

SOCIETY OF CONTAMINATED SITES
APPROVED PROFESSIONALS OF BRITISH COLUMBIA
RULES

(March 2009)

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PART A. MEMBERSHIP

1. Term of Membership

- 1.(1) The term of membership is 3 years, subject to subsection (2).
- (2) The membership committee may set terms of less than 3 years for members who roll over their Roster membership under section 4.

2. Ongoing Requirements for Members

2. Members must comply with the following requirements which may be imposed from time to time by the membership committee:
 - (a) professional development courses;
 - (b) professional examinations;
 - (c) mandatory programs, including mentoring, designed to ensure that members maintain a necessarily high standard of professional practice; and
 - (d) courses and other measures for a specific member prescribed in a discipline committee sanction under section 51(1) of the Bylaw or a performance assessment under section 62 of the Bylaw.

3. Composition of Membership Committee

- 3.(1) A membership committee must consist of:
 - (a) a minimum of 3 members;
 - (b) a chairperson; and
 - (c) other persons who, in opinion of the board, would contribute positively to the work of the membership committee.

- (2) Unless otherwise decided by the board, the term of a membership committee member is 2 years.

4. Roster Rollover

- 4. For the purposes of section 9(1)(a) of the Bylaw, the membership committee must administer the rollover process, including without limitation:
 - (a) provision of rollover application forms for Roster members;
 - (b) a process for assessing the rollover application;
 - (c) a process for communicating with Roster members respecting whether they intend to accept or decline deemed membership in the Society; and
 - (d) collecting annual membership fees for rollover members, and if the term is less than one full year as a result of section 1(2), fees must be pro-rated.

5. Applications for Admission, Renewal and Reinstatement

- 5. The membership committee must establish a process to administer sections 10, 11 and 12 of the Bylaw and collect relevant fees.

6. Demonstration of Insurance

- 6. An applicant for rollover, admission, renewal and reinstatement must demonstrate that he or she possess professional errors and omissions insurance with a minimum coverage of \$2 million.

7. Setting Membership Fees

- 7. The membership committee may set fees for:
 - (a) applications for rollover, admission, renewal, reinstatement, and leave;

- (b) annual membership; and
- (c) examinations.

8. Examinations

- 8.(1) The membership committee must establish the scope and content of and procedure at examinations, including the setting of passing grades and the setting of examination questions applicable to the specialties, including regulatory questions, described in section 14 of the Bylaw.
- (2) The membership committee must give reasonable notice of an examination.
- (3) The membership committee must file with the Executive Director the examination papers submitted to the candidates, together with the answers of each candidate, and must attach to them a certified copy of its report with the marks awarded to each candidate in each subject of the examination.
- (4) The documents referred to in subsection (3) must remain on file in the office of the Executive Director, subject to privacy and other applicable legislation.
- (5) If a candidate fails an examination, he or she may, on payment of the established fee, take any subsequent applicable examination respecting the category for which he or she is otherwise qualified.
- (6) If a candidate has failed an examination 3 times, he or she may only take the examination again with the permission of the membership committee.
- (7) The membership committee must mark examinations and inform candidates of their respective results as soon as reasonably possible.

9. Leave Status

- 9.(1) A member may stay on leave for a maximum total of 13 months within a single term.

- (2) A member on leave who seeks to return to general membership must:
 - (a) give at least 2 weeks' notice to the Executive Director;
 - (b) specify the effective date for doing so; and
 - (c) demonstrate to the Executive Director that he or she meets all applicable insurance requirements as of the effective date.
- (3) In the circumstances described in subsection (3), the Executive Director must:
 - (a) reduce the general annual membership fee described in section 7 by 50%; and
 - (b) prorate the professional development requirements described in Section 2.

10. Deemed Suspensions and Rescission of Membership

- 10. The membership committee may adopt guidelines and processes to administer section 17 of the Bylaw, but failure to do so does not preclude action under 17.

11. Register of Members

- 11. The Executive Director must record in a register:
 - (a) the name and contact particulars of each member;
 - (b) the member's category or categories under section 3 of the Bylaw; and
 - (c) notations respecting:
 - (i) disciplinary suspensions and rescission of membership pursuant to section 51 of the Bylaw; and
 - (ii) deemed rescissions and suspensions pursuant to section 17 of the Bylaw.

12. Appeals of Membership Decisions

- 12.(1) The board may appoint a membership appeal committee to hear an appeal under section 13 of the Bylaw.
- (2) The membership appeal committee must be comprised of:
 - (a) at least one director, who must chair the appeal committee; and
 - (b) any other persons who, in the view of the board, are qualified to fairly consider the appeal.
- (3) The chairperson of the membership appeal committee must report the committee's appeal decisions to the board as soon as reasonably possible.

PART B. EMPLOYEES AND OFFICERS

13. Reporting Duty of Executive Director

- 13. The Executive Director must report to the Executive Committee.

14. Executive Committee

- 14. The Executive Committee consists of the officers described in section 42(1) of the Bylaw and, acting in an *ex officio* capacity, the Executive Director.

15. Other Employees

- 15. Subject to the Bylaw and decisions by the board, the Executive Director may appoint other employees.

PART C. BOARD OF DIRECTORS

16. Election of Directors

16.(1) Every member is eligible to:

(a) cast one vote for a candidate for a position described in section 21(a), (b) and (c) of the Bylaw if the member is also a member of the organization described in paragraphs (a), (b) and (c); and

(b) cast one vote for a candidate for a position described in section 21(d) of the Bylaw.

(2) Election of directors in subsection (1) is based on the highest number of votes cast for the applicable category and, in the event of a tie, the winner is to be determined by a special runoff vote.

(3) Ballots administered by the Executive Director are required for election of directors described in section 21(a), (b), (c) and (d) of the Bylaw.

17. Director Remuneration

17.(1) Directors may, on approval by board resolution, be remunerated as follows:

(a) \$110 per hour or portion thereof while serving on society committees; and

(b) fees for other services.

(2) A board resolution under subsection 2 is deemed to be disclosure of a potential conflict under sections 148(3) and 153(2) of the *Business Corporations Act*.

18. Committee Reports

18. All committees of the board must provide a written report annually to the board unless otherwise directed by the board.

PART D. PUBLIC COMPLAINTS AND DISCIPLINE

19. Discipline Committee

- 19.(1) A discipline committee must consist of:
- (a) a minimum of 3 members;
 - (b) a chairperson who is also a member of the society; and
 - (c) other persons who, in opinion of the board, would contribute positively to the work of the discipline committee.
- (2) Unless otherwise decided by the board, the term of a discipline committee member is 2 years.
- (3) The discipline committee must appoint a roster of investigators who are capable of discharging the functions described in section 47 of the Bylaw.

20. Submitting a Complaint

- 20.(1) A complaint described in section 46(2) of the Bylaw must:
- (a) be made in a form adopted by the board; and
 - (b) provide all relevant details of the complaint.
- (2) A complaint must be filed within 6 months of becoming aware of, or having ought to have known of, the grounds for the complaint.

21. Investigator Duties on Receiving a Complaint

21. The investigator, on completion of the investigation, must:
- (a) in determining that the complaint satisfies the conditions of section 47(2) of the Bylaw:

- (i) refer the complaint to the discipline committee with reasons supporting the referral, and
 - (ii) give notice of the referral to the subject member and the complainant; and
- (b) in determining that the complaint does not satisfy the conditions of section 47(2) of the Bylaw, give notice of the determination to the subject member and the complainant.

22. Discipline Hearing

22. The discipline committee must conduct a discipline hearing in accordance with section 49 of the Bylaw.

23. Appeals of Discipline Committee Decisions

- 23.(1) A discipline appeal committee under section 50(8) of the Bylaw must be comprised of:
- (a) at least one director, who must chair the appeal committee; and
 - (b) any other persons who, in the view of the board, are qualified to fairly consider the appeal.
- (2) The chairperson of the discipline appeal committee must report the committee's appeal decisions to the board as soon as reasonably possible.

PART E. CSAP REVIEWS

24. Review Requirements

24. Member reviews of CSAP work must be carried out in accordance with Schedule A.

PART F. PERFORMANCE ASSESSMENTS

25. Definitions

25. In this Part:

“**panel member roster**” means a roster of members who have been recommended to conduct performance assessments by the performance assessment committee under section 54(2)(c) of the Bylaw and who are under a contract with the Society.

“**performance assessment coordinator**” means an officer appointed by the board under section 55(1) of the Bylaw to coordinate performance assessments.

“**Submitting CSAP**” means a member who submits CSAP Work.

26. Composition of Performance Assessment Committee

26.(1) A performance assessment committee must consist of:

- (a) a minimum of 3 committee members;
- (b) a chairperson who is also a member of the society; and
- (c) persons who, in the opinion of the board, would contribute positively to the work of the performance assessment committee.

(2) Unless otherwise specified by the board, the term of a performance assessment committee member is 2 years.

(3) The performance assessment committee must inform the performance assessment coordinator of any decision to appoint a performance assessment committee delegate under section 54(2)(d) of the Bylaw.

27. Performance Assessment Coordinator Duties on Receiving Submissions

27. On receiving the submission and fee described in 57(1) of the Bylaw, the performance assessment coordinator must:
- (a) within 5 days, screen the submission to determine if it is complete;
 - (b) if the submission is not complete, arrange for the prompt return of the submission to the Submitting CSAP;
 - (c) if the submission is complete, apply the selection rules of section 28 within 2 days;
 - (d) give notice to the Submitting CSAP if the submission has been selected under paragraph (c) for a performance assessment;
 - (e) if the submission is not selected for a performance assessment under paragraph (d), arrange for the submission to be forwarded to the Ministry within 3 days for further processing; and
 - (f) in the event that the schedule of paragraphs (a) and (c) cannot be met, give notice to the Submitting CSAP and the performance assessment committee.

28. Selection of Performance Assessments

- 28.(1) For the purposes of selecting a submission for a performance assessment under section 57(2) of the Bylaw, the performance assessment coordinator must select:
- (a) submissions on a random basis using a method approved by the board, using:
 - (i) a selection rate of 1:10 for submissions applying numerical standards; and
 - (ii) a selection rate of 1:5 for submissions adopting risk-based standards; or

- (b) submissions on a non-random basis as directed by the board on the recommendation of the performance assessment coordinator.
- (2) For the purposes of selecting a submission on a random basis under paragraph (1)(a), the performance assessment coordinator may, where a submission is selected that applies both numeric standards and risk-based standards, count the portion of the submission that applies numeric standards as a selection under subparagraph (1)(a)(i).
- (3) Notwithstanding paragraph (1)(b), the board may select a submission on a non-random basis as directed by the Ministry if the Ministry:
 - (a) requests in writing the selection within 15 working days of receipt of the submission by the Ministry; and
 - (b) provides a reasonable basis for the request.
- (4) If a request is made under subsection (3), the board must:
 - (a) respond to Ministry within 10 days of receiving the request that the rationale for the performance assessment is not within the mandate of the Society; or
 - (b) delegate within 10 days of receiving the request the processing of the request to the performance assessment coordinator or the performance assessment committee.

29. Performance Assessment Panels

- 29.(1) A performance assessment panel must consist of one or two members of the panel member roster.
- (2) On determining that a performance assessment of a submission is required under section 28, the performance assessment coordinator must:
 - (a) for the purposes of section 57(3) of the Bylaw, appoint a performance assessment panel; and
 - (b) give notice to the performance assessment committee delegate that a performance assessment of the submission is required.

- (3) The performance assessment panel must prepare a draft assessment report described in section 58 of the Bylaw using the following steps:
 - (a) review the submission and prepare a preliminary draft assessment report;
 - (b) provide a copy of the preliminary draft assessment report to the performance assessment committee delegate and the Submitting CSAP;
 - (c) unless waived by the Submitting CSAP, meet or otherwise consult with the Submitting CSAP, the performance assessment committee delegate and the performance assessment coordinator to discuss the findings of the preliminary draft assessment report;
 - (d) prepare a draft assessment report, considering any information, argument, and opinions provided by the submitting CSAP in the meeting described in paragraph (c) or written comment received from the submitting CSAP;
 - (e) invite the performance assessment committee delegate to comment on the draft assessment report;
 - (f) recommend, for the purposes of section 58 of the Bylaw, whether the submission is “sufficient” or “deficient”; and
 - (g) provide a copy of the draft assessment report and the panel’s recommendation to the performance assessment committee delegate and the performance assessment coordinator.
- (4) The performance assessment coordinator must provide a copy of the draft assessment report under subsection 3(g) to the Submitting CSAP.

30. When a Panel Cannot Reach a Recommendation

- 30.(1) If a 2-person performance assessment panel cannot reach a consensus recommendation as to whether, under section 58 of the Bylaw and section 29(3)(f), the submission is “sufficient” or “deficient”, it must so inform the performance assessment committee delegate and provide all relevant information, including particulars regarding failure to reach consensus.

- (2) On receiving the information described in section 29(5), the performance assessment committee delegate must:
 - (a) direct the performance assessment coordinator to appoint a new performance assessment panel; or
 - (b) make his or her own conclusion of whether the draft assessment report is “sufficient” or “deficient”.

31. When Draft Assessment Report Concludes “Sufficient” Submission

- 31.(1) On receiving from a performance assessment panel a draft assessment report that recommends that the submission is “sufficient”, the performance assessment committee delegate must decide whether the recommendation is supportable, and:
 - (a) if the “sufficient” conclusion is supportable, apply the process described in subsection (2); or
 - (b) if the “sufficient” conclusion is not supportable, apply the process described in subsection (3).
- (2) If the performance assessment committee delegate decides that the “sufficient” recommendation of the draft assessment report is supportable, the performance assessment committee delegate must:
 - (a) finalize the draft assessment report as the final assessment report, with or without amendments, as the performance assessment committee delegate sees fit;
 - (b) provide the submission to the performance assessment coordinator; and
 - (c) direct the performance assessment coordinator to notify the Submitting CSAP and the performance assessment committee and forward the submission to the Ministry.

- (3) If the performance assessment committee delegate decides, pursuant to subsection (1)(b), that the “sufficient” recommendation of the draft assessment report is not supportable, the performance assessment committee delegate must either:
 - (a) refer the draft assessment report back to the original performance assessment panel or a new performance assessment panel, to be appointed by the performance assessment coordinator, for reconsideration, and particularly:
 - (i) provide the panel with a written statement of concern explaining why the performance assessment committee delegate believes that the recommendation is not supportable;
 - (ii) give notice of the reconsideration and the written statement of concern to the Submitting CSAP;
 - (iii) instruct the performance assessment panel to:
 - (A) consider any written and verbal submissions made to the performance assessment coordinator from the Submitting CSAP;
 - (B) consider whether it agrees with the performance assessment committee delegate’s stated concerns;
 - (C) prepare a written reconsideration and, if appropriate in light of paragraph (B), a revised draft assessment report; and
 - (D) submit the reconsideration to the performance assessment committee delegate within a prescribed period; and
 - (iv) decide, after receiving the reconsideration described in subparagraph (iii)(D), whether the submission is sufficient or deficient, and:
 - (A) if deficient, direct the performance assessment coordinator to notify the submitting CSAP with written reasons supporting the decision, as well as notify the performance assessment committee; or

- (B) if sufficient, direct the performance assessment coordinator to notify the Submitting CSAP and the performance assessment committee and forward the submission to the Ministry; or
 - (b) refer the draft assessment report to the performance assessment committee.
- (4) If a draft assessment report is referred to the performance assessment committee under subsection 3(b), the performance assessment committee must decide whether the submission is sufficient or deficient and:
- (a) if deficient, direct the performance assessment coordinator to notify the Submitting CSAP with written reasons supporting the decision, as well as notify the board; or
 - (b) if sufficient, direct the performance assessment coordinator to notify the submitting CSAP and forward the submission to the Ministry.

32. When a Panel’s Draft Assessment Report Recommends “Deficient” Submission

- 32.(1) On receiving a draft assessment report from a panel that concludes that the submission is “deficient”, the performance assessment committee delegate must decide whether the conclusion is supportable and:
- (a) if the “deficient” conclusion is supportable, apply the process described in subsection (2); or
 - (b) if the “deficient” conclusion is not supportable, apply the process described in subsection (3).
- (2) If the performance assessment committee delegate decides that the “deficient” conclusion is supportable, the performance assessment committee delegate must:
- (a) finalize the draft assessment performance report as the final assessment report, with or without amendments as the performance assessment committee delegate sees fit; and

- (b) give notice of the final assessment report to the performance assessment coordinator.
- (3) The performance assessment coordinator must notify the Submitting CSAP and the performance assessment committee of a decision made under subsection (2).
- (4) If the performance assessment committee delegate decides, pursuant to subsection (1)(b), that the “deficient” conclusion is not supportable, the performance assessment committee delegate must either:
- (a) refer the draft assessment report back to the performance assessment panel or a new performance assessment panel, to be appointed by the performance assessment coordinator, for reconsideration, and particularly:
 - (i) provide the panel with a written statement of concern explaining why the performance assessment committee delegate believes that the conclusion is not supportable;
 - (ii) give notice of the reconsideration and the written statement of concern to the performance assessment coordinator, who will inform the submitting CSAP; and
 - (iii) instruct the panel to:
 - (A) consider any written and verbal submissions from the submitting CSAP;
 - (B) consider whether it agrees with the performance assessment committee delegate’s stated concerns;
 - (C) if appropriate in light of paragraph (B), a revised draft assessment report; and
 - (D) submit the reconsideration within a prescribed time to the performance assessment committee delegate; and

- (iv) decide, after receiving the reconsideration described in subparagraph (iii)(D), whether the submission is sufficient or deficient, and:
 - (A) if deficient, direct the performance assessment coordinator to notify the performance assessment committee and the submitting CSAP with written reasons supporting the decision, as well as notify the board; or
 - (B) if sufficient, direct the performance assessment coordinator to notify the performance assessment committee and the Submitting CSAP and forward the submission to the Ministry; or
- (b) refer the draft assessment report to the performance assessment committee.
- (5) If a draft assessment report is referred to the performance assessment committee under subsection 4(b), the performance assessment committee must decide whether the submission is sufficient or deficient and:
 - (a) if deficient, direct the performance assessment coordinator to notify the Submitting CSAP with written reasons supporting the decision, as well as notify the board; or
 - (b) if sufficient, direct the performance assessment coordinator to notify the submitting CSAP and forward the submission to the Ministry.

33. Discretionary Performance Assessments as Remedial Measures

- 33.(1) The performance assessment committee may, as part of any decision described in sections 31 and 32, require that the subject member undertake training and other remedial measures to address weaknesses or problems identified in the assessments.
- (2) Before adopting a requirement described in subsection (1), the delegated member may provide a draft requirement to the subject member and allow the subject member to show cause why the requirement should not be imposed.

34. Performance Assessment Period

- 34 A performance assessment panel and the delegated committee member must attempt to complete the procedures of sections 29 to 32 within a total of 40 working days.

35. Appeals of Performance Assessments

- 35.(1) The board may appoint a performance assessment appeal committee to hear an appeal under section 63 of the Bylaw.
- (2) The performance assessment appeal committee must be comprised of:
- (a) at least one director, who must chair the performance assessment appeal committee; and
 - (b) any other persons who, in the view of the board, are qualified to fairly consider the appeal.
- (3) The chairperson of the performance assessment appeal committee must report the committee's appeal decisions to the board as soon as is reasonably possible.
- (4) The board must report the committee's appeal decision to the performance assessment coordinator and the performance assessment committee delegate.
- (5) The performance assessment committee coordinator must notify the Submitting CSAP of the committee's appeal decision.
- (6) A member may appeal a decision of the performance assessment committee delegate within 7 working days of receiving the decision.

SCHEDULE A — ELIGIBILITY OF SITES FOR SELF-REVIEW

No.	Type of Approved Professional Work^{i,iii}	Arm's Length Review with No Offsite Contaminant Migrationⁱⁱⁱ	Arm's Length Review with Offsite Contaminant Migration^{iv}
1	Making a recommendation to a director in support of an application for a Determination of Contaminated Site.	Not required	
2	Making a recommendation to a director in support of an application for an Approval in Principle based on remediation to numerical standards or a screening level risk assessment	Not required	Required
3	Making a recommendation to a director in support of an application for an Approval in Principle based on a risk assessment (other than a screening level risk assessment) and remediation to risk-based standards	Required	
4	Making a recommendation to a director in support of an application for a Certificate of Compliance based on remediation to numerical standards or a screening level risk assessment	Not required	Required
5	Making a recommendation to a director in support of an application for a Certificate of Compliance based on a risk assessment (other than a screening level risk assessment) and remediation to risk-based standards	Required	
6	Making a recommendation to a director in support of an application for a Contaminated Soil Relocation Agreement using only numerical standards	Not required	
7	Making a recommendation to a director in support of an application for a Contaminated Soil Relocation Agreement based on a screening level risk assessment for the parcel at which the soil is to be deposited	Not required	
8	Making a recommendation to a director in support of an application for a Contaminated Soil Relocation Agreement based on a risk assessment (other than a screening level risk assessment) for the parcel at which the soil is to be deposited	Required	

9	Making a recommendation to a director in support of any other application based on risk assessment or risk management (other than a screening level risk assessment) not otherwise described in any other row in this Exhibit, as required under a protocol signed by a director.	Required
10	Making a recommendation to a director in support of any other application based on a screening level risk assessment not otherwise described in any other row in this Exhibit, as required under a protocol signed by a director.	Not required
11	Submitting a Summary of Site Condition to a director under Part 2.1 of the Contaminated Sites Regulation or as otherwise required by the director except if the Summary of Site Condition includes a recommendation described in any other row in this Exhibit for which an arm's length review is required	Not required
12	Providing advice to a director regarding changes over a period of time in the concentrations of substances at a parcel	Not required
13	Providing advice to a director regarding the presence of new substances at a parcel after a date specified or established by a director such as the date of issuance of a Certificate of Compliance	Not required
14	Providing advice and making recommendations to a director regarding the adequacy and completeness of site investigations and site investigation reports under the requirements of the Act, Regulation, Protocols and guidance issued by the Ministry of Environment for site investigations	Not required
15	Providing advice and making recommendations to a director regarding monitoring proposed for a parcel, including interpretations of current and cumulative results, summaries of remedial activities undertaken, assessments of remediation progress, summaries of inspection and maintenance of treatment and risk management works, evaluations of treatment system and risk management works performance and supporting documentation such as laboratory reports, figures, tables, and record of monitoring, inspection and maintenance of works.	Not required

16	Submitting monitoring reports to a director	Not required
17	Providing advice to a director about the classification of a parcel, site or part of a site as high risk	Not required
18	Providing advice to a director regarding the ability of a remediation plan if implemented, to result in the appropriate management of contamination to applicable environmental quality standards under the <i>Environmental Management Act</i> and/or to be completed within a specific time frame	Not required
19	Making a recommendation to a director in support of an application for the determination of the background level of a substance	Not required

ⁱ Unless the context otherwise requires, words used in this column will bear the same meanings as in the *Environmental Management Act*.

ⁱⁱ For the purposes of this table and the definition of "Approved Professional Work", the making of a recommendation to a director in support of the issuance of a contaminated sites legal instrument as described in this column includes the making of a recommendation to a director in support of an amendment to, or the rescission of, such an instrument. Further, the same requirements as to Arm's Length Reviews apply to recommendations in support of amending or rescinding contaminated sites legal instruments as apply to recommendations in support of issuing them.

ⁱⁱⁱ "No offsite contaminant migration" means that the parcel which is the subject of the Approved Professional Work is not the source of contamination of any neighbouring parcel. For the purposes of this footnote and footnote 4 below:

- (a) bordering parcels under common ownership are considered to be one parcel and therefore any migration of contamination between such commonly-owned bordering parcels will not be considered to be "offsite contaminant migration"; and
- (b) subject to paragraph (a) above, a neighbouring parcel is a parcel that is in the vicinity of, but not necessarily bordering with, a source parcel.

^{iv} "Offsite contaminant migration" means that the parcel which is the subject of the Approved Professional Work is the source of contamination of a neighbouring parcel.