

GUIDELINE
July 2023

DESIGNATION OF CONTAMINATED AND IMPACTED SITES IN MANITOBA

1.0 Introduction

Manitoba's Contaminated Sites Remediation Act (CSRA) requires that the owner or occupier of a property notify Environment and Climate (the department) when they become aware of information indicating that the site has been contaminated at a level that exceeds the standards established by regulation. The CSRA also requires that the owner/occupier of a property submit all relevant information concerning the contamination of a property to the department.

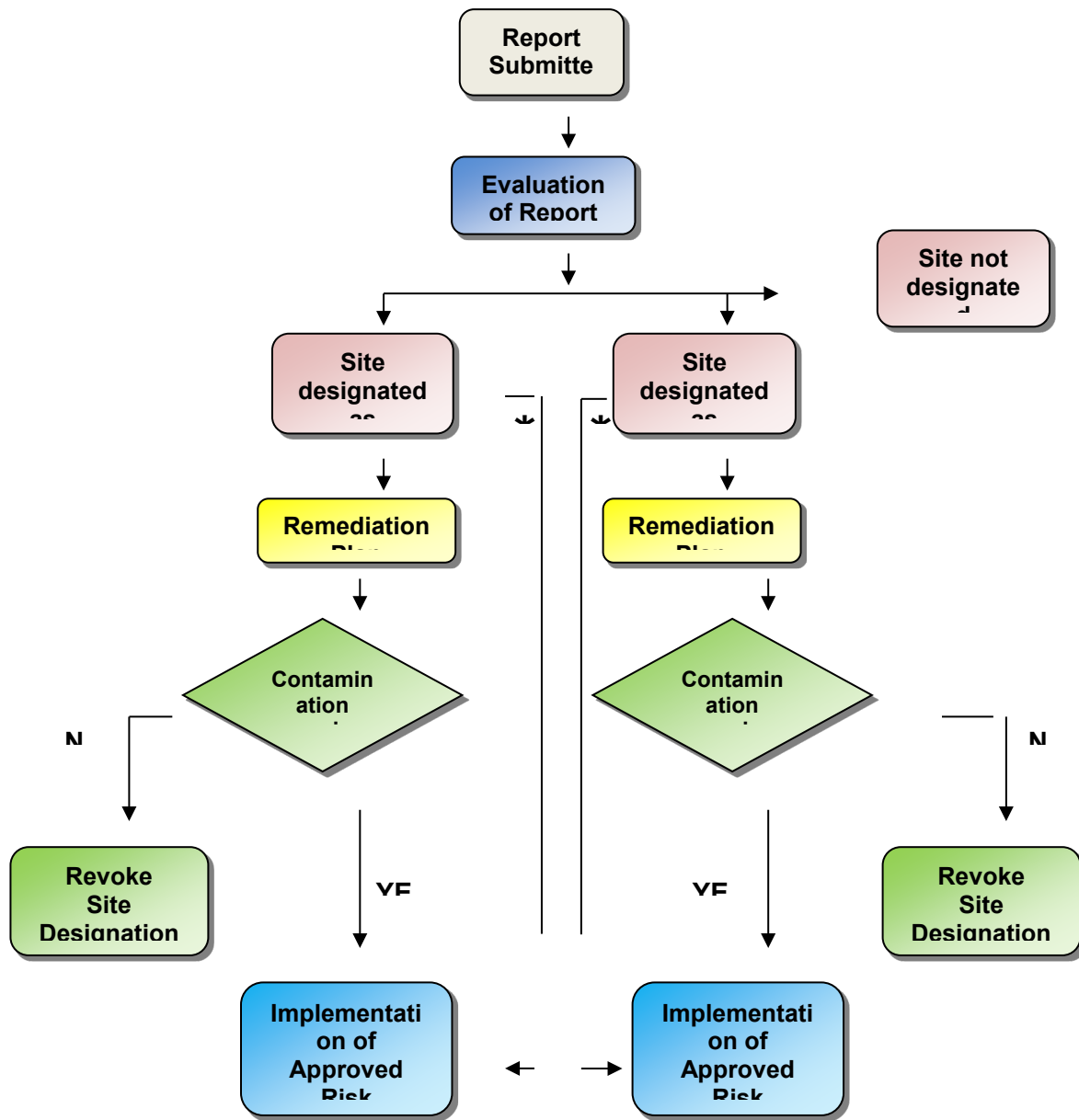
If the department becomes aware of contamination on a property and the owner/occupier refuses to conduct the necessary investigation, the director may issue an order requiring an Environmental Site Assessment (ESA) and, if necessary, the ESA can be conducted under the direction of the department and the cost charged to the responsible party.

ESA reports that are submitted to the department are reviewed to determine if and how the site should be designated under the CSRA. The CSRA enables the director to designate a site as either a *contaminated site* or as an *impacted site*. If the department receives an ESA report that indicates that the site does not meet the criteria for designation, the site will not be designated.

This document is consistent with, and applies, the scientific protocols described in the *Guidance Document on the Management of Contaminated Sites in Canada* (Canadian Council of Ministers of the Environment [CCME]) and the *Standard Guide for Risk-Based Corrective Action Applied at Petroleum Release Sites* (American Society for Testing and Materials [ASTM] E1739 – 95 [2015]). Similar risk-based approaches are used in other Canadian and American jurisdictions for assessment and management of contaminated sites.

As illustrated in Figure 1 (below) the CSRA requires remediation of any site designated as either a *contaminated site* or *impacted site*. Note that site remediation can include a variety of options. Following completion of the remediation plan, the site designation may be revoked if no conditions remain on site. Where conditions remain on site and the remediation program is followed by an approved risk management program, the site designation is retained for the duration of the risk management program.

Figure 1



⚡ **Note: some sites will go directly from being designated to implementation of a risk management plan**

For properties where an ESA report has been submitted to the department but where the evidence shows that no designation is necessary, the site file will be retained by the department.

2.0 Environmental Site Assessment (ESA)

The initial step in determining whether a site should be designated as a *contaminated site* or *impacted site* is to conduct an ESA. More information on ESAs is found in the the department guideline *Environmental Site Assessments in Manitoba*.

3.0 Designation

Following completion of the evaluation phase, the owner or occupier shall submit the ESA report(s) to the department. The CSRA requires the owner or occupier of a site to notify the director in writing if they become aware of information that the site has been contaminated or impacted at a level that exceeds a standard adopted by regulation. As well, the owner/occupier of a site must provide the director with all reports and documentation respecting contamination at the site.

The CSRA enables the director to designate a site as:

- a *contaminated site*, if the site is contaminated at a level that poses a threat to human health or safety or to the environment; or
- an *impacted site*, if the site is contaminated at a level that does not currently pose such a threat, but that may pose such a threat in the future.

If the results of a site evaluation indicate that the concentrations of contaminants at a site do not pose a threat to either human health or the environment, then the site will not be designated.

If the site is designated as a *contaminated site*, notice of a site designation is sent to the Land Titles Office, the registered owner(s) of the site, persons with a registered interest (e.g. a mortgage) in the site and the municipality within which the site is located. The site will also be included in the department's site registry. For sites with a *contaminated site* designation, notice to the owner will consist of a notification letter, a designation order and a remediation order. A remediation plan for a designated *contaminated site* must be submitted within thirty (30) days of issuance of the designation order.

When a site is designated as an *impacted site*, notice is given only to the landowner and the site is included in the department's site registry. For sites designated as *impacted*, notice to the owner will consist of a notification letter. Although a remediation order will not always be issued for an impacted site, the designation will require that a remediation plan be submitted by the site owner to the department within ninety (90) days.

4.0 Remediation Plan

The term "remediation" refers to methods of managing the risks associated with site contamination. More information regarding remediation plans may be found in the department's guideline *Submission of remediation plans for Impacted and Contaminated Sites*.

5.0 Revocation

For a *contaminated site*, if, in the director's opinion, the land ceases to be contaminated at a level which poses a threat to human health or safety or to the environment, the director shall, by written order, revoke the designation as it relates to the specific land.

If, in the director's opinion, land that has been designated as an *impacted site*, is no longer contaminated at a level that may pose a threat to human health or safety or to the environment, the director shall revoke the designation by written order.

Completion of a remediation plan does not in itself indicate that a designation will be revoked. Conditions may remain on the site that indicate the need for monitoring or other risk management. Consequently, the site designation will remain in force.

To initiate revocation of the site status, the owner must request the revocation and provide supporting documentation showing the site meets the criteria for revocation as set out in the CSRA.

When a request for revocation of the designation order is received, the department will examine the request and supporting documentation. If the criteria for revocation set out in the CSRA has been met, a revocation order will be issued for the site and the owner will be notified. In these instances, the department will retain a file for the site.

6.0 For More Information

For more information, please contact the Contaminated Sites Program at ContaminatedSites@gov.mb.ca.