



October 9, 2018

David Morel
Assistant Deputy Minister
Environmental Protection Division
Ministry of Environment and Climate Change Strategy

Dear Mr. Morel:

Re: Request for Comment - Possible Approval Conditions for Cobble Hill Landfill Closure

This letter is written on behalf of South Island Resource Management Ltd. ("SIRM") and Allterra Construction Ltd. ("Allterra"). As is known to the Minister for reasons previously articulated, neither Allterra nor SIRM concedes that they are properly named parties to the Spill Prevention Order ("SPO"), as amended. SIRM and Allterra have instructed counsel to commence judicial review proceedings to seek an order removing them as named parties to the SPO.

In spite of the legal position of SIRM and Allterra, and without prejudice to their position in the upcoming judicial review proceedings, SIRM and Allterra would make the following comments regarding the draft letter for the consideration of the Minister, enclosed in your correspondence of September 20, 2018:

1. SIRM and Allterra have been provided the opportunity of reviewing the draft submission of Cobble Hill Holdings Ltd. ("CHH") in response to the draft letter for consideration. SIRM and Allterra respectfully agree with those submissions.
2. In particular, SIRM and Allterra support the concept of removing and disposing of soil located in the Soil Management Area ("SMA") to an authorized facility. This approach will remove the need to open the Permanent Encapsulation Area ("PEA") to dispose of the soil on site. This will in turn allow the PEA, which was constructed in accordance with all permit specifications, to be closed in accordance with the original Closure Plan.
3. Some of the benefits to this approach include:
 - i. Less overall soil to permanently remain on site;
 - ii. Potential risks resulting from opening the PEA are removed;
 - iii. No changes to existing pipe work, leachate, and leak detection systems or liner would be required; and

iv. Immediate covering of the PEA with the prescribed cover materials, which would protect the synthetic liner from UV rays and physical exposure damage.

4. Ground water monitoring of wells and the collection of leachate bi-weekly has confirmed that the site is functioning well and not a risk to the environment. No traces of leachate in the ground water have been detected.

With respect, Allterra and SIRM would encourage the Minister to reconsider the extraordinary power utilized by his predecessor pursuant to section 79 of the *Environmental Management Act*, on a science-based analysis factoring in the compendious review of the operation at this site.

Yours truly,



Allterra Construction Ltd.

By its authorized signatory . . .

Print Name: TODD MIZUK



South Island Resource Management Ltd.

By its authorized signatory

Print Name: TODD MIZUK