

Save Shawnigan Water Community Action Group Response to Recent Statements by Todd Mizuik of South Island Resource Management

Todd Mizuik of South Island Resource Management (SIRM) has been appearing in the news a great deal this week, and making some questionable statements.

On Tuesday January 12th, Mr Mizuik made a presentation to the Port Moody Mayor and Council. During this presentation, which lasted nearly an hour, Mr Mizuik made a number of statements that he did not substantiate with evidence, and he has since made statements to a number of media outlets.

1. Mr Mizuik refers repeatedly to a “legally obtained permit” for the SIA/CHH site. However, Mr Mizuik fails to acknowledge that the “legality” of this permit is being debated and argued in BC Supreme Court right now, where the Shawnigan Residents Association (SRA) are alleging that the SIA/CHH permit was obtained through fraud. Evidence being entered into the court record this week details an agreement between SIA/CHH and Active Earth Engineers, the Qualified Professionals the Ministry of Environment relied on throughout the permitting process. In the Notice of Application to the Supreme Court Mr Hern quotes Lord Denning in *Lazarus Estates Ltd versus Beasley* (1956) “No judgement of a court, no order of a Minister, can be allowed to stand if it has been obtained by fraud. Fraud unravels everything”. The applications of the SRA as well as the affidavits that contain hundreds of pages of documents can be found at <http://thesra.ca/about-the-sra/water-protection-legal-action/legal-action-archive>

2. Mr Mizuik said to the Port Moody Council that SIRM is “not a named participant in the case before the courts”, however he fails to mention that legal counsel for SIRM, Mr Doerkson, has been attending the hearings and has asked for half a day to make submissions to the court on behalf of SIRM.

3. Mr Mizuik made a claim to the Port Moody Council that on November 13th, Ministry of Environment was alerted by SIRM of the breach of water at the site. However, in the December 3 letter from the Ministry of Environment, Executive Director Jennifer McGuire states, “The permittee is reminded that it is a requirement of the permit to report situations of non-compliance or by-pass of works. **The ministry has no record of CHH initiating contact to the Ministry to make such a report on November 13, 2015.**” A copy of this letter can be found here: <https://drive.google.com/drive/folders/0B7NnLS02oRnYSXhJaHRfWHY1VVk>

4. Mr Mizuik repeatedly states that there is no relationship between SIRM and SIA/CHH, however it is clear that according to the Ministry of Environment, Mike Kelly and Marty Block of CHH are the permit holders and the landowners of the 460 Stebbings Road landfill and quarry site. Mr Mizuik and SIRM may have an agreement to operate the landfill, however it is Mr Kelly and Mr Block who own the permit and land. Attached is a letter that was entered into the court record today in which Matt Pye from Active Earth is following up on an earlier discussion with Todd Mizuik about Mizuik’s “group” being offered a 1/3 equity in the SIA site.

5. Mr Miziuk states that the Environmental Appeal Board did not use Active Earth Engineering's reports in making the decision. If one reads through the EAB report the name Active Earth comes up 139 times suggesting that considerable weight was given to the Active Earth Engineering's reports on the 'science' behind the application. EAB decision available here:

http://www.eab.gov.bc.ca/ema/2013ema015c_019d_020b_021b.pdf

6. Mr Miziuk claims Active Earth has not been participating in any part of the landfill operations, at least up until September 2015, Active Earth engineers have been involved at the SIA/CHH site. David Mitchell, an Active Earth engineer, signed the Contaminated Soil Relocation Agreement for the soil that has come from Pacific Coast Terminals to Shawnigan Lake. The CSR document can be found on the last page of the Affidavit of Robert Peter Craig:

<https://drive.google.com/drive/folders/0B7NnLS02oRnYWGZUcDY1cINFN2s>

7. Mr Miziuk stated that Andrew Weaver "did not make his data public". This is totally false. Andrew Weaver has made all of his water and soil sampling data public, and all data and results at: <http://www.andrewweavermla.ca/category/environment/> eg:

<http://www.andrewweavermla.ca/2015/07/16/soils-shawnigan-lake-watershed-questions/>

8. Mr Miziuk stated that they do not accept dioxins at the landfill. However, the MoE permit clearly states that Dioxins – among many other toxins – are allowed at this site.

<https://drive.google.com/drive/folders/0B7NnLS02oRnYd1Q0djhxNIJQOEK> :

1.3.3 The types of soil that can be discharged at the landfill facility are soils and associated ash contaminated with metals, Dioxins, Furans, BTEX, MTBE, VPHs, LEPHs/HEPHs, PAHs, Styrene, Chlorinated Hydrocarbons, Phenolic Substances, Chloride, Sodium and Glycols as defined in Schedules 4 and 5 of the CSR.

9. Mr Miziuk made a big show of drinking water from a bottle that he claimed was directly from the water treatment system, However, our main concern at this time is the water leaving the site that bypasses the water management and water treatment system, as indicated in the Thurber Report submitted to the CVRD in December:

<https://drive.google.com/drive/folders/0B7NnLS02oRnYVkd6UEF0Q1F5ZXM>

Matt Pye

From: Matt Pye <matt.pye@activeearth.ca>
Sent: May 12, 2015 8:48 PM
To: Todd Mizuik
Cc: mike.sia@shaw.ca
Subject: Proposed Deal

Todd,

As we discussed today, the directors of Active Earth have accepted an equity position in permit operations in exchange for our outstanding fees. As such, we will step aside from future monitoring in order to maintain an arm's length and we can engage a third party **R** to take over the monitoring program.

In achieving the above, a new corporation was just formed (OPCO) that has exclusive rights to the use of the permit via a trust declaration from CHH and a 50-year lease from CHH. The permit is issued to the land owner and that is the only option. In return for the lease, OPCO will pay a rent of \$3.50/tonne to CHH.

The following offer is being provided to your group:

1/3 equity in OPCO in exchange for:

- \$2M cash
- \$1M assumption of debt
- Improvements to the facility including (not to be refunded):
 - o Fencing and security cameras
 - o Wheelwash
 - o Roof over SMA
 - o Scale and office upgrades
 - o Paving, front gates, etc

The major difference is the inclusion of the improvement costs in exchange for equity of 33% versus 25%.

We have also had some discussion regarding the operating agreement to run the facility and that needs to be addressed in detail as well. Overall, we are excited to have your group as partners and move forward together with this exciting opportunity.

Matt Pye, P.Eng.
Principal, Senior Hydrogeologist
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