

1.0 Introduction

The Society of Contaminated Sites Approved Professionals of British Columbia (CSAP or the Society) is responsible for maintaining quality standards of Approved Professional (AP) Submissions recommending issuance of CSR legal instruments. To do so, the Society's Board appoints member APs to a Performance Assessment Committee (PAC), which is responsible for overseeing the conducting of Performance Assessments (PAs) on AP Submissions to determine if they are sufficient or deficient. The PAC may revise requirements and guidance provided in this document from time to time, as necessary.

This document provides information regarding the type, frequency, and scope of Performance Assessments which are complete by a Performance Assessment Panel (PAP) and a Delegated Member (DM) of the PAC. Information identified in this document is largely based on practice guidelines and general standards of professional practice that APs are expected to follow under their licensing professional organizations. In addition, PAC members, PAP members, members of the Society Board and the Society's Performance Assessment Coordinator will exercise professional judgement when conducting performance assessments.

2.0 Types of Performance Assessments (PA)

Sections 56 through 62 of the Society Bylaws define the types, frequency, and process of AP Submission performance assessments. The following sections expand on and clarify intended requirements of the Society Bylaws.

2.1 Random Performance Assessment (RPA)

Some PAs will be conducted randomly. The frequency with which Random Performance Assessments (RPAs) are completed has been set based on experience with historic quality-audited roster recommendations.

- Currently, the frequency of numerical standards based submissions PAs is 1:10. This frequency will be reviewed by the PAC and adjusted as warranted.
- The frequency of risk assessment based submissions PAs is 1:5. This frequency will be reviewed by PAC and adjusted as warranted.

The selection follows a random number process based on the day/time the submission is received at the Society's office and logged into the system. If selected for a random performance assessment, the submitting AP is immediately notified.

2.2 Non-Random Performance Assessments (NRPA)

Non-Random Performance Assessments (NRPAs) will be conducted if there is reason for the PAC to believe that an AP has demonstrated to have or may have professional or ethical difficulties making AP Submissions or if requested by the Ministry of the Environment. The Society Board must notify AP's who are scheduled to be the subjects of a NRPA.

Any resubmission for a Site for which a previous Submission found to be Deficient under Section 4.2 will be subject to a NRPA.

3.0 Stages of Performance Assessment

Sections 25 through 28 of the Society Rules describe the Performance Assessment process and requirements. Table 1 of this document provides guidance on the outcome on the PA, including when the Stage 1 review may conclude that additional information may be required, and when the Stage 2 review may conclude that the submission is deficient. The guidance may not cover all possibilities, and case specific variations may be warranted.

3.1 Stage 1 - Performance Assessment

The Stage 1 Performance Assessment involves the review of the submission undergoing a PA by the PAP who is chosen from a prequalified list of panel members and the assessment is directed by a Delegated Member (DM) of the PAC.

The Stage 1 process is as follows:

- Each PAP member reviews the submission and writes a Stage 1 Report.
- The DM reviews the Stage 1 reports provided by the PAP and prepares the Stage 1 review findings letter. This letter and the PAP reports are forwarded to the submitting AP by the PA Coordinator.
- If “Sufficient”, the DM will prepare the Final Performance Assessment letter.
- The submitting AP has the opportunity to meet with the PAP and the DM to seek clarification on the Stage 1 findings. The meeting is arranged by the PA Coordinator.
- If the Stage 1 Reports indicate that “additional information” is required to complete the PA, the PA moves to Stage 2.

3.2 Stage 2 - Performance Assessment

The Stage 2 Performance Assessment involves the assessment of additional information provided by the submitting AP, in the form of an addendum to the submission, to determine whether the submission is sufficient or deficient.

The Stage 2 process is as follows:

- The submitting AP has the opportunity to provide clarification, corrected information and additional confirmatory data to support report conclusions and address Stage 1 review findings. The information should be provided in the form of an Addendum Report, which must be listed on the draft instrument and the Summary of Site Condition.
- Once the supplemental information is received, the PAP reviews the information to determine whether they consider the submission to be sufficient or deficient, and prepares the Stage 2 Performance Assessment report for review by the DM.

The DM considers the recommendation made by PAP and makes the final decision on whether the submission is sufficient or deficient (refer to Table 1 for additional guidance), and prepares the Final Performance Assessment Findings (FPAF) letter. The letter is forwarded to the submitting AP by the PA Coordinator.

4.0 Final Performance Assessment Outcomes

Sections 31 and 32 of the Society Rules describe the Performance Assessment process and possible outcomes. Table 1 provides guidance on when a submission may be sufficient and when it may be deficient. The guidance may not cover all possibilities, and case specific variations may be warranted.

4.1 Sufficient Submissions

If the submission is found to be "Sufficient" then no further comments are required from the Submitting AP and the Stage 1 PA findings are finalized by DM into the FPAF. Reports found "Sufficient" may meet the following;

- May have documentation or technical deficiencies that do not affect the recommendation for issuance of the instrument.
- Conclusions are supported by information submitted.
- No further information required.

The PAC Coordinator will forward or cause to be forwarded the Submission along with a letter to the MoE indicating that the Submission was sufficient.

4.2 Deficient Submissions

Deficient submissions include those for which:

- documentation or technical errors affect the recommendation for issuance of the instrument.
- conclusions are not supported by data and/or information provided
- substantial amount of additional confirmatory field data is required
- P6 submission was not allowed or the response to the Stage 1 request for additional information were provided outside the 6 months timeframe specified

Further guidance on what may constitute deficient submission is provided in Table 1 and Table 3 provides a deficient submission flow chart. Remedial or disciplinary action may ensue as a result of the final findings. The MoE will be informed by letter that a submission has been declared deficient through a PA.

5.0 Remedial or Disciplinary Measures Associated with Deficient Submissions

Submissions found to be deficient will follow the process outlined in the Table 3 of this document.

6.0 Performance Assessment Reporting and Schedule

Sections 29 through 32 of the Society Rules describe the performance assessment reporting process and requirements:

- The PAP authors Stage 1 and Final Findings PA report(s).
- The DM, based on information identified in Stage 1 PA and Final Findings reports resulting from supplemental information and discussions as warranted, authors the PA Final Findings letter.

- As specified in Section 34 of the Society Rule, the PAP and the Performance Assessment Coordinator must attempt to complete the Performance Assessment steps as described in Sections 29 through 32 of the Society Rules and summarized in Table 2.
- An AP who wishes to appeal the FPA decision and or measures imposed must do so within 7 working days of receiving the final decision in accordance with Section 35 of the Society Rules.

This timeline outlined in Table 2 includes the number of days that the PAP requires to prepare reports, but does not include the number of days that the submitting AP may require to prepare additional information requested at the Stage 1 PA review meeting or the number of day that MOE requires to release an instrument once the submission is transferred to the Ministry.

7.0 Scope of Performance Assessments

The Performance Assessment will largely be based on the guidance provided by the CSAP Practice Guidelines. However, the Practice Guidelines specify that it is the responsibility of the submitting AP to look beyond the Practice Guidelines when appropriate. Similarly, the PAP shall use professional judgment in determining whether the AP Submission has followed the Practice Guidance. As part of the AP submission the submitting AP is encouraged to identify either in the reports or as a separate letter the rationale of the professional judgement exercised to make the recommendation. The following principles should be followed by the PAP.

- Consider paramount the protection of human health and the environment.
- If in doubt regarding a regulatory or other issue that warrants guidance, the DM will request that the MoE provide the necessary guidance in writing.
- Confirm that the Practice Guidelines have been substantially followed.
- Consider the adequacy of unusual methods employed or interpretations identified where applicable and confirm that all assumptions and uncertainty associated with conclusions and recommendations are appropriately documented.
- Use considered and practical professional judgment with due consideration of site-specific conditions and limitations.
- Consider that the submitting AP is not required to “look behind” the data except as circumstances warrant, and that the submitting AP may rely on the data provided such as chemical analyses, borehole and test pit logs, etc. included in reports provided that these meet typical performance assurance and performance control (QA/QC) requirements.
- Focus on major issues with a potential to affect conclusions and recommendations identified and in particular if an instrument should be issued. Minor issues should not be commented on.
- Discuss with the DM that they seek clarification from the submitting AP regarding critical information to provide the AP a reasonable opportunity to address deficiencies. A submission is not deficient if clarification satisfactory to the PAP may be readily provided.
- The PAP is not expected to review all submission documents in their entirety, which would be a duplication of effort expended by the submitting AP. Instead, the PAP is expected to assess

representative portions of the submission to enable the PAP to formulate an opinion regarding sufficiency of the recommendation.

- Submissions are deficient if significant supplemental information (such as additional field investigations beyond verification of existing investigations) is required; or if any additional remediation is required to support the recommendation. Deficient submissions must be re-submitted

8.0 Qualifications and Indemnification of Performance Assessment Panel Members

8.1 Who Qualifies?

The CSAP Board at the recommendation of the PAC appoints PAP members. The qualifications and application process for PAP members are as follows:

- Active AP status; and
- Submission of an RFQ application describing the applicant's experience and submission history for review by the PAC.

8.2 Deficient/Sufficient AP Practice Restrictions

A PAP member may make AP submissions without restriction.

8.3 Compensation

PAP members will be compensated for their work by the Society.

8.4 Conflict of Interest

PAP members must consider the potential for a conflict of interest to exist when considering if they are qualified to serve as a PAP member and if such a potential exists to inform the PA Coordinator who would appoint an alternate PAP member. Such conflicts could include PAP members, or their firm, who worked on the project, who worked on adjacent properties or who have standing contract with corporations who may be involved with either the project or projects on adjacent properties.

Table 1: Performance Assessment Process Clarification Chart

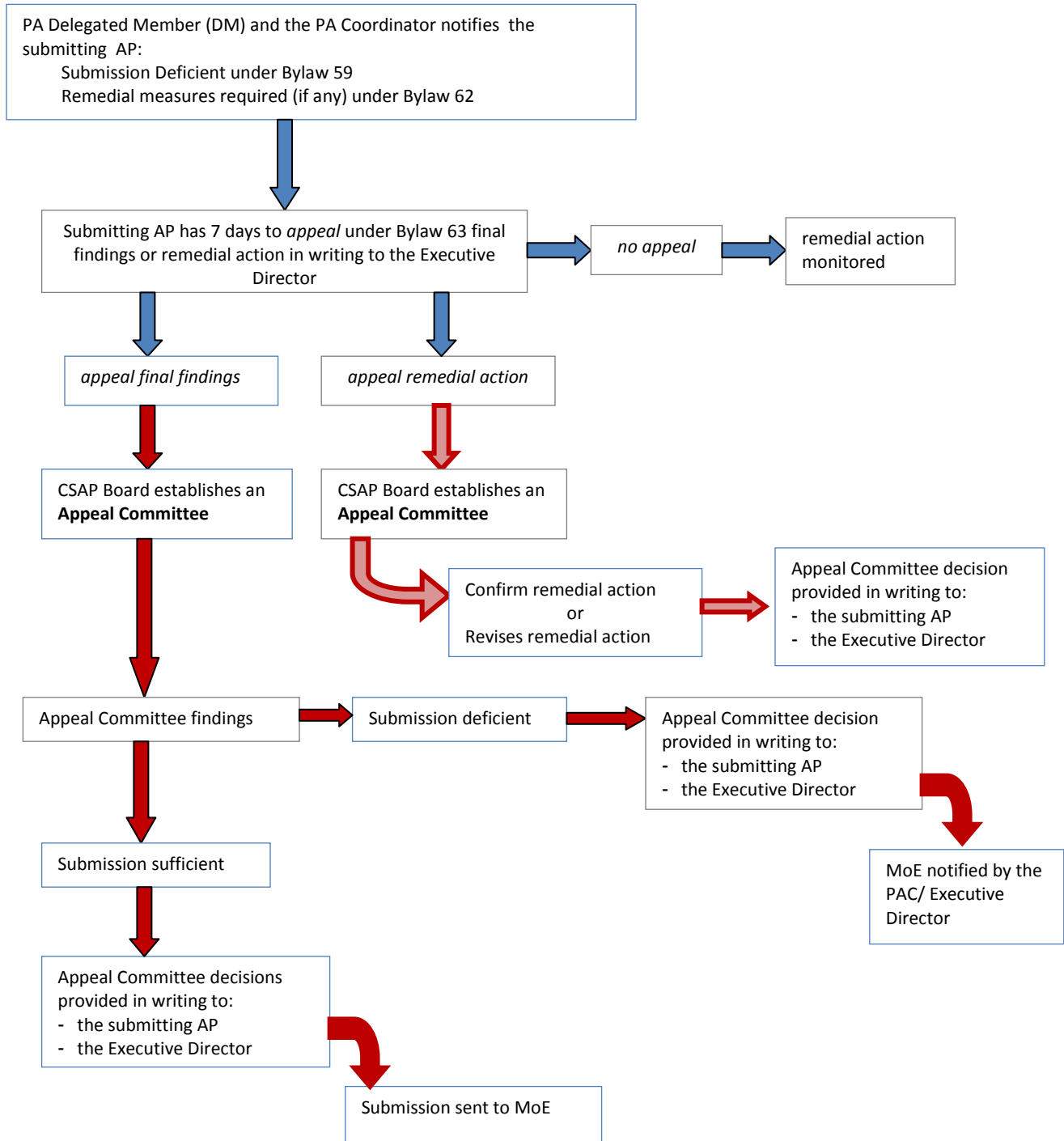
Stage 1 – Findings: Additional Information Required	
<p>A submission may be found to require additional information if:</p> <ul style="list-style-type: none"> • A report contains documentation errors or mandatory information is missing (i.e.: text, calculations, table, figures or appendices) • A conclusion is not clearly supported by the data and/or the rationale presented • The level of site investigation and/or remediation/risk management appears to be insufficient. • A conclusion that has the potential to affect the recommendation for issuance of the instrument appears to be incorrect. 	
<p>The following type of additional information may be provided as an Addendum to the AP submission in response to Stage 1 findings:</p> <ul style="list-style-type: none"> • Corrected or missing text, calculations, tables, figures and appendices • Presentation of additional data/details which were already available but had not been adequately presented • Collection of additional field data for confirmation of conclusions drawn as further defined below in Stage 2 – Findings as “Sufficient” 	
Stage 2 - Final Findings	
Sufficient	Deficient
<p>A submission is considered sufficient if the information provided in the Addendum indicates that:</p> <ul style="list-style-type: none"> • The corrected or missing text, calculations, tables, figures and appendices completes the reporting requirements • Data that was previously omitted or inadequately discussed were found to support the conclusions • Additional confirmatory field data substantiates the conclusions drawn; this does not include new investigations of any unidentified or not previously investigated APEC/PCOC or medium • The scope of the additional confirmatory sampling is limited compared to the original sampling scope 	<p>A submission is considered deficient if the information provided in the Addendum indicates that:</p> <ul style="list-style-type: none"> • The response to the “Additional Information Required” is submitted more than 6 months after the date the Stage 1 Findings were provided to the AP • The AP fails to adequately correct or add missing text, calculations, tables, figures or appendices • Data that was previously omitted or inadequately discussed DID NOT support the original conclusions • An unidentified or not previously investigated APEC/PCOC or medium required investigation • Additional confirmatory field data do not support previously drawn conclusions • The submission was ineligible for Protocol 6 submission • The scope of the additional confirmatory sampling was not limited compared to the original scope • A conclusion that would affect the recommendation for issuance of the instrument is incorrect

Note: The guidance may not cover all possibilities, and case specific variations may be warranted.

Table 2: Typical Performance Assessment Timeline

Action	Sufficient (Working Days)	Additional information required (Working Days)	TOTAL (Working Days)
Initial screening and selection of submission (by PAC Coordinator or Performance Assessment Coordinator) for performance review	5		
Stage1Report prepared by Panel Members and submitted to Delegated Member	10		
For RA Performance Assessments additional time is required for review and preparation of the Stage 1 Report	(10)	(10)	
Review of Stage 1 Report by Delegated Member and approval for forwarding to Submitting AP by CSAP Society	5	5	20 (30)
If the Stage 1 Report indicates that additional information is required: <ul style="list-style-type: none"> • The submitting AP has up to 6 month to prepare an addendum to the submission providing the requested additional information • The submitting AP may request a meeting with the PAP, DM and PA Coordinator the review the Stage 1 Reports and additional information addendum 			
Panel members review the additional information addendum(s) provided by the submitting AP and issue Final Findings Report to Delegated Member	10		
Review of Final Findings Reports by Delegated Member and preparation of the Final Performance Assessment Findings (FPAF) letter by the Delegated Member and forwarding to Submitting AP by CSAP Society		5	35(45)

Table 3: CSAP Deficient Performance Assessment Flow Chart



Note: In the case of deficient submission, the Ministry will be notified of the Site ID/PID.