

TOQUAHT NATION GOVERNMENT

Enacted under the Environmental Protection Act section 11.1

SITE PROFILE REGULATION

TNR 2/2018



This regulation enacted on June 29, 2018

Signed *Anne Mack*
Anne Mack, ḥaʔwił of the Toquaht Nation

DEPOSITED IN THE
REGISTRY OF LAWS AND
OFFICIAL RECORDS

ON 2018/06/29

Kristen Johnson

Signature of Law Clerk

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PART 1 - INTRODUCTORY PROVISIONS

Short title

1.1 This regulation may be cited as the Site Profile Regulation.

Application

1.2 This regulation establishes the

- (a) form of site profile required under section 5.2 of the Act,
- (b) manner in which the site profile forms must be completed, and
- (c) fees and interest required under the Act.

Definitions

1.3 (a) In this regulation:

“Act” means the Environmental Protection Act;

“government” means the Toquaht government, the government of British Columbia, the government of Canada or any local government;

“site profile form” means a form established under this regulation and includes any attachments to the form;

PART 2 - PRESCRIBED MATTERS

Forms

- 2.1**
- (a) The form numbered CS-1 in Schedule 1 is prescribed for the purposes of the Act.
 - (b) A site profile form that is under section 5.2 of the Act must be in Form CS-1.
 - (c) Nothing may be attached to a site profile form except one or more schedules for any additional information required by the director in accordance with section 5.2 of the Act and the instructions on the form, as applicable.
 - (d) Every form must be executed and completed in compliance with
 - (i) the Act,
 - (ii) this regulation, and
 - (iii) the instructions on the form, as applicable.

Fees

- 2.2**
- (a) An applicant must pay the applicable application fees at the rates and as calculated in accordance with Schedule 3.
 - (b) An application fee is non-refundable.

PART 3 - SITE PROFILES

Scope of “industrial or commercial” purpose or activity

- 3.1** (a) A person is exempt from the duty to provide a site profile under sections 5.2(a), (b), (e) and (f) of the Act with respect to industrial or commercial purposes and industrial or commercial activities which are not described in Schedule 2.
- (c) Despite subsection (a), the approving officer may request a person who makes any type of application described in section 5.2(a) of the Act to complete sections I to III and XI of the site profile form and provide it to the approving officer.

When site profiles must be provided

- 3.2** (a) A person described in section 5.2(a) of the Act must provide a site profile at the time of presenting, in writing, an application or request for approval described in that section of the Act.
- (b) An owner of real property described in section 5.2(b)(ii) of the Act must provide a site profile not less than 10 days before the time the owner dismantles a building or structure, or otherwise decommissions a site which was used for an industrial or commercial purpose or activity listed in Schedule 2.
- (c) A vendor of real property described in section 5.2(e) of the Act must provide a site profile to a prospective purchaser at least 30 days before the actual transfer of the real property, but if the time between the written agreement for the transfer and the actual transfer is less than 30 days, the vendor must provide the site profile before the date of the agreement for the transfer.
- (d) A person described in section 5.2(f) of the Act must provide a site profile to the director no later than 10 days after the person takes possession or control of the real property.

Duty to provide a satisfactorily completed site profile

- 3.3** The obligation of a person to provide a site profile under sections 5.2(a), (b), (e), (f) and (g) of the Act and under this regulation is not satisfied until the person provides all the site profile information required by the site profile form.

Duties of the director after receiving a site profile

- 3.4** (a) Subject to subsection (b), the director must, within 15 days after receiving a site profile, notify the person who provided the site profile whether or not the director intends to require or order a preliminary site investigation or a detailed site investigation under section 5.3 of the Act.

- (b) The director may extend the time for notification under subsection (a) to a maximum of 30 days if the extension is necessary to obtain information to determine whether or not a preliminary site investigation or a detailed site investigation will be required or ordered and, in doing so, the director must inform the person described in subsection (a) of
 - (i) the duration of the extension, and
 - (ii) the nature of the information required.

PART 4 - FORM PREPARATION AND COMPLETION

Completion of site profile form

- 4.1** (a) Every site profile form, including attachments, must be on durable paper of 27.9 cm x 21.5 cm in size.
- (b) A site profile form must be completed by printing or typing in
- (i) legible characters of 10 or 12 pitch, but not smaller than 12 point, and
 - (ii) black or dark ink that is compatible for electronic scanning, optical character recognition or micrographic technology of the kind used in the Toquaht administration office.

Abbreviations

- 4.2** An abbreviation of any word on a site profile form must not be used unless the abbreviation does not obscure the meaning, intent or legal effect of the site profile form.

English language

- 4.3** Every site profile form must be completed in the English language.

SCHEDULE 1 – SITE PROFILE FORM

CS-1 – Site Profile

TOQUAHT NATION		Date received :
Environmental Protection Act Site Profile Regulation Form CS-1		File no:
SITE PROFILE		<input type="checkbox"/> Fee received
		<i>(for Toquaht government use only)</i>

I. CONTACT IDENTIFICATION

Name of Site Owner:

Full Name			
Company (if applicable)			
Owner's Civic Address			
Telephone(s)		Fax	
Email			

Person Completing Site Profile (Leave blank if same as above):

Full Name			
Company (if applicable)			

Person to Contact Regarding the Site Profile:

Full Name			
Company (if applicable)			
Owner's Civic Address			
Telephone(s)		Fax	
Email			

II. SITE IDENTIFICATION

Please attach a site location map of appropriate scale that shows the boundaries of the site.

For Legally Titled or Registered Property:

Site Street Address:	
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PID numbers and associated legal descriptions. *Attach an additional sheet if necessary.*

<u>PID</u>	<u>Legal Description</u>

For property that is untitled, attach a copy of a plan contained in Part 2(a) of Appendix B-3 of the Maa-nulth Treaty that shows the property, and indicate the property by marking the plan.

III. COMMERCIAL AND INDUSTRIAL PURPOSES OR ACTIVITIES

Please indicate below, in the format of the example provided, which of the industrial and commercial purposes and activities from Schedule 2 have occurred or are occurring on this site.

EXAMPLE:

<u>Schedule 2 Reference</u>	<u>Description</u>
E1	appliance, equipment or engine repair, reconditioning, cleaning or salvage
F10	solvent manufacturing or wholesale bulk storage

Please print legibly. Attach an additional sheet if necessary.

<u>Schedule 2 Reference</u>	<u>Legal Description</u>

IV. AREAS OF POTENTIAL CONCERN			
	Is there currently or to the best of your knowledge has there previously been on the site any (please mark the appropriate column opposite the question):	YES	NO
A	Petroleum, solvent or other polluting substance spills to the environment greater than 100 litres?		
B	Residue left after removal of piled materials such as chemicals, coal, ore, smelter slag, air quality control system baghouse dust?		
C	Discarded barrels, drums or tanks?		
D	Contamination resulting from migration of substances from other properties?		

V. FILL MATERIALS			
	Is there currently or to the best of your knowledge has there previously been on the site any deposit of (please mark the appropriate column opposite the question):	YES	NO
A	Fill dirt, soil, gravel, sand or like materials from a contaminated site or from a source used for any of the activities listed under Schedule 2?		
B	Discarded or waste granular materials such as sand blasting grit, asphalt paving or roofing material, spent foundry casting sands, mine ore, waste rock or float?		
C	Dredged sediments, or sediments and debris materials originating from locations adjacent to foreshore industrial activities, or municipal sanitary or stormwater discharges?		
VI. WASTE DISPOSAL			
	Is there currently or to the best of your knowledge has there previously been on the site any landfilling, deposit, spillage or dumping of the following materials (please mark the appropriate column opposite the question):	YES	NO
A	Materials such as household garbage, mixed municipal refuse or demolition debris?		
B	Waste or byproducts such as tank bottoms, residues, sludge or flocculation precipitates from industrial processes or wastewater treatment?		
C	Waste products from smelting or mining activities, such as smelter slag, mine tailings or cull materials from coal processing?		
D	Waste products from natural gas and oil well drilling activities, such as drilling fluids and muds?		
E	Waste products from photographic developing or finishing laboratories; asphalt tar manufacturing; boilers, incinerators or other thermal facilities (e.g. ash); appliance, small equipment or engine repair or salvage; dry cleaning operations (e.g. solvents); or from the cleaning or repair of parts of boats, ships, barges, automobiles or trucks, including sandblasting grit or paint scrapings?		
VII. TANKS OR CONTAINERS USED OR STORED, OTHER THAN TANKS USED FOR RESIDENTIAL HEATING FUEL			
	Are there currently or to the best of your knowledge have there been previously on the site any (please mark the appropriate column opposite the question):	YES	NO
A	Underground fuel or chemical storage tanks other than storage tanks for compressed gases?		
B	Above ground fuel or chemical storage tanks other than storage tanks for compressed gases?		
VIII. HAZARDOUS WASTES OR HAZARDOUS SUBSTANCES			
	Are there currently or to the best of your knowledge have there been previously on the site any (please mark the appropriate column opposite the question):	YES	NO
A	PCB-containing electrical transformers or capacitors at grade, attached above ground to poles, located within buildings, or stored?		
B	Waste asbestos or asbestos containing materials such as pipe wrapping, blown-in insulation or panelling buried?		
C	Paints, solvents, mineral spirits or waste pest control products or pest control product containers stored in volumes greater than 205 litres?		
IX. LEGAL OR REGULATORY ACTIONS OR CONSTRAINTS			
	To the best of your knowledge are there currently any of the following pertaining to the site (please mark the appropriate column opposite the question):	YES	NO
A	Government orders or other notifications pertaining to environmental conditions or quality of soil, water, groundwater or other environmental media?		
B	Liens to recover costs, restrictive covenants on land use, or other charges or encumbrances, stemming from contaminants or wastes remaining onsite or from other environmental conditions?		
C	Government notifications relating to past or recurring environmental violations at the site or any facility located on the site?		

X. ADDITIONAL COMMENTS AND EXPLANATIONS

(Note 1: Please list any past or present government orders, permits, approvals, certificates and notifications pertaining to the environmental condition, use or quality of soil, surface water, groundwater or biota at the site.

Note 2: If completed by a consultant, receiver or trustee, please indicate the type and degree of access to information used to complete this site profile):

XI. SIGNATURES

The person completing the site profile states that the above information is true, based on the person's current knowledge as of the date completed.

Signature of person completing the site profile

Date completed

SCHEDULE 2 – INDUSTRIAL AND COMMERCIAL PURPOSES AND ACTIVITIES

COLUMN 1 Item	COLUMN 2 Purpose or Activity
A	<p>Chemical industries and activities</p> <ol style="list-style-type: none"> 1. adhesives manufacturing or wholesale bulk storage 2. chemical manufacturing or wholesale bulk storage 3. explosives or ammunition manufacturing or wholesale bulk storage 4. fire retardant manufacturing or wholesale bulk storage 5. fertilizer manufacturing or wholesale bulk storage 6. ink or dye manufacturing or wholesale bulk storage 7. leather or hides tanning 8. paint, lacquer or varnish manufacturing, formulation, recycling or wholesale bulk storage 9. pharmaceutical products, or controlled substances as defined in the <i>Controlled Drugs and Substances Act</i> (Canada), manufacturing or operations 10. plastic products (foam or expanded plastic products) manufacturing 11. textile dyeing 12. pesticide manufacturing, formulation or wholesale bulk storage 13. resin or plastic monomer manufacturing, formulation or wholesale bulk storage
B	<p>Electrical equipment and activities</p> <ol style="list-style-type: none"> 1. battery (lead acid or other) manufacturing or wholesale bulk storage 2. communications stations using or storing equipment that contains PCBs 3. electrical equipment manufacturing, refurbishing or wholesale bulk storage 4. electrical transmission or distribution substations 5. electronic equipment manufacturing 6. transformer oil manufacture, processing or wholesale bulk storage 7. electrical power generating operations fuelled by coal or petroleum hydrocarbons and supplying electricity to a community or commercial or industrial operation
C	<p>Metal smelting, processing or finishing industries and activities</p> <ol style="list-style-type: none"> 1. foundries or scrap metal smelting 2. galvanizing 3. metal plating or finishing 4. metal salvage operations 5. nonferrous metal smelting or refining 6. welding or machine shops (repair or fabrication)

COLUMN 1 Item	COLUMN 2 Purpose or Activity
D	<p>Mining, milling or related industries and activities</p> <ol style="list-style-type: none"> 1. asbestos mining, milling, wholesale bulk storage or shipping 2. coal coke manufacture, wholesale bulk storage or shipping 3. coal or lignite mining, milling, wholesale bulk storage or shipping 4. milling reagent manufacture, wholesale bulk storage or shipping 5. nonferrous metal concentrate wholesale bulk storage or shipping 6. nonferrous metal mining or milling
E	<p>Miscellaneous industries, operations or activities</p> <ol style="list-style-type: none"> 1. appliance, equipment or engine repair, reconditioning, cleaning or salvage 2. ash deposit from boilers, incinerators, or other thermal facilities 3. asphalt tar manufacture, wholesale storage and distribution 4. coal gasification (manufactured gas production) 5. medical, chemical, radiological or biological laboratories 6. rifle or pistol firing ranges 7. road salt storage facilities 8. measuring instruments (containing mercury) manufacture, repair or wholesale bulk storage 9. dry cleaning facilities or operations and dry cleaning chemical storage 10. sites which have been or likely have been contaminated by substances migrating from other properties 11. controlled substances, as defined in the <i>Controlled Drugs and Substances Act</i> (Canada), manufacturing or operations

COLUMN 1 Item	COLUMN 2 Purpose or Activity
F	<p>Petroleum and natural gas drilling, production, processing, retailing, distribution and storage other than the storage of residential heating fuel in tanks</p> <ol style="list-style-type: none"> 1. petroleum or natural gas drilling 2. petroleum or natural gas production facilities 3. natural gas processing 4. petroleum coke manufacture, wholesale bulk storage or shipping 5. petroleum product, other than compressed gas, dispensing facilities, including service stations and card locks 6. petroleum, natural gas or sulphur pipeline rights of way excluding rights of way for pipelines used to distribute natural gas to consumers in a community 7. petroleum product, other than compressed gas, or produced water storage in above ground or underground tanks 8. petroleum product, other than compressed gas, wholesale bulk storage or distribution 9. petroleum refining wholesale bulk storage or shipping 10. solvent manufacturing or wholesale bulk storage 11. sulphur handling, processing or wholesale bulk storage and distribution
G	<p>Transportation industries, operations and related activities</p> <ol style="list-style-type: none"> 1. aircraft maintenance, cleaning or salvage 2. automotive, truck, bus, subway or other motor vehicle repair, salvage or wrecking 3. bulk commodity storage or shipping (e.g. coal) 4. dry docks, ship building or boat repair and maintenance, including paint removal from hulls 5. marine equipment salvage 6. rail car or locomotive maintenance, cleaning, salvage or related uses, including railyards 7. truck, rail or marine bulk freight handling

COLUMN 1 Item	COLUMN 2 Purpose or Activity
H	<p>Waste disposal and recycling operations and activities</p> <ol style="list-style-type: none"> 1. antifreeze bulk storage or recycling 2. barrel, drum or tank reconditioning or salvage 3. battery (lead acid or other) recycling 4. biomedical waste disposal 5. bulk manure stockpiling and high rate land application or disposal (nonfarm applications only) 6. construction demolition material, including without limitation asphalt and concrete, landfilling 7. contaminated soil storage, treatment or disposal 8. dredged waste disposal 9. drycleaning waste disposal 10. electrical equipment recycling 11. industrial waste lagoons or impoundments 12. industrial waste storage, recycling or landfilling 13. industrial woodwaste (log yard waste, hogfuel) disposal 14. mine tailings waste disposal 15. municipal waste storage, recycling, composting or landfilling 16. organic or petroleum material landspreading (landfarming) 17. sandblasting waste disposal 18. septic tank pumpage storage or disposal 19. sewage lagoons or impoundments 20. hazardous waste storage, treatment or disposal 21. sludge drying or composting 22. street or yard snow removal dumping 23. waste oil reprocessing, recycling or bulk storage 24. wire reclaiming operations
I	<p>Wood, pulp and paper products and related industries and activities</p> <ol style="list-style-type: none"> 1. particle board manufacturing 2. pulp mill operations 3. pulp and paper manufacturing 4. treated wood storage at the site of treatment 5. veneer or plywood manufacturing 6. wafer board manufacturing 7. wood treatment (antisapstain or preservation) 8. wood treatment chemical manufacturing, wholesale bulk storage 9. sawmills

SCHEDULE 3 – FEES

Category	Act	Type	Rate	Unit
Site profile	5.2	Fee	\$100	Site profile form