

CITY OF SURREY

BY-LAW NO. 11039

A by-law to prohibit the deposition of contaminated soils within
the City

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As amended by By-law No. 12268, 04/25/94 and 14531, 10/22/01

THIS IS A CONSOLIDATED BY-LAW PREPARED BY THE CITY OF SURREY FOR CONVENIENCE ONLY. THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BY-LAW PROVISIONS.

WHEREAS it is deemed expedient that the deposit of soil from or upon lands within the City be regulated.

AND WHEREAS the Municipal Act provides that the Council may, by by-law, regulate or prohibit the deposit of soil, sand, gravel, rock or other material on land in the City or in any area of the City, and require the holding of a permit for the purpose and fix a fee for the permit, and different regulations and prohibitions may be made for different areas.

NOW, therefore, the Council of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

1. For the purpose of this By-law:

"General Manager, Planning and Development"	means the General Manager, Planning and Development, or his designate of the City of Surrey as duly appointed by the City Council, and shall include duly appointed representatives.
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"Boundary Health Chief Medical Officer"	means the Chief Medical Officer for the Boundary Health Unit as appointed under the Health Act of B.C.
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"Contaminated Soil"	means any soil which contains any heavy metal, other inorganics, monocyclic aromatic hydrocarbons, phenolic compounds, polycyclic aromatic hydrocarbons, chlorinated hydrocarbons or pesticides in an amount equal to or greater than that set out in Schedule "A" attached hereto and forming part of this By-law.
"Deposit" or "Depositing"	means the act of moving, removing, taking, or transporting soil and placing it upon a record lot, other land, or a watercourse on which such soil did not previously exist or stand.
"General Manager, Engineering"	means the General Manager, Engineering of the City of Surrey as duly appointed by the City Council and shall include duly appointed representatives.
"City"	means the City of Surrey.

2. No person shall deposit or permit the deposit of contaminated soil upon any parcel of land within the City.
3. Upon the request of the City, any person who wishes to deposit or permit the deposit of soil which may be contaminated soil shall have such soil tested and analyzed by or through the Ministry of Environment of the Provincial Government and shall produce the results to the City. If the soil is found to be contaminated soil, all depositing of the soil shall cease and any such soil so deposited shall be removed forthwith.
4. If, in the opinion of the General Manager, Planning and Development, General Manager, Engineering or the Boundary Health Unit Chief Medical Officer, there is a possibility of contaminated soil being or about to be deposited in the City, he may order that there be no such soil deposited until such times as the results of the tests required under Section 3 are produced. If the soil is found to be contaminated, all depositing of soil shall cease and any such soil so deposited shall be removed forthwith.

5. The General Manager, Planning and Development and General Manager, Engineering may enter upon any land at any reasonable time for the purpose of administering this By-law.
6. Notwithstanding "The Surrey Soil Removal and Depositing Regulation By-law, 1979, No. 5880", the provisions of this By-law shall apply in the event of any conflict or inconsistency between the two by-laws. In all other cases of soil deposition, "The Surrey Soil Removal and Depositing Regulation By-law, 1979, No. 5880" shall apply.
7. Every person who violates any of the provisions of this By-law or who suffers or permits any act or thing to be done in contravention of this By-law, or who neglects to do or refrains from doing any act or thing required to be done, or who violates any of the provisions of this By-law, shall upon summary conviction be liable to a fine not exceeding Two Thousand (\$2,000.00) Dollars or to a term of imprisonment not exceeding six (6) months, or to both fine and imprisonment.
8. This by-law shall be cited for all purposes as "Contaminated Soils Deposition By-law, 1991, No. 11039."

PASSED THREE READINGS by the City Council on the 12th day of August, 1991.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 26th day of August, 1991.

"R. J. BOSE" MAYOR

"W. VOLLRATH" CLERK

SCHEDULE "A" TO By-law 11039

1. **HEAVY METALS**

		mg/kg(ppm) of Dry Matter
arsenic	(As)	30
barium	(Ba)	1000
cadmium	(Cd)	5
chromium	(Cr)	250
cobalt	(Co)	50
copper	(Cu)	100
lead	(Pb)	500
mercury	(Hg)	2
molybdenum	(Mo)	10
nickel	(Ni)	100
selenium	(Se)	3
silver	(Ag)	20
tin	(Sn)	50
zinc	(Zn)	500

2. **OTHER INORGANICS**

bromide (free)	(Br)	50
cyanide (free)	(CN free)	10
cyanide (total)	(CN total)	50
fluoride (free)	(F free)	400
sulfur	(S total)	1000

3. **MONOCYCLIC AROMATIC HYDROCARBONS (MAHs)**

	mg/kg(ppm) of Dry Matter
benzene (8)	0.5
ethylbenzene	5
toluene	3
chlorobenzene	1
1,2-dichlorobenzene	1
1,3-dichlorobenzene	1
1,4-dichlorobenzene	1
xylene	5
styrene	5

4. **PHENOLIC COMPOUNDS**

nonchlorinated phenols (each) (1)	1
chlorophenols (each) (2)	0.5
chlorophenols (total)	1.0

5. **POLYCYCLIC AROMATIC HYDROCARBONS (PAHs)**

benzo(a) anthracene (3)(8)	1
1,2-benzanthracene 7,2-dimethyl	1
dibenzo (a,h) anthracene (3)(8)	1
chrysene	1
3-methylcholanthrene	1
benzo(b)fluoranthene (3)(8)	1
benzo(j)fluoranthene	1
benzo(k)fluoranthene (3)(8)	1
benzo(g,h,i)perylene	1
benzo(c)phenanthrene	1

POLYCYCLIC AROMATIC HYDROCARBONS (PAHs) (Continued)

	mg/kg(ppm) of Dry Matter
pyrene (3)	10
benzo(a)pyrene (3)(8)	1
dibenzo(a,h)pyrene	1
dibenzo(a,i)pyrene	1
dibenzo(a,l)pyrene	1
indeno (1,2,3-cd)pyrene (3)(8)	1
acenaphtene	10
acenaphtylene	10
anthracene	10
fluoranthene	10
fluorene	10
naphthalene ³	5
phenanthrene ³	5
PAHs (total)	20

6. CHLORINATED HYDROCARBONS

aliphatic	
(each) (4)	5
(total) (4)	7
chlorobenzene (5)	
(each)	2
(total)	4
hexachlorobenzene	2
polychlorinated biphenyls (6)	5

**mg/kg(ppm) of
Dry Matter**

7. **PESTICIDES**

pesticides (total) 1

8. **GROSS PARAMETERS (7)**

mineral oil and grease 1000
light aliphatic hydrocarbons 150

NOTE: Numbers in brackets refer to Footnotes.

FOOTNOTES to Schedule "A"

By-law 11039

1. Non-chlorinated phenolic compounds, which include:

2,4-dimethylphenol	4-nitrophenol
2,4-dinitrophenol	phenol
2-methyl-4,6-dinitrophenol	cresol (ortho, meta, and para)
2-nitrophenol	

2. Chlorophenols, which include:

ortho-chlorophenol	2,3,6-trichlorophenol
meta-chlorophenol	2,4,5-trichlorophenol
para-chlorophenol	2,3,5-trichlorophenol
2,6-dichlorophenol	2,3,4-trichlorophenol
2,5-dichlorophenol	3,4,5-trichlorophenol
2,4-dichlorophenol	2,3,5,6-tetrachlorophenol
3,5-dichlorophenol	2,3,4,5-tetrachlorophenol
2,3-dichlorophenol	2,3,4,6-tetrachlorophenol
2,4-dichlorophenol	pentachlorophenol
2,4,6-trichlorophenol	

3. If a site is contaminated with coal tars, these are the standards that apply.

4. Volatile chlorinated aliphatic hydrocarbons, which include:

chloroform	1,2-dichloropropene (cis and trans)
1,1-dichloroethane	1,1,2,2-tetrachloroethane
1,2-dichloroethane	tetrachloroethene
1,1-dichloroethene	carbon tetrachloride
1,2-dichloroethene	1,1,1,-trichloroethane
dichloromethane	1,1,2-trichloroethane
1,2-dichloropropane	trichloroethene

5. Chlorobenzenes, which include:

trichlorobenzenes (all isomers)	pentachlorobenzene
tetrachlorobenzenes (all isomers)	

6. Polychlorinated biphenyls, which include:

Arochlors 1242, 1248, 1254 and 1260

7. To be used as investigation standards only.

8. Organic compounds regarded as carcinogens.