



Report Date: May 18, 2017

File:1701

Amended Report Date: June 21, 2017

Report Number: 052631

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

Dear Cobble Hill Holdings Ltd.,

**Re: Non-compliance Advisory Letter, Spill Prevention Order MO1701, Cobble Hill Holdings Ltd. - Lot 23 Blocks 156, 201 and 323 Malahat District Plan VIP78459 - 460 Stebbings Road, Shawnigan Lake, BC, Effluent**

On April 6, 2017, Ministry of Environment, Environmental Protection Division staff conducted an inspection of your facility, Cobble Hill Holdings (BC0754588) located at Cobble Hill Holdings Ltd. - Lot 23 Blocks 156, 201 and 323 Malahat District Plan VIP78459 - 460 Stebbings Road, Shawnigan Lake, BC with Spill Prevention Order (SPO) MO1701 under the Environmental Management Act.

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:

Requirement Description:	1. a: The landfill is covered completely with weighted and secured impermeable cover, and that sufficient weather protection is provided for the cover in order to ensure its effectiveness, except as needed for implementation of an approved Final Closure Plan or Contaminated Soil Removal Plan;
Details/Findings:	The landfill is covered completely in a secured impermeable cover. There is evidence of few minor tears starting to form along the liner edge and liner welds (see photo 9). No Leachate or soil was visible in any of the areas where this was observed. The liner is currently being weighted down with tires which appear to be adequately keeping the liner in place. In some of the steeper areas of the landfill cell, the tires have fallen off due to snow and changing weather conditions (see photo 6).
Compliance:	In

Actions to be taken:	Conduct maintenance and minor repairs (eg. patching of small tears) to the landfill cover to ensure its ongoing effectiveness. In the areas where the tires have fallen off, please replace them to ensure that the cover is being adequately weighted down.
Requirement Description:	<b>1.</b> b: All Leachate generated at the facility, including from the landfill, soil management area and wheel wash area, is collected, stored temporarily pending removal from the Facility, and transported from the Facility to an off-site facility that is authorized to treat and/or dispose of the Leachate. The collection and temporary storage of Leachate at the Facility must be carried out so as to prevent an escape or spill of Leachate into the environment;
Details/Findings:	All Leachate that is currently being generated from the landfill is being collected and stored in two storage tanks located at the north base of the landfill cell. When the tanks reach a certain capacity, they are being pumped up to the lined containment pond for temporary storage (see photo 4). There is currently Leachate being generated and stored in the soil management area (SMA) (see photo 3). While the Leachate appears to be contained within the soil management area, this area was never designed as Leachate storage.
Compliance:	In
Actions to be taken:	Please remove and manage all Leachate from the SMA in accordance with the Spill Prevention Order.
Requirement Description:	<b>1.</b> b: All Leachate generated at the facility, including from the landfill, soil management area and wheel wash area, is collected, stored temporarily pending removal from the Facility, and transported from the Facility to an off-site facility that is authorized to treat and/or dispose of the Leachate. The collection and temporary storage of Leachate at the Facility must be carried out so as to prevent an escape or spill of Leachate into the environment;
Details/Findings:	The wheel wash area has been decommissioned and is no longer in use (see photo 1). Therefore, no Leachate is being generated in this area.
Compliance:	Not Applicable
Actions to be taken:	
Requirement Description:	<b>1.</b> c: All works for the collection and temporary storage of Leachate generated at the Facility are inspected regularly and maintained in good working order; and
Details/Findings:	All works for the collection and temporary storage of Leachate generated at the Facility appear to be maintained in good working order. Inspections are being completed regularly and reports of these areas are submitted on the 1st and 15th of each month in accordance with the SPO. As mentioned previously, the SMA should not be used for the storage of Leachate. During my site inspection, I have identified some issues with the south side of the SMA with respect to its ability to contain Leachate (see photo 2).
Compliance:	In
Actions to be taken:	Please remove and manage all Leachate from the SMA in accordance with the Spill Prevention Order.
Requirement Description:	<b>1.</b> d: Records of the volumes of Leachate collected, stored and transported, including the name and location of the authorized facility(ies) receiving the Leachate, are maintained and submitted to the director on or immediately before the 1st and 15th day of each month, until the Named Parties have complied with section 6 or section 11 of this order. Submissions must be made electronically to the following email inbox: EnvironmentalCompliance@gov.bc.ca.
Details/Findings:	Records of the volumes of Leachate collected have been maintained to date and submitted to the director on the 1st and 15th of each month. No Leachate has been transported off-site at this point in time. In an email from Rahim Gaidhar sent on April 18, 2017, it states that the PEA is currently generating ~50L/Day of Leachate. However the Status Update on May 1, 2017, indicated that from April 15, 2017 to May 1, 2017, 6.4 cubic metres (6400L) of Leachate had been collected. If the PEA is generating 50L/Day of Leachate, over the 16 day reporting period, ~800-850L of Leachate should have been generated from the PEA. There is a large discrepancy in the two values being reported for leachate generation.

Compliance:	In
Actions to be taken:	Provide confirmation of the volume collected in the April 15 to May 1 time period and include supporting rationale/information for the discrepancy in reporting. Please ensure that accurate volumes are recorded and reported from now on.
Requirement Description:	1. d: Records of the volumes of Leachate collected, stored and transported, including the name and location of the authorized facility(ies) receiving the Leachate, are maintained and submitted to the director on or immediately before the 1st and 15th day of each month, until the Named Parties have complied with section 6 or section 11 of this order. Submissions must be made electronically to the following email inbox: EnvironmentalCompliance@gov.bc.ca.
Details/Findings:	Records of the volumes of Leachate stored on-site have not been submitted to the director on the 1st and 15th of each month.
Compliance:	Out
Actions to be taken:	

On April 6, 2017, Environmental Protection Officer, Connor Fraleigh, conducted an on-site inspection of Cobble Hill Holdings Ltd. (BC0754588) (CHH)'s facility near Shawnigan Lake.

The scope of this inspection was to assess the facility for compliance with Spill Prevention Order MO1701 (SPO); dated January 27, 2017; last amended March 15, 2017.

During the inspection, it was noted that some areas of the landfill liner had minor tears. No soil or leachate was visible in these areas. Please continue to complete regular inspections of the landfill liner and complete any of the necessary minor repairs to the exterior of the liner.

In addition, a substantial amount of Leachate was noticed being contained within the SMA. As a reminder, Leachate is a liquid that, in the course of passing through matter, extracts soluble or suspended solids, or any other component of the material through which it has passed. Since the liquid in the SMA has come into contact with the contaminated soil piles, it is now considered to be Leachate and must be managed accordingly. As mentioned above, some issues were observed at the south end of the SMA with regards to containment. Please remove and manage all Leachate from the SMA in accordance with the Spill Prevention Order.

Non-compliances noted during the inspection:

1. d. - Records of the volume of Leachate stored on-site have not been provided in the email submissions from Rahim Gaidhar (SIRM).

No other issues were observed on-site. Please continue to collect and store Leachate at the facility so as to prevent an escape or spill of Leachate into the environment.

If you have any questions or concerns, feel free to contact me at Connor.Fraleigh@gov.bc.ca.

Please be advised that this inspection record may be published on the provincial website within 7 days.

If you have any questions about this letter, please contact the undersigned.

Yours truly,

Connor Fraleigh  
Environmental Protection Officer

cc: Martin Uwe Block  
Michael Kelly  
South Island Resource Management Ltd.  
South Island Aggregates Ltd.  
AJ Downie  
Leslie Payette

**Attachments:**

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

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**Ministry of Environment**Compliance  
Environmental  
Protection DivisionMailing Address:  
2080-A  
Labieux Rd  
Nanaimo BC V9E 6J9Telephone: 250 751 3100  
Facsimile: 250 751 3103  
Website: [www.gov.bc.ca/env](http://www.gov.bc.ca/env)**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%20Authorizations>

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.