
Ministerial Protocol – Contaminated Sites Program

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1.0 Introduction

The Department of Environment and Local Government's (DELG) Contaminated Sites Program is outlined in the *Contaminated Sites Regulation* (the Regulation), under the *Clean Environment Act* and six Ministerial Protocols. The Ministerial Protocols are as follows:

- 1) Contaminated Site Program (Protocol - 100)
- 2) Notification of the Release of a Contaminant (Protocol - 200)
- 3) Limited Impact Release (Protocol - 300)
- 4) Environmental Site Assessment (Protocol - 400)
- 5) Remediation, Risk Assessment, and Monitoring (Protocol - 500)
- 6) File Closure (Protocol - 600)

This protocol provides a general overview of the Contaminated Sites Program; additional information and details may be found in the referenced Protocols. The Regulation and the Ministerial Protocols (100 to 600) must be read collectively to understand all of the program responsibilities and requirements, from notification through to closure of a file.

The Regulation came into effect on August 1st, 2024. The Regulation only applies to contaminated site files that are opened on or after August 1st, 2024. Those files must follow the regulated requirements, along with the appropriate Ministerial Protocols. Contaminated site files that were opened prior to August 1st, 2024, are not subject to the Regulation but must follow the applicable guidance and requirements listed in the Ministerial Protocols.

All parties shall ensure that they are using the current versions of the contaminated sites program documents (the Regulation and Ministerial Protocols). The general Contaminated Sites Program is presented graphically in Appendix A and definitions of key terms and acronyms used in the program and in the Protocols are found in Appendix B. The current version of all Ministerial Protocols and other Contaminated Sites Program documentation (e.g., forms) can be found at [Contaminated sites program \(gnb.ca\)](https://www.gnb.ca/contaminated_sites_program).

The Contaminated Sites Program is based on the guiding principles of the protection of human health and the environment, as well as the endorsement of Atlantic Risk-Based Corrective Action (Atlantic RBCA), a risk-based approach to contaminated site assessment and management. The implementation and maintenance of Atlantic RBCA is overseen by the Atlantic Partnership in Risk-Based Corrective Action Implementation (Atlantic PIRI).

2.0 Notification of the Release of a Contaminant

New Brunswick's environmental legislation states that a contaminant cannot be released into or upon the environment unless acting under permission given through legislation. However, accidental/unplanned releases do occur and in those cases the release of the contaminant must be addressed.

2.1 CURRENT OR ACTIVE RELEASE

Section 4.3 of the *Clean Environment Act* requires that a person who knows or has reason to believe that a contaminant has been released into the environment or is present in the environment must notify the Minister. In the case of a current or active release of a contaminant (e.g., motor vehicle accident, petroleum tank overfill or leak, spill or leak at surface, etc.) the person must immediately notify the Minister by calling the appropriate DELG Regional Office during regular office hours or the National Environmental Emergencies Centre if notifying after hours or if unable to reach the DELG. To be deemed a current or active release the incident must have happened within the last 30 days.

2.2 HISTORICAL CONTAMINATION

When a contaminant is discovered during a site excavation (e.g., tank pull, construction project, etc.) or through an environmental site assessment, it is considered to be historical contamination, as the time and manner of the release will generally be unknown. In that case, the person giving notice will submit a Notification of Historical Contamination (NHC) form (CSM-FRM-100), along with a site plan and sampling results, to the DELG within 30 days of becoming aware of the presence of a contaminant (i.e., confirmatory laboratory sampling results). Generally, remediation of historical contamination follows the Contaminated Sites Management (CSM) process (see Section 6.0).

2.3 BACKGROUND SUBSTANCES

When a site is being assessed for potential contamination, if a substance (e.g., a metal) is identified that exceeds the applicable Atlantic RBCA Tier I Environmental Quality Standards (EQS) but is considered to be background concentrations, notification of historical contamination to the DELG is still required. To notify, CSM-FRM-100 must be submitted to the DELG, along with the site-specific rationale that supports the claim that the substance is background concentrations. The DELG will evaluate the information and if the rationale is accepted then no CSM file will be opened for the site.

Further information and requirements on notifying of the release or presence of a contaminant, historical contamination, background substances, and federally owned properties can be found in Ministerial Protocol – Notification of the Release of a Contaminant (Protocol - 200).

3.0 Emergency and Containment Actions

In many situations, initial emergency and containment actions may be required to reduce the potential of immediate harm to the environment and human health. These actions may be initiated by, but not limited to, the person notifying of the release of a contaminant, an emergency responder, a Site Professional, or a property owner, prior to the involvement of the DELG. As soon as it is considered safe to do so, all reasonable measures should be taken to prevent, reduce, and correct all adverse impacts of the release of the contaminant. The person initiating emergency actions must also consider minimizing long-term environmental impacts resulting from the release.

In a protected municipal wellfield or watershed, it is expected that emergency actions will include the immediate removal of free product in soils, groundwater, and surface water. The more rapid the travel time to the municipal well or surface water intake, the more aggressive the initial containment and remedial actions will need to be. Depending on the contaminant type, size of the release, and location of the release in relation to the location of the municipal well or surface water intake, the well or water intake may need to be shut off. Further information relating to the release of a contaminant in a

protected municipal wellfield or watershed may be found in Section 5.0 of Ministerial Protocol – Environmental Site Assessment (Protocol – 400).

4.0 Material Management

This section relates to management of soil or other media at sites that are being assessed for potential contamination or have a file within the contaminated sites program.

Soil that is unimpacted, meaning it has concentrations of contaminants that are not naturally occurring in the environment (e.g., petroleum products, chlorinated volatile organic compounds, etc.) that are below detection limits and/or has concentrations of substances, such as metals, that are determined to be at natural background levels and are below the applicable Tier I EQS for the land use, may be moved with no restrictions to another site with the same (or less sensitive) land use classification as the source site, as long as other jurisdictional requirements are met.

4.1 MANAGEMENT OF MATERIAL WITH BACKGROUND CONCENTRATIONS

A site may have concentrations of a substance (e.g., a metal) that exceeds the applicable Tier I EQS criteria but is considered to be background concentrations. Although there may be no regulatory requirements to address substances that are considered background concentrations, these substances may present a risk to human health or the environment when present at a concentration above the applicable criteria. A property owner concerned about background concentrations on their property may contact a Site Professional to request advice on possible voluntary mitigation measures to manage the potential exposure to the substance.

Movement of soil, with background concentrations that exceed the applicable Tier I EQS criteria, between properties, must be approved by the DELG on a case-by-case basis.

Soil or fill that is being brought to a site for use as a cover material must be tested to ensure its suitability for the land use and intended purpose. See Section 5.2 of the Protocol – 600 (File Closure) for additional details and requirements for cover material.

4.2 MANAGEMENT OF IMPACTED OR CONTAMINATED MATERIAL

All media, such as soil, groundwater, surface water, and sediment, and materials that are impacted by a contaminant need to be properly managed on-site and/or disposed in a manner approved by the DELG. For additional information see Section 5.0 of Ministerial Protocol – Remediation, Risk Assessment and Monitoring (Protocol – 500).

5.0 Limited Impact Release

Upon notification of the release of a contaminant, a DELG Inspector initiates a file in the DELG occurrence database. The Inspector will screen the incident to determine if it may be managed as an undesignated release or a Limited Impact Release (LIR). If managed as an undesignated release, it must follow the Guideline for Undesignated Releases. To be managed as an LIR, the contaminant

release must meet the criteria for an LIR, which includes the general requirement that the release be a petroleum hydrocarbon and cleaned-up within 30 days.

For an LIR, the DELG will designate the site as a contaminated site (see Section 6.1 for information on designation). The DELG will name a Responsible Party for the release, and they must engage a Site Professional, as defined by Section 5.11 of the Clean Environment Act, to undertake or supervise the remediation and required reporting to the DELG. If the DELG requirements are satisfied, the LIR file will be closed.

If at any point the DELG determines that the release does not meet or no longer meets the criteria or timelines for an LIR, then site remediation and file closure must follow the CSM process (see Section 6.0). When a file is moved from the LIR process to the CSM process the Responsible Party and Site Professional will be notified.

Further information and requirements on undesignated releases and LIRs, can be found in Ministerial Protocol – Limited Impact Release (Protocol - 300).

6.0 Contaminated Sites Management Process

The CSM process must be followed for the remediation of contamination that has been deemed historical or for the release or presence of contamination that could not be handled as an LIR. The requirements of the Regulation apply to CSM files that are opened on or after August 1st, 2024. Those files must follow the regulated requirements, along with the appropriate Ministerial Protocols. Contaminated site files that were opened prior to August 1st, 2024, are not subject to the regulation. However, those contaminated sites must still be assessed and remediated according to the applicable guidance and requirements that are outlined in the Ministerial Protocols.

6.1 DESIGNATION

Section 4.31 of the *Clean Environment Act* allows the Minister to designate a site as a contaminated site if it has been determined that an area has concentrations of a contaminant that exceed the limits considered acceptable by the DELG. A current or active release of a contaminant may trigger the site to be designated as a contaminated site, since free product has been released. For historical contamination, the site may be designated if it is confirmed that the concentration of a contaminant exceeds the Atlantic RBCA Tier I Environmental Quality Standards (EQS) screening criteria for human health or ecological receptors, for the appropriate site and neighbouring land use. If Atlantic RBCA has no screening criteria for the contaminant of concern, then other jurisdictional criteria may be used, as per the current versions of the Atlantic RBCA Environmental Quality Standards – Rationale and Guidance Document and the User Guidance.

For historical contamination, where the DELG has determined that the concentration of a contaminant meets the criteria for designation, the site will be designated as a contaminated site and the DELG will open a CSM file.

If a file began as an LIR file and has been transferred to the CSM process, then the site has already been designated as a contaminated site. In these cases, the LIR file will be closed and a CSM file will be opened. The date of designation will remain the date the site was first designated within the LIR process.

A contaminated site will only be designated on or after August 1st, 2024. CSM files that were opened before this date are not designated contaminated sites and are not a part of the regulated process.

6.2 LAND GAZETTE NOTICES

Both designated and undesignated contaminated sites may consist of a single property, as identified by a Parcel Identification Number (PID) or may consist of multiple properties (PIDs). A contaminated site will have an identified source PID and may also have one or more associated source or third-party impacted PIDs. Additional PIDs may be added to the designated or undesignated contaminated site as they are identified during site assessment and remediation.

Once a CSM file has been opened the DELG will attach an environmental notice to all properties (PIDs) associated with the CSM file, via the Service New Brunswick Land Gazette. The Land Gazette notice is a generic notice indicating that the property is associated to an open or closed CSM file.

6.3 DECLARATION OF A RESPONSIBLE PARTY

Sections 4.5 and 4.6 of the *Clean Environment Act* outlines the person(s) (i.e., person or company) who may be named as the Responsible Party for the contaminated site and allows the Minister to declare one or more persons as the Responsible Party for the contaminated site. The Minister will determine a Responsible Party and they will be notified in writing that they have been declared to be the Responsible Party. The Responsible Party must respond to the DELG by the date given to confirm receipt of notification and to acknowledge that they will follow the CSM requirements. If no response is received from the Responsible Party, then a second notice will be sent in writing. If no response is received to either notification, then compliance and enforcement actions may be pursued (see Section 11.0 of this Protocol).

The Responsible Party will be responsible for ensuring the contaminated site is assessed, remediated, and closed according to the Regulation (if applicable) and the appropriate Ministerial Protocols (Protocol-100, Protocol-400 to Protocol-600).

As per the *Appeal Regulation (84-179) – Clean Environment Act*, a person that is declared to be the Responsible Party for the contaminated site may appeal the decision within 15 days of being notified.

6.4 ENGAGING A SITE PROFESSIONAL

The Responsible Party must engage a Site Professional, as defined by Section 5.11 of the *Clean Environment Act* and whose qualifications are outlined in Section 15 of the Regulation. The Site Professional is responsible to undertake or supervise the assessment, remediation, monitoring, and closure of the contaminated site on their behalf. The Responsible Party must notify the DELG which Site Professional has been hired to manage the contaminated site file or the Site Professional may notify the DELG on behalf of the Responsible Party. The Responsible Party or Site Professional shall send notification by email to the Contaminated Sites Program at remediation@gnb.ca. The notification must include the CSM file number, the name of the Responsible Party and/or client (e.g., insurance company), and the name of the Site Professional and the Consulting Company they work for.

The Site Professional must also notify the DELG by email when they are no longer engaged as the Site Professional for a contaminated site.

6.5 SITE VISIT

DELG Inspectors may visit any contaminated site in order to evaluate and confirm site conditions, check on progress of remedial actions and mitigation measures, and confirm site closure conditions. Inspectors may collect samples at any contaminated site to confirm site conditions.

7.0 Environmental Site Assessment

It is the responsibility of the Site Professional to plan and implement an appropriate Environmental Site Assessment (ESA) on behalf of the Responsible Party and in accordance with Section 9 of the Regulation (if applicable) and Ministerial Protocol – Environmental Site Assessment (Protocol - 400). Through the completion of an ESA, the Site Professional gathers site specific technical information, such as the nature and location of the contaminants, to adequately plan appropriate mitigative action, which includes remediation and/or risk assessment.

During an ESA, the extent of the contamination in soil and groundwater must be adequately defined and delineated (horizontally and vertically), even if it has crossed the source property boundary to a third-party property. Depending on the site conditions, determining the contaminant levels in other media, such as air (vapour), surface water, and sediment, may also be required. The concentrations of the contaminant in soil, groundwater, and other media are to be compared to the appropriate Atlantic RBCA Tier I EQS screening criteria for human health or ecological receptors, for the appropriate site and neighbouring land use. If Atlantic RBCA has no screening criteria for the contaminant of concern then other jurisdictional criteria may be used, per the Atlantic RBCA guidance. Delineation to applicable Atlantic RBCA Tier I EQS screening criteria for human health and ecological receptors is the minimum level of delineation required in all situations. Further delineation may be required by the DELG in circumstances where screening criteria are not applicable or where aesthetic criteria must be achieved.

The Responsible Party is required to notify impacted third-party property owners as soon as possible regarding any impacts discovered during an ESA. Impacts are defined as a concentration of a contaminant above the laboratory detection limit. Note, if a substance has been confirmed to be background, then notification to a third-party property owner is not required. Notification to third-party property owners must include information on the degree and extent of the known impacts to their property and an outline of the Responsible Party's plans and timeline for remediation and/or further assessment of the third-party property, if required.

For designated contaminated sites in the regulated process, an ESA report that meets requirements must be submitted to the DELG within 365 days of the site being designated as a contaminated site. An extension of this deadline may be considered by the DELG and can be requested by submitting a Request for Time Extension Form (CSM-FRM-500). Contaminated site files that are not designated or in the regulated process (i.e., file was opened before August 1st, 2024) do not have a deadline to complete and submit an ESA report, however, the expectation is that the Responsible Party will submit reports in a reasonable timeframe.

In certain situations, some sites may require more than one ESA to be completed. There may be an initial ESA completed, which is then followed by one or more additional ESA programs to address gaps in data and information. For designated contaminated sites in the regulated process, the ESA Report

submission requirement (Section 9 of the Regulation) will not be deemed fulfilled until all the ESA requirements in Protocol - 400 have been completed. If the complete ESA requirements cannot be met within the required 365-day timeline, then a request for an extension of the deadline may be submitted to the DELG, for consideration.

Additional information and requirements for an ESA, including monitoring well exclusions, assessments in a protected wellfield or watershed, reporting, and requesting an extension of a regulated deadline can be found in Ministerial Protocol – Environmental Site Assessment (Protocol - 400).

8.0 Remediation, Risk Assessment, and Monitoring

When the appropriate Atlantic RBCA Tier I screening criteria have been exceeded, a remedial action plan (RAP) must be developed by the Site Professional in accordance with Section 10 of the Regulation (if applicable) and Ministerial Protocol – Remediation, Risk Assessment, and Monitoring (Protocol - 500). A RAP for the site may be included as part of the ESA Report that is submitted to the DELG or may be submitted separately.

The Site Professional may implement some remedial actions (e.g., contaminated soil removal, pump and treat systems) without requiring approval from the DELG. However, approval of a RAP is required by the DELG if the plan includes the introduction of chemical substances, biological agents, or thermal treatment. Approval of a RAP is also required for complex or unique sites, as determined by the DELG.

The RAP should identify the site-specific remedial and/or risk assessment methods to be applied to the site, as well as the contamination level objectives for the site. It must include the rationale used to develop the remedial and/or site management actions, a monitoring plan, a reporting schedule, and an estimated timeline for site closure. For RAPs that require DELG approval, the Responsible Party or their Site Professional must advise the DELG of departures from the accepted plan. In situations where predictions included in the RAP fail to be achieved, the Responsible Party/Site Professional will be required to revisit and enhance the RAP.

The purpose of a monitoring program is to evaluate the performance of the remedial actions established in the RAP and/or to evaluate conditions related to potential site closure. The Site Professional will evaluate the monitoring results to determine if contaminant plumes are stable to shrinking and that applicable criteria have been achieved or if site management conditions will be required. Monitoring reports must be submitted according to the schedule outlined in the RAP.

For sites that are progressing quickly and only require simple remedial actions (no DELG approval needed) there is the option of submitting one report to the DELG that covers the ESA, RAP, remediation, monitoring, and closure actions and requirements. See Section 7.1 of Protocol – 400 for further details.

Further information and requirements on remediation, risk assessment, and monitoring can be found in Ministerial Protocol – Remediation, Risk Assessment, and Monitoring (Protocol-500).

9.0 File Closure

File closure may be sought once a site has been adequately assessed, remediated, and monitored (as required), the site assessment data meet the applicable environmental criteria, and/or site management conditions have been implemented. To recommend file closure for a site, the Site Professional must submit a Closure Report and a Record of Site Condition to the DELG, on behalf of the Responsible Party, as per Section 10 of the Regulation (if applicable) and Ministerial Protocol – File Closure (Protocol - 600).

The DELG recognizes two types of file closures, unconditional and conditional closure. An unconditional closure means that there are no restrictions or conditions on the property based on the land use (residential, commercial, industrial, or agricultural) and site activity (e.g., well drilling, building, excavating, etc.) at the time of file closure and for the reasonably foreseeable future.

A conditional closure means that there are site management conditions required to manage potential exposure to a contaminant. Site management conditions include institutional controls (e.g., land use or activity restrictions) or engineered controls (e.g., air exchange systems, engineered covers). Institutional or engineered controls must be in place and confirmed to be functioning properly (if applicable) before a file closure is submitted to the DELG. Certain types of sites may have a conditional closure with an associated Risk Management Plan, where ongoing monitoring is required to manage potential exposures to a contaminant. Site management conditions to manage risk exposure must remain intact and functional at the site until the site is reassessed and the conditions removed with approval from the DELG. The DELG will only accept site management conditions for a property (PID) if the property owner has signed a written acknowledgement and agrees to adhere to the site management conditions. After file closure, it is the property owner's responsibility to maintain any site management conditions imposed on their property(ies).

Contaminated site files that are undesignated and not in the regulated process do not have a deadline to submit the Closure report and Record of Site Condition, however, the expectation is that the Responsible Party will submit them in a reasonable timeframe.

For designated contaminated sites in the regulated process, remediation, risk assessment, monitoring, and the submission of a Closure Report and Record of Site Condition to the DELG (Section 10(1) of the Regulation) must be completed within two years of the site being designated as a contaminated site. The items listed in Section 10(1) of the Regulation will not be deemed to be fulfilled unless they meet the requirements in Protocols 500 and 600. If the requirements of Section 10(1) cannot be completed within the required two-year timeline, then an extension of this deadline can be requested by submitting a Request for Time Extension Form (CSM-FRM-500) and will be considered by the DELG.

If the Closure Report and Record of Site Condition meet all the requirements outlined in Protocol - 600, the DELG will close the CSM file (as per Section 12 of the Regulation, if applicable). For information purposes, the environmental notice on the Land Gazette will remain for all properties (source, associated source, and third-party impacted properties) that are associated with undesignated and designated contaminated site files.

After file closure, all monitoring wells associated with the contaminated site file must be decommissioned per Protocol – 600 and Section 12(4) of the Regulation (if applicable), unless they are required for risk management plan monitoring or other monitoring purposes. Retaining monitoring wells for other monitoring purposes must be approved by the DELG. The Site Professional must complete the Monitoring Well Decommissioning Form (CSM-FRM-700) and submit to the DELG confirming that the monitoring wells have been decommissioned as per the requirements.

Further information and requirements for unconditional and conditional file closure, including risk management plans, and monitoring well decommissioning can be found in Ministerial Protocol – File Closure (Protocol - 600).

10.0 Auditing

The DELG will complete regular auditing of various aspects of the Contaminated Sites Program to evaluate compliance with the Regulation (if applicable), Protocol requirements, the Atlantic RBCA User Guidance, as well as other technical documents and guidance. Audits are necessary to continuously improve compliance with the Program and to identify potential areas where clarification on requirements or training is needed.

The DELG may select open or closed files for auditing and may request information from the Responsible Party, the Site Professional who managed the file, and/or current property owners of PIDs associated with the file. The DELG may also conduct a site visit as part of an audit to check compliance with requirements.

11.0 Compliance and Enforcement

When compliance with the requirements of the Regulation (if applicable) and the Ministerial Protocols (Protocols 100 to 600) are not achieved, various compliance and enforcement options will be pursued, generally in accordance with the DELG [Compliance and Enforcement Policy \(gnb.ca\)](#). This may include issuing warnings, Orders, and Administrative Penalties, as applicable.

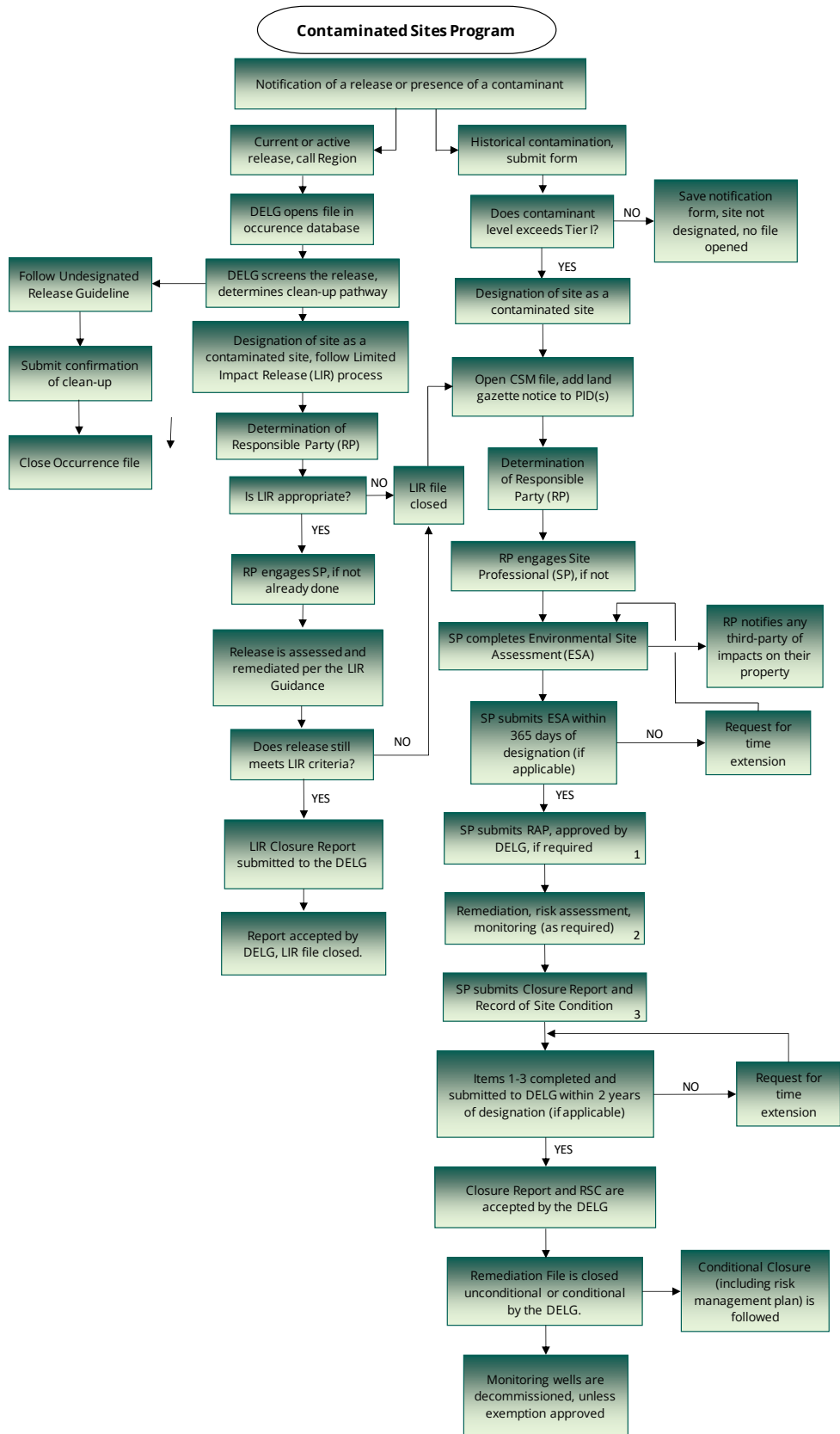
The Minister's authority pertaining to the issuance of Orders is stated in Section 5 of the Clean Environment Act and the Minister may issue an Order to anyone listed in Section 5.3 of the *Clean Environment Act*. Failure to comply with an Order is an offense and may lead to further enforcement action.

For designated contaminated sites in the regulated process, the Minister's authority pertaining to the issuance of Administrative Penalties is outlined in Section 32.2 of the *Clean Environment Act* and further details are in the *Administrative Penalties Regulation* under the *Clean Environment Act*. There are various offences which may be subject to an administrative penalty, including, but not limited to, failure to notify of the release of a contaminant or failure to assess and remediate a site within a prescribed timeline. The specific offences which may be subject to an administrative penalty are outlined in Schedule A of the *Administrative Penalties Regulation*.

In instances where there is an immediate threat to human health or the environment and the responsible party cannot be identified or is not taking adequate action to address the situation, the DELG can initiate emergency containment, assessment, or remedial actions to mitigate the

contaminant release. Once the noted actions have been completed, the DELG may pursue cost recovery measures from the Responsible Party, including putting a lien on the property, as per Section 5.201 of the *Clean Environment Act*.

APPENDIX A: CONTAMINATED SITES PROGRAM FLOWCHART



APPENDIX B: DEFINITIONS AND ACRONYMS

Atlantic RBCA

Atlantic Risk-Based Corrective Action (RBCA) is a process to assess and manage the remediation of sites impacted by petroleum hydrocarbons and other contaminants, using typical site conditions in Atlantic Canada. Atlantic RBCA includes the use of risk assessment, risk management, and a tiered approach to remediation, along with a technical tool kit (model and risk characterization).

Audit

A review of all or any part of the activities related to a contaminated site by the DELG or its agents and may include a review of existing records, calculations, and assumptions, and on-site verification of an activity or condition, to ensure compliance with requirements.

Chlorinated Volatile Organic Compounds (CVOCs)

Chlorinated solvents, including volatile organic hydrocarbon compounds which contain chlorine, that have widely been used in various industries. The most common CVOCs are Perchloroethylene (PCE or Perc) and its breakdown products.

Closure Report

A final report prepared by the Site Professional and provided to the DELG which details the assessment, remediation, and monitoring activities and indicates the final environmental state of the site and confirms the site conditions are acceptable for the intended land use.

Contaminant

Any solid, liquid, or gas present in the environment (a) that is foreign to or in excess of the natural constituents of the environment, (b) that affects the natural, physical, chemical or biological quality or constitution of the environment, and (c) that endangers the health of a person or ecological receptors.

Contaminated Site

An area of the province with concentrations of a contaminant that exceeds the limits considered acceptable by the DELG. The contaminated site will consist of a source property (PID) where the contamination originated, and potentially associated source properties or third-party impacted properties, which have been impacted by the source property. The Minister may designate an area as a contaminated site, as per Section 4.31 of the *Clean Environment Act*.

Emergency Action

Initial response activities to protect the environment and/or human health from the immediate or future impacts related to the release of the contaminant(s) of concern into the environment.

Engineered Controls

Modifications to a site or facility, such as constructed systems, completed as part of a conditional closure to reduce or eliminate the potential for exposure to contaminants of concern, as generally outlined in the current version of the *Atlantic RBCA User Guidance*.

Environmental Site Assessment (ESA)

An extensive investigation to fully characterize the extent and degree of contamination in various media at a site. The ESA may be conducted in phases and at the completion the data collected should sufficiently represent the site conditions and may be used to develop site-specific remedial objectives using a risk assessment approach and/or to investigate the feasibility of various clean-up options. The investigation should follow the appropriate, current Canadian Standard Association ESA standards.

Environmental Quality Standard (EQS)

Environmental criteria at the lowest level, Tier I, that are protective of human and/or ecological receptors, which may be exposed to various contaminants through all relevant exposure pathways.

Historical Contamination

As defined in the Regulation, means the release or presence of a contaminant that occurred more than 30 days previous and is discovered during a site excavation or environmental site assessment or of a category prescribed by Ministerial Protocol.

Impacted Site

A property or collection of properties where the concentration of a contaminant in air, soil, groundwater, surface water, or sediment are above natural background or the laboratory detection limit, but below contaminated site levels as defined above.

Inspector

A DELG Inspector designated pursuant to Section 23 of the *Clean Environment Act*.

Institutional Controls

Restrictions placed on a site, such as land use controls or occupancy restrictions, implemented as part of a conditional closure, that reduce or eliminate the potential exposure to contaminants of concern, as generally outlined in the current version of the *Atlantic RBCA User Guidance*.

Limited Impact Release

As defined in the Regulation, mean the release or presence of a contaminant that occurred no more than 30 days previously and meets the criterial established by Ministerial Protocol.

Monitoring

The scientific assessment of air, soil, groundwater, surface water, or sediment conditions at a contaminated site over a period of time to verify the success of remediation efforts as the file progresses towards site closure.

Pathway Specific Standards (PSS)

These are environmental criteria that are specific to certain exposure pathways and/or receptor types and are considered to be Tier II values.

Peer Review

A technical review of a report or risk assessment by an independent Site Professional or technical expert.

Polychlorinated biphenyls (PCBs)

A group of man-made organic chemicals that are stable and persistent in the environment. They were widely used in electrical equipment, such as capacitors and transformers, and other industries.

Receptor

The person or organism, including plants, that are potentially exposed to a contaminant.

Record of Site Condition (RSC)

A document completed by the Site Professional and provided to the DELG in a prescribed format confirming that the Contaminated Sites Management process has been followed and identifying any conditions of site closure.

Remedial Action Plan (RAP)

A document that describes in sufficient detail how a contaminated site will be remediated and/or risk assessed. The document must also include timelines for remedial activities, the monitoring plan, and potentially a plan for managing any required engineered or institutional controls or the implementation of a risk management.

Remediation

The improvement of a contaminated site to prevent, minimize, or mitigate damage to the environment and human health.

Responsible Party

Means the person, as determined by the Minister in accordance with Section 4.6 of the *Clean Environment Act*, who is declared responsible for the remediation of a contaminated site.

Risk Assessment

The scientific examination of the nature and magnitude of risk to define the potential adverse effects on humans and/or ecological receptors due to exposure to contaminants.

Risk Management

The implementation of a strategy or measures to control or reduce the level of risk revealed by a risk assessment.

Site Professional

A person whose qualifications meet the requirements referred to in Section 5.11 of the *Clean Environment Act* and the Section 15 of the *Contaminated Sites Regulation*.

Site-Specific Target Level Criteria (SSTL)

Risk-based remedial criteria, which are derived using site-specific conditions and accepted risk assessment/management procedures.

Source Property

The property at which the contaminant(s) of concern was released into the environment. The DELG may also identify an associated source property if the contaminant is present on more than one property owned by the same owner or if the potential source of the contaminant is located on more than one property owned by the same owner.

Third Party

The owner of a property which is impacted by contamination from a source property.

Undesignated Release

A release of a contaminant at a site that is not designated as a contaminated site and is cleaned-up outside of the regulated process.

Watershed Protected Area

A protected area of land that drains a system of streams, lakes, and rivers around a public/municipal surface drinking water supply. Protected watersheds have restrictions on land-use and water-use activities that occur within that area.

Wellfield Protected Area

The protected area (surface and subsurface) surrounding any water well or wellfield that supplies drinking water to a public/municipal water system.