



Report Date: December 15, 2016

File: 105809

Report Number: 045892

Cobble Hill Holdings (BC0754588)  
Cobble Hill Holdings Ltd. (BC0754588)  
c/o Herald Street Law  
101 - 536 Herald Street  
Victoria BC V8W 1S6

Dear Cobble Hill Holdings (BC0754588)

**Re: Non-compliance Advisory Letter, Permit 105809, 693 Stebbings Road, Malahat BC V0R 2L0 Contaminated Soil Treatment and Discharge - Landfill Contaminated Soil Treatment and Discharge, Effluent**

On December 15, 2016, Ministry of Environment, Environmental Protection Division staff conducted an inspection of your facility, Cobble Hill Holdings (BC0754588) located at 693 Stebbings Road, Malahat BC V0R 2L0 Contaminated Soil Treatment and Discharge - Landfill Contaminated Soil Treatment and Discharge with authorization number 105809 under the *Environmental Management Act*.

Failure to comply with the terms and conditions set out in your authorization is an offence under the *Environmental Management Act* (EMA).

A person who fails to comply with a provision of EMA may be found guilty of an offence and could be liable, on summary conviction, to a penalty. For your reference, EMA and all related and pertinent British Columbia Laws can be found at <http://www.bclaws.ca/>.

It should also be noted that, as an alternative to prosecution of the offence mentioned above, the Ministry may initiate action to impose an administrative penalty against Cobble Hill Holdings (BC0754588). The *Administrative Penalties Regulation (EMA)* (B.C. Reg. 133/2014) (APR) was brought into force in 2014. The APR describes the prescribed provisions of the *EMA* as well as that of specified regulations under which administrative penalties can be assigned.

This Advisory, the alleged violations and the circumstances to which it refers will form part of the compliance history of Cobble Hill Holdings (BC0754588), and will be taken into account in the event of future non-compliance.

Please note that this authorization is considered to be out of compliance until such a time as it can be confirmed to meet the authorization requirements.

Inspection Details:

Requirement Description:	<b>1. Authorized Discharges, 1.1 Authorized Discharges - General Conditions</b> 1.1.1: This section applies to the discharge of refuse from a contaminated soil treatment and to the landfill facility. 1.1.1 The combined maximum rate of discharge from the treatment and to the landfill facility is 100000 tonnes per year. The estimated density of soil accepted at the site ranges from 1.5 to 1.8 t/m3 for the purpose of sampling incoming soil or treated soil for characterization. The above density estimate may be modified at any time with a scientific sampling method approved by the Director.
Details/Findings:	A total of 17,709.64 tonnes was discharged to the landfill in the third quarter of 2016. This results in an annual total of 49,513.36 tonnes versus the permitted annual limit of 100,000 tonnes (2016 Q3 Report, p. i, 2).
Compliance:	In
Actions to be taken:	

Requirement Description:	<b>1. Authorized Discharges, 1.3 Authorized Discharge - Landfill Facility</b> 1.3.2: This section applies to the discharge of refuse from a soil treatment facility and from relocated contaminated soil and associated ash. The site reference number for this discharge is E292889. 1.3.2 The characteristics of the discharge must be better than: Hazardous waste, as described in the Schedule 1, 1.1, 3 and 4 (Part 3, table 1 - Leachate Quality Standards) of the Hazardous Waste Regulation (HWR) and must be limited to contaminated soils and associated ash. Hazardous waste (as defined in the Environmental Management Act and the HWR), liquids, putrescible and other wastes must not be discharged. The Director may specify different standards and other substances in writing for the protection of human health or the environment.
Details/Findings:	Only non-hazardous waste class soil was imported to the site during the third quarter (2016 Q3 Report, p. i, 2).
Compliance:	In
Actions to be taken:	
Requirement Description:	<b>1. Authorized Discharges, 1.4 Ancillary Discharge - Water Treatment System</b> 1.4.2: This section applies to the discharge of effluent from the water treatment system (WTS). The site reference number for the WTS discharge is E292170. 1.4.2 The maximum rate of the WTS discharge is 274 cubic metres per day.
Details/Findings:	WTS discharge rates remained below the maximum permitted rate of 274 m3/Day. It was stated in the report that approximately 822.64 m3 of treated water was discharged to the Settling Pond from the WTS during the third quarter (2016 Q3 Report, p. i, 3).
Compliance:	In
Actions to be taken:	
Requirement Description:	<b>1. Authorized Discharges, 1.4 Ancillary Discharge - Water Treatment System</b> 1.4.4: This section applies to the discharge of effluent from the Water Treatment System (WTS). The site reference number for the WTS discharge is E292170. 1.4.4 The characteristics of the discharged treated effluent must be equivalent to or better than the most stringent of those British Columbia Approved Water Quality Guidelines (BCAWQG) and A Compendium of Working Water Quality Guidelines for British Columbia (BCWWQG) for Freshwater Aquatic Life (AL) protection and Drinking Water (DW) uses for the parameters of concern: Inorganic Substances including metals, VPHw, LEPHw, VHw6-10, EPHw10-19, PAHs, BTEX, Styrene, Chlorinated Hydrocarbons, Phenolic Substances, Chloride, Sodium, Glycols, pH and Oil & Grease. Dioxins and Furans analysis must be conducted at a laboratory and using an analytical method agreed to by the Director and results must be below detection limit at all times. The source of the discharge must be limited to site stormwater runoff and water from the primary and secondary containment systems authorized under Subsections 1.2.1, 1.3.1 and 1.4.5. The Director may specify different standards and other substances in writing for the protection of human health or the environment.
Details/Findings:	All effluent discharged from the Water Treatment System was within the BCAWQG and the BCWWQG (2016 Q3 Report, p. i, 13).
Compliance:	In
Actions to be taken:	
Requirement Description:	<b>1. Authorized Discharges, 1.5 Ancillary Discharge - Settling Pond</b> 1.5.1: This section applies to the discharge of stormwater from the settling pond. The site reference number for the settling pond outlet is E292898. 1.5.1 The rate of the settling pond discharge is 42,500 cubic metres per day for up to 1 in 10 year return period flood event of 24 hour duration.

Details/Findings:	Discharge from the Settling Pond outlet (i.e. the combined discharge of WTS effluent and stormwater) did not occur during this reporting period (2016 Q3 Report p. ii, 4).
Compliance:	In
Actions to be taken:	
Requirement Description:	<b>1. Authorized Discharges, 1.5 Ancillary Discharge - Settling Pond</b> 1.5.3: This section applies to the discharge of stormwater from the settling pond. The site reference number for the settling pond outlet is E292898. 1.5.3 The characteristics of the settling pond discharge effluent (SW-1) must be equivalent to or better than the most stringent of those BCAWQG and BCWWQG for Freshwater Aquatic Life uses and Total Suspended Solids (TSS) must not exceed 25 mg/L for up to 1 in 10 year return period flood event of 24 hour duration. The Director may specify different standards and other substances in writing for the protection of human health or the environment. For flood events greater than 1 in 10 year return period flood event of 24 hour duration, the characteristics of the settling pond discharge must not exceed background concentrations (SW-4). The source of the discharge must be limited to non contact site storm water runoff and treated effluent released from the WTS described in Subsection 1.4.
Details/Findings:	Discharge from the Settling Pond outlet (i.e. the combined discharge of WTS effluent and stormwater) did not occur during this reporting period so compliance with this requirement is not applicable (2016 Q3 Report p. ii, 4).
Compliance:	Not Applicable
Actions to be taken:	
Requirement Description:	<b>2. General Requirements, 2.10 Dust Control</b> 2.10: Fugitive dust created within the operation area must be suppressed. Measured dustfall must not exceed the B.C. Ambient Air Quality Residential Objective of 1.7 mg/(dm <sup>2</sup> -day) over a two week averaging period at the property boundary. The contingency measures must be documented in the EPM as defined in Subsection 2.13 and include, but not limited to, reduced activities, covering or application of dust suppressant on soil piles and exposed areas. The Director may amend the permit to require the implementation of additional control measures on fugitive dust sources.
Details/Findings:	Monthly two-week dustfall samples were taken at the property boundary. Fugitive dust in July 2016 and August 2016 was above the B.C. Ambient Air Quality Residential Objective (1.9 mg/dm <sup>2</sup> /Day and 1.8 mg/dm <sup>2</sup> /Day respectively versus the 1.7 mg/dm <sup>2</sup> /Day objective) (2016 Q3 Report, p. ii, 14).
Compliance:	Out
Actions to be taken:	Ensure any future non-compliance reports are submitted prior to the deadline and include the required information.
Requirement Description:	<b>3. Monitoring and Sampling Requirements, 3.1 Incoming Soil and Associated Ash Sampling and Analysis</b> 3.1: The Permittee must follow sampling procedures and frequency specified in the approved Soil Acceptance Plan described under Subsection 2.2 to verify soil and associated ash quality. The contaminants must include, but not be limited to, the parameters of concern listed in Subsection 1.3.3, as determined by a Qualified Professional. The Director may require testing of soil and associated ash for additional parameters.
Details/Findings:	Incoming material was subject to sampling, analysis and on-site record keeping as per the approved Soil Acceptance Plan and in accordance with Section 5.1 of the Discharge Permit (2016 Q3 Report, p. iii, 15).

Compliance:	In
Actions to be taken:	
Requirement Description:	<p><b>3. Monitoring and Sampling Requirements, 3.3 Groundwater Sampling and Analysis</b></p> <p>3.3: The Permittee must install and maintain a minimum of seven groundwater sampling facilities (MW-1(S/D), MW~2, MW-3(S/D), MW-4 and MW-5) as shown on Figure Band obtain groundwater samples once each quarter in a manner satisfactory to the Director. MW-4 and MW-5 must be drilled using a non-destructive method and cores must be logged by a Qualified Professional. The design and location of the wells must be to the satisfaction of the Director. Proper care must be taken in sampling, storing and transporting the samples to adequately control temperature and avoid contamination, breakage, etc. Groundwater samples must be analysed for all potential contaminants of concern. The contaminants may include, but not be limited to, the parameters of concern listed in Subsection 1.3.3, as determined by a Qualified Professional. The groundwater quality must be compared to the standards described in Schedules 6 and 10 of the CSR or any additional standards specified by the Director in writing. The Permittee may be required to install additional groundwater sampling facilities upon request. The location and structural details of these sampling facilities are subject to the approval of the Director.</p>
Details/Findings:	<p>Quarterly monitoring sampling and analysis was conducted in 2016 Q3 at eight monitoring well locations (seven are required by the permit). With the exception of specific detections of arsenic at MW1-S (0.019 mg/L versus the CSR DW standard of 0.01 mg/L), manganese from duplicate samples at MW-6 (0.645 mg/L and 0.626 mg/L versus the CSR DW standard of 0.55 mg/L), and manganese &amp; iron at MW-5D (1.86 mg/L and 8.69 mg/L versus the CSR DW standards of 0.55 mg/L and 6.5 mg/L respectively) that are interpreted (based on historic data) to represent only background conditions, applicable standards were met (2016 Q3 Report p. iii, 15).</p>
Compliance:	In
Actions to be taken:	
Requirement Description:	<p><b>3. Monitoring and Sampling Requirements, 3.4 Surface Water Sampling and Analysis</b></p> <p>3.4: The Permittee must sample the water treatment system effluent (WTS) and the settling pond discharge point (SW-1) monthly and every 2000 m3 for the water treatment system discharge effluent in a manner suitable to the Director. Proper care must be taken in sampling, storing and transporting the samples to adequately control temperature and avoid contamination, breakage, etc. Turbidity of the settling pond discharge effluent (SW-1) must be monitored biweekly between November to April and after every event greater than 1 in 10 year return period flood event of 24 hour duration. Surface water samples must be analysed for all potential contaminants of concern. The contaminants may include, but not be limited to, the parameters of concern listed in Subsection 1.3.3, as determined by a Qualified Professional. The surface water quality results must be compared to the standards set out in Subsection 1.4.4 and 1.4.5.</p>
Details/Findings:	<p>Water treatment system (WTS) and SW-1 monitoring, sampling, and analysis was conducted in 2016 Q3 in accordance with permit requirements. An exception to this was between August 25 to September 25 as there was no water to treat during this time period (2016 Q3 Report p. ii, 16).</p>
Compliance:	In
Actions to be taken:	

Requirement Description:	<b>3. Monitoring and Sampling Requirements, 3.4 Surface Water Sampling and Analysis</b> 3.4: The Permittee must sample the water treatment system effluent (WTS) and the settling pond discharge point (SW-1) monthly and every 2000 m3 for the water treatment system discharge effluent in a manner suitable to the Director. Proper care must be taken in sampling, storing and transporting the samples to adequately control temperature and avoid contamination, breakage, etc. Turbidity of the settling pond discharge effluent (SW-1) must be monitored biweekly between November to April and after every event greater than 1 in 10 year return period flood event of 24 hour duration. Surface water samples must be analysed for all potential contaminants of concern. The contaminants may include, but not be limited to, the parameters of concern listed in Subsection 1.3.3, as determined by a Qualified Professional. The surface water quality results must be compared to the standards set out in Subsection 1.4.4 and 1.4.5.
Details/Findings:	Discharge to the surrounding environment via the settling pond discharge point (E292898/SW-1) did not occur in 2016 Q3, so compliance with this requirement is not applicable (2016 Q3 Report p. iii, 4).
Compliance:	Not Applicable
Actions to be taken:	
Requirement Description:	<b>3. Monitoring and Sampling Requirements, 3.5 Air Quality Monitoring</b> 3.5: The Permittee must collect monthly ambient air samples during the active season (i.e. between April and November, inclusive) at the down-wind property line using a Summa® Canister. Ambient air samples must also be collected using a Summa® Canister if and when soils with measurable volatile contaminant concentrations exceeding the established thresholds are being managed or treated at the soil treatment facility at the location and as documented in the EPM. The ambient air sample must be analysed for the all potential contaminants of concern, as determined by a Qualified Professional, and results must be compared to the CSR Schedule 11 RL standards. In the event that results exceed the standards, the Permittee must follow the requirements stated under Subsection 2.9.
Details/Findings:	Ambient air samples were not collected at the down-wind property line using a Summa® Canister as required by Section 3.5 of the Discharge Permit (2016 Q3 Report p. iii, 14). EPO Fraleigh spoke with Rahim Gaidhar, Environmental Operations Supervisor, of SIRM to confirm that no sample was taken. Mr. Gaidhar informed EPO Fraleigh that a clerical error occurred and the active season, as described in the Permit, was misinterpreted. As a result, the Summa® Canister sampling occurred outside of the active season.
Compliance:	Out
Actions to be taken:	Ensure any future non-compliance reports are submitted prior to the deadline and include the required information.
Requirement Description:	<b>3. Monitoring and Sampling Requirements, 3.5 Air Quality Monitoring</b> 3.5: The Permittee must collect monthly ambient air samples during the active season (i.e. between April and November, inclusive) at the down-wind property line using a Summa® Canister. Ambient air samples must also be collected using a Summa® Canister if and when soils with measurable volatile contaminant concentrations exceeding the established thresholds are being managed or treated at the soil treatment facility at the location and as documented in the EPM. The ambient air sample must be analysed for the all potential contaminants of concern, as determined by a Qualified Professional, and results must be compared to the CSR Schedule 11 RL standards. In the event that results exceed the standards, the Permittee must follow the requirements stated under Subsection 2.9.

Details/Findings:	A 24-hr time integrated Summa® Canister-based sampling for volatile organic compounds was not required as there was no management or treatment of soils with measurable volatile contaminant concentrations exceeding the established thresholds as per Section 3.5 of the Discharge Permit (2016 Q3 Report p. iii, 14). Therefore, compliance with this component of Section 3.5 is not applicable.
Compliance:	Not Applicable
Actions to be taken:	
Requirement Description:	<p><b>3. Monitoring and Sampling Requirements, 3.6 Receiving Environment Sampling</b>  3.6: The Permittee must implement a receiving environment monitoring program for the receiving groundwater and surface water summarized in the table below and as defined under the EPM:</p> <p>* 5 in 30 refers to at least 5 weekly samples taken in a period of 30 days. Due to the ephemeral nature of some of the creeks, the first 5 in 30 sample should be collected when the ground has first been saturated. Flow measurements must be collected from all surface water monitoring locations at the time of sampling.</p> <p>Based on the results from the receiving environment monitoring program, the monitoring requirements may be extended or altered by the Director.</p> <p>Please Refer to Table 3.6 - Receiving Environment Sampling and Monitoring Frequency Table</p>
Details/Findings:	Quarterly monitoring, sampling and analysis was conducted in 2016 Q3 at eight monitoring well locations (seven are required by the permit) (2016 Q3 Report p. iii, 15).
Compliance:	In
Actions to be taken:	
Requirement Description:	<p><b>3. Monitoring and Sampling Requirements, 3.6 Receiving Environment Sampling</b>  3.6: The Permittee must implement a receiving environment monitoring program for the receiving groundwater and surface water summarized in the table below and as defined under the EPM:</p> <p>* 5 in 30 refers to at least 5 weekly samples taken in a period of 30 days. Due to the ephemeral nature of some of the creeks, the first 5 in 30 sample should be collected when the ground has first been saturated. Flow measurements must be collected from all surface water monitoring locations at the time of sampling.</p> <p>Based on the results from the receiving environment monitoring program, the monitoring requirements may be extended or altered by the Director.</p> <p>Please Refer to Table 3.6 - Receiving Environment Sampling and Monitoring Frequency Table</p>
Details/Findings:	Quarterly monitoring and sampling of the site receiving environment surface water stations (first fall flush SW2, SW3, SW4, and SW5) will take place next quarter in accordance with Section 3.6 of the Discharge Permit (2016 Q3 Report p. ii, 16). Therefore, compliance with this component of Section 3.6 is not applicable.
Compliance:	Not Applicable
Actions to be taken:	

Requirement Description:	<b>5. Reporting Requirements, 5.2 Environmental Quarterly Reports</b> 5.2: The Permittee must submit environmental quarterly reports prepared by a Qualified Professional with all monitoring data and associated QA/QC results, interpretations, conclusions and recommendations in a format acceptable to the Director and post the results online and provide a hard copy to the Director no later than 30 days after the end of each quarter.
Details/Findings:	The 2016 Q3 Report was received by the Ministry of Environment on October 31, 2016. It was also posted online at <a href="http://www.sirm.ca/community.html">http://www.sirm.ca/community.html</a> within 30 days after the end of the quarter (2016 Q3 Report p. i).
Compliance:	In
Actions to be taken:	
Requirement Description:	<b>6. Non-Compliance Reporting, 6.1 Non-compliance Reporting</b> 6.1: For any non-compliance with the requirements of this permit, the Permittee must submit to the Director, Environmental Protection, a written report within 30 days of the non-compliance occurrence. The report must include, but is not necessarily limited to, the following: a) all relevant test results related to the non-compliance; b) an explanation of the most probable cause(s) of the non-compliance; and c) remedial action planned and/ or taken to prevent similar non-compliance( s) in the future.
Details/Findings:	A non-compliance report was received on September 30, 2016 for the July 2016 fugitive dust exceedance of the B.C. Ambient Air Quality Residential Objective (1.9 mg/dm <sup>2</sup> /Day versus the 1.7 mg/dm <sup>2</sup> /Day objective). However, the non-compliance report was not received within 30 days of the non-compliance occurrence as required by Section 6.1.  A non-compliance report was not received for the August 2016 fugitive dust exceedance of the B.C. Ambient Air Quality Residential Objective (1.8 mg/dm <sup>2</sup> /Day versus the 1.7 mg/dm <sup>2</sup> /Day objective) as required by Section 6.1.  A non-compliance report was not sent in for the failure to sample ambient air using a Summa Cannister® as required by Section 3.5 of the Discharge Permit. Although verbal confirmation of this non-compliance was provided, a written report was not sent in to the Director.
Compliance:	Out
Actions to be taken:	Ensure any future non-compliance reports are submitted prior to the deadline and include the required information.

On December 6, 2016, Environmental Protection Officer Connor Fraleigh conducted an Office Review inspection of Cobble Hill Holdings Ltd. (BC0754588) (CHH)'s operation near Shawnigan Lake, authorized under Environmental Management Act refuse permit 105809 (Permit).

Reviewed was the Permit, issued August 21, 2013; a Permit letter amendment, dated June 4, 2015; the 2016 Quarter Three Environmental Monitoring Report (South Island Resource Management (SIRM), October 31, 2016) (2016 Q3 Report); and associated data and correspondence.

The scope of this Office Review was to review the 2016 Q3 Report and assess related compliance with the Permit. This Inspection Record is limited to the review of the Permit clauses specified in the "Inspection Details" section above.

CHH was determined to be in compliance with the following sections of the Permit: 1.1.1, 1.3.2, 1.4.2, 1.4.4, 1.5.1, 3.1, 3.3, 3.4, 3.6 and 5.2

CHH was determined to be in non-compliance with the following sections of the Permit:

2.10 Fugitive dust in July 2016 and August 2016 was above the B.C. Ambient Air Quality Residential Objective.

3.5 Ambient air samples were not collected at the down-wind property line using a Summa® Canister as required by Section 3.5 of the Discharge Permit

6.1 The July 2016 non-compliance report was not received within 30 days of the non-compliance occurrence. A non-compliance report was not received for the August 2016 fugitive dust exceedance. A non-compliance report was not received for failing to take a Summa® Canister sample at the down-wind property line.

Compliance with the following sections of the Permit were not applicable this quarter: 1.5.3, 3.4, 3.5 and 3.6

The appropriate compliance response is an Advisory.

Please notify this office by email at [EnvironmentalNonCompliance@gov.bc.ca](mailto:EnvironmentalNonCompliance@gov.bc.ca) within 30 days of this letter, summarizing what corrective measures have been taken, and what else is being done, to bring this authorization into compliance.

Below are attachments related to this inspection.

If you have any questions regarding this notice, please contact the undersigned.

Yours truly,

Connor Fraleigh

Environmental Protection Officer

cc: A.J. Downie, Director Authorizations South, Regional Operations Branch  
Leslie Payette, Operations Manager, Regional Operations Branch  
Laura Hunse, Environmental Protection Officer, Regional Operations Branch  
Via email: [marty.sia@shaw.ca](mailto:marty.sia@shaw.ca); [todd@sirm.ca](mailto:todd@sirm.ca)

**Attachments:**

1) 3.6 Receiving Environment Sampling Image File.PNG 3.6  
Receiving Environment Sampling and Monitoring Frequency Table

**Deliver via:**

Email:  Fax:  Mail:   
Registered Mail:  Hand Delivery:



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**Ministry of Environment**Compliance  
Environmental  
Protection DivisionMailing Address:  
2080-A  
Labieux Rd  
Nanaimo BC V9E 6J9Telephone: 250 751 3100  
Facsimile: 250 751 3103  
Website: [www.gov.bc.ca/env](http://www.gov.bc.ca/env)**DISCLAIMER:**

Please note that sections of the permit, regulation or code of practice referenced in this inspection record are for guidance and are not the official version. Please refer to the original permit, regulation or code of practice.

To see the most up to date version of the regulations and codes of practices please visit

<http://www.bclaws.ca>

If you require a copy of the original permit, please contact the inspector noted on this inspection record or visit:

<http://www2.gov.bc.ca/gov/topic.page?id=DF89089126D042FD96DF5D8C1D8B1E41&title=Publically%20Viewable%20A%20uthorizations>

It is also important to note that this inspection record does not necessarily reflect each requirement or condition of the authorization therefore compliance is noted only for the requirements or conditions listed in the inspection record.

Receiving Waters	Monitoring Locations		EMS ID	Frequency
Groundwater	Up Gradient	(MW-6)(Replaced MW-4) Southeast corner of the site	E305357	Quarterly
	Down Gradient	(MW-1 (S/D)) On site	E305358	
		(MW-2) Property Boundary	E305359	
		(MW-3(S/D)) Property Boundary	E305594	
		(MW-5) North of the site	E305360	
Surface Water	Up Gradient	(SW-4) Shawnigan Creek	E305361	5 in 30** (2 times/year, conducted during fall first flush event and in the spring freshet)  Immediately after a 1-in-200 year, 24-hour storm event, at Monitoring Locations (SW-2) Ephemeral Creek 1 and (SW-3) Ephemeral Creek 2
		(SW-2) Ephemeral Creek 1	E305362	
	Down Gradient	(SW-5) Shawnigan Creek	E305364	
		(SW-3) Ephemeral Creek 2	E305363	

Img : 3.6 Receiving Environment Sampling Image File.PNG

Img comment: 3.6 Receiving Environment Sampling and Monitoring Frequency Table