

## **Contaminated Sites Program** **Frequently Asked Questions**

### **How do I know if Environment and Climate Change has environmental files for a property?**

The Contaminated Sites Program maintains a registry of contaminated and impacted sites. The following lists are posted on our website:

- Sites that have been designated as **Contaminated** under the Contaminated Sites Remediation Act (CSRA) are shown on the designated contaminated sites list. A designated contaminated site is a site determined to be contaminated at a level which poses a threat to human health or safety or to the environment.
- Sites that have been designated as **Impacted** under the CSRA are shown on the designated impacted sites list. A designated impacted site is a site determined to be contaminated at a level that may pose a threat to human health or safety or to the environment.
- Additionally, sites identified in the registry as not designated indicate that information has been submitted to the department and a registry file has been created.

This online registry is not a comprehensive list and is continually being populated. A complete [Environmental File Search](#) is recommended to confirm all the information Environment and Climate Change maintains on a site.

### **May I see the file that Environment and Climate Change has for a specific site?**

Yes, you may complete an [Environmental File Search](#) and make arrangements to view the file with staff from the Contaminated Sites Program. When possible, an electronic version of the file may also be provided once a file search has been requested.

### **Is it possible to have a site removed from one of the lists?**

When a site is designated as either contaminated or impacted, it remains on either the designated contaminated sites list or the designated impacted sites list until the designation is revoked by the director. The director will revoke the site designation when the site is no longer considered contaminated or impacted as defined by the CSRA. Sites for which a risk management plan is underway may remain designated indefinitely.

Any site for which Environment and Climate Change's Contaminated Sites Program has a file will be shown on the not designated list and cannot be removed from that list. This list lets the public know that Environment and Climate Change has some information pertaining to that particular site, regardless of its designation status.

### **I know of a site that used to be a gas station. Why isn't it on the list?**

If Environment and Climate Change has not received an environmental report for a site, a file will not exist for that site and it will not be listed on the not designated list.

### **How do I know if there are contaminants at a site?**

If there is no environmental information available for a site and you would like to know if contaminants are present, you can retain an environmental professional to conduct an Environmental Site Assessment (ESA) for the property with the permission of the owner. There are two kinds of ESAs: a non intrusive assessment, also called a Phase I ESA; and an intrusive assessment, also called a Phase II ESA.

### **What is the difference between a Phase I ESA and a Phase II ESA?**

A Phase I ESA is a historical review of the land use of a property followed by a site inspection. The purpose is to determine if there are any environmental concerns from either the past or current use of the property and if further investigation is warranted.

A Phase II ESA involves collecting and analyzing samples (they could be soil and/or water) from areas of concern that were identified in the Phase I ESA. The Phase II ESA compares the results of the samples to known guidelines and assesses the risk on site, along with any recommendation for further work, if necessary.

### **Who is responsible for conducting an ESA?**

The owner/occupier of a property is responsible for conducting an ESA on their property.

### **How can I get an ESA completed for a property and how much does it cost?**

Environment and Climate Change does not provide these services. However, the following lists are available to the public:

- Environmental professionals that conduct ESAs are listed in the Yellow Pages™ under the heading “environmental consultants and services”.
- The [Membership Directory of the Manitoba Environmental Industries Association \(MEIA\)](#) also contains the names of firms that conduct ESAs. Not all members of the MEIA are firms that conduct ESAs.
- The [Membership Directory of the Engineers Geoscientists Manitoba](#) website has the ability to search using key words, such as “environmental”.

Environment and Climate Change does not provide estimates on the cost of an ESA. Not every property is the same and the costs of conducting an ESA will depend upon the size and complexity of the investigation. Firms that provide ESA services may be able to provide a quote for a particular project.

### **Who is qualified to conduct an ESA or perform environmental work in Manitoba?**

Environment and Climate Change’s Contaminated Sites Program often requires that environmental work be performed by an environmental professional. An environmental professional is defined by the Contaminated Sites Program as a person whose livelihood is dependent on the performance of environmental work through a registered business, and who has relevant experience assessing site conditions, developing sampling plans, planning and executing site investigations, and evaluating and interpreting scientific data in order to achieve both the regulatory and scientific objectives.

### **Do I have to report the results of the ESA to Environment and Climate Change?**

Under the CSRA, when the owner/occupier becomes aware of information that indicates that the site has been contaminated at a level that exceeds a standard established by the Contaminated Sites Remediation Regulation (CSRR), the owner/occupier must report those findings to the Contaminated Sites Program of Environment and Climate Change. Typically, this information only becomes available through the completion of a Phase II ESA. However, if the results of an ESA indicate that there are no exceedances of the reporting standards present at the site, there is no requirement to report the findings.

### **The ESA recommends a clean-up of the contamination on-site. What should I do?**

If an ESA recommends a remediation program, a remediation plan must be submitted to Environment and Climate Change. The remediation plan must be prepared by an environmental professional. The Contaminated Sites Program will review the plan and the owner/occupier will be notified via a letter indicating whether the proposed remediation plan has been approved. If Environment and

Climate Change receives an ESA that indicates that remediation is necessary and no remediation plan is submitted, the owner/occupier will be sent a letter indicating that the site has been designated as either contaminated or impacted and that the owner/occupier is required to submit a remediation plan within a specified time (30 days for a contaminated site and 90 days for an impacted site) from the date of the letter.

### **Who is going to pay for the remediation?**

The CSRA uses the “polluter pays principle” in assessing responsibility for the remediation of a site. The owner/occupier of a property will be notified that remediation is required for a site, and that a remediation plan is required for the site. However, upon receipt of notice of designation, the owner/occupier may ask for a “determination of responsibility” for the contamination if they feel that they are not the polluter.

Note that the site must only be remediated to the applicable guideline criteria appropriate for its current use (i.e. if a site is used commercially, remediation must be completed to meet commercial use guidelines). If remediation is necessary as a result of the change of site use or redevelopment/development activities (i.e. change from commercial use to residential use, or exposure of a formerly sealed pathway), it is the responsibility of the redeveloper to remediate the site to the new site criteria, or to eliminate the exposure pathway.

### **I suspect that my neighbour’s property is contaminated. Who should I report this to?**

The Environmental Compliance and Enforcement Branch of Environment and Climate Change investigates environmental complaints.

### **Can I receive notice of updates to the Guidelines and Information Bulletins produced by the Contaminated Sites Program?**

To receive email notifications about updates or additions to the Contaminated Sites Program that may affect you or your clients (i.e. posting of new/updated information bulletins and guidelines, upcoming information sessions, program changes, etc.) please send a request to [ContaminatedSites@gov.mb.ca](mailto:ContaminatedSites@gov.mb.ca).

### **Is there a list of soil treatment facilities in Manitoba?**

Yes. A list of all licensed soil treatment facilities in Manitoba is provided [HERE](#).