



Report Date: January 20, 2017

File:105809

Report Number: 046815

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

Dear Cobble Hill Holdings Ltd. (BC0754588),

Re: Non-compliance Advisory Letter, Permit 105809, 460 Stebbings Road, Malahat BC V0R 2L0 Contaminated Soil Treatment and Discharge - Landfill Contaminated Soil Treatment and Discharge, Effluent

On January 20, 2017, Ministry of Environment, Environmental Protection Division staff completed an Office Review inspection of Cobble Hill Holdings Ltd. (BC0754588) (CHH), authorized under Environmental Management Act (EMA), waste discharge permit 105809 (Permit). The review was limited to a desktop analysis of monitoring data that was collected between October 1, 2016 and December 31, 2016 and submitted to the Ministry by December 31, 2016 in accordance with Pollution Prevention Order 108608 (Order).

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:

Table with 2 columns: Requirement Description, Details/Findings, Compliance, Actions to be taken. Row 1: 1. Authorized Discharges, 1.5 Ancillary Discharge - Settling Pond. Row 2: Discharge volumes from the settling pond remained within the Permit limit of 42,500 cubic metres per day for up to 1 in 10 year return period flood event of 24 hour duration. Row 3: In. Row 4: (Empty)

Requirement Description:	<p>1. Authorized Discharges, 1.5 Ancillary Discharge - Settling Pond</p> <p>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. 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. The Director may specify different standards and other substances in writing for the protection of human health or the environment.</p>
Details/Findings:	<p>The discharge that occurred from the settling pond from October 1, 2016 to December 31, 2016 was within the following BCWQG and BCWWQG guideline limits on each of the 14 discharge events:</p> <p>Total and dissolved aluminum; Total and dissolved antimony; Total and dissolved arsenic; Total and dissolved barium; Total and dissolved beryllium; Total and dissolved bismuth; Total and dissolved boron; Total and dissolved cadmium; Total and dissolved calcium; Total and dissolved chromium; Dissolved cobalt; Dissolved copper; Dissolved iron; Total and dissolved lead; Total and dissolved lithium; Total and dissolved magnesium; Total and dissolved manganese; Total and dissolved mercury; Total and dissolved molybdenum; Total and dissolved nickel; Total and dissolved phosphorus; Total and dissolved potassium; Total and dissolved selenium; Total and dissolved silicon; Total and dissolved sodium; Total and dissolved strontium; Total and dissolved sulfur; Total and dissolved tellurium; Total and dissolved thallium; Total and dissolved thorium; Total and dissolved tin; Total and dissolved titanium; Total and dissolved uranium; Total and dissolved vanadium; Dissolved zinc; Ethylbenzene; Methyl t-butyl ether (MTBE); Styrene; ortho-xylene; meta- and para-xylene; Xylenes; Sulphate; and all Polycyclic Aromatic Hydrocarbons (PAH's).</p>

Compliance:	In
Actions to be taken:	
Requirement Description:	1. Authorized Discharges, 1.5 Ancillary Discharge - Settling Pond 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. 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. The Director may specify different standards and other substances in writing for the protection of human health or the environment.
Details/Findings:	Dissolved chloride exceeded the chronic water quality guideline limit of 150 mg/L on 1 of the 14 sampling events: October 26, 2016 (187 mg/L).
Compliance:	Out
Actions to be taken:	
Requirement Description:	1. Authorized Discharges, 1.5 Ancillary Discharge - Settling Pond 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. 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. The Director may specify different standards and other substances in writing for the protection of human health or the environment.
Details/Findings:	Total cobalt exceeded the chronic water quality guideline limit of 4 ug/L on 1 of the 14 sampling events: October 21, 2016 (4.36 ug/L).
Compliance:	Out
Actions to be taken:	

Requirement Description:	<p>1. Authorized Discharges, 1.5 Ancillary Discharge - Settling Pond</p> <p>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. 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. The Director may specify different standards and other substances in writing for the protection of human health or the environment.</p>
Details/Findings:	<p>Total copper exceeded the chronic and acute water quality guideline limits on 9 of the 14 sampling events: October 20, 2016 (9 ug/L versus calculated* the 5 in 30 chronic guideline of 7.7 ug/L); October 21, 2016 (15.7 ug/L versus the calculated* 5 in 30 chronic guideline of 6.4 ug/L); November 5, 2016 (12.1 ug/L versus the calculated* 5 in 30 chronic guideline of 5.0 ug/L); November 9, 2016 (5.5 ug/L versus the calculated* 5 in 30 chronic guideline of 5.4 ug/L); November 22, 2016 (6.9 ug/L versus the calculated* 5 in 30 chronic guideline of 6.6 ug/L); November 24, 2016 (5.7 ug/L versus the calculated* 5 in 30 chronic guideline of 5.0 ug/L); November 25, 2016 (5.8 ug/L versus the calculated* 5 in 30 chronic guideline of 4.2 ug/L); November 26, 2016 (9.1 ug/L versus the calculated* acute water quality guideline of 8.9 ug/L); and December 11, 2016 (3.0 ug/L versus the calculated* 5 in 30 chronic guideline of 2.5 ug/L).</p> <p>*The Water Quality Guidelines (WQG) for both chronic and acute copper were calculated for the weir site sample results using the following equations: $0.04(\text{mean hardness}) \text{ ug/L}$ and $(0.094(\text{hardness})+2) \text{ ug/L}$ (hardness as mg/L CaCO₃), respectively. Whereas the hardness from each sample date is used for that days chronic limit calculation. Results in the attached table will be shown as: actual value (calculated chronic WQG, calculated acute WQG). The samples taken on November 9, 2016 and November 22, 2016 exceed the WQG's based on the hardness calculation used above, however, these two samples fall within the lab determined estimate of uncertainty.</p>
Compliance:	Out
Actions to be taken:	
Requirement Description:	<p>1. Authorized Discharges, 1.5 Ancillary Discharge - Settling Pond</p> <p>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. 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. The Director may specify different standards and other substances in writing for the protection of human health or the environment.</p>
Details/Findings:	<p>Total iron exceeded the acute water quality guideline limit of 1000 ug/L on 11 of the 14 sampling events: October 14, 2016 (1910 ug/L); October 20, 2016 (4680 ug/L); October 21, 2016 (8430 ug/L); October 26, 2016 (2270 ug/L); November 2, 2016 (1970 ug/L); November 5, 2016 (6340 ug/L); November 9, 2016 (2210 ug/L); November 22, 2016 (3230 ug/L); November 24, 2016 (2570 ug/L); November 25, 2016 (2480 ug/L); and November 26, 2016 (4230 ug/L).</p>

Compliance:	Out
Actions to be taken:	
Requirement Description:	1. Authorized Discharges, 1.5 Ancillary Discharge - Settling Pond 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. 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. The Director may specify different standards and other substances in writing for the protection of human health or the environment.
Details/Findings:	Total zinc exceeded the chronic water quality guideline limit of 7.5 ug/L on 1 of the 14 sampling events: November 26, 2016 (12.0 ug/L).
Compliance:	Out
Actions to be taken:	
Requirement Description:	1. Authorized Discharges, 1.5 Ancillary Discharge - Settling Pond 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. 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. The Director may specify different standards and other substances in writing for the protection of human health or the environment.
Details/Findings:	Toluene exceeded the acute water quality guideline limit of 0.0005 mg/L on 1 of the 14 sampling events: October 15, 2016 (0.0143 mg/L).
Compliance:	Out
Actions to be taken:	

Requirement Description:	<p>1. Authorized Discharges, 1.5 Ancillary Discharge - Settling Pond</p> <p>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. 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. The Director may specify different standards and other substances in writing for the protection of human health or the environment.</p>
Details/Findings:	<p>Total Suspended Solids (TSS) exceeded the Permit limit of 25 mg/L on 6 of the 14 sampling events: October 20, 2016 (43 mg/L); October 21, 2016 (46 mg/L); October 26, 2016 (27 mg/L); November 5, 2016 (63 mg/L); November 22, 2016 (35 mg/L); and November 26, 2016 (36 mg/L). The sample taken on October 26, 2016 exceeds the WQG, however, the sample falls within the lab determined estimate of uncertainty.</p>
Compliance:	Out
Actions to be taken:	

On January 4, 2017, 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; data submitted in accordance with Pollution Prevention Order 108608 (Order); including 2016 weir discharge water quality and flow data; and correspondence.

The scope of this Office Review was to review the weir discharge water quality and flow monitoring data submitted to date by CHH, between October 1, 2016 and December 31, 2016, 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. The samples that were reviewed during this Inspection Record were taken on: October 14, 2016, October 15, 2016, October 16, 2016, October 20, 2016, October 21, 2016, October 26, 2016, November 2, 2016, November 5, 2016, November 9, 2016, November 22, 2016, November 24, 2016, November 25, 2016, November 26, 2016 and December 11, 2016.

CHH was determined to be in compliance with the following sections of the Permit: 1.5.1, 1.5.3.

CHH was determined to be in non-compliance with the following sections of the Permit: 1.5.3. The BCAWQG and BCWWQG for Freshwater Aquatic Life were exceeded for dissolved chloride; total cobalt; total copper; total iron; total zinc; toluene and Total Suspended Solids.

The appropriate response is a Non-compliance Advisory.

Please notify this office by email at 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; todd@sirm.ca

Attachments:
1) 2017-01-12 SIA 2016 Weir Discharge Water Quality Data Review.
xlsx 2016 SIA Weir Discharge Water Quality Data Review

Deliver via:
Email: Fax: Mail:
Registered Mail: Hand Delivery:

Ministry of Environment	Compliance Environmental Protection Division	Mailing Address: 2080-A Labieux Rd Nanaimo BC V9E 6J9	Telephone: 250 751 3100 Facsimile: 250 751 3103 Website: www.gov.bc.ca/env
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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.