



Date: October 12, 2016

File: 108608

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

### **POLLUTION PREVENTION ORDER**

I have reason to believe that an activity or operation is being performed by Cobble Hill Holdings Ltd. (BC0754588) (“**Cobble Hill Holdings**”) in a manner that is likely to release a substance that will cause pollution from a property at 460 Stebbings Road, Shawnigan Lake, BC, V0R 2W3, legally described as Lot 23, Block 156, 201 Plan VIP78459, Malahat Land District, & BLK 323 (the “**Property**”). The Property and the landfill operation on the Property is owned and/or operated by Cobble Hill Holdings.

On October 8, 2016, Rahim Gaidhar, South Island Resource Management, reported a spill of untreated contact water onto the Property (DGIR 161899). That day, Conservation Officer Sergeant Scott Norris attended and confirmed with Mr. Gaidhar that heavy precipitation resulted in the erosion of a sand layer on top of the landfill. The eroded sand obstructed the contact water collection ditches and approximately 3000 to 6000 gallons of untreated contact water spilled onto the Property, mixed with non-contact water, flowed into the settling pond and subsequently discharged to the environment.

Subsequent inspection conducted by Ministry of Environment Compliance staff (IR 30547) has determined that Cobble Hill Holdings was in non-compliance with Permit 105809 due to the discharge of untreated contact water into the settling pond.

I understand that the contaminated soil remains on site in the landfill facility, without a final cover and with sand on the surface of the landfill.

As of October 11, 2016, Environment Canada has issued a Special Weather Statement calling for heavy rain on Vancouver Island, and the winter wet weather season has commenced.

Therefore based on the review of available information, I am satisfied on reasonable grounds that the operation of Cobble Hill Holdings is being performed in a manner that is likely to release untreated contact water from the Property into the environment and cause pollution.

Pursuant to Section 81 of the *Environmental Management Act*, [SBC 2003], c. 53 (the “**Act**”) Cobble Hill Holdings is hereby ordered to comply with the following requirements:

1. Immediately take action, under the direction of a Qualified Professional, to continue with implementation of cleanup activities, mitigation measures, site restoration, and management actions in order to prevent any further discharge of untreated contact water to the environment, including the following actions by 11:59 P.M. PST on October 12, 2016:
  - a. Cover the landfill areas completely with weighted and secured impermeable cover, and provide sufficient weather protection for the cover in order to ensure its effectiveness;
  - b. Maintain, and if necessary construct, appropriate lined ditching and/or other collection and conveyance systems to capture all contact water so it can be managed in accordance with Permit 105809; and
  - c. Ensure appropriate contingency measures are in place to manage contact water, including but not limited to, provision of additional onsite storage capacity and arrangement of backup transport for contact water to other authorized facilities, in the event that this is needed.
2. Conduct ongoing inspection and monitoring activities at the site as follows:
  - a. Conduct ongoing inspection of the landfill cover and contact water collection system as needed to ensure they remain in place and functional, and maintain documentation of inspection activities for review by the Director upon request;
  - b. Monitor and sample the quantity (24 hr volume in m<sup>3</sup>/d) and quality of effluent discharged from the settling pond outlet (site E292898) on a daily basis when there is a discharge from the settling pond, in accordance with procedures and parameters listed in Permit 105809; and
  - c. Estimate the flow of the ephemeral creek immediately downstream of the settling pond outlet (site E305365) daily, and collect a daily water quality sample when there is a discharge from the settling pond.

In this order, a "Qualified Professional" means an applied scientist or technologist specializing in an applied science or technology applicable to the duty or function, including, if applicable and without limiting this, agronomy, biology, chemistry, engineering, geology or hydrogeology and who

- a) is registered with the appropriate professional organization, is acting under that organization's code of ethics and is subject to disciplinary action by that organization, and
- b) through suitable education, experience, accreditation and/or knowledge, may be reasonably relied on to provide advice within their area of expertise.

This order will remain in effect until instructed otherwise in writing by the Director. This order does not supersede monitoring requirements of Permit 105809 and all conditions and requirements of the permit remain in effect. Monitoring that is conducted as a requirement of Permit 105809 and that satisfies the monitoring requirements of the order will be accepted to avoid duplication.

Failure to comply with the requirements of this order is a contravention of the *Environmental Management Act* and may result in legal action. I direct your attention to Section 120(10) of the *Environmental Management Act*, which reads:

“(10) A person who contravenes an order...that is given, made or imposed under this Act by a ...director...commits an offence and is liable on conviction to a fine not exceeding \$300 000 or imprisonment for not more than 6 months, or both.”

Failure to comply with the requirements of this order may also result in an administrative penalty under the Administrative Penalties Regulation (*Environmental Management Act*) (B.C. Reg 133/2014) (Regulation). I direct your attention to Section 12(4) of the Regulation, which reads:

“(4) A person who fails to comply with an order under the [*Environmental Management*] Act is liable to an administrative penalty not exceeding \$40 000.”

This order does not authorize entry upon, crossing over, or use for any purpose of private or crown lands or works, unless and except as authorized by the owner of such lands or works. The responsibility for obtaining such authority rests with you. It is also your responsibility to ensure that all activities are carried out with due regard for the rights of third parties, and comply with other applicable legislation that may be in force, such as municipal bylaws relating to the discharge of waste to municipal storm or sanitary sewers.

This decision may be appealed to the Environmental Appeal Board in accordance with Part 8 of the *Environmental Management Act*. An appeal must be delivered within 30 days from the date notice is given. For further information, please contact the Environmental Appeal Board at 250 387-3464.

If you have any questions, please call the undersigned or Laura Hunse at 250 751-3224.

Yours truly,



A.J. Downie, M.Sc., P.Ag.  
For Director, *Environmental Management Act*

cc: Environment Canada  
Jim Dunkley, Ministry of Energy & Mines  
Gord Hitchcock, Conservation Officer Service