



**PROTOCOL FOR THE CONTAMINATED SITES REGULATION
UNDER THE ENVIRONMENT ACT**

**PROTOCOL NO. 4:
Fees for the Review of Risk Assessments and Related Reports**

Prepared pursuant to Part 6 – Administration, Section 21,
Contaminated Sites Regulation, OIC 2002/171

FEES FOR THE REVIEW OF RISK ASSESSMENTS AND RELATED REPORTS

1.0 Introduction

The review of risk assessments and related reports in contemplation of using risk-based restoration strategies and standards requires considerable resources and technical expertise. In light of this, the Government of Yukon has determined that if a person wishes to use risk-based standards they must pay the costs, on behalf of the Government of Yukon, of an external review of the risk assessment and related reports. Subsection 21(1)(l) of the *Contaminated Sites Regulation*, OIC 2002/171 authorizes the Minister or his/her delegate to approve or adopt protocols to assist in ensuring that actions taken in relation to contaminated sites in general and the review of risk assessments in particular, are taken in a consistent and fair fashion. The following protocol is designed to ensure that consistent fees are applied to the review of such reports, based on the size and complexity of the contaminated site.

2.0 Definitions

- 2.2 “complex site” means a site that is not a simple site.
- 2.3 “large-sized site” means a site with an area greater than 12000 m².
- 2.4 “External Reviewer” means the person(s) selected to review documents submitted, as determined by the application of the Procedure for External Review of Risk Assessments.
- 2.5 “medium-sized site” means a site with an area greater than 2000 m² and less than or equal to 12000 m².
- 2.6 “simple site” means a site where
- a) the contaminants at the site are in a single substance class,
 - b) the contaminants are primarily located within not more than two (2) areas of the site,
 - c) the contaminants are primarily associated with the soil,
 - d) there is no significant offsite migration of the contaminants, either through surface water, groundwater or air, including dust and vapour transport, *and*
 - e) no additional permits or approvals are required for the site, other than those under the *Contaminated Sites Regulation*.
- 2.7 “small-sized site” means a site with an area less than or equal to 2000 m².
- 2.8 “substance class” means a class of substances represented by a single class number in Table 2.

3.0 Risk Assessment Review

The Environmental Programs Branch will review all risk assessment submissions for general completeness. All Risk Assessment reports and related documents will then be forwarded to an External Reviewer for review. The External Reviewer will review the documents:

- a) to determine if the risk assessment has been carried out in keeping with generally accepted industry practices;
- b) to determine the adequacy of any assumptions made regarding the receptors evaluated and the routes of exposure;
- c) to recommend whether the information meets the requirements of the *Contaminated Sites Regulation*; and
- d) with respect to other criteria as may be determined by the Environmental Programs Branch.

The External Reviewer will be selected according to the Selection of Risk Assessment Reviewers procedure, which is described in a separate document.

4.0 Size and Complexity of Contaminated Sites

The size and complexity of a contaminated site will be determined solely by the Environmental Programs Branch.

The size of a contaminated site will be determined based upon the following:

- a) If the areal extent of the contamination of an affected property is known, the size of the site is the known areal extent of the contamination. This may constitute only a portion of a property or more than one property.
- b) If the areal extent of the contamination is not known but a reasonable estimate can be made, the Branch may use this estimate as the size of the site.
- c) If neither a) nor b) above applies, the size of the site is the total area of the legal property description or, if the site is designated, the total area of the designated contaminated site.

The complexity of a site will be determined using the definitions in section 2.0 (above) for a simple and complex site. The classification from a simple to complex site may change if additional information justifies a reclassification.

5.0 Review Fees

The fees for the review of risk assessment reports and related documents will be as listed in Table 1.

Table 1. Fees for the Review of Risk Assessment Reports and Related Documents

Size of Site	Simple Sites	Complex Sites
Small-sized site	\$4,000	\$10,000
Medium-sized site	\$6,000	\$18,000
Large-sized site	\$8,000	\$24,000

The fees will be assessed at the time that a risk assessment is submitted for review, and are payable within 30 days of the fee determination. The external review of a risk assessment will not commence until the assessed review fees have been paid. The Goods and Services Tax (GST) will not be charged on fees.

6.0 Effective Date

The effective date of this protocol shall be **November 19, 2007**, and it shall remain in effect until replaced or rescinded by the Environmental Programs Branch.


7.0 Additional Information

For additional information regarding the determination of fees for the review of risk assessment reports and related documents, please consult:

Environmental Programs Branch (V-8) Department of Environment Government of Yukon Box 2703, Whitehorse, YT Y1A 2C6	T: 867-667-5683 or 1-800-661-0408 ext. 5683 F: 867-393-6205 E: envprot@gov.yk.ca
---	---

Table 2. Substance Classes

Class Number	Substance Class
1	inorganic substances
2	volatile petroleum hydrocarbons and benzene, ethylbenzene, toluene, and xylene
3	light extractable petroleum hydrocarbons and any of the polycyclic aromatic hydrocarbons listed in Schedules 1, 2 or 3 of the <i>Contaminated Sites Regulation</i>
4	heavy extractable petroleum hydrocarbons and any of the polycyclic aromatic hydrocarbons listed in Schedules 1, 2 or 3 of the <i>Contaminated Sites Regulation</i>
5	phenolic substances
6	chlorinated hydrocarbons
7	halogenated methanes
8	phthalate esters
9	pesticides
10	radioactive substances
11	substances corresponding to items 1 to 4 above which originate only from the use of a site as a vehicle service station or petroleum product dispensing facility

Approved:  Date: Nov. 19 / 07
 Manager, Standards and Approvals Section
 Environmental Programs Branch
 Department of Environment