


What you need to know about
CONTAMINATED SITES

Following the **regulations**



As a property owner, you are responsible for making sure any contamination on your property is cleaned up according to the Contaminated Sites Regulations.


This brochure walks you through the regulations and how to follow them to clean up all types of contamination. The regulations provide the steps and time frames to follow.

Contamination that is not cleaned up can lead to serious health and environmental problems. If you find a spill or contamination on your property

- hire a contaminated sites professional to assess the site to find out if you need to formally notify Nova Scotia Environment. You can find the details under the protocol Notification of Contamination (PRO-100)
- formally notify Nova Scotia Environment and any other party that is affected if the site professional finds that notification is required

The regulations give timelines. Calling in a site professional early may reduce the time and cost for cleaning up the site and help you avoid unnecessary work.

The same protocol (PRO-100) provides an exemption when certain types of contamination are cleaned up in 30 days. You do not have to follow the notification process and other requirements of a longer cleanup. A site professional will advise you on whether your property qualifies for a 30-Day Cleanup and on other possible exemptions.



Site professional

The regulations require that people responsible for contaminated sites hire site professionals to manage the assessment and cleanup. A site professional

- is responsible and accountable to Nova Scotia Environment
- manages all work during the site cleanup process
- makes sure all work and all documents meet the legal and technical requirements
- has a valid licence or certificate of registration in engineering or geology in Nova Scotia
- has at least five years of experience conducting Phase 1 ESAs, Phase 2 ESAs, remediation planning and carrying out remediation
- has professional liability insurance of \$2,000,000 “per claim and aggregate”

Cleaning up the site

After notification and assessment, the site professional will look at the options for cleaning up the site, and then conduct the cleanup, prepare and submit necessary reports to Nova Scotia Environment, and ask Nova Scotia Environment to close the file.

Each spill and contaminated site is different. What works for one site may not be the best approach for another. Ask your site professional for details on the choices for cleaning up, and about the work as it goes on.

You can choose between two pathways for cleaning up a site – Limited Remediation or Full Property Remediation.

Limited Remediation Pathway

You can use Limited Remediation to clean up contaminated sites or spills and releases of any size, including domestic oil spills.

There are three options or levels for assessing a contaminated site – L1, L2, and L3. These are described in the Environmental Site Assessment Protocol for Limited Remediation, go to novascotia.ca/nse/contaminatedsites/docs/PRO200_ESA_for_Limited_Remediation_Protocol.pdf. These levels allow a site professional to match the amount of work needed to clean up a contaminated site with the amount of risk at the site.

Using this pathway, you may assess and clean up a full property, or clean up a small spill or release on part of the property.

This pathway also allows you to control or manage the risks of contamination at a site instead of removing all contamination. Managing the risks could include using barriers to keep people from contamination. For example, a fan system below a basement floor could stop contamination left there from affecting the air in the building. **Note: Risk assessments and risk management plans must be done by a site professional.**

Under the Limited Remediation pathway, the site professional must file a Record of Site Condition with Nova Scotia Environment once the process for cleaning up the property has met all the requirements of the regulations.



Full Property Remediation Pathway

The Full Property Remediation pathway was made for “brownfield” sites but can be used for others. A brownfield site is often a commercial property, like an old gas station, that is not used because it may contain contaminants.

This pathway is useful to developers, large industry, banks, and specialized legal sectors involved in cleaning up or redeveloping this type of property. However, this pathway is also

available to anyone who chooses to follow the process.

This pathway offers little flexibility, and no on-site management of contamination.

Under the Full Property Remediation, the site professional must file a Declaration of Property Condition with Nova Scotia Environment once the process for cleaning up the property has met all the requirements of the regulations.

Ministerial Protocols under the Contaminated Sites Regulations

The requirements in the regulations are described in seven Ministerial Protocols.

The following table lists the seven protocols and provides a summary of their intended use.

| Name of Protocol | What it sets out |
|---|--|
| Notification of Contamination | How to decide whether a site is contaminated, using risk factors and numerical criteria, and who to notify |
| Phase 1 Environmental Site Assessment | What to consider when assessing a site that may be contaminated based on the history of the site and how it was used |
| Phase 2 Environmental Site Assessment | How to determine the seriousness of the contamination and how far it has gone, by taking samples and analyzing data on the materials affected, such as soil, groundwater, surface water, or sediment |
| Environmental Site Assessment for Limited Remediation | How to assess contamination at a site using flexible approaches |
| Remediation Levels | How to make choices for a site and pick the right criteria for cleaning up a site |
| Remedial Action Plan | How to plan and report on what actions are involved in cleaning up a site or managing it |
| Confirmation of Remediation | How to report and document the actions taken to clean up a site or manage it |

Administrative Process

A site professional

- completes all the actions required under the Contaminated Sites Regulations and the Ministerial Protocols that apply within the required timelines
- completes and files the reports and checklists that apply and includes all the necessary signatures within the mandatory timelines

Following the completion and submission of all the necessary documents you will receive written confirmation from Nova Scotia Environment that the filing is complete. Make sure you receive this confirmation and keep it in your records.

Additional information, including frequently asked questions, fact sheets and brochures, as well as the full Contaminated Sites Regulations and Ministerial Protocols are available on the Nova Scotia Environment website novascotia.ca/nse/contaminatedsites.

Please send comments and questions to CSP_Engagement@gov.ns.ca

