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# Ministerial Protocol – Limited Impact Release

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## 1.0 Introduction

The Limited Impact Release (LIR) Protocol offers guidance on handling releases of petroleum hydrocarbons or other contaminants that may have limited environmental impacts. The Department of Environment and Local Government (DELG) manages these incidents through the *Contaminated Sites Regulation* (the Regulation), under the *Clean Environment Act*, and the associated Protocols.

All releases must be immediately reported to the nearest DELG Regional Office during business hours or the National Environmental Emergencies Centre (NEEC) after hours. For additional information on reporting a release of a contaminant, refer to Ministerial Protocol – Notification of the Release of a Contaminant (Protocol - 200), which can be found at [Contaminated sites program \(gnb.ca\)](http://Contaminated sites program (gnb.ca)).

In certain cases, immediate emergency actions may be necessary to prevent harm to the environment and human health. These actions can be initiated by various parties, including those notifying about the release, emergency responders, Site Professionals, property owners, or a party responsible for the contaminant, even before DELG's involvement. The person initiating emergency actions must also consider minimizing long-term environmental impacts resulting from the release.

## 2.0 Objectives

There are two pathways to manage releases with limited environmental impacts:

- As an undesignated release for sites that fall outside the regulated process, or
- As a designated contaminated site as per Section 4.31 of the *Clean Environment Act*.

For sites that are designated as a contaminated site, they will either be managed as an LIR file or a Contaminated Sites Management (CSM) file. This protocol outlines requirements for:

- 1) Screening releases to determine if the site can remain undesignated.
- 2) Determining if a release qualifies as an LIR.
- 3) Engaging a Site Professional for an LIR file.
- 4) Reporting the results of the remediation of an LIR to the Minister to obtain file closure.

## 3.0 Spill Incident and Screening

When a release is reported, the DELG initiates a file in the occurrence database. An Inspector will evaluate the incident based on the information provided. The Inspector will evaluate the severity and magnitude of the incident based on the criteria listed in the Guideline for Undesignated Releases (Appendix A). If it is determined that the incident is unlikely to have any impact on the environment, the site will not be designated and will not be subject to the Regulation. Inspectors and parties responsible for clean-up of the release will be required to follow the Guideline for Undesignated Releases.

If a release may cause adverse environmental impacts, the site will be designated as a contaminated site and the Inspector will screen the incident to determine if it can be managed as an LIR file (see Section 4.0 of this Protocol) or if the release must be managed as a CSM file (see Protocol – 100).

## 4.0 Limited Impact Release

Sections 4.5 and 4.6 of the *Clean Environment Act* outline the person(s) (i.e., person or company) who may be named as the Responsible Party for the contaminated site and allow 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 will also be notified of the date the site is designated as a contaminated site.

### 4.1 LIMITED IMPACT RELEASE CRITERIA

When a site is designated as a contaminated site, an Inspector will consider the following criteria to determine if the release may be managed as an LIR file:

- 1) Date of Contaminant Release: The release should be a current or active release that occurred no more than 30 days previously. If the release occurred more than 30 days before contamination removal or if the release date is unknown, the file may move to the Contaminated Sites Management (CSM) process.
- 2) Extent of Impacts: If contamination is primarily limited to soils and does not affect surface water, groundwater, or bedrock, it may be addressed as a LIR.
- 3) Type of Contaminant: The contaminant released is a petroleum hydrocarbon or other type of contaminant that may have limited environmental impacts. Certain contaminants (e.g., PCBs, CVOCs, mercury, dioxins and furans) are required to be managed through the CSM process.
- 4) Confirmatory Soil Samples: If remaining contamination exceeds applicable Atlantic Risk Based Corrective Action (RBCA) Tier I Environmental Quality Standards (EQS) for human health and ecological receptors, the file may be transferred to the CSM process.
- 5) Sensitive Receptors: Impacts on wetlands, watercourses, or Zones A or B of protected municipal wellfields or watersheds warrants CSM process consideration.
- 6) Complete Contaminant Removal: If contamination remains inaccessible (e.g., beneath a building's foundation), the CSM process applies.

If it is determined that a release can be managed as an LIR file, the Responsible Party must remediate the release as per Section 14 of the Regulation.

As per Section 14(8) of the Regulation, if at any time during the remediation the Responsible Party or Site professional learns or has reason to believe that release or presence of a contaminant does not meet or no longer meets the criteria for an LIR, they must inform the DELG. In these cases, the release will need to be remediated as a CSM file, as per Sections 9 to 11 of the Regulation and Protocols 100 and 400 to 600.

## **4.2 SITE PROFESSIONAL AND REMEDIAL ACTIVITIES**

As per Section 14(2) of the Regulation, 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 for completing or overseeing the remediation of the contaminant release.

## **4.3 LIR CLEANUP TIMELINE**

The DELG expects releases managed as an LIR file to be remediated within 30 days. If an LIR file approaches the 30-day mark since the spill occurred, an Inspector may grant a minor extension if active work is ongoing. Releases that are not remediated within 30 days may be directed to the CSM process, as per Section 14(9) of the Regulation.

## **4.4 LIMITED IMPACT RELEASE CLOSURE REPORT**

After site clean-up, the Site Professional must submit a summary of the work completed in an LIR Closure Report. The information and data that need to be included in the LIR Closure Report is detailed in Appendix B. As per Section 14(3) of the Regulation, the Closure Report must be submitted within 90 days of the release, or a later date authorized by the DELG. The report must be submitted electronically to the Inspector managing the file. If the Closure Report meets the requirements of the Regulation and this Protocol, then the DELG will close the LIR file. The DELG will then provide written notification to the Responsible Party and Site Professional that the LIR file has been closed. Upon request, impacted property owners must be provided with a copy of the LIR Closure Report from the Responsible Party or Site Professional.

## **4.5 LIMITATIONS OF THE LIR PROCESS**

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

# APPENDIX A: GUIDELINE FOR UNDESIGNATED RELEASES OF CONTAMINANTS

A release of a contaminant may not be subject to the requirements of the *Contaminated Sites Regulation – Clean Environment Act* if an Inspector determines that the release is unlikely to have any adverse impact on the environment. The role of the Inspector is to record the details of the release, advise the party responsible on clean-up procedures, review the criteria below, and to complete the Occurrence File.

An Inspector will consider the following information to determine if a site may remain undesignated or if it should be subject to the requirements of the Regulation.

- 1) Type of release (e.g., petroleum hydrocarbon, chemical, etc.)
- 2) The quantity of the contaminant that has been released.
- 3) The proximity of sensitive receptors such as potable wells or surface water.
- 4) Potential impacts to groundwater.
- 5) The presence of preferential pathways (e.g., ditches, underground features, drains, or is below the footing of a building) that could facilitate the spread of the contaminant.
- 6) The potential for indoor vapors or fumes that will not dissipate after the source has been removed.
- 7) Emergency implementation of containment measures.
- 8) The location of the release with respect to protected environmental areas such as protected municipal wellfields or watersheds or provincially significant wetlands.

Once an Inspector has completed their screening, the Inspector may limit their role to the following:

- 1) Direct the caller to commence clean-up immediately, communicate the basic steps for spill containment and proper disposal of the waste material, and direct the caller to retain waste disposal slips or other proof of disposal.
- 2) Open an Occurrence File and verify the spill meets the conditions of the Undesignated Releases of Contaminants Guideline.
- 3) Follow up with the caller to ensure the clean-up has been completed.
- 4) Close the Occurrence File.

A release not subject to the regulated process does not require a Site Professional to be hired. Samples do not need to be collected, unless an Inspector determines otherwise. For any release of a contaminant, an Inspector may conduct a site inspection and collect samples.

If at any time, the Inspector has reason to believe the incident may have an adverse impact on the environment, this Guideline will not apply. In these cases, the Inspector will then determine if the release may be managed as a LIR file, per Section 4.0 of this Protocol.

# APPENDIX B: LIR CLOSURE REPORT SUBMISSION REQUIREMENTS

Inspectors must ensure that the risk to the environment and human health have been managed at the site and the contaminated materials have been removed. The purpose of the Closure Report is to detail the final condition of the site and must include the information listed below. All LIR Closure Reports must be signed and stamped by the Site Professional and submitted to the DELG within 90 days of the release, or a later date authorized by the DELG.

LIR Closure Reports must include:

## 1) Site Description

- Background of incident that led to the Limited Impact Release.
- Land use of the source property and adjacent properties (residential, commercial, industrial, agricultural).
- Groundwater use classification (potable or non-potable).
- Identification of the soil type (fine-grained or coarse-grained) and presence of bedrock at the site or in an excavation.
- Identification of all sources, potential pathways, and any receptors.

Note, further information on land use, site potability, and soil type may be found in Section 3.2 of Protocol – 400.

## 2) Field Procedures

- A description of remedial activities taken at the site.
- A description of the sampling methods and procedures.
- Information on soil disposal including disposal/scale slips or other proof of disposal.
- Information on impacted water and/or free product management and disposal including waste disposal slips.

## 3) Closure Criteria

- A statement saying that impacts have been delineated to the applicable Atlantic RBCA Tier I EQS in soils.
- Confirmation that third-party impacted property owners were notified of impacts (if applicable).
- Sample results for any water samples collected in the excavated area (e.g., grab sample of any water infiltrating the excavation) (if applicable).
- Confirmatory surface water and/or potable well sample results (if applicable).
- Laboratory certificates for all samples.

## 4) Site Plan to Scale

- Property boundaries with PIDs shown.
- Area of property assessed.
- Locations of all preferential pathways.
- Limits of the excavation.

- Sampling locations and depths.
- Sampling results along with a table with the applicable Atlantic RBCA Tier I EQS criteria. Samples that do not meet the applicable criteria should specifically identified (e.g., bolded, colored red).