Remediation Certificates 101
Outline

• What are they?
  – Regulatory basis for issuing remediation certificates
  – Definitions and brief history of the program

• Why should I want one?
  – Benefits for the site owner
  – Benefits for the public at large
  – Benefits for regulators

• How do I get one?
  – Site eligibility requirements
  – Application process

• The future of the program
What are they?
A brief history
What are they?
Regulatory basis for the program

• Regulatory Basis
  – For sites under part 5 of the *Environmental Protection and Enhancement Act*
  – Regulatory scope of certificates is defined via the Remediation Certificate Regulation

• Voluntary certificate program

• Commenced June 2009 for petroleum storage tank sites. This was recently replaced with two programs:
  – The first program is for general contaminated sites.
  – The second program is for upstream oil and gas sites
What are they?

Scope and authority

• Authority/limits of a remediation certificate
  – Certificates are issued on a release basis
  – Once a certificate is issued, environmental liability is discharged for that release

• Audits verify the effectiveness of the program
  – 10% of sites to be audited
  – Intrusive audit program similar to the subsurface audits for the Reclamation Certificate program
Why should I want one?
Benefits for stakeholders
Why should I want one?

Reclamation vs. Remediation

• Reclamation:
  – Returning disturbed land to equivalent capability
  – Focus on land surface
  – Required for specified land
  – Surface liability remains for 25 years after certification for surface
  – No liability closure for subsurface contamination

• Remediation:
  – Reducing contaminant levels to concentrations below environmental risk
  – Focus on subsurface soil and groundwater
  – Liability release for subsurface contamination upon certification
Why should I want one?
Benefits for site owners

• Provides certainty for proponent if standards change

• Provides closure of liability upon certification

• Displays willingness of the site owner to clean sites up completely and with transparency
Why should I want one?
Benefits to the public at large

• Incentive to remediate
  – e.g., Redevelopment of vacant properties in the urban core

• Provides assurance that appropriate remedial measures were employed
  – Data and information required for application is well-defined
  – Provides requirements for assessment and remediation

• Formalizes risk management of offsite contamination
  – The certificate is issued contingent on operation of the risk management plan
Why should I want one?

Benefits to regulators

• Incentive to remediate
  – Brownfield vs. Greenfield redevelopment
  – Thousands of abandoned and suspended well sites with no regulatory mechanism to drive formal closure

• Provides a way to assure the public that appropriate remedial measures were employed

• Allows for future tracking of remediation statistics
How do I get one?
How do I get one?
Remediation Certificate eligibility

• On-site Spill
  – Entirely remediated

• On-site Spill extending Offsite
  – Remediate on-site contamination
  – Remediate or risk manage off-site areas

• Off-site Remediation
  – Must include exposure control to protect from on-site impacts
Remediation in Blue Area to Tier 1 or 2

Require Risk Management Plan Agreement for brown area that was not remediated

Municipal Road
How do I get one?

Application Process

• Remediation Certificate application submitted to the regulatory approvals centre

• Administrative review is done to ensure all of the required information has been submitted

• Application is given a technical review to ensure technical sufficiency

• Certificate is issued or refused
How do I get one?
Application information required

- Substance release information
- Area and depth of contamination
- Offsite information
- Receptors and pathways
  - Water wells, surface water bodies, adjacent residences.
- Remediation land use criteria used
  - Current and future zoning
- Remediation process
- Remediation criteria used
  - Tier 1 or Tier 2
How do I get one?
Application information required

• Survey plan of the site with remediated area
• Map with location of remediated area
• Cross – section of top and base of remediation
• Land title certificate
• Phase 1 ESA, Phase 2 ESA reports that haven’t been submitted
• Borehole logs
• Lab analytical data
• Risk management plan & Third Party Risk Management Plan Agreement
• $1000 Fee
How do I get one?
Professional signoff requirements

• Applicant Declaration
• Professional Declaration: sign off required
  – Seven professional regulatory organization
    • ACPA, AIA, APEGGA, ASET, ASPB, CAPF, CAPFT
  – Minimum of 5 years verifiable experience in remediation relative to the Competency Tables
  – Carry errors and omissions insurance coverage
How do I get one?
Avoid these common issues

• Not signed by a professional
  – Must be stamped or membership number must be included

• No cross – sections of the remediated zones

• Insufficient or improper remediation excavation samples

• Backfill soil quality analyses not included

• Improper application of Tier 2 and/or salinity guidelines
Questions?

Contact Alberta Environment and Water’s Information Centre
(780) 427 2700