

City of Burnaby

Minor Work Permit and Agreement - Application Form

2018 October (Rev 1)

Application form is to be completed if the proposed work includes the following investigations on City Lands: testpit, monitoring well, borehole or vacuum-hole installation, minor excavation or other non-intrusive work.

PLEASE ALLOW A MINIMUM OF TEN WORKING DAYS IN ORDER TO PROCESS A COMPLETE APPLICATION. PROCESSING TIME WILL BEGIN UPON RECEIPT OF A COMPLETE SUBMISSION

*Internal Applicant (Please check if application is a City Project. **For internal use only.**)*

APPLICATION

If applicant hires a contractor and/or consultant to perform work, BOTH shall assume responsibility of the Permittee for the provision of the Application & Permit Agreement.

APPLICANT (Owner of Work)		CONTRACTOR	
Name		Name	
Street		Street	
City		City	
Province	Postal Code	Province	Postal Code

Proposed Work Area – Permittee (applicant or authorized agent) proposes to install “the works” in or abutting a street, boulevard, alley, sidewalk, park, terrace or other property controlled or owned by the City of Burnaby including right-of-ways, as described below:

Address/Description:	Location (cross streets or nearest intersection)
Project Description/Purpose (Insert additional page(s) if required):	
Primary Contractor/On-site Consultant Information (Full name & Emergency Contact Information):	
Proposed Start Date: _____	
Anticipated Completion Date: _____	

Purpose of Investigation: Environmental Geotechnical Other (specify): _____

Test Pit, Monitoring Well, Borehole or Vacuum-Hole Information:

Drilling Company (if different from Contractor):	Proposed Depth (m):	Number of TP/BH/MW/EXC (#):
GPS Coordinates of Monitoring Wells (if applicable):		

Applicant/Authorized Agent Signature – If the Authorized Agent, I certify that I am acting as the Authorized Agent on behalf of the named Applicant (Attach Proof of Authorization – Letter Format)

Name:

(Applicant Name & Signature)

(Contractor Name & Signature)

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Submitting a Complete Application Package:

A complete application package should include (but is not limited to) the following:

- Cover Page to Include Detailed Contact Information and Project Scope*
- Signed and Dated Minor Works Application Form (this form)*
- Design Drawing of Proposed Work (1:250 scale)*
- Certificate of Insurance (COI)*
- Traffic Control Permit (if applicable)*
- Other (as requested by Environmental Services Division)*

When all documents are ready, please submit complete application packages to engineering@burnaby.ca for review. Application fees are \$300 and can be paid at City Hall, 4th Floor in the Engineering Department.

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1. Allow a minimum of ten working days in order to process a complete submission. Processing time will begin upon receipt of a complete submission. Submissions lacking applicable bonds, fees and commencement and completion dates will be deemed incomplete. *No work shall commence until the application has been signed/issued by the Director Engineering or designate.*
2. **Fees and Costs.** A three hundred dollar (\$300) non-refundable fee is required at time of application submission and prior to review. This fee encompasses only administration and inspection costs
3. **Bond.** A refundable cash deposit, or damage, maintenance & reinstatement bond is required. The bond must be paid directly by the owner of the work or his agent and **NOT** by the party contracted to perform the works. The bond amount is dependent upon the number of installations proposed:

Up to 3 boreholes	\$6,000
More boreholes	\$2,500 for each additional borehole

The bond will be held until such time as all installations have been decommissioned or completed to the satisfaction of the City (instructions enclosed). The security amount will be drawn upon should repair of damage, maintenance (i.e. pavement rehabilitation/lifting), and/or removal be necessary by the City.

4. **Restoration.** Upon completion of the Works, the Permittee shall restore the City Lands to their former condition so far as reasonably possible and in accordance with City standards as to filling, compaction, resurfacing, and otherwise in relation to construction and excavation of public lanes. The Permittee shall while carrying out the Works keep the City lands properly secured for public safety in accordance with City standards for works of a similar nature.
5. **Minimum Insurance Requirement.** The Permittee shall ensure that not less than the liability insurance outlined on the attached schedule (Attachment A) is in place and maintained at all times while this Permit is in force with all of the coverage and limits specified and shall require and ensure that its contractors and/or consultants are insured in at least the same manner. Along with the permit application the Permittee and Contractor (if applicable) shall provide a suitable certificate of insurance as evidence that it has compliant insurance. Thereafter the Permittee and Contractor shall provide suitable certificates as evidence that the insurance coverage has been maintained. Insurance policies shall be endorsed to provide that the City will receive not less than thirty (30) days written notice before cancellation of coverage.
6. **Workers' Compensation.** The Permittee hereby agrees that it is responsible to ensure compliance with all applicable Workers' Compensation regulations at the site and that if at any time there shall be more than one contractor working at the site then the Permittee is and shall be the **Prime Contractor** pursuant to the Workers' Compensation Act.
7. **Specifications.** All work performed under the Permit must be done in accordance with plans, specifications, maps, detailed accounting (dates) of all utility locate calls made, (i.e. BC One Call, BC Hydro, Shaw, etc.) and statements filed with and approved by the City. Note: The City is not responsible for the accuracy of any information related to the location of foreign utilities.

8. **Requirements.**

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- a) The application package must include a 1:250 scale drawing and must include the following items as a minimum: location of the proposed minor works with respect to property lines, civic addresses, directional North, utility (foreign and municipal) locations beyond the property lines, service connections to the site, traffic lanes, as well as the location of all pre-existing off-site wells (active and decommissioned). Incomplete or not-to-scale drawings will not be accepted.
- b) A Traffic Control Permit should be included as part of the overall submission, if necessary. Application should conform to the Ministry of Transportation and Highways Traffic Control Manual for Work on Roadways. A WCB approved traffic control agency should be retained to ensure traffic safety from the utility locate stage to the project's conclusion. Deviation from stipulated hours or safety practices will result in permit annulment.
- c) All installations within municipal rights-of-ways are to be constructed according to the specifications outlined in the Master Municipal Construction Document (MMCD) Platinum Edition (2009), and by the City of Burnaby's supplemental Specifications where applicable. Only hot asphalt is allowed to repair damaged roads; cold asphalt patching or concrete will not be accepted.
- d) Top of well casing shall be flush-mounted and equipped with a water-tight cover. Each monitoring well must be permanently labelled in the field so that it is readily identifiable, and coincide with the scaled map referenced in Section 8(g) below. Monitoring well(s) shall be constructed in accordance with generally accepted industry standards.
- e) The Permittee shall provide the City with not less than 48 hours written notice prior to the start of any work.
- f) The Permittee must maintain and repair the works, as necessary.
- g) Upon completion of the use of the monitoring well(s), all wells shall be properly abandoned in accordance with the current Provincial standards and City requirements to the satisfaction of the Director Engineering. At least 72 hours advance written notice shall be given to the City prior to monitoring wells abandonment activities. Permittee shall provide the City with a copy of the monitoring well abandonment report in acceptable form.
- h) This item is applicable for environmental minor works only. Following installation of any Environmental wells/ boreholes or testpits, the Permittee shall provide the City with a letter report including a scaled map or figure specifically identifying the locations of the monitoring wells including a copy of all the data collected in a letter report (see Attachment B) within 60 days of the samples being obtained and analyzed. There should be no limitation or restriction on the letter report preventing the City from relying on the data, and the report must be acceptable to the Environmental Services Division.
- i) Any costs, expenses, or liability for environmental response or remediation shall be considered as restoration and shall be the sole responsibility of the Permittee.
- j) The Permittee warrants and represents that it has all required permits, licenses, or approvals from other government authorities or agencies with jurisdiction over the Permittee's activities.
- k) The City reserves the right to require the Permittee to remove all or any well(s) if in the sole opinion of the City it is necessary to facilitate other improvements within the work area, with no reimbursement of cost to the Permittee or its contractor.
- l) The City and/or its agents are not responsible for any injury or damage caused by Permittee, its contractor, their representatives, employees, or agents.
- m) Silt or silt laden water must not be allowed to enter the storm water system and this permit may be revoked if this occurs, or if measures to prevent it appear inadequate.

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- n) An application for variation of work hour restrictions can be submitted to Environmental Service Division for consideration (application forms available online or alternatively available upon request). Traffic volumes and safety concerns will be considered as part of the review process.
- o) The applicant will include a copy of the Occupational Health and Safety Plan for the proposed drilling work.

9. **Indemnification.** The Permittee shall defend, indemnify, and hold harmless the City and its directors, officers, servants, employees, volunteers, and agents from and against all cost and expense and from all liability for claims, damages, costs, expenses, or fees, including any attorney fees, or fines or awards brought against or charged to the City by any person, firm, government body, or corporation arising in any manner from the permission hereby granted to the Permittee; furthermore, the Permittee hereby agrees to release, waive, and forever discharge the City and its directors, officers, servants, employees, volunteers, and agents from all claims, costs, causes of action, or demands of any kind or nature that it may otherwise have made or claimed against the City arising in any manner out of the permission hereby granted.

The City of Burnaby accepts neither liability nor loss related to the disruption and/or destruction to the aforementioned installations (be it intentional or accidental) by City of Burnaby staff, contractors retained by the municipality, or by third parties. The City of Burnaby retains the right to maintain or remove, or have the installer maintain or remove, offsite infrastructure (wells/extraction units etc.) at any time at the bold holder's expense.

10. **Terms of Permit.** The privilege granted by the Permit shall continue for a period of one (1) month from the date of signature. After the one (1) month date has passed, a request for extension and extension fee of \$150 will be required. If installed monitoring wells are required to remain longer than 1 year, an application renewal fee with an annual payment of \$300 shall continue for a maximum of five (5) years, due on first day of April, unless terminated in accordance with Paragraph 12 below. All minor works must be removed from the City lands after five (5) years, unless a prior arrangement has been approved by the Environmental Services Division (for minor work extensions additional fees are required \$500 per monitoring well or test hole/location/year).

11. **Limitation of Permit.** This permit does not relieve the Permittee from complying with any applicable laws and regulations of other government authorities or agencies. The Permittee is responsible for obtaining additional permits or authorizations, as necessary, which may be required in connection with this work from other government agencies, public utilities, private entities and individuals, including private property owners.

12. **Assignment.** This Permit may not be assigned without the written consent of the City. However the terms and conditions herein shall be binding upon the respective heirs, representatives, and successors of the Permittee.

13. **Permit Revocation or Surrender.** The City may cancel and revoke the Permit at its sole discretion at any time with fourteen (14) days written notice to the Permittee without refund of fees. The Permittee may surrender the Permit at any time with fourteen (14) days written notice to the City without refund of fees. Upon the voluntary relinquishment or abandonment of the Permit, or upon cancellation and revocation thereof by the City, the Permittee shall properly abandon all of its works and restore the property in a manner satisfactory to the City at the expense of the Permittee and shall pay forthwith to the City any cost, repair of damage, or expense the City may incur in such restoration.

14. **Violation of Permit.** In the event the Permittee fails or refuse to conform to any of the terms and conditions of the Permit, the privilege hereby granted shall immediately terminate and become null and void and the Permittee shall pay forthwith to the City any cost, repair of damage, or expense the City may incur as a result thereof. Attachment A

Minimum Insurance Requirements
(Attachment A)

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1. The Permit holder (the Permittee) shall insure and keep insured while the Permit is in force, with such companies and on such forms as are acceptable to the City, the following Liability Insurance coverage:

1.1 Commercial General Liability Insurance written on an Occurrence basis with coverage suitable for the work to be performed and including; Premises and Operations Liability; Owner and Operator's Protective Liability with respect to the Operations of sub-contractors; Completed Operations Liability; Pollution Liability on a Sudden and Accidental basis with a wording that is not less than the coverage provided by the Insurance Bureau of Canada's form IBC 2336 (form available upon request); Contractual Liability; and, Non-Owned Automobile Liability.

1.2 Automobile Liability Insurance in respect of all licensed vehicles owned or leased by the contractor.

1.3 Professional Errors & Omissions Liability Insurance in certain circumstances, such as when the Permittee is a Professional consulting firm.

2. The Limits of insurance shall not be less than the following:.

Personal and Bodily Injury	\$5,000,000 -each occurrence
	\$5,000,000 -aggregate products and/or completed operations
Property Damage	\$5,000,000 -each occurrence
	\$5,000,000 -aggregate products and/or completed operations
Owned & Non-Owned Auto Liability, Bodily Injury & Property Damage	\$3,000.000 - any one accident
Professional Liability	\$1,000,000 - per occurrence
	\$2,000,000 - annual aggregate

3. The General Liability policy shall be written on a Primary basis such that it does not call into contribution any other insurance that may be held or maintained from time to time by the City of Burnaby and name the City as an Additional Insured; the General Liability policy shall include a cross liability and/or severability of interests endorsement and contain a waiver of subrogation clause in favor of the City of Burnaby.

4. Both the General Liability and Professional Liability policies shall be endorsed by the insurer to provide that the policy will not be cancelled or adversely changed without thirty (30) days written notice to the City of Burnaby.

5. Prior to the commencement of any work the Permittee shall file with the City either a certified copy of each required insurance policy, with all of the necessary endorsements attached, or suitable certificates of insurance that clearly verify all of the requisite coverage and endorsements are in place.

6. The requirement to provide insurance with specified minimum limits of liability does not in any way limit the liability of the Permittee.

Monitoring Report Requirements
Letter Report Format
(Attachment B)

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The letter report should be submitted in a hard copy and in electronic copy and it should include the following:

- I. Scope of work
- II. Site identification (location including meets and bounds)
- III. Contamination potential sources – if applicable (e.g. equipment, above ground and underground storage tanks, spill areas, utilities, conduits, etc.)
- IV. Geology and hydrology
- V. Sampling and analysis plan and sampling methodology
- VI. Results
- VII. Conclusions
- VIII. Ongoing site monitoring (if applicable – including schedule)
- IX. Remedial action plan (if applicable – including schedule)

Attachments:

- A. Tables (soil, groundwater, sediment, air - compared to applicable CSR standards/criteria)
- B. Figures (all figures as a minimum should be 28 cm x 43 cm -11" x 17") must include:

1. Locations of surface samples, boreholes, monitoring wells, and vapour sampling points, including groundwater direction and gradient.
2. Soil contamination including analytical data in relation to investigated location (coloured coded – black <CSR, green>CSR, and red suspect HW)
3. Groundwater contaminant plumes including analytical data in relation to investigated location (coloured coded – black <CSR, blue>CSR, and red LNAPL in mm)

In addition to the above information, all figures should contain, as appropriate, the following details:

- i. Scale bar in metres
- ii. North arrow
- iii. Street names
- iv. Adjacent property boundaries
- v. General indication of topographic relief and site drainage
- vi. Location of all utilities including depth
- vii. Legend identifying symbols used on plan
- viii. Direction and distance to surface water (creeks, lakes, etc.) and sensitive areas
- ix. Title block showing consultant's name, site name, site address and date

- C. Borehole and Monitoring well logs
- D. Laboratory Report

Note: There should be no limitations or restrictions on the report preventing the City from relying on the data and the report must be acceptable to the Environmental Service division in Engineering.