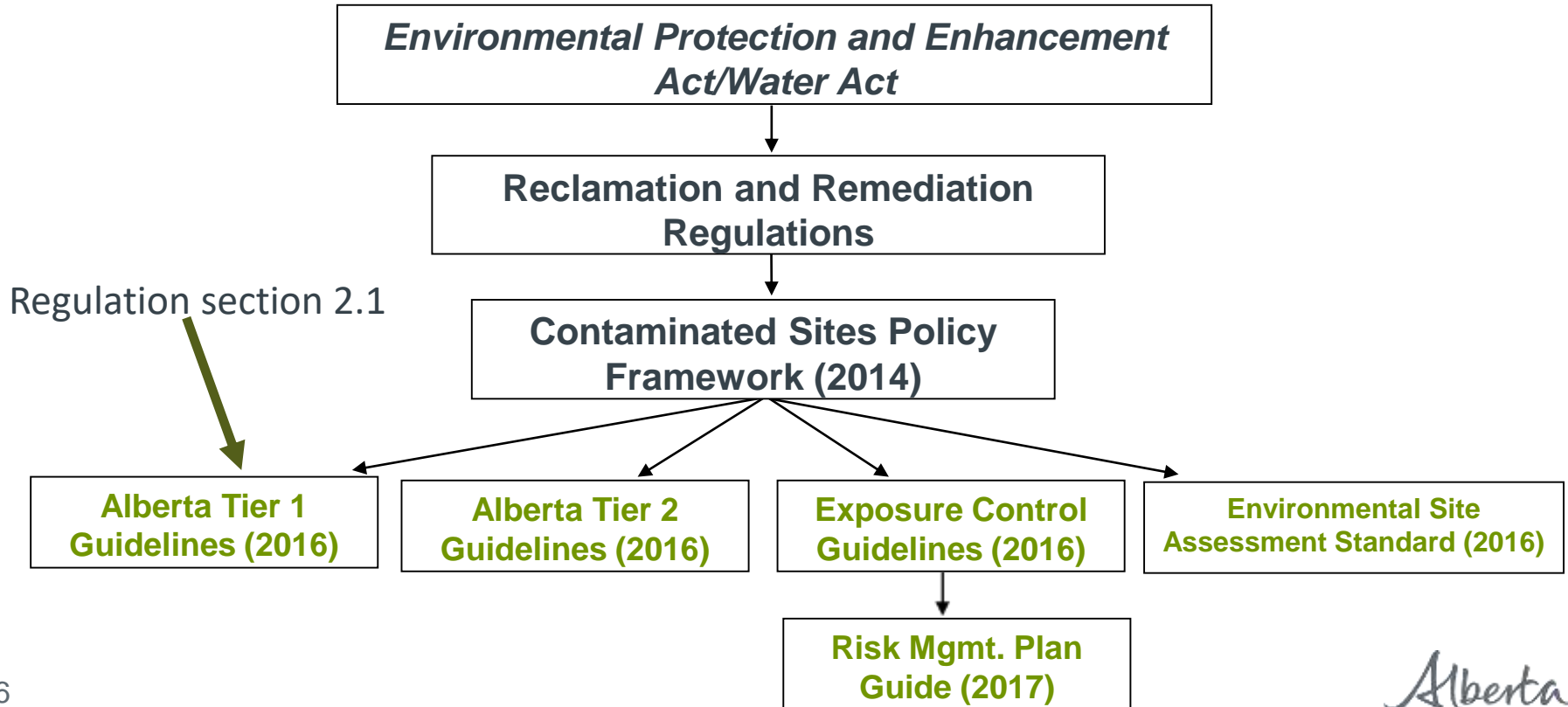
*Where a substance that may cause, is causing or has caused an adverse effect is released into the environment, the person responsible for the substance shall, as soon as that person becomes aware of or ought to have become aware of the release...*

- shall repair, remedy and confine the effects of the substance...and remediate, manage, remove or otherwise dispose of the substance...*

*AND*

- restore the environment to a condition satisfactory to the Director.*

# Guidelines



# Tier 1 & Tier 2 Guidelines in the Regulation

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- Tier 1 is the standard for “may cause adverse effect”
  - Section 2.3.
- Tier 2 objectives may be used but is harder to describe generically in regulation because it is site specific.
  - Section 2.4.
- “New information” still interpreted through guidelines
  - Must use 2.3 in early stages of the project
  - May apply criteria developed through 2.4 if the process is further developed.

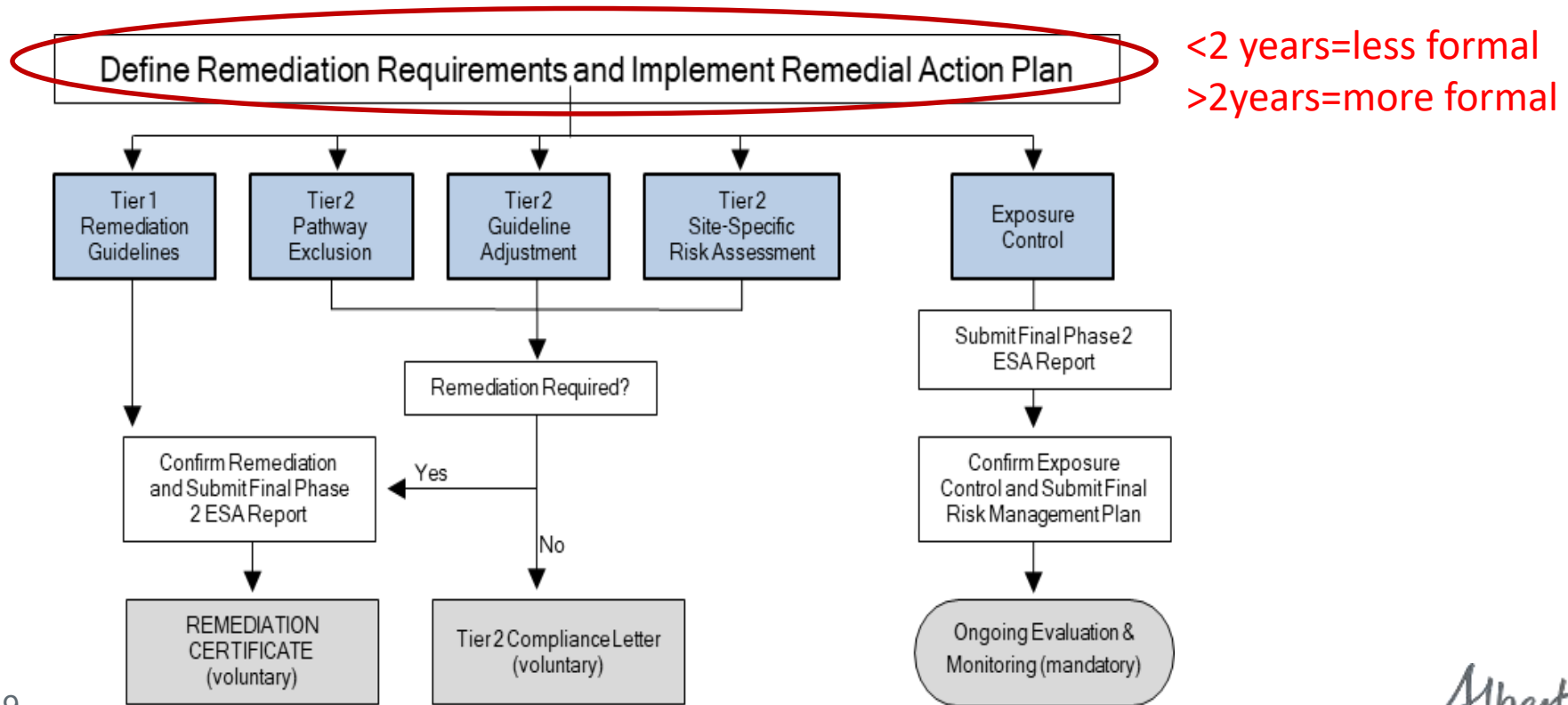
# Duty to Take Remedial Measures (2.2)

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- When a person becomes aware, the person must (2.2(1))
  - Submit a phase 2 assessment or,
  - Complete remediation and submit a remediation report.
- If remediation is not accomplished in two years, a Remedial Action Plan must be submitted that (2.2(2))
  - Is in accordance with the guidelines, and
  - Specifies a timeline for completion.
- Director may modify or waive requirements (2.2(6))
  - Alternative programs that fulfill requirements of a RAP will not require additional reporting (e.g. Soil Monitoring Plan).
- Only applies to new sites (2.2(7))
  - Sites already on the Environmental Site Assessment Repository (ESAR) will still need to be managed through Director requirements under *EPEA*.



# System Overview



# Remedial Action Plan

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- Describes:
  - What is on the site?
    - Site assessment and delineation
  - What are you going to do about it?
    - Proposed remedial actions
  - When?
    - Plan for monitoring and outcomes with timelines

# Remediation Certificates

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## Site-Based

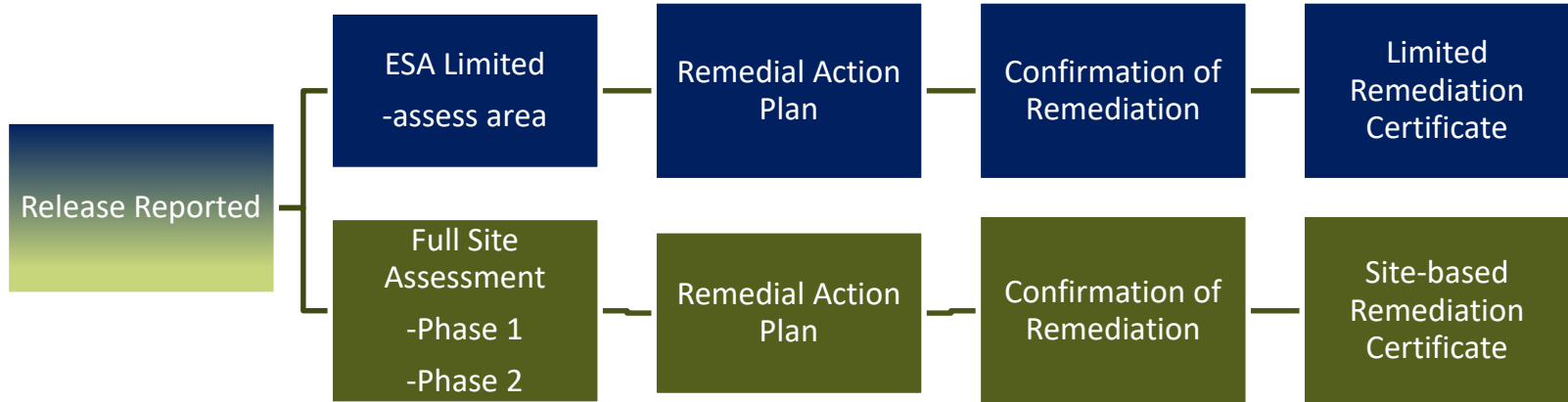
- Focused on activity
- Requires remediation of all substance releases on entire site
- Requires more detailed phased assessment and remediation approach
- Particularly of interest for closure of entire activity and for responsible parties who wish to sell a property with clear liability closure.

## Limited

- Small releases or single substance release
- Only option for long linear areas such as transportation, pipeline & utility corridors
- Assessment can focus on the substance release only
- Particularly of interest for small substance releases with minimal tier 2 assessments.

# Remediation Options

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Questions?  
Comments?

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