New Contaminated Sites Regulations Finally Arrive

November 23, 2016

The amendments to the *Contaminated Sites Regulation* , which take effect November 1st, 2017, will incorporate new soil, water, and vapour standards.

On September 21, 2016, the Minister of Environment Mary Polak amended the *Contaminated Sites Regulation*, B.C. Reg. 375/96 (the "Regulations"). The amendments take effect November 1st, 2017, following a 12-month transition period, and have been a long time coming, as the Regulations have been sparingly updated since its implementation in 1997.

The amendments will incorporate new soil, water, and vapour standards that were developed while taking into account a number of considerations. These include up-to-date toxicology data, the new B.C. environment groundwater model, and new deviation protocols for environmental quality standards from environmental agencies around the world. Because existing sediment quality criteria already reflect standards used throughout North America, sediment standards remain substantially unchanged.

To improve ease-of-use, the Regulations have been reorganized and consolidated into four schedules, each representing standards for an environmental medium — soil, water, sediment, and vapour. A number of Contaminants of Emerging Concern have been added, and the Regulations will now address several specific exposure/land use scenarios, setting particular soil standards for High and Low Density Residential land use, ecological impact standards for Natural and Reverted Wildlands, and vapour standards for at-surface and below-surface parkade facilities.

To streamline the soil relocation process, the new soil and vapour standards will also be used to determine when a soil relocation agreement is required to relocate soil, and leachate tests may now be used (with authorization) to demonstrate that water quality will not be impacted at a soil receiving site.

The Regulations will trigger the need for consequential amendments to the *Hazardous Waste Regulation*, B.C. Reg. 63/88 and *Organic Matter Recycling Regulation*, B.C. Reg. 18/2002, which haven't been amended since the 1980s, to bring their standards in line with the Regulations.

Finally, to ensure standards remain scientifically and economically defensible, the Regulations will include provisions requiring the director to review the standards every five years and bring any recommended changes to the attention of the Minister.

The new Regulations will have wide reaching implications on the identification and remediation of contaminated sites, and will likely have implications for property owners across the Province. Owners and potential purchasers of potentially contaminated property should be aware of the consequences of the new Regulations.

By

Luke Dineley, Auke Visser

Expertise

Environmental

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 800 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

blg.com

BLG Offices

Calgary
Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa
World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver
1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal
1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto
Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing unsubscribe@blg.com or manage your subscription

preferences at blg.com/MyPreferences. If you feel you have received this message in error please contact communications@blg.com. BLG's privacy policy for publications may be found at blg.com/en/privacy.

© 2026 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.