



Reference: 307354

File: PR105809

January 27, 2017

Cobble Hill Holdings Ltd.
Herald Street Law
101-536 Herald Street
Victoria BC V8W 1S6

Email: info@heraldstreetlaw.com; mike.sia@shaw.ca; marty.sia@shaw.ca

Dear Mr. Martin Block and Mr. Michael Kelly:

Re: Suspension of Permit and Spill Prevention Order

Take notice that waste discharge permit 105809, originally issued on August 21, 2013, in the name of Cobble Hill Holdings Ltd. (BC0754588) ("CHH"), is suspended effective immediately upon the service of this notice on CHH, pursuant to Section 18 (3) of the *Environmental Management Act*.

This suspension is effective immediately and remains in effect until such time as the Director confirms in writing to CHH that:

- The Director has approved a closure plan for the site and a cost estimate for such closure;
- CHH has provided the Provincial Government with an adjusted financial security, in the form of an irrevocable letter of credit, and in an amount consistent with the approved cost estimate; and
- The Director has approved a final contact water management review report and a final non-contact water management review report (the "Reports").

I have briefly summarized the reasons for my decision in the attached document (Reasons for Decision).

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Furthermore, I hereby give notice of my intention to cancel the Permit if the Director does not receive all of the following, within fifteen business days of the service of this decision on CHH:

1. An updated cost estimate for closure that is prepared and signed by a qualified professional and is fully consistent with the attached Landfill Criteria for Municipal Solid Waste – June 2016 (the “2016 Criteria”), in particular sections 7.0, 8.0 and 9.0 of the 2016 Criteria. Without limitation:
 - a. the cost estimate must clearly demonstrate that all the steps and requirements set out in the 2016 Criteria for completing a cost estimate have been completed;
 - b. the cost estimate must include all costs identified for inclusion in section 8.2 of the 2016 Criteria, including a contingency of 20 percent;
 - c. the cost estimate should cover any expansion of the facility over the next five years;
 - d. the cost estimate must assume a contaminating lifespan consistent with section 8.3 of the 2016 Criteria and provide a technical analysis supporting the lifespan which may, on no account, be less than 30 years.
2. Security, in the form of an irrevocable letter of credit, consistent with the requirements of section 8.6 of the 2016 Criteria, in a form acceptable to the Director, and in an amount consistent with the approved cost estimate, less the current financial security of \$220,000.00 which is already held by the Province.
3. A draft non-contact and contact water management review report (or reports) that corrects all the deficiencies identified in the attached Ministry Review dated January 19, 2017, and includes a work plan and schedule for completion of all recommendations in the report(s) within 90 days of the approval of the report(s). The reports or reports must be prepared and certified by a qualified, independent professional.

I note that CHH has yet to implement any of the requirements set by the Director in the June 29, 2016 letter. At this time, this failure to implement the recommendations of the final non-contact water management review report and the final contact water management review report is considered a non-compliance. It is my expectation that once final plans are submitted and approved, CHH will take immediate action to implement the approved plans together with any additional specifications or requirements imposed by the Director. My intention is to either re-suspend or cancel the permit if I find that the report(s), once approved, are not being implemented in accordance with the schedule and workplan in the approved final report(s).

I have provided multiple opportunities for CHH to respond to the outstanding non-compliances as evidenced in my letters of October 11, 2016, and November 4, 2016. However, I note that in deciding to suspend the permit I have taken into consideration several factors, such as CHH past non-compliances, including non-payment of permit fees. Thus, I will consider any submissions CHH wishes to make in relation to the lifting of this suspension, or the cancellation of the permit that I receive within ten business days of service of this notice on CHH.

All submissions to satisfy the requirements for lifting the suspension or not having the permit cancelled must be submitted to Executive Director of Regional Operations, Ministry of Environment (currently, Ms. Jennifer McGuire at Jennifer.McGuire@gov.bc.ca) for consideration.

This suspension does not remove the responsibilities of CHH to maintain monitoring requirements and ensure that pollution does not occur. The permit suspension suspends the authorization to discharge waste under section 6(5) of the *Environmental Management Act*. CHH is therefore no longer permitted to discharge contaminated soil to the environment or discharge contact water. All other applicable permit conditions must be abided by.

Please also note that section 55 of the *Environmental Management Act* also prohibits relocation of contaminated soil from a contaminated site, without a permit, contaminated soil relocation agreement or other applicable authorization. This prohibition applies regardless of whether there is a discharge to the environment.

With the permit suspended, I am also issuing a Spill Prevention Order to ensure that measures are taken to lessen the risk of an escape of leachate from the contaminated soil management facilities at 460 Stebbings Road into the environment. I have not previously given notice of the Spill Prevention Order to you and I will consider any submissions regarding rescinding or amending the order that I receive within ten business days of this letter being served on you.

Please note that non-compliance with the Spill Prevention Order is an offence.

Sincerely,



Mary Polak,
Minister

Enclosures:

Landfill Criteria for Municipal Solid Waste – June 2016 (section 8)
Report from Staff
Reasons for Decision

