

Dear Ms. Adams:

Thank you for your follow up emails and letters and for meeting with Honourable George Heyman, Minister of Environment and Climate Change Strategy, on October 6, 2017, to discuss the creosote treated wood waste at Upland Excavating Ltd.'s (Upland's) site and to note your concerns regarding Upland's application for an Operational Certificate (OC) to replace the existing permit. Minister Heyman has asked that I respond on his behalf and I apologize for the delay in doing so.

In the Ministry of Environment and Climate Change Strategy's (ENV's) email to you of September 18, 2017, we mistakenly stated that the onsite portion of the site inspection had determined Upland to be in compliance with the permit. At the time of writing that response, compliance staff had not yet completed the inspection report, but had noted that no significant non-compliances had been observed at the site. I apologize for this error and any misunderstanding it may have caused. The inspection report, which included a follow up office review, has now been completed and a copy is attached.

I appreciate that you took the time to research and submit your findings regarding creosoted materials and your concerns regarding the storage of creosote treated wood waste to ENV staff. As you are aware, the creosote treated wood waste is stored in a lined area topped with a soil cover. At the request of ENV staff, Upland's consultant, GHD Limited, collected a composite sample of the creosote treated wood waste for analysis using the Hazardous Waste Regulation Schedule 4 Modified Leachate Extraction Procedure. For the composite sample, and the contaminants analyzed, the results are significantly below the Hazardous Waste Regulation Schedule 4, Table 1 Leachate Quality Standards. However, to ensure protection of the environment, ENV staff requested additional information from Upland with regard to the temporary lined storage cell liner, cover and leachate/water management.

Regarding your concerns and questions about some of the findings from the recent inspection, the ministry acknowledges that there were some clauses for which compliance could not be clearly verified at the time of the inspection (for example, clauses related to the allowable types of refuse and the landfill location were marked as "Not Determined"). In response to your concerns, senior compliance staff have reviewed the inspector's findings and no changes are proposed. In all sectors, we are committed to producing authorizations that contain clear and enforceable clauses, and in the near future Upland's authorization will either be amended or replaced with a new OC to address this issue.

Regarding your request for a copy of the inspector's notes, inspection notes are transitory documents and not kept on file, but the details are incorporated into the final inspection report prior to destruction. As noted above, a copy of the final inspection report is attached.

Regarding your request for a log of deposits made to the Upland site, the permit does not require Upland to retain or submit such a log to ENV. Copies of past inspection reports are attached for your reference.

As you are aware, the 1992 permit for the existing un-lined landfill is outdated and does not satisfy current ENV guidance. Consistent with the Comox Valley Regional District's approved Solid Waste Management Plan (2012), Upland's application for a new OC proposes to upgrade their existing landfill to satisfy current ENV guidance, including upgrading to an engineered lined landfill with leachate collection and treatment. If an OC is issued, Upland also proposes to relocate waste discharged under the existing permit to the engineered lined landfill. A new OC would also replace and cancel the existing outdated permit, and thereby address any concerns regarding the wording and enforceability of the existing permit.

Regarding the location of existing buried waste and background sampling of Rico Lake, as part of the OC application, Upland's consultant, GHD, has prepared various technical reports including a geotechnical investigation, a hydrogeology and hydrology characterization report, a technical assessment report, a design, operations and closure plan, and a report with regard to the location and volume of existing waste. These reports have been provided to the Campbell River Environmental Committee (CREC) and include a description of the location and volume of the existing waste, the

background and baseline groundwater and surface water sampling, and the proposed environmental monitoring program, that includes Rico Lake.

The OC application is currently in the review phase, which entails a detailed review of the application including technical information and comments submitted by Upland, CREC and other stakeholders. Ministry staff are currently examining the adequacy of all assessments and reports produced to date, as well as comments received by CREC and others, and if necessary, ENV may request additional information during the review phase.

If a Director issues a Notice of Intent to Issue a draft OC, the Notice will be served, posted, and/or published, and parties will be given the opportunity to review and provide further comments regarding the draft OC, in accordance with the *Environmental Management Act* and the Public Notification Regulation. As indicated above, any new OC would contain updated requirements for the protection of the environment and would replace and cancel the existing out-dated permit.

Thank you again for taking the time to write.

Sincerely,

David Morel  
Assistant Deputy Minister  
Environmental Protection Division

Attachments (2)

cc: A.J. Downie, Director, Authorizations – South, Environmental Protection Division, Ministry of Environment and Climate Change Strategy