



Contaminated Sites

The Contaminated Sites Regulation (CSR) was passed in 1996 in response to an increasing awareness of the potential risks associated with contaminated sites. Risks resulting from exposure to chemicals such as lead, arsenic, cadmium, petroleum hydrocarbons and PCBs can include health problems ranging from minor physical symptoms to life-threatening diseases like cancer. Environmental impacts of exposure to toxins can include impaired reproductive processes in some animals and birds.

Not all contaminated sites pose a threat to human or environmental health, but those that do must be managed properly to protect people and the environment. To accomplish this, the Contaminated Sites Regulation has established a formal process for identifying and managing contaminated sites.

The Contaminated Sites Process

- 1) A site that may be contaminated is reported to the Department of Environment along with soil or water data identifying the nature and extent of the contamination.
- 2) The Department uses standards set in the Contaminated Sites Regulation to determine whether or not the site is contaminated. Current land and water uses, background contaminant levels and the history of the site are considered in this process.
- 3) If it is determined that the site is not contaminated, no further work is required.
- 4) If the concentration of contaminants exceeds levels specified in the CSR, the Department may formally designate the site as contaminated. Not all contaminated sites are formally designated as such.
- 5) If a site is formally designated, a Notice of Designation of Contaminated Site is issued to the owner and occupant of the site, and a copy of the Notice is put on the Public Registry of Contaminated Sites. The Department must approve any plans involving excavations, construction, changes in the use of soil or ground water, or dismantling of equipment or buildings at a designated contaminated site.
- 6) The Department then determines whether or not the contaminated site poses a threat to human or environmental health.
- 7) If the site is not a threat, it may not have to be restored immediately unless a change in land use is proposed. Depending on the new proposed land use, the site may be restored when the land use changes or upon the Department's approval of a Plan of

Restoration. If no change in land use is proposed, the site may remain designated until new restoration technology becomes available, or until circumstances change.

- 8) If the site is a threat, the Department identifies the person or company in control of the contaminant when it was released into the environment – the “Responsible Party”. The Responsible Party (or Parties) is responsible for the containment and restoration of the site.
- 9) If the site is causing or may cause environmental or human health problems, the Department can order the Responsible Party to:
 - conduct a Site Investigation,
 - conduct a Site Assessment, and
 - develop and implement a Plan of Restoration approved by the Department. The Plan of Restoration must show how the selected remediation method will ensure that the site is restored to the appropriate standard.
- 10) After restoration the Department may direct the Responsible Party to monitor the site to ensure that the objectives of remediation or containment have been met.
- 11) When the Department is satisfied that a site has been remediated or contained according to the CSR standards, a Certificate of Compliance may be issued for the site. A copy of the Certificate of Compliance is also placed on the Public Registry of Contaminated Sites.

For more information about the process of determining whether or not a site is contaminated, please see the attached flowcharts.

Voluntary Compliance

In addition to the formal process outlined above, there is also an informal process where contaminated sites are not designated and clean up is not ordered by the Minister, but where proponents choose to clean up their sites voluntarily. The Environmental Programs Branch is available to assist site proponents in determining the application of the CSR to their site.

For more information on Contaminated Sites, please contact:

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