



November 18, 2015

File No: PR-105809

VIA EMAIL: [REDACTED]

Attention: Marty Block

Attention: Mike Kelly

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

Dear Sirs:

**RE: Compliance with permit PR-105809**

Based on recent compliance assessments of the activities authorized under permit PR-105809 (the "Permit"), and spill reports related to this site, concerns are raised regarding the Permittee's ability to ensure effective operation of the authorized works or to manage suspected unauthorized discharges in accordance with the Permit. Specifically, concerns have been raised regarding the Permittee's ability to ensure that all surface water (contact and non-contact water) is contained on the property and treated in accordance with the permit, and that the authorized works have been restored or corrected to prevent unauthorized discharges.

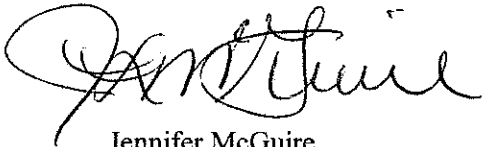
In consideration of the recent compliance assessments of the Permit I am considering making a decision pursuant to Section 2.12 of the Permit to reduce or suspend the operations authorized under the Permit. A reduction or suspension of the Permit would continue until a thorough independent assessment of water management (collection and treatment works, procedures, etc.), works, and activities is completed, and that all remedies are made to ensure compliance with the Permit. These investigations and remedial steps would ensure that all surface water (contact and non-contact water) is contained on the property and treated in accordance with the Permit, and that the authorized works have been restored or corrected to prevent unauthorized discharges.

You are being notified as persons who may be affected by reduced or suspended operations of the Permit and you are hereby invited to provide information or comments that may be relevant to this issue. Please provide to me information that demonstrates the Permittee's immediate action and short term plans to ensure compliance with the Permit specifically regarding water management and use of authorized works on the property. A follow-up inspection will be conducted within the next 10 business days by a Ministry official to ensure compliance.

Please provide a response in writing to me by Friday, November 20, 2015 at 4:30pm. Should the information provided to me found to be not to my satisfaction, a decision regarding reduction or suspension of operations may occur.

Attached is the report for the inspection that was conducted at 460 Stebbings Road on November 14, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jennifer McGuire', with a large, stylized initial 'J'.

Jennifer McGuire  
Executive Director  
Regional Operations Branch

Attachment

Cc: Mr. Ben Naylor, Ministry of Justice  
Mr. David Cowie, Ministry of Justice  
Mr. Brian Carruthers, Cowichan Valley Regional District, [BCarruthers@cvrld.bc.ca](mailto:BCarruthers@cvrld.bc.ca)



Ministry of Environment  
**Inspection Record**

**Environmental  
Protection  
Division**

EP System: <u>AMS</u>		Inspection Status: <u>FINAL</u>	
System Number: <u>105809</u>		Inspection No: <u>23605</u>	
EP System Status: <u>Active</u>		Inspection Date: <u>2015-11-14</u>	
Region: <u>West Coast</u>		Office: <u>Nanaimo</u>	
Trigger: <u>Incident</u>		<b>Incidents of Non-Compliance Observed: <u>Yes</u></b>	
Non-Compliance Decision Matrix Level: <u>Level 2</u>		Non-Compliance Decision Matrix Category: <u>Category A</u>	
Inspector Name(s): <u>Laura Hunse</u>		Risk Ranking: <u>1 to 2 = Medium</u>	
Audit: <u></u>		Total Non-Compliance(s): <u>2</u>	
<b>Regulated Party:</b> <u>Cobble Hill Holdings (BC0754588)</u>			
Regulated Party Contact(s): <u>Marty Block (director), Pete Craig (SIRM operations manager)</u>			
<b>Mailing Address:</b> <u>Cobble Hill Holdings Ltd. (BC0754588)</u> <u>c/o Herald Street Law</u> <u>101 - 536 Herald Street</u> <u>Victoria BC V8W S61</u>			
Phone No: <u></u>		Fax No: <u></u>	
Contact Email: <u></u>			
<b>Location Description or Site Address:</b> <u>460 Stebbings Road, Shawnigan Lake</u>			
Latitude: <u>48.5511</u> N		Longitude: <u>123.6066</u> W	
Receiving Environment(s): <u>Groundwater, Land &amp; Surfacewater</u>			

## Summary

MONITORING AND REPORTING REQUIREMENTS	
Inspection Period:	
From: 2015-11-13	To: 2015-11-14
Requirement Source:	
Permit	
Activity: On Site	Waste Type: Effluent
<p><b>Inspection Summary:</b></p> <p>The scope of this inspection report includes the clauses and sections listed below in relation to the water seeping through the toe of a disturbed rock and earth pile along the west boundary of Lot 23 (the site) and crossing over the boundary as surface water to the environment.</p> <p>On Nov. 13, 2015, MOE was advised by Nino Morano of Cowichan Valley Regional District (CVRD) Bylaw that he had attended the site following concerns of water leaving the Cobble Hill Holdings (CHH) property onto CVRD property. Photos in support of this were submitted to MOE. Following this report, I contacted Pete Craig, South Island Resource Management (SIRM) Operations Manager (site manager), who noted that they were working to remedy the situation. At approximately 1645h, Craig provided photos showing that ditching had rerouted the flow and this was now being channeled to the settling pond. Silt fencing was installed to aid in containing suspended solids within the site boundary. Further work since the inspection has included substantial widening and lengthening of the perimeter ditch, lining it with geotextile and covered with clear crushed rock.</p> <p>On November 14, 2015, I visited the site with MOE South Authorizations Director AJ Downie, and met with Pete Craig, Todd Mizuik, and Rahim Gaidhar, all of SIRM. We walked the site with a focus along the west perimeter which borders CVRD parkland, and noted the site of the previous day's activities. It was no longer raining on the day of the inspection, and running water/overland flow at and around the site had decreased significantly. We noted approximately 60 m south of the permitted settling pond discharge location where water had crossed over the site boundary and flowed northward the previous day. On the day of the inspection we observed that water was seeping through the toe of the rock and earth pile and gathering into the ditching inside the perimeter (created the day before) and channeling down to the settling pond. Given the expected water dynamics of the site, this water may have consisted of overland flow originating on and off the site, as well as having groundwater input. A minimal amount of flow continued to exit the site at the area in question. Samples of the seepage were taken on both sides of the fence at the point of boundary crossover. A sampling spout was engineered using a lab bottle to obtain the sample on the CVRD side of the perimeter due to low volume and depth of the water. Samples were also taken approximately 15 m west of the settling pond discharge point at the ephemeral creek as there was no actual discharge from the pond at inspection time. It is noted that the pond had discharged the previous day through the outlet and had since emptied. All samples were taken by me, assisted by Downie. Shadow samples were taken by Gaidhar at the same sites chosen by MOE. Parameters analyzed included turbidity, total suspended solids</p>	<p><b>Response:</b></p> <p><u>Warning</u></p>

(TSS), pH, metals, chloride, sulphate and PAHs. All results were compared to applicable BC and Health Canada Drinking Water Guidelines and BC Water Quality Guidelines (WQGs) for the protection of aquatic life. The onsite sample and ephemeral creek discharge met all guidelines, and the sample on the CVRD side (approx. 1.5 meters away from the inner perimeter sample) exceeded aluminum guidelines slightly. The aluminum guideline is intended as drinking water treatment operational guidance for facilities that use aluminum-based coagulants. These results do not pose a risk to human nor aquatic health downstream of the discharge, and the samples indicate that the water has not contacted landfilled contaminated soils.

This inspection records non-compliance as a result of water crossing the perimeter boundary instead of channelling to the settling pond as required (Permit, 1.5.4, 1.5.5, 2.12). In addition, the permittee did not immediately contact the director upon discovering the discharge (Permit, 2.12).

**ACTIONS REQUIRED BY REGULATED PARTY:**

The permittee is found to be non-compliant with sections 1.5.4, 1.5.5 and 2.12 of PR-105809 and this is a Warning that escalating compliance response is expected if the non-compliance continues. As per section 6.1 of the permit, the permittee is required to submit a report detailing test results, explanations and remedial actions implemented and planned. This written report must be submitted to my attention no later than December 14, 2015.

Please contact me with any questions at [laura.hunse@gov.bc.ca](mailto:laura.hunse@gov.bc.ca) or 250.751.3224.

**ADDITIONAL COMMENTS:**

The category and level of non-compliance is 2A, for minor, temporary impact to the environment and high indication of future compliance.

MOST RECENT COMPLIANCE REPORT 2015-09-15 concerned only the non-compliances noted during the May 13, 2015 inspection. Each of the non-compliances were addressed within the 30 days of the notification of non-compliance advisory, and are now in compliance.

Compliance Summary	In	Out	N/A	N/D
Operations	0	2	0	1

## Inspection Details

**Requirement Type: Operations**

**Requirement Description:**

1.5 Ancillary Discharge \_ Settling Pond

1.5.4 The authorized works are surface runoff collection and diversion ditches, leachate, surface runoff and leak detection control reservoirs, one surface settling pond, flow measurement device, monitoring and sampling equipment, emergency overflow and related appurtenances approximately located as shown on Figure A.

1.5.5 The authorized works must be complete and in operation while discharging.

**Details/Findings:**

Westside perimeter surface runoff collection and diversion ditches as shown on Figure A were not complete and in operation while discharging.

**Compliance:** Out

**Requirement Type:** Operations

**Requirement Description:**

**2.12 Maintenance of Works and Emergency Procedures**

The Permittee must inspect the authorized works regularly and maintain them in good working order. In the event of an emergency or condition beyond the control of the Permittee which prevents effective operation of the authorized works or leads to unauthorized discharge, the Permittee must comply with all applicable statutory requirements, immediately notify the Director, and take appropriate remedial action for the prevention or mitigation of pollution. The Director may reduce or suspend operations to protect human health or the environment until the authorized works have been restored and/or corrective steps have been taken to prevent unauthorized discharges.

The Permittee must prepare and maintain an Emergency Response Plan (ERP) to the satisfaction of the Director that describes the procedures to be taken to prevent or mitigate any discharge in contravention of the EPM. The ERP must be immediately implemented if there is a discharge, or any risk of a discharge in contravention of the EPM. In addition, an up-dated ERP, including a report on any emergency responses, taken in the previous year, must be kept available, on site for inspection, as defined under Subsection 5.1.

**Details/Findings:**

The water management system did not divert and channel the seepage from the toe of the disturbed earth and rock pile at the west boundary effectively to the settling pond at a time of high precipitation, i.e. works were not maintained in good working order in contravention with section 2.12 of the permit and in accordance with the Environmental Procedures Manual, Rev 1.0 (July 2015) sections 7.2 and 7.8. In further contravention of section 2.12, the permittee did not immediately notify the Director upon discovery of the water leaving the property boundary. Director was first notified by CVRD bylaw officer Nino Morano on the morning of the event. Permittee was cooperative and thoroughly responsive and took appropriate remedial action as required. Emergency procedures were followed as prescribed by the ERP.

**Compliance:** Out

**Requirement Type:** Operations

**Requirement Description:**

**6.1 Non-compliance Reporting**

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:

all relevant test results related to the non-compliance;  
an explanation of the most probable cause(s) of the non-compliance; and  
remedial action planned and/or taken to prevent similar non-compliance(s) in the future.

**Details/Findings:**

This is a reminder that the following report is expected no later than December 14, 2015.

**Compliance:** Not Determined

**Were the following collected during inspection:**

**Samples?** ☐ **Photos?** ☐ **EMS No.**

**Other (please specify)**

Groundwater and surface water reports submitted under separate memo.

**Is the Inspection related to an EA Project?**

**EA Project Certificate Number:**

<input type="checkbox"/>	
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**INSPECTION CONDUCTED BY:**

<b>Signature</b>	<b>Date Signed</b>
Laura Hunse	2015-11-18

**ENCLOSURE(S) TO REGULATED PARTY & DESCRIPTION:**

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[CVIS Archives](#)

**REGULATORY CONSIDERATIONS:**

This inspection document may not list all requirements as listed in the permit PR-105809. Please refer to the official permit document for full text and all requirements.

**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 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=Publicly%20Viewable%20Authorizations>

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.

<b>Ministry of Environment</b>	<b>West Coast</b>	<b>Mailing Address:</b>	<b>Phone:</b> (250) 751-3100
	<b>Region</b>	2080-A Labieux Rd	<b>Fax:</b> (250) 751-3103
	Environmental Protection	Nanaimo, BC V9T 6J9	<b>Website:</b>
	Division		<a href="http://www.gov.bc.ca/env">http://www.gov.bc.ca/env</a>

Authorization: PR-105809	Cobble Hill Holdings Ltd. (BC0754588)
CVIS IR #:	November 14, 2015 Site Inspection Photos

Photo 1

Site Map  
with  
approx.  
sample  
points for  
reference



Photo 2

Contained  
landfill area  
and 180°  
view of site  
looking  
north (Nov  
14)





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Photo 3

CVRD  
Bylaw  
photo from  
Nov 13  
a.m., prior  
to channel  
diversion  
looking  
north



Photo 4

CVRD  
Bylaw  
photo from  
Nov 13  
a.m., prior  
to channel  
diversion  
looking  
south



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Photo 5

Site of  
seepage.  
Ditching  
and silt  
fencing  
installed  
Nov 13

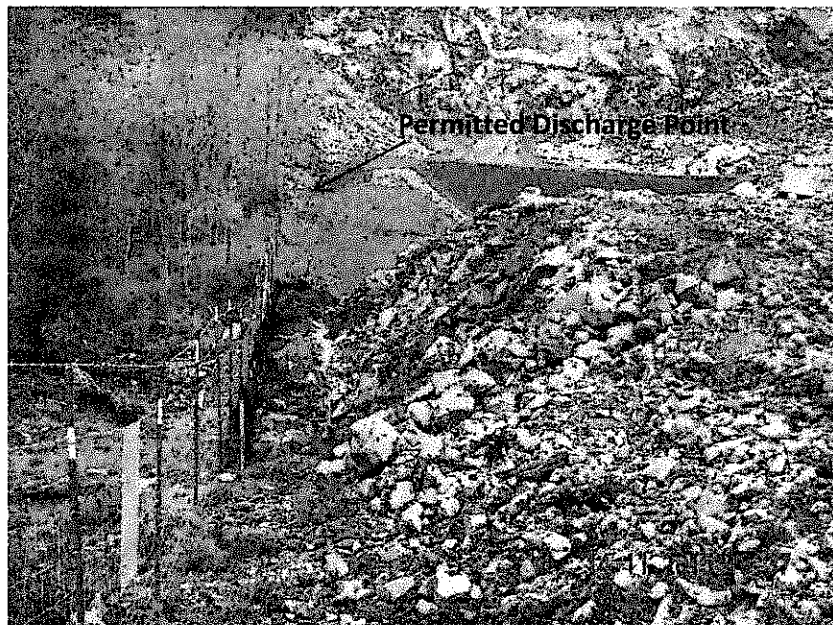
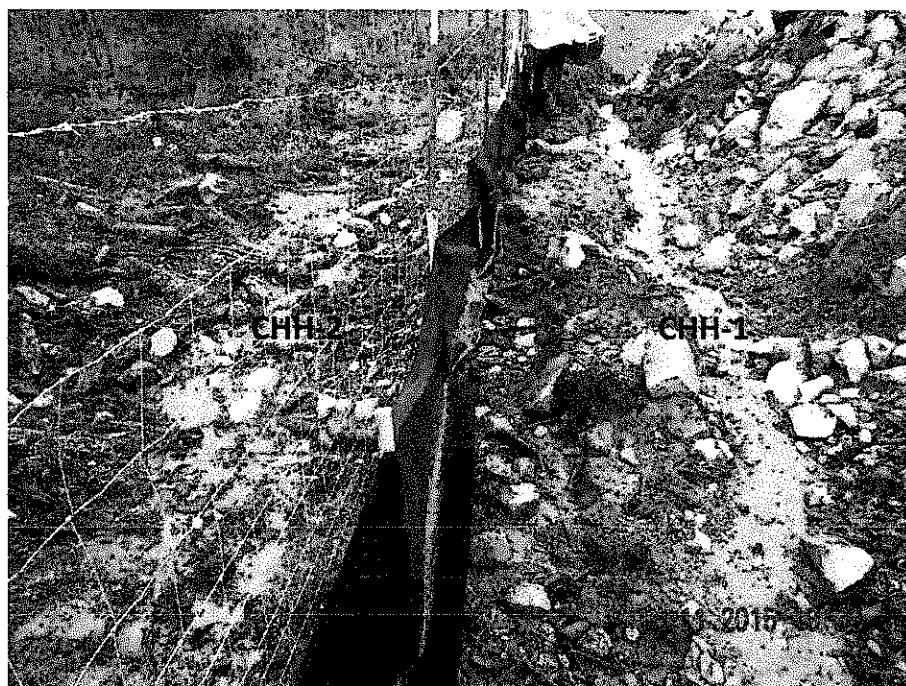


Photo 6

Nov 14 Sample  
sites on either  
side of western  
perimeter fence  
(CHH-1 – inside  
perimeter; CHH-2  
– outside  
perimeter)



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Photo 7

Nov 17 photo shows perimeter ditching lengthened, widened, lined with geotextile, and covered with clear crushed rock.



Photo 8

Nov 17 perimeter ditching channeling to settling pond



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Photo 7

Sample CHH-1  
inside west  
perimeter fence  
(Nov 14)



Photo 8

CHH-2 sample  
site, outer  
perimeter. Note  
spout fashioned  
from lab bottle  
to allow sufficient  
flow volume and  
depth to sample  
from trickle (Nov  
14)



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Cobble Hill Holdings Ltd. (BC0754588)

CVIS IR #:

November 14, 2015 Site Inspection Photos

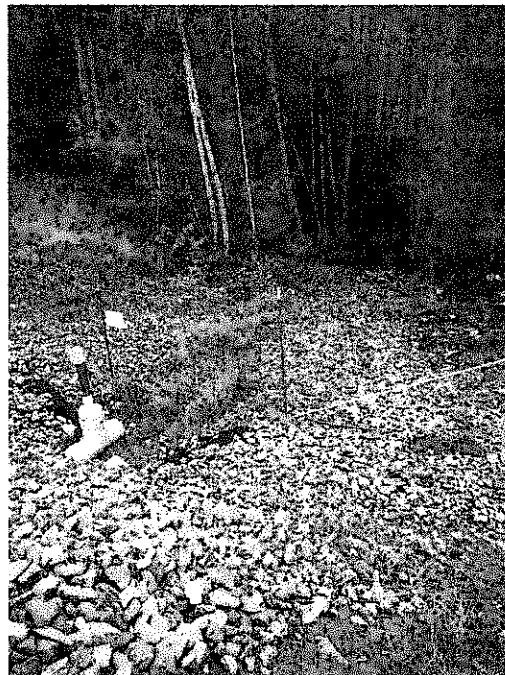
Photo 9

Settling pond on Nov 14. Note no significant standing water. Pond was discharging through outlet on the day previous to the inspection (Nov 13) during periods of high precipitation



Photo 10

No flow from discharge point at time of inspection (Nov 14)



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Photo 11

Nov 14 Sample site at ephemeral stream breakout point, approximately 15 m downstream of settling pond surface discharge point (Sample named SW-1)

