



File: SPOMO1701

September 18, 2017

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Dear Sirs:

Re: Spill Prevention Order MO1701 for Cobble Hill Holdings Landfill – Test Pit Excavation and Use of Qualified Professional(s) for Minor Construction Works

Please find attached a response from the Minister of Environment and Climate Change Strategy, to the proposal you submitted regarding the test pit excavation requirements included as condition #3 in the Minister's letter dated August 11, 2017.

Further to the conversation that occurred between the Named Parties, Ministry staff, and consultants for both parties on September 12th, 2017, I am pleased to also respond to the questions you have raised regarding the definition and role of a Qualified Professional as specified in condition #2 of the Minister's August 11, 2017 letter.

The purpose of condition #2 is to ensure consistent accountability for activities that occur at the site. The Landfill Criteria for Municipal Solid Waste, Second Edition, June 2016 (page 4) states:

"Qualified Professional" means a person who:

- a) *Is an engineer, scientist or technologist specializing in a particular applied science or technology,*
- b) *Is registered in British Columbia with a professional organization, is acting under that organization's code of ethics and is subject to disciplinary action by that organization, and*
- c) *Through suitable education, experience, accreditation and knowledge respecting solid waste management and related engineering disciplines for the management of leachate, surface water, ground water, storm water, and landfill gas and other specialist disciplines, may reasonably be relied upon to provide advice within his or her area of expertise and to carry out duties or functions in those areas.*

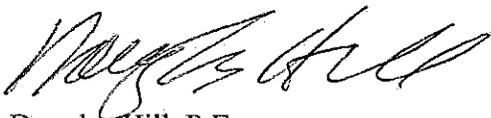
It is my interpretation based on the above definition that:

- 1) An Engineer in Training (EIT) is not considered a qualified professional. A Professional Engineer is a qualified professional if they meet the above qualifications.
- 2) A technologist with an A.Sc.T. designation in British Columbia may be a qualified professional if they are operating within their scope of practice and meet the above definition.

Condition #2 of the Minister's letter dated August 2, 2017 states a Qualified Professional must be ***continuously present on-site*** to supervise ***all*** Minor Construction Works activities and must inspect and approve works, perform quality assurance and quality control monitoring and testing, and report to the Ministry (emphasis added). The Detailed Construction Plan submitted by Sperling Hansen Associates (SHA) dated September 13, 2017 as written does not satisfy the Minister's requirements for the Qualified Professional as indicated in the Minister's letter.

Please also be advised that in accordance with our previous letters related to the Spill Prevention Order, in 14 days the Ministry intends to publish the Detailed Construction Plan and Quality Management Plan submitted by SHA, as well as copies of this and other correspondence between you and the Ministry regarding the August 11th letter of the Minister. Future submissions of weekly progress reports from SHA may also be posted 14 days after receipt of the reports, along with other progress and monitoring reports produced by the Ministry and/or its consultants.

Sincerely,



Douglas Hill, P.Eng.
A/Executive Director
Regional Operations Branch
Ministry of Environment and Climate Change Strategy



Reference: 311968

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Re: Spill Prevention Order for Cobble Hill Holdings Landfill – Minor Construction Works for 2017 Test Pit Excavation

Dear Sirs:

Thank you for your letters of September 12, 2017, from Mr. Michael Kelly and September 13, 2017, from Mr. Todd Mizuik, regarding my letter of August 11, 2017, which conditionally approved portions of the Updated Final Closure Plan for the Cobble Hill Landfill. I understand from your letters that there are increased environmental risks associated with the prescribed timing of the test pit excavations as required in condition #3 of my letter.

As an alternative, to address the identified risks, you have proposed the exposure and testing of the clay layer in one location this fall, with excavation and additional assessment as soon as is practical in the dry season next year. I am therefore willing to amend condition #3 of my August 11, 2017, letter in accordance with your proposal.

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The intended timing my decision on the Updated Final Closure Plan is not altered by this amendment. Condition #3 is hereby amended, and shall now read as follows:

3. By September 30, 2017, the presence and integrity of the basal clay layer must be assessed and documented when a portion of the toe of the northern slope of the landfill is exposed. The Named Parties must provide notice and an opportunity for a ministry staff representative and/or other contractor designated by the Ministry to be present when the clay layer is exposed to have opportunity to assess the presence and characteristics of the basal clay layer before securing the area. As early as possible in 2018 and no later than April 30, 2018, a minimum of three (3) additional test pits must be excavated to assess and document the presence and integrity of the basal clay layer at locations agreed to by ministry staff. The Named Parties must provide notice and an opportunity for a ministry staff representative and/or other contractor designated by the Ministry to be present during the excavation and to have opportunity to assess the presence and characteristics of the basal clay layer before securing the area.

Please be advised that the Ministry or a contractor designated by the Ministry may also conduct non-invasive surveys or testing work to verify the extent and/or properties of the basal clay layer or other aspects of the landfill construction. This additional information and any other information that is available to me during the Minor Construction Works in 2017 and 2018 may influence any further decision that I may make on the balance of the Updated Final Closure Plan for the site, so provision of prompt and thorough information is critical.

As mentioned previously, the requirements of the second amended Spill Prevention Order MO1701 (SPO) remain in full force and effect. All other Minor Construction Works as previously approved must be completed by October 31, 2017. Failure to comply with the requirements of the SPO is a contravention of the *Environmental Management Act* and may result in legal action.

Sincerely,



George Heyman
Minister