

Cobble Hill Holdings Ltd  
#1 - 505 Fisgard Street  
Victoria BC V8W 1R3

September 12, 2017

MOE Reference: 311372

Ministry of Environment and Climate change  
Regional Operations Branch  
Environmental protection Branch

George Heyman/Minister

In c/o Maureen Bilawchuck

Regarding: Your letter dated August 11<sup>th</sup>, 2017

Dear George,

I write, as instructed by Maureen Bilachuck, in response to the above-mentioned letter, specifically bullet number #3, that states:

“By September 15,2017, four test pits must be excavated along the edge of the toe of the northern slope of the land fill cell and the presence and integrity of the basil clay liner must be assessed and documented....”

It is CHH’s, our professional engineers, and contractor’s position, that to carry out the works you demand, could put our staff and equipment in harms way, and also likely undermine the integrity of the cell itself.

As you know we have furnished the Ministry with a proposed construction schedule to start the works you have demanded, early next week, and we fully intend to attempt the works as pursuant to the SPO.

I have instructed my contractors and engineers that should at anytime they feel that the activities might undermine the integrity of the cell system, or if they should feel they are working in an unsafe environment, that they are to stop.

Should this case arise, CHH will inform the Ministry in writing and no further works on that specific activity will continue until I feel it is safe to do so.

Obviously, we hope that the works may be carried out safely and efficiently, and we will undertake this project diligently as is our practice, but should this situation occur we will have to postpone the works until we can agree on solution with the Ministry.

Sincerely,

  
Michael Kelly

Hon. George Heyman  
Minister of Environment and Climate Change Strategy  
Room 112, Legislative Buildings  
P.O. Box 9047 Stn. Prov. Govt.  
Victoria, BC V8W 9E2  
250-387-1187  
[env.minister@gov.bc.ca](mailto:env.minister@gov.bc.ca)

RE: Letter dated August 30, 2017 *RE: Spill Prevention Order for Cobble Hill Holdings Landfill – Minor Construction Works for 2017*, File: 105809, Reference: SPO MO1701

Dear Honorable Minister Heyman,

In the letter written by A/ Executive Director Douglas Hill, P.Eng. on August 30, 2017 entitled ***RE: Spill Prevention Order for Cobble Hill Holdings Landfill – Minor Construction Works for 2017***, paragraph three on page two states that consideration may be made by the Minister in the case of test pitting; namely, alternatives to the investigation of the basal clay liner along the northern toe of the sites Permanent Encapsulation Area. While this letter advocates an alternative to excavation by the use of Shelby Tubes, it fails to address the QP certified document submitted on Aug 28, 2017 by Sperling Hansen Associates, ***Re: Cobble Hill Landfill – Conditional Approval Update to Second Spill Prevention Order M01701 (reference Letters 311370 & 311372)***, which outlines the risks of such an investigation during the fulfillment of minor construction works in 2017 (Page 5 to 6, Test Pit Exploration at toe of Landfill).

In the As-Built package submitted to the Ministry on April 18, 2017 by Cobble Hill Holdings, Sections Cell 1-Phase A, Cell 1-Phase B, Cell 1-Phase C clearly indicate the presence and adequacy of the basal clay liner in the Permanent Encapsulation Area. Interpretation and density testing of the basal clay liner was conducted by four independent QP's, Levelton Consultants Ltd., Active Earth Engineering Ltd., Brimmel Engineering Ltd., Golder Associates and presented in those sections of the As-Built package noted above. These QP assessments for the construction of Cell 1 were in turn approved by the Ministry of Mines, Jim Dunkley, which was a requirement for the site to proceed with soil placement and encapsulation.

Additionally, the construction of the sites Permanent Encapsulation Area was conducted with Ministry of Environment oversight. Ministry inspections were carried out during the times of cell construction. If at any time, Ministry inspection personnel failed to record or document or portray observations to the Minister, the ramifications of this error in dissemination should not fall on the named parties who bear all of the liability and environmental risks associated with this investigation.

As we near the winter rain season on Vancouver Island, we ask that you consider page 5 and 6 of the Aug 28, 2017 document by Sperling Hansen Associates, **Re: Cobble Hill Landfill – Conditional Approval Update to Second Spill Prevention Order M01701 (reference Letters 311370 & 311372)** before imposing undue risk to the environment. The Aug 28, 2017 document states that there is an alternative to conducting these test pit excavations during the minor works 2017 season. That is, to conduct this investigation in the dry season of 2018 when the liner will be opened, pending Ministry approval, to conduct cell slope activities.

We ask that three of the four clay test pits be deferred to the 2018 closure plan works for the reasons stated above and the risks and liabilities associated with this task in this particular season. As the relocation and installation of the sites new leachate and leak detection tanks will include removal of the lock blocks immediately at the approximate half way point of the northern toe, this will allow an investigation of the clay basal layer in this area and minimize the risks to this one excavation. Due to scheduling restraints caused by the delay of approval documentation notices by the Ministry, this task can be completed from September 25 to September 27, 2017.

We thank you for the opportunity to provide you with further information. The importance in protecting the environment and mitigating risks associated with these minor works are of the utmost concern.

Thank you,

A handwritten signature in black ink, appearing to read 'Todd Mizuik', is written over a large, circular, scribbled-out area. The signature is fluid and cursive.

Todd Mizuik

CC: [AJ.Downie@gov.bc.ca](mailto:AJ.Downie@gov.bc.ca), [Maureen.Bilawchuk@gov.bc.ca](mailto:Maureen.Bilawchuk@gov.bc.ca)