

Campbell River Environmental Committee (CREC)
PO Box 20092 STN. A, Campbell River, BC V9W 7Z5

Hon. George Heyman
Room 112 Parliament Buildings
Victoria, BC V8V 1X4

September 18, 2019

Dear Minister George Heyman,

In light of the Ministry of Environment and Climate Change's (MOE) decision to issue the Operational Certificate (OC) 107689 to Upland Excavating Ltd. (Upland), the Campbell River Environmental Committee (CREC) respectfully requests an explanation as to why this decision was made, despite outstanding concerns and recommendations of independent professional engineers (hydrogeologists). CREC's objective has been, and remains, to assist the Ministry in making the most informed decision possible concerning risks to our City's drinking water supply.

With the recent approval of OC 107689, the MOE has in effect legalized a proponent landfill that:

- has insufficient baseline groundwater and surface water data collected by GHD to fully characterize the local and regional hydrogeological system in relation to the proposed landfill project. Source: Waterline Hydrogeological Review of the Proposed Upland Landfill, February 25, 2019, section 2.2;
<https://crecwebcom.files.wordpress.com/2019/03/waterline-resources-inc.-report-feb-25-2019-2.pdf>
- requires investigation into significant ponding noted in the base of the pit which appears to contradict GHD's interpretation of high infiltration capacity. Source: Waterline Hydrogeological Review of the Proposed Upland Landfill, February 25, 2019, section 2.3;
<https://crecwebcom.files.wordpress.com/2019/03/waterline-resources-inc.-report-feb-25-2019-2.pdf>
- has insufficient water level data collected to demonstrate that groundwater levels will remain 1.5 m below the base of landfill. Source: Waterline Hydrogeological Review of the Proposed Upland Landfill, February 25, 2019 section 2.2;
<https://crecwebcom.files.wordpress.com/2019/03/waterline-resources-inc.-report-feb-25-2019-2.pdf>

How can an OC be granted if observed conditions fail to meet stated requirements?

- requires investigations recommended by CREC-hired P. Eng. and hydrogeologist Dr. Gilles Wendling of GW Solutions on January 28, 2019 and on June 21, 2019 for characterization and monitoring of a shallow aquifer below the site;
<https://crecwebcom.files.wordpress.com/2019/02/cocrjan282019150.pdf>
<https://crecwebcom.files.wordpress.com/2019/07/2019june21-uplands-mws.pdf>
- requires reduction of the landfill height as recommended by Dr. Wendling; Source: p. 21
<https://crecwebcom.files.wordpress.com/2019/01/2019jan02-uplands-review-gws-1.pdf>

- requires background groundwater sampling to the east of Upland's site (towards the DFO Quinsam River Hatchery); Source: Figure 14.1
<https://crecwebcom.files.wordpress.com/2016/05/upland-application-review-oct6-compressed.pdf>
- does not take into account Aquatic Guidelines for protection of fish in the Quinsam River to the east of Upland's site; Source: p.8
<https://crecwebcom.files.wordpress.com/2016/05/2017-10-05-ghd-to-moe-independent-peer-review-1.pdf>
- requires an explanation as to how the Campbell Lake/Quinsam River Watershed Divide can be located between Mclvor Lake and Upland's site as drawn by GHD, with very fast groundwater flow identified from Mclvor Lake to the aquifer under Upland's site; Source: p.14
<https://crecwebcom.files.wordpress.com/2016/05/2017-05-31-ghd-hhcr.pdf>
- permits waste including PAH's (creosote) of a quantity almost 8 times more than permitted at the time of the 2017 sampling report identifying leachate exceedances; (schedule 2 attached) Link to GHD 2017 Existing Conditions Report; Source: Table 2
https://www.uplandgroup.ca/sites/default/files/Existing_Conditions.pdf
- omits a clause stating that Upland must abide by all bylaws of the local government.
https://www2.gov.bc.ca/assets/gov/environment/air-land-water/site-permitting-and-compliance/upland-excavating/2019-08-01_operational_certificate.pdf
- does not guarantee Mclvor Lake levels will not be lowered to their permit licence of 163.65 meters above sea level. This level is lower than the level Waterline Resources Inc. stated that there is a possibility that groundwater from the landfill area could migrate toward Rico Lake or Mclvor Lake, whichever is lower. This is especially important due to climate change; and
- <https://crecwebcom.files.wordpress.com/2019/07/bc-hydro-wup-lower-campbell-water-licence.pdf>
- fails to investigate the significant exceedances in the sediment of Rico Lake compared to historical levels in nearby lakes as recommended by biologist Leilane Barbosa Ronqui (see attached DRAFT Sediment-Rico Lake 2018/Control Lakes Reiberger 1982 -1987 data sheet).
https://crecwebcom.files.wordpress.com/2019/09/rico-lake-assessment_leilanonqui.pdf

To date, this key question remains outstanding. When will MOE address these high sediment metal levels?

The MOE approved the OC knowing that Environment Canada states that:

"Among the more significant point sources [of groundwater contamination] are municipal landfills and industrial waste disposal sites. When either of these occur in or near sand and gravel aquifers, the potential for widespread contamination is the greatest."

<https://www.ec.gc.ca/eau-water/default.asp?lang=En&n=6A7FB7B2-1>

Please note Resolution B-120-Mine and Quarry Siting Restrictions passed unanimously at the 2018 UBCM:

"Therefore be it resolved that the Province legislate enforceable and mandatory landfill siting restrictions in the *Environmental Management Act* so that no waste permit, approval, or Operational Certificate can be issued for filling a mine pit with waste over a porous or sensitive aquifer."

<https://www.ubcm.ca/assets/Resolutions~and~Policy/Resolutions/2018%20UBCM%20Resolutions%20Book.pdf>

As the Minister knows, under section 18 of the *Environmental Management Act* the Minister may cancel the permit or approval and under 18(i) if it is not in the opinion of the Minister, in the public interest.

Based on the foregoing unresolved issues, it is CREC's position that OC 107689 is clearly not in the public interest.

CREC looks forward to your response.

Campbell River Environmental Committee,
Per,

Leona Adams, President
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Attachments: 2

cc: Premier John Horgan
Mark Zacharias, Deputy Minister, MoECCS
Minister Michelle Mungall, MEM
David Caughill, MEM
Minister Adrian Dix, Ministry of Health
Christine Hogan, Deputy Minister, Environment Canada
Timothy Sargent, Deputy Minister, Fisheries and Oceans Canada
Dale Desrochers, Fisheries and Oceans Canada
Stacey Larsen, Fisheries and Oceans Canada
Edward Walls, Fisheries and Oceans Canada
Shannon Anderson, Fisheries and Oceans Canada
Minister Claire Trevena, MOTI and MLA, North Island
Sonia Furstenau, MLA, Cowichan Valley
Chief Christopher Roberts, Wei Wai Kum First Nation
WEI WAI KUM First Nation Council
Chief Brian Assu, We Wai Kai first Nation
WE WAI KAI First Nation Council
Chief Darren Blaney, Homalco First Nation
Alison Trenholm, Homalco First Nation Councilor
HOMALCO First Nation Council
Chris Osborne, City of Campbell River
Terri Martin, City of Campbell River
Matt Rykers, City of Campbell River
Elle Brovold, City of Campbell River-for Mayor and Council
Incumbent Rachel Blaney
Candidate Peter Schwarzhoff
Candidate Mark Debruijn
Candidate Shelley Downey