



Reference: 310878

June 29, 2017

South Island Resource Management Ltd.
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2158 Millstream Road
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Email: Raymond@allterraconstruction.ca;
Todd@allterraconstruction.ca;
Gary@allterraconstruction.ca

Dear Sirs:

I am writing to inform you that the Minister of Environment has amended Spill Prevention Order MO1701, last amended March 15, 2017, under the authority of Section 79 of the *Environmental Management Act*. Enclosed is an official copy of the Second Amended Spill Prevention Order MO1701 (the Order), along with a redline version that shows the amendments that have been changed. Your attention is respectfully directed to the requirements outlined in the Order.

This amendment has been issued to acknowledge that you have elected to permanently close the landfill and have submitted a Final Closure Plan in accordance with the provisions in Part A of the previous Order. The Order includes updated requirements to submit additional information to inform a decision on the Final Closure Plan, along with updated dates for future actions.

The Minister has also added Allterra Construction Ltd. as an additional Named Party to the Order. The basis for adding Allterra Construction Ltd. to the Order is described in the attached document titled "MO1701 – Rationale for Named Parties".

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We recognize you have not previously been given notice of these amendments to the Order. For this reason, the Minister will consider any submissions regarding further amendments to the Order that are received within 14 days of this letter being served on you.

Failure to comply with the requirements of this Order is a contravention of the *Environmental Management Act* and may result in legal action. I direct your attention to Section 120(10) of the *Environmental Management Act*, which reads:

- (10) A person who contravenes an order...that is given, made or imposed under this Act by ...the minister...commits an offence and is liable on conviction to a fine not exceeding \$300 000 or imprisonment for not more than 6 months, or both.

Failure to comply with the requirements of this Order may also result in an administrative penalty under the Administrative Penalties Regulation (*Environmental Management Act*) (B.C. Reg 133/2014) (Regulation). I direct your attention to Section 12(4) of the Regulation, which reads:

- (4) A person who fails to comply with an order under the *Environmental Management Act* is liable to an administrative penalty not exceeding \$40 000.

I also draw your attention to the Spill Reporting Regulation (B.C. Reg 263/90) and the reporting requirement in section 79(5) of the *Environmental Management Act*, which provides that:

- (5) If a polluting substance escapes or is spilled or waste is introduced into the environment other than as allowed or authorized by... the person who had possession, charge or control of the substance or waste immediately before the escape, spill or introduction must, immediately after he or she learns of the escape, spill or introduction, report the escape, spill or introduction in accordance with the regulations.

This Order does not authorize entry upon, crossing over, or use for any purpose of private or crown lands or works, unless and except as authorized by the owner of such lands or works. The responsibility for obtaining such authority rests with you. It is also your responsibility to ensure that all activities are carried out with due regard for the rights of third parties, and comply with other applicable legislation that may be in force, including applicable local government bylaws.

Please be advised that the Ministry intends to publish the Order on the Ministry of Environment website within 7 days and the entirety of any Regulatory Document provided that:

1. The Province will provide written notice to the parties of its intent to publish the Regulatory Documents at least 14 days prior to publication; and

2. The Province will not publish any information what could not, if it were subject to a request under section 5 of FOIPPA, be disclosed under the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165 as amended from time to time.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Zacharias', with a long horizontal stroke extending to the right.

Mark Zacharias
Assistant Deputy Minister
Environmental Protection Division

Enclosures (3)