

## SIA “Growing Pains” – a history of blatant non-compliance!

by Dave Hutchinson for May, 2015 Shawnigan Focus

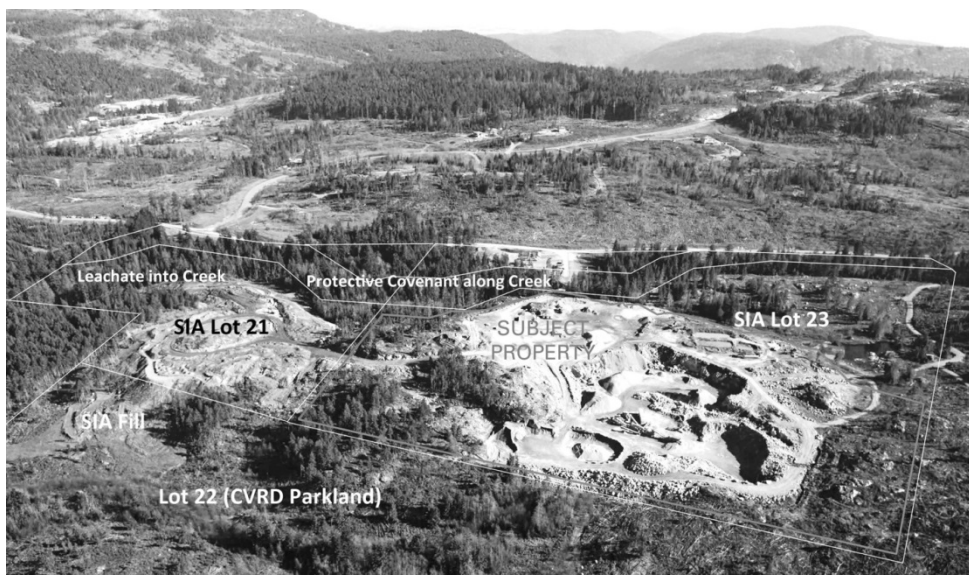
Let’s put aside, for a moment, the impending threat posed by the Contaminated Waste Permit issued by the Ministry of Environment (MoE). Consider instead, South Island Aggregates’ less than stellar history as the operator of a quarry governed by Permits issued by the Ministry of Energy and Mines (MEM).

The Environmental Appeal Board decision states that previous incidents of non-compliance with MEM did not lead to the conclusion that SIA is an unreliable operator. There are excuses about growing pains and inexperience. There is an implicit assumption that things are better now.

A simple hike around the site perimeter shows otherwise. There is no fence and no signage as required by the Mine Permit. Starting at the south-west corner, and walking north along the western boundary, you first encounter encroachment onto CVRD parkland about midway along Lot 23 (see photo). Among multiple infringements in this area, one that really stands out is the 20 metres of drainage channel that SIA blasted into CVRD land. This is where effluent will be discharged into an ‘ephemeral stream’. No easement, notice or permission was obtained.

Further along, as you pass the divide between Lots 23 and 21, you come across fill that has been pushed onto CVRD land. The amount increases as you proceed until, midway along Lot 21, the intrusion onto CVRD parkland is truly astonishing – a veritable peninsula, many metres deep and dozens of metres wide. Far from being clean material, it is substantially riddled with concrete, metal, plastic, asphalt, tires and wood-waste, all in contravention of the Mine Permit. This is all observable in the fill pushed onto the CVRD parkland. Who knows what exists 50 metres beneath the surface of the SIA property.

Google Earth imagery shows this fill appeared between 2006 and 2010. It was received and stockpiled allegedly as reclamation fill for the quarry operation on Lot 23. SIA record keeping is poor and no one really knows what the volume is. There appears to be far more material than could fit onto Lot 23, never mind what is allowed by the Mine Permit. Instructions from MEM and other agencies to address this monumental problem have clearly been ignored by SIA and not enforced by the Province.



The SIA site, looking east

One flank of the Lot 23 stockpile parallels Shawnigan Creek and tapers down to within a few metres of this vital source of Shawnigan Lake water. Oozing from this is a repugnant red leachate which gathers in puddles covered with an oily sheen, and then flows into the creek. This has been happening for years! Recent analysis by Dr. Andrew Weaver, Green Party MLA, has confirmed earlier findings that there are serious contaminants. MoE, still steadfastly defending their Waste Permit decision, have agreed to perform follow-up testing of the water and the site itself. It is crucial that these tests are comprehensive and verifiable.



Red ooze from Lot 21 leaching into Shawnigan Creek



SIA waste on CVRD parkland

There has been an unexplained reluctance (perhaps even incompetence or negligence) on the part of MEM to enforce conditions of the Mine Permit. Even with the MoE Waste Discharge Permit, SIA cannot legally receive or process contaminated material without an amendment to their Mines Permit for Lot 23. If granted, it begs the question of what will be done with all the fill on Lot 21, which would presumably be in contravention of the Mine Permit for that property (each Lot has its own Mine Permit). Those responsible at MEM have a lot of explaining to do and it would be quite wrong to grant the amendment without addressing these many concerns.

#### **Related Quotes:**

##### **Scott Cunningham, CTV Reporter, CTV News, Apr 22, 2015:**

*"A woman who worked for South Island Aggregates in 2006 has come forward to CTV news, she says the company began accepting industrial fill as a way to make money, and she says they were willing to take almost anything, no matter its environmental impact."*

##### **Ian Webster, Former MEM Inspector of Mines, Email, Apr 17, 2007:**

*I requested to see records of material being brought to the mine site and was provided with only two vague "Material/Soil Acceptance" forms and they did not show volume or description of material. There were no records for the wood waste brought to the site (600 tonnes). Mr. Block seemed to be completely unaware that there is a permit condition requiring a registered professional certify all fill as "clean".*

##### **Ed Taje, MEM Regional Manager, Email, Mar 1, 2007:**

*Further to our discussions regarding the wood waste, tires, asphalt and soil being imported to the quarry site on Stebbings Road ... The import of waste material to a mine site is not permitted ... all imported waste material, wood, asphalt, and tires must be removed from the mine site.*

**John Alexander, Lawyer for SIA, CTV News, Apr 23, 2015:**

*Well, South Island absolutely denies that they were ever in the business of bringing in undocumented loads or any material that wasn't permitted. Yes, one can point at one figure from one lab result at one location and say, oh my goodness, we have a problem here. It's all tactics to stir unnecessary fear in the public.*

**Sean Hern, SRA Lawyer, Letter to MEM, Apr 15, 2014:**

*It appears to us that SIA has been, and remains, out of compliance with its quarry permits in a number of respects and we do not understand why the Ministry of Energy and Mines seems to have turned a blind eye to this and has apparently committed itself to issuing an amended quarry permit to allow the contaminated soil facility to be located in the quarry.*

*If the MoE Permit is upheld, contaminated soil will be used for reclamation and none of the fill presently on either lot will be used for reclamation except for a final covering layer of clean fill for the top of the landfill. According to the mining permits, SIA should have to remove the additional fill that is no longer going to be used for reclamation.*

**Ed Taje, MEM Regional Manager, Email, Apr 19, 2013:**

*The existing permit allows for the stockpiling of residential classification soil for final reclamation. The stockpile as it sits now is not a suitable final end land use.*

**Ed Taje, MEM Regional Manager, Email, April 1, 2014:**

*The sloughing or material that encroached on to the CVRD property can be removed ... the property impacted by the encroachment must be cleaned up and returned to its pre-encroachment state, to the satisfaction of the property owner.*

**Brian Carruthers, CVRD CAO, Letter to MEM, Apr 27, 2015**

*As an adjacent property owner that has been blatantly impacted by the mining activities of SIA/CHH, the CVRD remains disappointed by the lack of action on the part of SIA/CHH or the Ministry in addressing these outstanding issues.*