

Environmental Law Requirements for Remediation Professionals



KNOW THE LAWS OF YOUR PROVINCE

What the environmental laws say about the requirements for remediation professionals

		RELEVANT LAW
FED	<u>Canadian Environmental Protection Act</u> doesn't include requirements for remediation professionals.	

AB	<p>To get a remediation certificate as authorized under Sec. 117, you must get all environmental site assessment reports and the application form signed off by a qualified professional who:</p> <ol style="list-style-type: none"> 1) Is a member in good standing of one of the following professional regulatory organizations: <ol style="list-style-type: none"> a) Alberta Institute of Agrologists; b) Alberta Society of Professional Biologists; c) Association of Professional Engineers, Geologists, Geophysicists of Alberta; d) Association of the Chemical Profession of Alberta; e) College of Alberta Professional Foresters; or f) College of Alberta Professional Forest Technologists [Reg. 3(2)(v)]; 2) Has a minimum of five years verifiable experience in remediation or reclamation as set out in the competencies table in the Competencies for Remediation and Reclamation Advisory Committee's Recommendations Report (Alberta Environment, 2006); and 3) Carries (or their employer carries) professional liability insurance (errors and omissions). 	Environmental Protection and Enhancement Act ; Remediation Certificate Reg.
BC	<p>To get a Certificate of Compliance for remediating a "contaminated site" (as defined by law), you must get a recommendation from an "approved professional", who is part of a classes of persons designated by the Director as qualified or required to perform classes of activities, prepare classes of reports and other documents or make classes of recommendations under this Act [Sec. 42(1)].The MOE keeps a roster of approved professionals.</p>	Environmental Management Act ; Contaminated Sites Reg.
MB	<p>The Environment Act and The Contaminated Sites Remediation Act don't include requirements for remediation professionals.</p>	
NB	<p>The Clean Environment Act doesn't include requirements for remediation professionals.</p>	

NL	<p>The <i>Environmental Protection Act</i> doesn't include requirements for remediation professionals. But the <i>Guidance Document for the Management of Impacted Sites</i> says the remediation of certain contaminated sites requires a "site professional" who:</p> <ol style="list-style-type: none"> 1) Is a Member in Good Standing of the Professional Engineers and Geoscientists of Newfoundland and Labrador (PEGNL); and 2) Holds professional errors and omissions liability insurance coverage for environmental work of at least \$1 million individually or through a registered company employer [Appendix B]. 	
NT/NU	<p>The <i>Environmental Protection Act</i> doesn't include requirements for remediation professionals. But the <i>Guideline for Contaminated Site Remediation</i> (NWT) and <i>Environmental Guideline for Contaminated Site Remediation</i> (NU) say the remediation of certain contaminated sites requires a "qualified person", that is, a person who has an appropriate level of knowledge and experience in all aspects of contaminated site investigation, remediation and management.</p>	

<p>NS</p>	<p>Remediation of a contaminated site requires a “site professional” who has:</p> <ol style="list-style-type: none"> 1) A valid and subsisting certificate of registration or licence to practice under the <i>Geoscience Profession Act</i> or <i>Engineering Profession Act</i>; 2) At least five years’ experience in contaminated site investigation, management and remediation, to be confirmed at the request of and in the manner required by the Department, which must include experience in all of the following: <ol style="list-style-type: none"> a) conducting a phase 1 environmental site assessment; b) conducting a phase 2 environmental site assessment; c) developing a remedial action plan; and d) implementing a remediation action plan [Sec. 5(1); and 3) Insurance coverage under an insurance policy that satisfies the requirements spelled out in the regulations [Sec. 6]. 	<p><u>Contaminated Sites Regulations</u></p>
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<p>ON</p>	<p>Risk assessments of contaminated sites must be done by a “qualified person”, who, for this purpose, is a person who:</p> <ol style="list-style-type: none"> 1) Holds a bachelor’s degree in science, engineering or applied technology from a post-secondary institution; 2) Has experience in the conduct or supervision of environmental site assessments, or in the conduct, supervision or review of assessment of risk described in clause 3 or in any combination of both, as follows: <ol style="list-style-type: none"> a) if the person holds a doctoral degree in science or engineering from a university, five years’ experience; b) if the person holds a master’s degree in science or engineering from a university, seven years’ experience; or c) in any other case, eight years’ experience; and 3) within the period of experience required by clause 2, the person has two years’ experience <ol style="list-style-type: none"> a) in the conduct or supervision of an assessment of risk; or b) in the technical or scientific review of an assessment of risk on behalf of a public authority [Sec. 6(1)]. <p>For the purposes of conducting or supervising a phase 1 or phase 2 environmental site assessment or completing certifications that must be completed by a qualified person in a record of site condition, a “qualified person” is one who holds:</p> <ol style="list-style-type: none"> 1) A licence, limited licence or temporary licence under the <i>Professional Engineers Act</i>; or 2) A certificate of registration under the <i>Professional Geoscientists Act, 2000</i> and is a practising member, temporary member or limited member of the Association of Professional Geoscientists of Ontario [Sec. 5]. <p>All qualified persons under both definitions above must maintain insurance coverage under an insurance policy that meets designated requirements [Sec. 7].</p>	<p><u>Records of Site Condition Regulation</u></p>
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PE	<u>Environmental Protection Act</u> doesn't include requirements for remediation professionals.	
QC	Once remediation work under a rehabilitation plan has been completed, the person or municipality that carried out the work must send to the Minister a certificate from a designated expert that the work was carried out in accordance with the plan [Sec. 31.48]. The Minister must draw up and maintain a list of experts authorized to furnish the above certificates and make the list available to the public in the manner determined by the Minister. The Minister must determine the conditions to be met for entry on the list, including the fees payable, after consultation with groups or organizations that, in the Minister's opinion, are comprised of persons having qualifications capable of satisfying those conditions. Once determined, the conditions must be published in the <i>Gazette officielle du Québec</i> [Sec. 31.65].	<u>Environment Quality Act</u>
SK	<u>Environmental Management and Protection Act, 2002</u> doesn't include requirements for remediation professionals. <i>Environmental Management and Protection Act, 2010</i> received royal assent on May 20, 2010, but hasn't been proclaimed as in effect yet. However, under this version of the law, the government has released a draft <i>Saskatchewan Environmental Code</i> for public comment. The Code contains requirements for a "qualified person" required to perform certain remediation-related actions, including certifying corrective action plans for contaminated land.	

YT	<p>As to contaminated sites, the Minister has no duty to consider various requests, including requests for review of a site assessment or restoration plan or for a certificate of compliance, unless the applicant submits a written statement that the work was carried out in accordance with the law and certifies that the person who signed the statement has demonstrable experience in restoration of the type of contamination at the site for which the statement applies and is familiar with the restoration carried out on the site [Sec. 23].</p>	<p><u>Contaminated Sites Reg.</u></p>
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