



City of Campbell River
From the Office of the Mayor

5 September, 2019

The Hon. George Heyman
Minister for Environment and Climate Change (ENV)
Room 112
Parliament Buildings
Victoria, BC V9V 1X4

Dear Minister Heyman:

Re: Operational Certificate Authorization Number 107689

I write further to the issuance by the Ministry of Environment and Climate Change (ENV) of an operational certificate (OC) to Upland Excavating Ltd. on August 1, 2019, Authorization Number 107689, regarding a proposed landfill expansion at 7295 Gold River Highway. This landfill is located close to McIvor Lake, the source of Campbell River's drinking water and is of significant concern to the City.

Further to your email to myself dated October 26, 2018, the City has been active during the application process for an OC, including commissioning its own hydrological consultant to assess potential risks to the watershed. This report (Waterline Resources, February 25, 2019) and a subsequent memo dated April 25, 2019, were submitted to ENV during the consultation period. This report and memo identified a number of information gaps, and the City made subsequent requests to ENV for these to be addressed prior to the application being determined.

We noted the order-in-council 434 made on July 16, 2019 preventing a director issuing or amending a permit in relation to contaminated soils in landfill until July 15, 2020. Conversations with ministry staff confirmed that an OC could not be issued to Upland Excavating unless "significant changes" were made to the application. It was extremely disappointing to be informed during a telephone call with ministry staff on August 8, 2019 that an OC had been issued on August 1, 2019, only sixteen days after the July 16 order-in-council announcement. This certificate permits the discharge of demolition, construction and landfill waste, and soil in which the concentrations of all substances are less than the lowest applicable industrial land standard specified for those substances. This appears to have circumvented the order in council in relation to *contaminated* soils, and the City remains concerned with the issuance of the OC and the timing.

In the City's view, there remains a non-negligible risk of contaminated water flow into McIvor Lake, with potentially disastrous consequences for the integrity of Campbell River's drinking water quality. Despite the exclusion of "contaminated" soils from the OC, the City's position is that this OC paves the way for discharge of contaminated soils in the future. Reliance on technological solutions being correctly designed, installed *and maintained in perpetuity* in this seismically active area is also considered by the City to represent unacceptable risk. City Council has filed an appeal with the Environmental Appeal Board, however, this is a long and potentially very expensive process with an uncertain outcome.

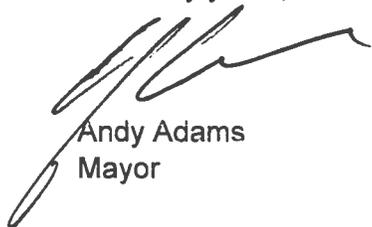
The City of Campbell River, in partnership with the Province and BC Hydro, have invested significantly to the improvement and protection of our watershed.

We therefore request clarification on the decision by ENV to issue the OC without requesting additional information addressing identified risks, and why the OC was issued soon after the provincial order in council was made.

Given the critical importance of this issue to our pristine drinking watershed, along with the proponent's history of non-compliance, we also respectfully request that you consider your powers under section 18(1)(f),(g) & (i) of the Environmental Management Act to amend or revoke a certificate that is not in the public interest.

I would be pleased to discuss this issue and the concerns of the City of Campbell River further at your convenience.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Andy Adams', written over a white background.

Andy Adams
Mayor

Cc: Premier John Horgan
Campbell River Environmental Committee
Russell Dyson, CEO, Comox Valley Regional District