



Report Date: June 20, 2017

File:1701

Report Number: 056323

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

Dear Cobble Hill Holdings Ltd.,

Re: Warning Letter, Spill Prevention Order MO1701

On May 18, 2017, Ministry of Environment, Environmental Protection Division staff conducted an inspection under Environmental Management Act (EMA), Spill Prevention Order MO1701 (Order). The inspection determined that Cobble Hill Holdings Ltd. (BC0754588) is out of compliance with the Order, and the section(s) listed below. This Warning Letter lists the compliance verification information contained below.

Failure to comply with the requirements set out in your Order is an offence under the Environmental Management Act (EMA). Section 120(2)(f) of EMA states as follows:

120(2) A person who contravenes any of the following commits an offence and is liable on conviction to a fine not exceeding \$200 000 or imprisonment for not more than 6 months, or both: (f) section 79 (5) [spill prevention and reporting];

It should also be noted that, as an alternative to prosecution of the offence referenced above, the Ministry may initiate action to impose an administrative penalty against Cobble Hill Holdings Ltd. (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. Section 12(5) of the APR states as follows:

12(5) A person who fails to comply with a requirement of a permit or approval issued or given under the Act is liable to an administrative penalty not exceeding \$40 000, unless the requirement the person failed to comply with is also a prescribed provision of the EMA or the regulations that is subject to a different maximum administrative penalty.

If you fail to take the necessary actions to restore compliance, you may be subject to escalating enforcement action. This Warning Letter and the alleged violations and circumstances to which it refers, will form part of the compliance history of Cobble Hill Holdings Ltd. (BC0754588) and will be taken into account in the event of future violations.

Finally, I request that Cobble Hill Holdings Ltd. (BC0754588) immediately implement the necessary changes or modifications to correct the non-compliance(s) with the *Environmental Management Act*. Further, I request that Cobble Hill Holdings Ltd. (BC0754588) notify this office in writing by email or letter within 30 days of this letter, advising what corrective measures have been taken, and what else is being done, to prevent similar non-compliances in the future.

Inspection Details:

Requirement Description:	1. 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
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Details/Findings:	<p>On May 18, 2017, Director AJ Downie (Mr. Downie), accompanied by Hemmera Envirochem Inc. staff, were on-site completing a visual inspection of the landfill cell. During the visual inspection, Mr. Downie observed that the leachate collection tank was at capacity (See Photo 1).</p> <p>Following the inspection, Mr. Downie informed Environmental Protection Officer, Connor Fraleigh (EPO Fraleigh), of the inspection findings. EPO Fraleigh contacted Rahim Gaidhar (SIRM) via phone at 4:55 PM on May 18, 2017, regarding the leachate collection tank and the leak detection piping. Mr. Gaidhar was not aware that the leachate collection tank was at capacity or that damage had occurred to the leak detection piping. Mr. Gaidhar told EPO Fraleigh that he would contact the on-site staff immediately and have the leachate collection tank pumped up to the collection pond (it was scheduled to be pumped out on May 19, 2017). It was confirmed that the tank had been pumped out in an email from Mr. Gaidhar on May 18, 2017.</p>
Compliance:	In
Actions to be taken:	Please ensure that the leachate collection works are inspected on a more frequent basis so as to prevent an escape or spill of leachate into the environment.
Requirement Description:	1. 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:	<p>During the visual inspection, Mr. Downie observed that the piping that leads from the landfill cell to the leak detection tank had been severed (See Photo 2). On May 19, 2017, a field crew was dispatched to repair the leak detection piping. The leak detection piping was repaired on May 19, 2017, and modification to the works was finalized on May 20, 2017. Photographs of the completed repair work were provided by Mr. Gaidhar via email on May 21, 2017.</p>
Compliance:	Out
Actions to be taken:	Please ensure that the leachate collection works are inspected on a more frequent basis so as to prevent an escape or spill of leachate into the environment.
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 volume of Leachate stored on-site have not been provided in the email submissions from Mr. Gaidhar.
Compliance:	Out
Actions to be taken:	<p>It is hereby requested that all records of the volumes of Leachate collected, stored and transported, including the name and location of the authorized facility(ies) receiving the Leachate, be provided including:</p> <ol style="list-style-type: none"> 1. Corrected volumes of Leachate collected during each reporting period (as listed above) to reflect the earlier identified calculation discrepancies; 2. Dates and volumes of the Leachate that has been pumped up to the containment pond for the entire reporting period (January 27, 2017, until present); 3. Estimate of the current volume of Leachate being stored in the containment pond; and 4. Total volume of Leachate transferred from the Soil Management Area to the containment pond (an estimate should suffice). <p>Please submit this data within seven days of the issuance of this Inspection Record.</p>

On May 18, 2017, Director AJ Downie, accompanied by Hemmera Envirochem Inc. staff, were on-site completing a visual inspection of the landfill cell located at Cobble Hill Holdings Ltd. (BC0754588) (CHH)'s facility near Shawnigan Lake.

Non-compliance(s) noted during the inspection:

Section 1. c. - All works for the collection and temporary storage of leachate were not maintained in good working order, specifically, the leak detection piping had been disconnected from the collection tank.

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

Compliance History:

2017-04-06 - Notice - Minor issues with the liner integrity noted, volumes of leachate collected being inaccurately reported

If you have any questions or require any clarification, 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.

Below are attachments related to this inspection.

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:

1) 2017-05-18 SPO MO1701 - IR 56323 Photo Record.pdf 2017-05-18 SPO MO1701 - IR 56323 Photo Record

Deliver via:

Email: Fax: Mail:
Registered Mail: Hand Delivery:

Ministry of Environment

Compliance
Environmental
Protection Division

Telephone: 250 751 3100
Facsimile: 250 751 3103
Website: 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.

NRIS Photo Record

Authorization: MO1701	Cobble Hill Holdings Ltd. near Shawnigan Lake, BC
NRIS IR #: 56323	May 18, 2017 Site Inspection Photos

Photo 1

Viewing northeast towards the leachate collection tank which is at capacity.



Photo 2

Viewing the disconnected leak detection system piping.



Document : 2017-05-18 SPO MO1701 - IR 56323 Photo Record.pdf

Document comment: 2017-05-18 SPO MO1701 - IR 56323 Photo Record