

Page 001 to/à Page 005

Withheld pursuant to/removed as

DUPLICATE

## Frankl, Dave MEM:EX

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**From:** Togneri, Sebastien MEM:EX  
**Sent:** Tuesday, March 24, 2015 3:57 PM  
**To:** Minister, MEM MEM:EX  
**Subject:** RE: Toxic dump in Shawnigan Lake

Actually, Environment has indicated that they will handle responding to this letter.

**Sébastien Togneri**

Executive Assistant to the Hon. Bill Bennett

Minister of Energy and Mines and Minister Responsible for Core Review

Office: 250-953-0942 | Cell: 250-893-2147 | E-mail: [sebastien.togneri@gov.bc.ca](mailto:sebastien.togneri@gov.bc.ca)

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**From:** Togneri, Sebastien MEM:EX  
**Sent:** Tuesday, March 24, 2015 2:26 PM  
**To:** Minister, MEM MEM:EX  
**Subject:** RE: Toxic dump in Shawnigan Lake  
Direct reply.

**Sébastien Togneri**

Executive Assistant to the Hon. Bill Bennett

Minister of Energy and Mines and Minister Responsible for Core Review

Office: 250-953-0942 | Cell: 250-893-2147 | E-mail: [sebastien.togneri@gov.bc.ca](mailto:sebastien.togneri@gov.bc.ca)

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**From:** Minister, MEM MEM:EX  
**Sent:** Tuesday, March 24, 2015 2:16 PM  
**To:** Togneri, Sebastien MEM:EX  
**Subject:** FW: Toxic dump in Shawnigan Lake  
Action?

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**From:** s.22

**Sent:** Tuesday, March 24, 2015 1:54 PM

**To:** Minister, MEM MEM:EX

**Subject:** Toxic dump in Shawnigan Lake

To the Honorable Bill Bennett, Minister of Energy and Mines

I am writing this letter to protest the recent approve of a permit for South Island Aggregates (S.I.A.) to establish a soil remediation facility in the Shagnigan Lake Watershed. This permit allows S.I.A. to bring 100 000 tonnes of contaminated soil each year for 50 years and dump it on site. The site is on Sebbings Rd at the top of the Shawnigan Watershed, and will continue to operate as an active quarry. **It is unheard of to dump contaminated soil on a site in a community watershed ware no contamination exists and their is an active quarry with on going blasting.**

S.I.A. is a privet gravel company that continues to show troubling, dishonest and unethical business practices. I am deeply disturbed by the history of S.I.A. and their inability to self monitor. I do not trust them to fulfill and maintain safe practices on this scale and of this risk level. Furthermore there are no plans to deal with a failure on the site, ether by the company or the ministry.

s.22

I care deeply about this island

s.22

I truly think this is a bad idea and that it WILL have a negative impact on the economic and environmental health of s.22 neighboring community's as well as a fundamental risk to our drinking water!

Bottom line: Community bears 100% of the risk and endures certain negative impacts.

**Please conciser helping to revoke the permit and and take the Cowichan Valley Regional District up on their offer to search for a suitable site that dose not compromise a community watershed.**

Thank you very much for you time and considering the negative effects this will have on the local population if it is allowed to continue.

Sincerely,  
s.22

A concerned citizen.

Page 008 to/à Page 009

Withheld pursuant to/removed as

DUPLICATE



## Frankl, Dave MEM:EX

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**From:** Tennant, Laura JAG:EX  
**Sent:** Tuesday, March 24, 2015 4:30 PM  
**To:** Togneri, Sebastien MEM:EX; Petryshyn, Yarko ENV:EX  
**Subject:** RE: Toxic dump in Shawnigan Lake

Amazing! Thank you!

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**From:** Togneri, Sebastien MEM:EX  
**Sent:** Tuesday, March 24, 2015 3:59 PM  
**To:** Petryshyn, Yarko ENV:EX; Tennant, Laura JAG:EX  
**Subject:** RE: Toxic dump in Shawnigan Lake  
Much appreciated Yarko! I had actioned it for response. I will rescind and tell them you're responding instead!  
**Sébastien Togneri**  
Executive Assistant to the Hon. Bill Bennett  
Minister of Energy and Mines and Minister Responsible for Core Review  
Office: 250-953-0942 | Cell: 250-893-2147 | E-mail: [sebastien.togneri@gov.bc.ca](mailto:sebastien.togneri@gov.bc.ca)

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**From:** Petryshyn, Yarko ENV:EX  
**Sent:** Tuesday, March 24, 2015 3:55 PM  
**To:** Tennant, Laura JAG:EX; Togneri, Sebastien MEM:EX  
**Subject:** RE: Toxic dump in Shawnigan Lake  
It will be my pleasure to take this off your hands.  
Y

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**From:** Tennant, Laura JAG:EX  
**Sent:** Tuesday, March 24, 2015 3:54 PM  
**To:** Petryshyn, Yarko ENV:EX; Togneri, Sebastien MEM:EX  
**Subject:** FW: Toxic dump in Shawnigan Lake  
Hi Guys, which of your ministries would be lead on this?  
Thanks

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**From:** s.22  
**Sent:** Tuesday, March 24, 2015 2:24 PM  
**To:** Minister, JAG JAG:EX  
**Subject:** Toxic dump in Shawnigan Lake

To the Honorable Suzanne Anton, Attorney General and Minister of Justice

I am writing this letter to protest the recent approve of a permit for South Island Aggregates (S.I.A.) to establish a soil remediation facility in the Shagnigan Lake Watershed. This permit allows S.I.A. to bring 100 000 tonnes of contaminated soil each year for 50 years and dump it on site. The site is on Sebbings Rd at the top of the Shawnigan Watershed, and will continue to operate as an active quarry. **It is unheard of to dump contaminated soil on a site in a community watershed were no contamination exists and their is an active quarry with on going blasting.**

S.I.A. is a privet gravel company that continues to show troubling, dishonest and unethical business practices. I am deeply disturbed by the history of S.I.A. and their inability to self monitor. I do not trust them to fulfill and maintain safe practices on this scale and of this risk level. Furthermore there are no plans to deal with a failure on the site, ether by the company or the ministry.

s.22

I care deeply about this island and my community. I truly think this is a bad idea and that it WILL have a negative impact on the economic and environmental health of s.22 neighboring community's as well as a fundamental risk to our drinking water!

Bottom line: Community bears 100% of the risk and endures certain negative impacts.

**Please conciser helping to revoke the permit and and take the Cowichan Valley Regional District up on their offer to search for a suitable site that dose not compromise a community watershed.**

Thank you very much for you time and considering the negative effects this will have on the local population if it is allowed to continue.

Sincerely,

s.22

A concerned citizen.

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DUPLICATE

March 28, 2015

Dear Sir or Madam:

**I am requesting that the CHH/SIA quarry permit to allow 5 million tonnes of contaminated soil in our Shawnigan Lake watershed be revoked. Further, that the province should accept the CVRD offer to search for a suitable site that does not compromise a community watershed.**

**I was devastated** by the recent announcement that the Environmental Appeal Board has upheld the SIA permit. **And I am appalled** that this apparently biased Environmental Ministry analysis of the site and the proposal has cost residents of my community and the taxpayers of the entire Cowichan region a million dollars to date, to fight this outrageous miscarriage of provincial responsibility.

In fact, I feel completely betrayed by the actions of this BC government's Ministry of Environment, Ministry of Health, and even the very basic inconsistency of upholding the CVRD's Zoning Bylaw restrictions of the area in question. Everything about this issue is completely incongruous with our provincial governments professed *principles*.

According to 'The Spring edition of the Stream Talk newsletter' (2015):

***"B.C. is proud to be a leader in sustainable environmental management – with air and water quality that ranks among the highest in the world. Effective waste management procedures and solutions contribute a great deal to preserving our environment."*** – Government of British Columbia

Victoria and Vancouver drinking watersheds are protected, as all drinking watersheds in BC should be.

SIA's website states that, "South Island Aggregates Ltd. was founded in 2006, in response to a dwindling local aggregate market." They "opened with the purchase of their main quarry at 640 Stebbings Road--a 50-acre site south of Shawnigan Lake."

Mining licenses throughout the province become potential fill sites for contaminated soil, a precedent that affects every community, not just Shawnigan. Landfills exhibit a hierarchy of environmental risk when under consideration for suitable site choices. With respect to the Shawnigan site, it is unheard of to dump contaminated soil on a site in a community watershed where no contamination exists and there is an active quarry with ongoing blasting. Not to mention the regular shaking of earthquakes--the one on Aug. 29/12, 13 km NE of Sooke, BC, measured 3.0. <sup>s.22</sup> after a resounding BOOM. Followed by a second quake, Nov. 16/12, 2 km NNE of Sooke, BC, measured 0.8. Both close to the SIA quarry site.

The most important characteristics of the proposed South Shawnigan site that would instantly disqualify it as suitable is that it sits atop a vulnerable aquifer and immediately adjacent to surface streams, all of which lead directly to a major community drinking water supply. The consequence of a system failure is a serious risk to public health.

The CHH/SIA quarry proposes to take contaminated soil material at the **third level of risk**-- industrial grade but with more noxious levels of contaminants and a hazardous

waste level at the top of the pyramid. Not only would this site fail in the case of contaminated soils, it would not even pass as a location for the first level risk of a municipal waste landfill.

Both before and during the EAB hearings that concluded on July 25, 2014, SIA's model of the quarry bedrock geology was repeatedly called into question by qualified hydrogeologists called by the Shawnigan Residents Association and the Cowichan Valley Regional District. In fact, it has been concluded that the bedrock is actually fractured and that water moves easily within the fissures.

It is obvious that this government's decision only supports what amounts to a commercial opportunity for SIA based on the favourable economics of reclaiming an existing quarry with contaminated material. Material that would command much richer hauling charges than the innocuous domestic grade soil that was specified in their existing mining permit. This decision undermines the protection of thousands of current and future BC residents, who are being told to accept the obvious risks.

As such, we are now faced with risks to our drinking water, our environment and especially our health. Economically, the assault on our property values is becoming increasingly obvious.

CVRD offered to work together to find a suitable site in the region –yet the Ministry of Environment ignored this offer. It remains on the table as an honorable and practical alternative. The Tervita site has been proposed as an example of an existing alternative dumpsite within the CRD.

From the RBC Blue Water Project:

Canada possesses nearly 6.5 per cent of the world's supply of fresh water, making it one of the nation's most valued treasures. Moreover, Yale University's Environmental Performance Index shows that Canada has the second-best water-quality ranking among selected industrialized countries.

"Most Canadians have never experienced the fear that comes with losing confidence in their water supply," says Sandford. "Those that have lived through a water-crisis, with boil water alerts and all that a crisis entails, can attest to a very real understanding of how much our water matters. It shouldn't require an escalated event for Canadians to wake up and value this irreplaceable resource."

[www.rbc.com/bluewater](http://www.rbc.com/bluewater).

Right now, <sup>s.22</sup> very real fear-- a loss of confidence in both our future fresh water supply and in our elected provincial government officials to protect us.

Please ensure that this situation is taken very seriously, and support revoking the SIA quarry proposal.

Very truly yours,

s.22

## Frankl, Dave MEM:EX

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**From:** Minister, MEM MEM:EX  
**Sent:** Monday, March 30, 2015 8:52 AM  
**To:** Togneri, Sebastien MEM:EX  
**Subject:** FW: toxic waste dump

Draft minister's response?

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**From:** s.22  
**Sent:** Sunday, March 29, 2015 5:31 PM  
**To:** Minister, MEM MEM:EX  
**Subject:** toxic waste dump

March 26, 2015

To:  
Honourable Bill Bennett

I was astounded recently to hear that SIA was granted permission, by the MOE, to dump toxic waste near the watershed of Shawnigan Lake.

I have great concerns about this permit to dump onto a property that is within metres of a stream that feeds Shawnigan Lake and is on the slope of a hill that is the headwater for the watershed. The community of Shawnigan Lake will bear all of the risks with zero benefits, all of the benefits will go to a corporation. That just isn't right or just. The risks to the environment, the health of the people and animals of the Shawnigan Lake area, and the assault of property values is just not worth it.

We know from the Mt. Polley disaster that a company being responsible for self monitoring does not work and the MOE certainly does not have the capabilities to monitor or enforce remediation.

Leaking liners and other engineering failures are not uncommon and are actually expected in a mining operation which is planned for 50 years and there are not even any plans in place to deal with a failure on the site! This is all very worrisome s.22

s.22

The Ministry process has serious oversights, errors and omissions, the process is flawed and does not serve the people or the environment. All of the experts who testified during the hearings agreed that the site is not suitable for a contaminated soil dump. It is just not acceptable to dump contaminated soil on a site in a community watershed where no contamination exists and there is a an active quarry with ongoing blasting. Should not all watersheds be protected?? Victoria and Vancouver's are, why not ours? I really feel that the MOE is there for our protection, not for the benefit of a corporation. I find it very strange that I even have to write this letter.

Why would SIA's engineering report be relied on when their qualified professional did not testify and the report was found to be full of errors during the hearings?

It is my understanding that the CVRD has offered to work together with the MOE to find a suitable site in the region and that their offer was ignored, It is also my understanding that there is a site in the CRD (Tervita site) that would be a good alternative dump site. Why have these not been followed up on?

I have so many questions and concerns about this permit and beg for you to do whatever you can to help have it revoked immediately.

Sincerely,  
s.22

BC

## Frankl, Dave MEM:EX

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**From:** Minister, MEM MEM:EX  
**Sent:** Monday, March 30, 2015 8:53 AM  
**To:** Togneri, Sebastien MEM:EX  
**Subject:** FW: Shawnigan lake Water shed/dumping toxic soil

Info/file unless PO advises otherwise?

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**From:** s.22  
**Sent:** Monday, March 30, 2015 8:39 AM  
**To:** OfficeofthePremier, Office PREM:EX  
**Cc:** Minister, ENV ENV:EX; [flnr@birch.itsd.gov.bc.ca](mailto:flnr@birch.itsd.gov.bc.ca); [minister@gov.bc.ca](mailto:minister@gov.bc.ca); [arg.minister@gov.bc.ca](mailto:arg.minister@gov.bc.ca); Minister, MEM MEM:EX; Minister, MNGD MNGD:EX; Minister, FIN FIN:EX; Minister, HLTH HLTH:EX; Routley.MLA, Bill LASS:EX  
**Subject:** Shawnigan lake Water shed/dumping toxic soil

Dear Honourable Christy Clark,  
In true Canadian fashion I'm apologising for the tone of my letter before I start writing but I'm very disillusioned by the government I've always voted for.

Straight to the point of my email. I'm in complete shock as to the decision made by (it appears) your Environment minister Mary Polak allowing the dumping of contaminated soils in Shawnigan lake's water shed. s.22 The lake has been know for some of the cleanest water around. With the stroke of a pen all that is about to change and it's not for the good. How can this government be so dead set against the finding made by QUALIFIED professionals. Evidently SIA "professionals" didn't even testify at hearings. (I imagine because they knew their findings were all false). The environment minister brushes all the qualified findings aside and I wonder why? Thousands of residents will lose vast sums of money. Many of those people needing the value of their house to be there for retirement. Then there's the mental anguish. s.22 unsure of the water quality in what has been a pristine area and will need to drink bottled water and s.22 have the water tested at our expense on a regular basis. The SIA's own monitoring of the water conditions and reporting any leaks in the



membrane will be a complete joke. That's like allowing me to send in money every time I find I've speeded in my car. The membrane they talk of using is the thickness of a loonie and is guaranteed for only 35 years. s.22

s.22 has a membrane under the garden protecting the underground parking and has a guarantee of 50 years. And we know it will need replacing eventually. You can't replace the membrane in a land fill. How dare the environment minister believe 35 years is enough. The threat of water contamination will be there for ever and can't be fixed like a pot hole in the road. And why do they need a membrane if they insist the granite pit will never leak? I must admit pressure was put on the owners of the site to wash the tires off of the dump trucks!! I imagine that water will even end up finding it's way down to the lake also. Two people (the owners of the pit) will make an obscene profit while it obviously can't benefit the residents in any way.

What happens when there's a leak? And there will be. Who is there to protect the residents health or investment. Are the pit owners going to reimburse us handsomely s.22 and pay for any health issues that will arise from the contaminated water? Perhaps the government will? 2 weeks, 2 months, 2 years who know when the leaks will start. But they will and until that day we'll spend every day wondering if today is the day.

s.22 The powers that be needed to come up to see the sight twice before they decided there were no frog or fish eggs being damaged. My understanding is the powers that be now never have been to the gravel pit. How dare this government threaten the health and finance of the thousands who own land. Either the Honourable Mary Polak or her staff have not been given honest and truthful information to make informed decisions. Or they're choosing to ignore studies done by QUALIFIED professionals. SIA is laughing it's way to the bank.

An aside to this is a story of Mr. Butterfield who built the Shoal point condo's in Victoria who dumped all his contaminated soil up near Spectacle Lake at least 10 years ago on private land. He was told it was illegal and must remove the soil. He still hasn't done it. So we don't seem to have the power to deal with a small problem. How would we ever hold SIA responsible and after the water shed is destroyed and FAMILIES can no longer use the area, I ask you what will be done?

Please find someone in your government who is able to take a fresh look at the facts and convince Honourable Mary Polak to not allow the dumping of soils and rather find a more suitable location which doesn't destroy the most basic of needs, fresh water. Thank you for your time, s.22

## Frankl, Dave MEM:EX

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**From:** McCann, Meghan PREM:EX  
**Sent:** Monday, March 30, 2015 8:54 AM  
**To:** MEM Correspondence MEM:EX; Togneri, Sebastien MEM:EX  
**Subject:** RE: Revoke SIA's Shawnigan Lake Landfill Approval

Will do :-)

-----Original Message-----

From: MEM Correspondence MEM:EX  
Sent: Monday, March 30, 2015 8:47 AM  
To: Togneri, Sebastien MEM:EX  
Cc: McCann, Meghan MEM:EX  
Subject: FW: Revoke SIA's Shawnigan Lake Landfill Approval

Hi Sebastien,

Please advise if this should be for ENV as well, as it's regarding the permit to dump contaminated soil at the South Island Aggregates quarry in Shawnigan Lake?

Thanks,

Janet

-----Original Message-----

From: Minister, MEM MEM:EX  
Sent: Monday, March 30, 2015 8:37 AM  
To: MEM Correspondence MEM:EX  
Subject: FW: Revoke SIA's Shawnigan Lake Landfill Approval

For appropriate action.

-----Original Message-----

From: s.22  
Sent: Saturday, March 28, 2015 7:44 PM  
To: OfficeofthePremier, Office PREM:EX; Minister, ENV ENV:EX; Minister, FLNR FLNR:EX; Minister, AGRI AGRI:EX; Minister, MEM MEM:EX; Minister, MNGD MNGD:EX; Minister, ABR ABR:EX; Minister, AVED AVED:EX; Minister, MCF MCF:EX; Minister, CSCD CSCD:EX; Minister, EDUC EDUC:EX; Minister, FIN FIN:EX; Minister, HLTH HLTH:EX; Minister, MIT MIT:EX; Minister, JAG JAG:EX; Minister, SDSI SDSI:EX; Minister, MTIC MTIC:EX; Transportation, Minister TRAN:EX; Minister, STSB STSB:EX; Environment Critic; Darcy.MLA, Judy LASS:EX; Chandra Herbert.MLA, Spencer LASS:EX; Farnworth.MLA, Mike LASS:EX; Bains.MLA, Harry LASS:EX; [jenny.kwan.mla@leg.bc.ca](mailto:jenny.kwan.mla@leg.bc.ca); Popham.MLA, Lana LASS:EX; [doug.routley.mla@leg.bc.ca](mailto:doug.routley.mla@leg.bc.ca); Minister, JTST JTST:EX  
Cc: Routley.MLA, Bill LASS:EX; Horgan.MLA, John LASS:EX; [sfurstenau@cvrd.bc.ca](mailto:sfurstenau@cvrd.bc.ca)  
Subject: Revoke SIA's Shawnigan Lake Landfill Approval

s.22

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DUPLICATE

## Frankl, Dave MEM:EX

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**From:** Sandve, Chris MEM:EX  
**Sent:** Tuesday, April 7, 2015 10:01 PM  
**To:** Jacobs, Jake GCPE:EX  
**Cc:** Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX; Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Suric, Michelle J GCPE:EX  
**Subject:** Re: Media request - CHEK TV - South Island Aggregates

Did env respond? Doesn't seem like it from chek clip

Sent from my iPhone

On Apr 7, 2015, at 2:08 PM, Jacobs, Jake GCPE:EX <[Jake.Jacobs@gov.bc.ca](mailto:Jake.Jacobs@gov.bc.ca)> wrote:

ENV says they will respond.

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**From:** Sandve, Chris MEM:EX  
**Sent:** Tuesday, April 7, 2015 1:49 PM  
**To:** Jacobs, Jake GCPE:EX  
**Cc:** Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX; Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Suric, Michelle J GCPE:EX  
**Subject:** Re: Media request - CHEK TV - South Island Aggregates  
Let's see if env can respond

Sent from my iPhone

On Apr 7, 2015, at 1:45 PM, Jacobs, Jake GCPE:EX <[Jake.Jacobs@gov.bc.ca](mailto:Jake.Jacobs@gov.bc.ca)> wrote:

Apparently the only person that can provide us context/details in this CRD letter from our ministry is senior mines inspector Ed Taje who is <sup>s.22</sup> not available today. We could see if they could push the deadline ahead (but I believe they are working on a story for tonight's news) or send them to Environment for a response from regional director Hubert Bunce.

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**From:** Jacobs, Jake GCPE:EX  
**Sent:** Tuesday, April 7, 2015 11:05 AM  
**To:** Sandve, Chris MEM:EX; Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Cc:** Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Gleeson, Kelly T GCPE:EX; Plummer, Glen GCPE:EX; Suric, Michelle J GCPE:EX  
**Subject:** Media request - CHEK TV - South Island Aggregates  
FYI. Working on a response.  
**Date/Time Received:** April 7, 10:15am  
**Reporter:** Mary Griffin - CHEK News - 250-480-3700 <sup>s.22</sup>  
[mgriffin@cheknews.ca](mailto:mgriffin@cheknews.ca)  
**Deadlines:** April 7 – 3pm

**Reporter's request:** hoping to speak with someone from the Ministry of Mines regarding orders from the Chief Inspector of Mines, Ed Taje, to clean up material found in the park adjacent to land owned by SIA at 640 Stebbings Road

**Recommendation:** send info and attribute to David

**Response:**

## Frankl, Dave MEM:EX

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**From:** Togneri, Sebastien MEM:EX  
**Sent:** Wednesday, April 8, 2015 9:09 AM  
**To:** Minister, MEM MEM:EX; Minister, MEM MEM:EX  
**Subject:** RE: Shawnigan Lake Watershed Protection

I believe we're working on a template on this? If so, please use the template.

### Sébastien Togneri

Executive Assistant to the Hon. Bill Bennett  
Minister of Energy and Mines and Minister Responsible for Core Review  
Office: 250-953-0942 | Cell: 250-893-2147 | E-mail: [sebastien.togneri@gov.bc.ca](mailto:sebastien.togneri@gov.bc.ca)

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**From:** Minister, MEM MEM:EX  
**Sent:** Wednesday, April 8, 2015 9:03 AM  
**To:** Togneri, Sebastien MEM:EX  
**Subject:** FW: Shawnigan Lake Watershed Protection

Action?

**From:** s.22  
**Sent:** Tuesday, April 7, 2015 9:41 PM  
**To:** Minister, MEM MEM:EX  
**Subject:** Shawnigan Lake Watershed Protection

Honourable Bill Bennett  
Minister of Energy and Mines

I would like to express my opposition to the Ministry of Environment granting a permit to South Island Aggregate allowing them to dump five million tons of contaminated soil in Shawnigan Lake's watershed. By issuing this permit Shawnigan Lake residents have been denied their right to clean, safe water and have been forced to wholly accept the inherent risks associated with this project. Surely the Provincial government must recognize the value of a protected water source for a community and understand that any probability of failure of this contaminated soil dump, no matter how small, is a threat and reason enough to forbid it in our watershed. In the EAB hearings, a cohort of experts testified as to the unsuitability of the site and were completely ignored in the board's decision. The board instead sided with SIA's engineers who did not even take the stand to defend their work.

s.22 it is totally unfair to have our lives and interests devalued and put in jeopardy by this Provincial government.

s.22

## Frankl, Dave MEM:EX

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**From:** Togneri, Sebastien MEM:EX  
**Sent:** Wednesday, April 29, 2015 3:08 PM  
**To:** Minister, MEM MEM:EX  
**Subject:** RE: Mining Operations of South Island Aggregates

Info file and refer to Environment

### Sébastien Togneri

Executive Assistant to the Hon. Bill Bennett  
Minister of Energy and Mines and Minister Responsible for Core Review  
Office: 250-953-0942 | Cell: 250-893-2147 | E-mail: [sebastien.togneri@gov.bc.ca](mailto:sebastien.togneri@gov.bc.ca)

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**From:** Minister, MEM MEM:EX  
**Sent:** Wednesday, April 29, 2015 2:57 PM  
**To:** Togneri, Sebastien MEM:EX  
**Subject:** FW: Mining Operations of South Island Aggregates

Action?

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**From:** s.22  
**Sent:** Wednesday, April 29, 2015 2:09 PM  
**To:** Minister, MEM MEM:EX  
**Subject:** Mining Operations of South Island Aggregates

Dear Minister,

I am very concerned about the mining activities of South Island Aggregates (SIA) and their associated corporate entities located at 640 Stebbings Rd. in Shawnigan Lake. I understand that there has been a significant amount of historical correspondence<sup>[1]</sup> regarding compliance with the terms of the associated mining permits for Lot 21 and Lot 23. This issue has now come to a head because of the permit issued by the Ministry of Environment, which will allow for contaminated fill to be used to remediate the site.

In case you have not been informed, a significant amount of damage has been done to the parkland and community forest immediately to the west of the SIA mine site. Not only have the mine works extended onto parkland, but also, it appears that the quarry itself has trespassed onto parkland. Unfortunately, these are minor transgressions compared to the mountain of fill that has been deposited in the park northwest of the quarry. This huge mountain of fill appears to contain a large amount of contaminated material and the water leaching from this mountain is running into both the park to the west and the creek to the north. It appears that your Ministry has been aware of some of these issues going back as far as 2007.

As a private citizen, I am alarmed that the Ministry of Energy and Mines will not act to protect the community forest and parklands neighbouring the operations of one of your permit holders. After the incident at Mt Polley, I did not think that ongoing disregard of compliance issues would be tolerated, especially when they impact a public park! Perhaps it would be possible to set some clear dates and consequences such that these permits can be brought back into compliance quickly.

Respectfully Yours,

s.22



Page 026 to/à Page 027

Withheld pursuant to/removed as

DUPLICATE

## Frankl, Dave MEM:EX

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**From:** Sandve, Chris MEM:EX  
**Sent:** Wednesday, April 29, 2015 4:43 PM  
**To:** Togneri, Sebastien MEM:EX  
**Subject:** Re: Andrew Weaver QP question

What package?

Sent from my iPhone

On Apr 29, 2015, at 4:34 PM, Togneri, Sebastien MEM:EX <[Sebastien.Togneri@gov.bc.ca](mailto:Sebastien.Togneri@gov.bc.ca)> wrote:

Good evening,

Green Party Leader, Andrew Weaver dropped off this package moments ago with his anticipated question regarding Shawnigan Lake's South Island Aggregates in tomorrow's Question Period. He refers specifically to Eddy Taje's letter that the property impacted (Cowichan Valley Regional District's property) must be cleaned up to the satisfaction of the property owner and then goes on to ask the Minister to ensure that this is done before any amendments to South Island Aggregates' mines permit become active. If we could get a suggested response from the division as soon as possible, it would be much appreciated.

Yours truly,

**Sébastien Togneri**

Executive Assistant to the Hon. Bill Bennett

Minister of Energy and Mines and Minister Responsible for Core Review

Office: 250-953-0942 | Cell: 250-893-2147 | E-mail: [sebastien.togneri@gov.bc.ca](mailto:sebastien.togneri@gov.bc.ca)

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DUPLICATE

Suite 1100 | Victoria, BC | Tel 250 382 1100 | [www.farris.com](http://www.farris.com)  
1175 Douglas St | Canada V8W 2E1 | Fax 250 405 1984

Reply Attention of: Sean Hern  
Direct Dial Number: (250) 405-1982  
Email Address: [shern@farris.com](mailto:shern@farris.com)

Our File No.: 34575-1

April 21, 2014

BY COURIER

Ministry of Energy and Mines  
PO Box P320 Stn Prov Gov  
6th floor 1810 Blanshard St  
Victoria, BC V8W 9N3

**Attention: Al Hoffman, Chief Inspector of Mines; and  
Diane Howe, Deputy Chief Inspector of Mines, Permitting**

Dear Sir/Mesdames:

**Re: Concerns regarding a permit amendment proposal for a  
quarry operated by South Island Aggregates Ltd.**

*Introduction*

We write on behalf of the Shawnigan Residents Association. South Island Aggregates Ltd. ("SIA") holds two quarry permits for properties located municipally at 638 Stebbings Road ("Lot 21") and 640 Stebbings Road ("Lot 23") in the Shawnigan Lake area of Vancouver Island. The quarries are on the south slope of the Shawnigan Lake watershed and a major tributary, Shawnigan Creek, flows through the properties on its way north to the lake. The maps attached to this letter at **Schedule A** shows the locations of the two properties.

The quarry permits were granted to SIA in 2006 and later amended. A copy of the 2006 permit for Lot 23 is attached at **Schedule B** and the 2008 amendment is at **Schedule C**. We have not been provided a copy of the permit for Lot 21, but you will have access to it. Since 2006, SIA has been extracting rock from the quarry on Lot 23 and it has also been depositing fill on Lot 23, purportedly for reclamation purposes. On Lot 21, despite there being a similar quarry permit in place for that property, SIA has essentially operated a "fill site" and has deposited on the property thousands of truckloads of what is said to be residential and industrial grade fill. Concerns about the amount of fill on both Lot 23 and Lot 21 are discussed further below.

The Shawnigan Residents Association and the Cowichan Valley Regional District are in the process of appealing an Authorization to Discharge Waste and Effluent granted on August 21, 2013 by the Ministry of Environment (the "MOE Permit") which will allow a contaminated soil landfill and treatment facility to operate on Lot 23 while the quarry is in operation. In other words, the proposed landfill facility is to operate in conjunction with the quarry permit.

The MOE Permit is issued to a company called Cobble Hill Holdings Ltd. ("CHH"). Originally, SIA applied for the MOE Permit, but during the application process, SIA substituted CHH as the applicant. CHH is owned and controlled by the same individuals who own and control SIA: Marty Block and Mike Kelly. SIA leases the quarry lands from CHH, and SIA is to be the operator of the contaminated soil landfill and the quarry.

Under the MOE Permit, SIA proposes to fulfill its quarry remediation obligations by filling the quarry with soils that are contaminated above the residential or industrial grade for soils, but are below the grade of "hazardous waste" under the *Hazardous Waste Regulation*. Because these soils can pose a significant threat to the environment if the contaminants escape, the MOE Permit requires an engineered facility to be constructed in the quarry pit, including drainage systems, seepage blankets, a settling pond and a water treatment system. The contaminated soils are to be placed in "cells" using geotextile liners, and stacked on top of each other. The MOE Permit allows the facility to accept 100,000 tonnes of contaminated soil each year during the operating life of the quarry, which is projected to be 50 to 60 years.

For a variety of reasons, our client opposes the issuance of the MOE Permit. The appeal of the MOE Permit is multifaceted, but at its core are assertions that: (1) the fractured bedrock location is highly unsuitable for a contaminated soil landfill facility, (2) the geological and engineering work that has been advanced by SIA in support of the project is incomplete and deficient, and (3) the operators are not sufficiently reliable to entrust with a facility of this sensitivity and complexity. To date the hearing has taken place over 25 days with approximately 5 more hearing days to complete which will take place over the next two months. Nine independent expert witnesses have testified about the hydrogeology and engineering issues, including experts from SLR Consulting, Associated Engineering and Thurber Engineering.

The MOE Permit and the mining permits are interrelated and an application has been made by SIA for an amendment to the quarry permit on Lot 23 so that the contaminated soil landfill can operate there. Mr. Ed Taje from the Ministry of Energy and Mines recently testified in the MOE Permit appeal. He

explained that he will only issue an amended quarry permit if the MOE Permit is upheld by the Environmental Appeal Board. He says this is necessary because the conditions of the amended mining permit have to dovetail with the MOE Permit.

We have significant concerns with the compliance history of SIA under its quarry permits. We have endeavoured to raise these within the MOE Permit appeal process, but the Environmental Appeal Board, while recognizing that the permits are interrelated, does not want to look at the mining permit compliance issues. Accordingly, we are bringing them to your attention.

In short, our client's view is that SIA's compliance history is poor and that SIA is not a sufficiently reliable operator to be entrusted with the safe handling and permanent encapsulation of 5 million tons of contaminated soil while it operates the rock quarry. In our view, the Ministry of Energy and Mines ought to have a very close look at how the SIA quarry has been, and is being, operated. 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. Since the Environmental Appeal Board is not willing to scrutinize SIA's compliance history, we submit that you must or there will be a regulatory vacuum from which SIA will benefit at the expense of the environment and the health and safety of people in and near the mine. Our client's specific compliance concerns are set out below.

1. *Failure to obtain a hydrogeological report from Payne Engineering*

As Mr. Taje testified, the commitments in the mining permit application are conditions of the permit unless they are inconsistent with specific text in the body of the permit. In this case, the application document states that a hydrogeological report will be obtained from Payne Engineering Ltd. No report was ever obtained, and the result is a significant absence of information in the mining file about groundwater flow beneath the mine.

2. *Mining below the water table*

The mining permit requires SIA to maintain a 1.5 metre buffer between the mine and the water table. The pit bottom elevation is being mined to 313.5 metres geodetic, which is well below the depth of the water table as it has been plotted by SIA's consultants, Active Earth Engineering. In fact, one of SIA's arguments in the appeal as to why they say groundwater under the site will be protected from

contamination is that they have mined into the water table and will place the contaminated soil there. On that basis they say groundwater will be flowing up into the pit and not down into the fractured rock. This proposal of mining below the water table, however, is not compliant with the mining permit. Already water pools at the bottom of the pit and must be drained (although we understand SIA denies this). See the attached photo at **Schedule D**.

### *3. Mining into CVRD lands*

The adjacent property to the north and west of the quarry is owned by the Cowichan Valley Regional District. The mine is supposed to be clearly marked and set back from the CVRD lands by 5 metres. What in fact occurred is that SIA constructed the settling pond for the landfill right on the boundary of the property. This prompted Mr. Taje to order that the pond had to be moved to preserve the 5 metre setback, but all that SIA has done is to increase the size of the wall of the settling pond such that it is 5 metres thick. The wall of the pond, which is part of the mine works, still remains positioned right on the edge of the property. See the attached photo at **Schedule E**.

In addition, SIA blasted a drainage channel into the CVRD lands to connect the drainage from the quarry site to an ephemeral stream on CVRD lands. Approximately 20 metres of work was done on CVRD lands to accomplish this and no easement, notice or permission was obtained to do the work. See the attached photo at **Schedule F**.

SIA has also been out of compliance with the 5 metre setback, having a large amount of rock still on CVRD lands – see the attached photo at **Schedule G** (in which the orange paint stripe is the boundary of the 5 metre setback from CVRD lands). Apparently some of this rock has now been moved.

Lastly, SIA has blasted its pit right into CVRD lands as can be seen in the attached photo at **Schedule H**.

All of these activities are out of compliance with the permit and should be investigated as to whether they constitute a trespass onto CVRD lands. The CVRD has written to your ministry independently about this. In our view, these incidents demonstrate that SIA is not a reliable operator and this should militate against granting them a mining permit amendment that will significantly increase the complexity of their operations.

### *4. Amount of fill on site*

Lot 21, for which SIA has a quarry permit, has been used since 2006 as a fill site. Mr. Taje explained on the witness stand that for the purposes of SIA's operations, at least since 2010 he allowed SIA to bring soil onto Lot 21 under the premise that it was being stored there for use in reclamation of the quarry that was being mined on Lot 23. In other words, he considered Lots 21 and 23 to be effectively one quarry. Under that premise, SIA deposited on Lot 21 thousands of truckloads of soil, filling up a gully and creating a mountain of new soil. Our understanding is that there is far more soil on Lot 21 than could ever be used for the reclamation of Lot 23. Moreover, a huge amount of soil has been deposited on Lot 23 as well, purportedly for reclamation purposes. It is difficult to appreciate the amount of soil that has been brought on site without visiting it. As noted below, the record keeping by SIA appears to be woefully inadequate, so you will not be able to get a proper estimate by reviewing the records of the quarry, but we have attached some materials here that may be of assistance:

**Schedule I** is a set of aerial photographs from 2005, 2007, 2009, 2011 and 2013 which show the changes to the landscape that SIA has made, including the huge amount of fill brought onto the site.

**Schedule J** contains some photographs of the huge amounts of fill that SIA pushed onto CVRD lands in 2009. If you look at the aerial photo in Schedule H for 2009, you will see in the north east corner of Lot 21 a large sweep of material that was deposited onto CVRD lands. The photos in Schedule I are of that fill and give you a sense of its magnitude.

**Schedule K** contains photos of the fill deposited at the north end of Lot 21 in 2010.

**Schedule L** contains photos of the fill deposited at the south east portion of Lot 23. Mr. Eldridge advises that prior to the deposit of huge amounts of fill at that location, it was a relatively shallow grade of elevation.

The best way to understand the magnitude of the fill deposited on the site is to view the site and speak with s.22 who knew what the land looked like before SIA began its operations: s.22  
s.22

We don't understand why the Ministry of Energy and Mines has allowed this radical transformation of these quarries into fill sites under the premise of reclamation. Our client appreciates that aggregates are an important resource for British Columbians and that is why a quarry permit was granted for Lot 21, but the way this quarry permit has been administered, there will be no mining of Lot 21 as the rock that



could be mined is now simply buried under tens of thousands of tons of soil, far more than could ever be used for reclamation. Mr. Taje has suggested there is only somewhat more soil than needed for reclamation, but it is our understanding that he has not obtained a proper estimate of the amount of soil that is there, and has only infrequently been on site. If you attend on site, the amount of soil is self-evident.

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.

*5. Concerning water quality draining from under the fill on Lot 21*

At the north end of Lot 21, there is a stream of water draining out from beneath the pile of fill at that location. This winter, a local resident named Blaise Salmon has had that water tested as it enters Shawnigan Creek, along with the soils beneath that stream of water, and the results give us concern. The results are attached at **Schedules M** and **N**. In our view, they raise a concern that some of the fill which was brought on site for reclamation purposes may be contaminated and that those contaminants are now seeping off the property. As the mine permit requires non-contaminated fill to have been deposited on site, this needs to be properly investigated.

*6. Lack of record keeping and recent creation of the same*

Under the mining permits, SIA must keep accurate records of the material deposited on site for reclamation purposes. We asked for these records in the MOE Permit appeal hearing and we were provided four file folders of freshly printed documents. These didn't have the look of historical mine records, they originated from one source, and there did not appear to be near enough records to represent the amount of fill deposited on site, as noted above. Moreover, we heard second-hand reports from a member of the community that shortly before producing mining records in the appeal process, SIA was calling around to its customers asking for historical records to be provided to it. As a result, if you ask for the mine records as required to be maintained under the permit, we don't expect you will receive them.

*7. The "temporary" cell*

On August 29, 2013, eight days after the MOE Permit was granted, SIA applied for permission to locate a "temporary cell" in the middle of the quarry that would store contaminated soil until it could be moved to a permanent encapsulation cell. A September 2013 geotechnical report by Levelton (which was submitted by SIA to the Ministry of Mines) shows that the area in which the first permanent encapsulation cell is to be located will not be mined for at least 10 years. In fact it might be much longer because, as Mr. Taje testified, the mining permit does not force SIA to excavate the quarry at any particular rate. It may never be mined and the cell may in fact be permanent.

Mr. Taje was unaware that this cell was to be temporary, yet it appears he may have agreed to carve its boundaries out of the quarry footprint despite it being in the middle of the quarry. There are no stamped engineering drawings or plans for the "temporary" cell (which may in fact be more than one cell) and no

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geotechnical studies in support of it. It does not appear there will be any 5 metre setback from the new boundaries of the temporary cell to the mine site in the middle of which it is located. The proposal seems ill-conceived and our client does not understand how a temporary cell of contaminated soil that could be in place for decades will be safe for people or the environment, or how it can be compliant with the mining permit.

*Conclusion*

In view of the above concerns, our client asks that you thoroughly investigate these permit compliance issues past and present, and consider the many problems they present for the permit amendments SIA is seeking. Thank you for your attention to these matters.

Yours truly,

FARRIS, VAUGHAN, WILLS & MURPHY LLP

Per:

Sean Hern

cc. Mr. Ed Taje  
Enclosures

## Briefing on South Island Aggregates

*Does anyone really expect that this company will be able to comply with the stringent requirements of the Ministry of Environment permit, given the ongoing unresolved issues with their Mining permit?*

*Does depositing so much toxic material over an aquifer, so close to Sooke and Shawnigan Lake make sense, especially in an area prone to earthquakes?*

The permit for South Island Aggregates (SIA) to dump contaminated soil at their quarry on Stebbings Rd (lot 23) has been upheld. The ruling from the BC Ministry of Environment on the appeal is located here; <http://tinyurl.com/ov3rw7q> The relevant facts are laid out below with all of the supporting evidence. The bulk of the evidence is contained within the Environmental Appeal Board's own appeal ruling. Every paragraph in the document has a number, which is referred to below for easy reference.

The Fill Permit (PR-105809) allows for the dumping on Lot 23 of soil containing various toxic; **lead, mercury**, light and heavy weight hydrocarbons, **pesticides** including **DDT and PCBs**, Phenols including PCP. [complete list in paragraph 67]

The Permit does not put any limit on where the material can come from. For example, existing contracts from as far away as Prince Rupert.

[paragraph 13 and 48 of [http://www.eab.gov.bc.ca/ema/2013ema015b\\_019c.pdf](http://www.eab.gov.bc.ca/ema/2013ema015b_019c.pdf) ]

SIA has breached the terms of their Mining permit numerous times (dating back as far as 2007);

- Mining on CVRD Parkland (lot 23)
- Dumping Fill on CVRD Parkland (lot 21 and lot 23)
- Contaminated Fill (lot 21 and lot 23)
- Leachate running from the fill onto CVRD parkland and into Shawnigan Creek (lot 21)
- Mine works not respecting the 5 meter setbacks from property lines (in some cases the mine works are on neighbouring lots) (lot 23)
- Mining below the water table (lot 23)
- Not keeping proper mine records (lot 21 and lot 23)

These infractions were brought up during the appeal, but the Appeal Board decided they were not relevant to the fill permit [670-671, 691]

The Ministry of Energy and Mines has sent letters to SIA requesting that they stop work until some of these issues are addressed, but SIA has yet to comply (letters from 2014.) There have also been letters regarding this issue from the CVRD to SIA and the Ministries requesting the same (as far back as 2007.)

[ From FARRIS on behalf of Shawnigan Residents Association to Ministry of Energy and Mines, May 15, 2014

From Ministry of Energy and Mines to SIA on March 24th 2014 and April 1st 2014

From CVRD to Ministry of Energy and Mines and Ministry of Environment on April 22, 2014

From CVRD to SIA cc Ministries on the May 15<sup>th</sup> 2009

From the Ministry of Energy, Mines and Petroleum Resources to SIA on March 1<sup>st</sup> 2007 ]

## Additional Facts;

- The quarry sits on top of an Aquifer and next to Shawnigan Creek [47, 264 and 361]
- Any water leaving the site will enter the creek and eventually Shawnigan Lake [50] or possibly the aquifer beneath the site. [466]
- There is significant doubt as to how the ground water flows in the region and it may be possible that it enters the **CRD watershed** around Sooke Lake. [ <http://www.andrewweavermla.ca/2015/04/18/shawnigan-watershed/> ]
- The southern coast of BC has a well established history of **seismic activity** which can change ground water flow [ e.g. Haida Gwaii and Tofino hot springs, <http://earthquake.usgs.gov/learn/topics/groundwater.php> ]
- The containment of the site is reliant on plastic liners (with a **limited lifespan** [505]) and a water treatment plant, since there is significant doubt that the bedrock under the site is impermeable. [475 – 477 ]
- SIA is going to continue blasting, even after they start installing the plastic liners and accepting fill [445]
- SIA is responsible for monitoring and operating the site per the conditions of the permit [477]. That monitoring is **self-reporting**. [708]
- SIA has already failed, at least once, to properly treat contaminated water at the site. [542 and <http://www.andrewweavermla.ca/2015/04/18/shawnigan-watershed/> ]
- The bond on the site is **only \$220,000** [648].
- The government uses a professional reliance model.. In this case, Active Earth Engineering made the engineering recommendations for the SIA project. At the time of the EAB appeal (6 months after the permit was approved), SIA still owed Active Earth fees of ~\$500,000. [ 270 ] Whether or not those fees were contingent on the permits approval is an open question.
- The only local proponent of the project (other than family members of the owners) was the Malahat First Nations and their financial arrangement with the permit holder is a matter of public record. [ 683 and <http://richardhughes.ca/tag/south-island-aggregates/> ]



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April 27, 2015

Ministry of Energy, Mines and Natural Gas  
PO Box 9395  
STN PROV GOVT  
VICTORIA BC V8W 9M9

*via email: [Eddy.Taje@gov.bc.ca](mailto:Eddy.Taje@gov.bc.ca)*

Attention: Ed Taje, Regional Manager, Mining Operations

Dear Mr. Taje:

**Re: SIA/CHH Encroachment and Damage to CVRD Property  
(Lot 22, VIP 78459, Blocks 201 and 303, Malahat Land District)**

The Cowichan Valley Regional District (CVRD) requests immediate follow-up by the Ministry of Energy, Mines and Natural Gas (Ministry) to address outstanding issues related to encroachments and damage to the above noted property owned by the CVRD as well as to the five (5) metre buffer (the "buffer") on the western side of the property located at 640 Stebbings Road in Shawnigan Lake as a result of activities undertaken by South Island Aggregates (SIA) and Cobble Hill Holdings (CHH).

The Ministry, along with the Ministry of Environment, was formally advised by the CVRD by way of a letter dated April 22, 2014 (attached) with follow-up correspondence of the CVRD's concerns regarding various activities undertaken by SIA/CHH on the CVRD's property as well as within the buffer on SIA/CHH's property adjacent to the CVRD's property.

On August 1, 2014, the CVRD's solicitor wrote a letter to SIA/CHH's solicitor (attached) regarding the various activities and required a survey and geotechnical report to be provided by SIA/CHH. The Ministry was copied on this letter given the requirements in the mines permit issued by the Ministry in respect of SIA/CHH's property. The CVRD has received no response from SIA or CHH to the CVRD's August 1, 2014 letter and is therefore following up directly with the Ministry.

Despite your letters dated March 24, 2014 and April 1, 2014 indicating that the CVRD's property shall be returned to its normal pre-encroachment state at SIA/CHH's cost to the satisfaction of the CVRD, to date there has been no remediation of damage to the CVRD's property with the CVRD's consent. Furthermore, minimal remediation has been undertaken to the buffer between the mine and the CVRD's property which is required to be maintained under the mines permit for SIA/CHH's property. The CVRD is therefore greatly concerned that the issuance of any amendment to the mines permit regarding a contaminated soil facility without full and proper remediation of the CVRD's property and the buffer beforehand to the satisfaction of the CVRD will result in further damage and ongoing impacts to the CVRD's property.

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The following issues as previously conveyed to both the Ministry and SIA/CHH, remain outstanding and must be fully addressed to the satisfaction of the CVRD:

1. The lack of proper marking of a five (5) metre buffer has resulted in blasting and excavation of rock from the CVRD's property in at least two locations as well as within the buffer on SIA/CHH's property contrary to the mines permit. To date, the CVRD has not seen evidence of a survey as required by your letters to SIA/CHH to delineate the quarry footprint in its excavated location. Furthermore, the CVRD requires the survey to show the original and altered grade of SIA/CHH's property within the buffer and the CVRD's property within 20 metres from the property boundary. At the Environmental Appeal Board hearing regarding the Ministry of Environment's permit in relation to SIA/CHH's property, Mr. Miller, a blaster with Western Grater Contracting hired by SIA/CHH to undertake the blasting in and about the buffer indicated that they were instructed by SIA/CHH to blast within the buffer and that the intent was to lower the grade so that water in the quarry could drain off onto the CVRD's property.
2. Moreover, without the consent of the CVRD, the larger excavated area on the CVRD's property was backfilled. The CVRD is not satisfied with the work done. The CVRD expected such work to be completed based on a remediation plan prepared by a geotechnical engineer, and that such plan to be provided to the CVRD for review and approval before undertaking work to the CVRD's property. The CVRD is also concerned about the quality and condition of material used for backfilling. As previously requested, the CVRD requires a report to be completed by a geotechnical engineer confirming that the backfilling work done without approval on the CVRD's property and within the buffer is of the same structural stability and grade as its condition prior to SIA/CHH's activities and does not pose any risk to the CVRD's property. Furthermore, the geotechnical report must provide an estimation of the amount of rock removed from the CVRD's property. The CVRD requires compensation for the rock removed from the CVRD's property. In addition, a survey will be required confirming that the work (if acceptable to the CVRD) has been completed up to the metre buffer.
3. As previously expressed to the Ministry, construction of the water treatment plant settling pond berm and placement of the outlet pipes within the five (5) metre mines buffer area is of significant concern to the CVRD, as there does not remain in place appropriate emergency access for equipment to make in case of failure, unless such access is done through trespass on the CVRD's property. The entirety of the water treatment plant settling pond infrastructure needs to be removed from the five (5) metre perimeter buffer. Also, an updated geotechnical report is required confirming the berm and settlement pond is structurally stable, meets all necessary requirements and does not pose a risk to the CVRD's property given its necessary relocation after the original geotechnical report and assessment of the settlement pond were prepared. It is noted that Levelton

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Consultants in their August 6, 2014 letter to SIA specifically indicate that the internal stability of the berm was not assessed by them.

4. The blasting of rock and the construction of a spillway on the CVRD's property in the location described in the EAB hearing as the ephemeral stream remains of great concern to the CVRD in that this area is to be used for the discharge of effluent from the proposed contaminated soil facility. Without accepting that any such ephemeral stream existed prior to SIA/CHH's activities, the CVRD does not consider the letter prepared by Levelton dated August 6, 2014 to be sufficient. Levelton did not, for example, address the structural stability of the work undertaken by SIA/CHH on the CVRD's property. Nor did Levelton base its letter on the fact that SIA/CHH significantly altered this area. The CVRD sought to undertake its own investigation with respect to the activities in and about this area but a survey prepared by SIA/CHH showing the original and altered grade is required before the issue can be addressed further. The CVRD ought not to have to undertake such a survey at its expense.
5. As previously expressed to the Ministry, the CVRD is concerned both about the source and quantity of the water flow and effects of siltation on the CVRD's property (which is already extensively evidenced to the west of the water treatment plant settling pond outlet pipes), given SIA's/CHH's active quarry immediately adjacent the settling pond. There is evidence that blasting appears to have occurred on SIA/CHH's property into the water table in violation of the mines permit and that the water is artificially being diverted onto the CVRD's property. It is the understanding of the CVRD that most, if not all aggregate operating permits in BC prohibit excavation within the water table. Further investigations in this regard should be undertaken by the Ministry and if this is the case, SIA/CHH should be required to cease excavating below the water table and to obtain and implement a remediation plan prepared by a geotechnical engineer to address the issue.
6. The land clearing and placement of rock materials on the CVRD's property and within the buffer still has not been properly restored to a condition acceptable to the CVRD. Hydroseeding done last year without the CVRD's approval is not considered proper restoration work. As previously requested, a restoration plan prepared by a qualified professional is required for review and approval by the CVRD prior to any work taking place on the CVRD's property. The impacted areas include CVRD lands to the west of the active quarry, to the west of the water treatment plant settling pond and the location where blast rock was dumped onto CVRD's lands. There also remains quarried rock in amongst the trees on CVRD's property beyond the 15 to 20 metre area that was cleared without permission on the CVRD's property to the west of the active quarry. Furthermore, a report prepared by a geotechnical engineer is required confirming that the rock piles that were placed on the CVRD's property or within the buffer have been

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pulled back from the CVRD property and the buffer and are structurally stable and will not pose a risk to the CVRD's property.

7. The lack of any clearly defined boundary around SIA's/CHH's two properties involved with the quarry mine activities and proposed contaminated soil facility continue to be of great concern to the CVRD, given the apparent disregard of SIA/CHH to contain their works to their property. This disregard is not only evident along the western boundary of Lot 23 but is also evident along the western boundary of Lot 21 with significant sloughing of non-native material onto CVRD property from earlier soil dumping activities. The CVRD reiterates that SIA/CHH should be mandated to construct a permanent industrial grade fence along the boundary of the CVRD's property and SIA/CHH's two properties prior to the approval of any amendment to the mines permit regarding a contaminated soil facility to ensure SIA/CHH activities do not trespass onto the CVRD's property bordering their site in the future.

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. I request that you contact me to discuss the CVRD's concerns further at your earliest convenience.

Sincerely,



Brian Carruthers  
Chief Administrative Officer

BC/ann

pc: D. Howe, Deputy Chief Inspector of Mines, Permitting  
SIA/CHH  
Sonia Furstenau, Director, Electoral Area B – Shawnigan Lake

Attachments

File ADMINISTRATOR/Correspondence/Ministries/to MEM SIA CHH Encroachment and Damage to CVRD Property April 27 2015

REPLY TO: VANCOUVER OFFICE

VIA EMAIL: alexander@coxtaylor.ca

August 1, 2014

L. John Alexander  
Cox, Taylor  
Barristers, Solicitors/Notaries  
Third Floor - Burnes House  
26 Bastion Square  
Victoria, BC V8W 1H9

Dear Mr. Alexander:

**Re: 640 Stebbings Road, Shawnigan Lake (the "Property")**  
**Our File No. 00005-0173**

As you are aware, we are the solicitors for the Cowichan Valley Regional District (the "CVRD") and write with respect to the above noted Property and the CVRD's adjacent property to the west. If you do not represent South Island Aggregates ("SIA") and Cobble Hill Holdings ("CHH") in respect of any of the below noted issues, please advise and we will correspond directly with SIA and CHH regarding such issues.

We write in follow up to the CVRD's letter dated April 22, 2014 to the Ministry of Energy and Mines and the Ministry of Environment (which your clients were copied) and the CVRD's letter dated May 7, 2014 to your clients with respect to recent activities undertaken on the CVRD's property as well as within the 5 m buffer on the western side of the Property adjacent to the CVRD's property (the "5 m buffer").

It is our understanding that under your clients' direction the following was undertaken without the proper authorizations:

1. Rock has been blasted and removed on the CVRD's property (as well as within the 5 m buffer) along the northeastern boundary as well as in and about the settlement pond resulting in the grade of the land being lowered and surface water and groundwater from the Property being artificially encountered and diverted onto the CVRD's property.
2. A portion of the settlement pond was constructed on the CVRD's property (as well as within the 5 m buffer).

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3. A gravel and rock spillway has been constructed on the CVRD's property that extends more than 20 metres westward on the CVRD's property.
4. Several trees and vegetation have been cut and removed on the CVRD's property (as well as within the 5 m buffer).
5. Several rocks and boulders have been placed on the CVRD's property (as well as within the 5 m buffer).

The above noted activities were done on the CVRD's property without the CVRD's consent and constitute a trespass. Furthermore, several of the activities have resulted in an unsafe condition in and about the CVRD's property.

The CVRD did a further visit to the CVRD's property on July 31, 2014 and was surprised to discover that further work has been undertaken on the CVRD's property without the CVRD's consent and despite the CVRD's clear position in its letters that before SIA or CHH undertakes any further work to the CVRD's property the CVRD's express consent is required. In particular, rock that has been blasted on the CVRD property to the north of the settlement pond appears to have been backfilled without the CVRD's consent. The CVRD has not received any communication from SIA or CHH regarding the above noted activities except a letter from Mr. Block that was e-mailed to the CVRD on April 28, 2014. This continuing trespass and lack of appreciation for property boundaries is of great concern to the CVRD.

The CVRD hereby requires your clients to **on or before August 15, 2014** provide a survey showing the extent of the excavation on the CVRD's property as well as the original grade of the Property within the 5 m buffer and the CVRD's property within 20 m from the property boundary. To date, the CVRD has not received a copy of a survey that meets the requirements set out in the letters of the Ministry of Energy and Mines. The Ministry of Energy and Mines required the survey to not only show the required quarry footprint but also the quarry footprint in its excavated location. In this regard, rock has been blasted to the north of the settlement pond as well as in and about the settlement pond.

The CVRD hereby further requires your clients to **on or before August 15, 2014** provide a geotechnical report confirming that the backfill that has been placed on the CVRD's property and within the 5 m buffer is of the same structural stability and grade as its condition prior to the above noted activities up to the 5 m buffer. In addition, the geotechnical report is to provide an estimation of the amount of rock that has been removed from the CVRD's property. The CVRD will require compensation for the rock that was blasted on its property. In addition, the geotechnical report is to confirm that the rock piles that were placed on the CVRD's property or within the 5 m buffer in and about the settlement pond have been pulled back from the CVRD property and the 5 m buffer and are structurally stable such that they will not fail and release onto the CVRD's property.

Furthermore, the CVRD hereby requires your clients to restore the CVRD's property to its condition prior to all of the above noted activities. Given the circumstances of past unauthorized incursions and works on the CVRD's property by your clients, the CVRD is undertaking its own investigations with respect to several of the activities undertaken by your clients on the CVRD's property including the rock that was blasted in and about the settlement pond and the construction of the gravel and rock spillway and will seek the cost of any reports from your clients. Any reports will be provided to your clients to enable them to pursue the option of undertaking the remedial work under the supervision of the CVRD. Should your clients refuse to carry out any recommended remedial work, the CVRD will carry out the work and seek to recover the cost of such remedial work from your clients. Under no circumstances is further work to be undertaken to the CVRD's property without the CVRD's express consent.

Given the activities that have occurred on the CVRD's property without the CVRD's consent and the requirements in the permits issued by the Ministry of Energy and Mines and the Ministry of Environment in respect of the activities of SIA and CHH, we have copied this letter to the regulatory agencies having jurisdiction.

Please be advised that if your clients fail to comply with any of the time limits specified in this letter or fail to fully compensate the CVRD for its unlawful activities and restore the CVRD's property to its previous condition, the CVRD may pursue legal action against your clients.

Sincerely,

YOUNG ANDERSON



Alyssa Bradley

[bradley@younganderson.ca](mailto:bradley@younganderson.ca)

AB/adb

cc: Ed Taje, Ministry of Energy and Mines  
Hubert Bunce, Ministry of Environment



175 Ingram Street  
Duncan, BC V9L 1N8  
www.cvrld.bc.ca

Office: 250.746.2500  
Fax: 250.746.2513  
Toll Free: 1.800.665.3955

April 22, 2014

Ministry of Energy and Mines  
Mining Division  
PO Box 9395 Stn Prov Govt  
VICTORIA BC V8W 9M9

**Attention: Ed Taje, Regional Manager, Coast Area**

Dear Ed Taje:

**Re: SIA/CHH Encroachment and Damage to CVRD Property  
(Lot 22, VIP 78459, Blocks 201 and 303, Malahat Land District)**

The Cowichan Valley Regional District (CVRD) is of the understanding that South Island Aggregates (SIA) was formally notified by Mr. Taje in writing, by way of letters dated March 24, 2014, and April 1, 2014, that encroachments onto property owned by the CVRD shall be returned to its normal, pre-encroachment state at SIA's cost and that, at the very least, a five meter buffer is required between the mine and the property boundary (a copy of Mr. Taje's letters are attached). On April 11, 2014, representatives of the CVRD were provided a guided tour of the SIA/Cobble Hill Holdings' (CHH) site to assess the extent of encroachments onto CVRD property, inclusive of the location of the SIA/CHH excavator rollover onto CVRD's lands that occurred on March 27, 2014. Determining the exact location of SIA's/CHH's property boundaries in relation to the CVRD's property was difficult due to lack of permanent boundary markers (which the CVRD understands is required under SIA's Mines Permit). Survey stakes were noted in place during the tour along the western boundary of SIA's/CHH's Lot 23, VIP 78459, Blocks 156, 201 and 323, Malahat District and are therefore referenced below in relation to observations made during the tour. Representatives of the CVRD did a further visit to the CVRD property on April 15, 2014, to take photographs of its observations of the CVRD property and the SIA/CHH property (a couple of which are attached).

The CVRD is not satisfied with the state of the CVRD's property as a result of SIA's/CHH's activities along the eastern boundary of the CVRD's property. In particular:

1. The CVRD is concerned about the steep piled rock slope that intersects with the staked survey line. Of concern is shifting rock causing future failure and release of rock further onto the CVRD's property. As CVRD staff and the public may be in this area of the CVRD's property at any time, the risk of injury or worse from such a future rock failure encroachment is unacceptable.
2. Further action should be required to engineer the rock slope for stability and to pull back the rock slope to establish, at the very least, the 5 m buffer (as required by the Ministry of Mines Permit and the Ministry of Environment Permit). In particular there is a substantial boulder near the toe of the slope that is underpinned by smaller boulders which appears to be on the CVRD property side of the survey line. Also on the CVRD's property at this location is an extensive area which was previously encroached by SIA/CHH activities (rock pile) that requires further mitigation to re-establish the previous vegetation.

.../2

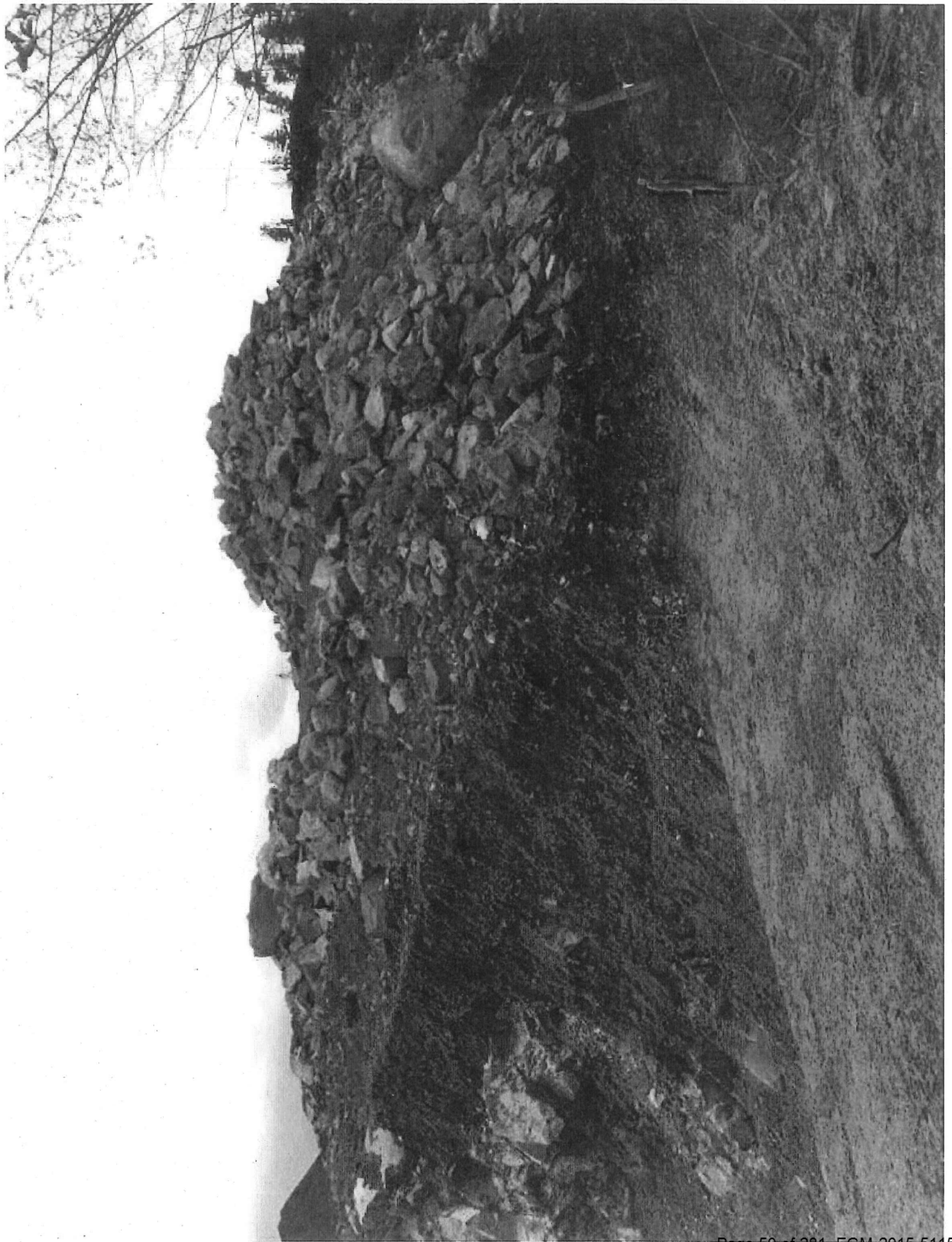
3. In the location of the water treatment plant settling pond, to the immediate west of the settling pond on the CVRD's property there is evidence of land clearing, excavation activity and placement of rock materials on the CVRD's property, all of which occurred without the express consent of the CVRD. During the site tour on April 11<sup>th</sup>, machinery was at work around the water treatment plant settling pond; however a portion of the facility appears to remain within the 5 m buffer based on the survey stakes. The two water settling pond outlet pipes at the base of the pond were also within the 5 m buffer based on the survey stakes. The proximity of the settling pond and outlet pipes to the survey line is of concern to the CVRD, as future maintenance or emergency repairs to this section would in all likelihood require future trespass with equipment onto CVRD property to undertake such works. On April 15, 2014, it appeared that part of the CVRD's property had been hydro seeded. This is not acceptable restoration work to the CVRD.
4. To the immediate west of the two water settling pond outlet pipes, a gravel and rock spillway has been constructed on the CVRD's property that extends 20 metres plus westward from the outside toe of the settling pond. In addition to the rock spillway, it appears that extensive excavation was undertaken to lower the natural grade in this area before deposition of the rock material. The CVRD did not authorize the construction of these works on its property or the alteration of its property to accommodate these works. Without the CVRD accepting that the ephemeral stream extended to the western property boundary of the SIA/CHH site, assuming it did, it does not appear that an authorization under the *Water Act* was obtained to do work in and about a stream. Of particular concern to the CVRD is that this area is to be used for the discharge of effluent from the proposed contaminated soil facility without all necessary authorizations. Furthermore, at the downhill end of the constructed spillway, there is water running out from under the rock and what appears to be extensive siltation deposit for at least 100 metres along the route this water is flowing through and around a linear grouping of young alders. The CVRD is concerned about the source of this water flow and siltation, given SIA's/CHH's active quarry immediately adjacent to the water treatment settling pond.
5. To the west of the survey stakes adjacent to the active quarry, a large area extending 15 to 20 metres plus on the CVRD's property has been cleared of trees and vegetation and covered with a mix of fractured rock and dirt material. There also remains what appears to be quarried rock in amongst the trees just beyond the cleared area on the CVRD's property.
6. In addition, SIA's/CHH's active rock quarry face extends across the survey stakes in the direction of the CVRD's property. On the site visit April 11, 2014, it appeared that the extent of quarrying had removed rock from the CVRD's property based on the location of the survey stakes; however this would need to be confirmed through a specific survey of the quarry face in relation to the survey of the property line. Of significant concern is both what appears to be the removal of rock from the CVRD's property and the extent of quarrying that has taken place within 5 metres of the property boundary, based on the survey stakes in place in an area where SIA/CHH proposes to landfill contaminated soil.

.../3

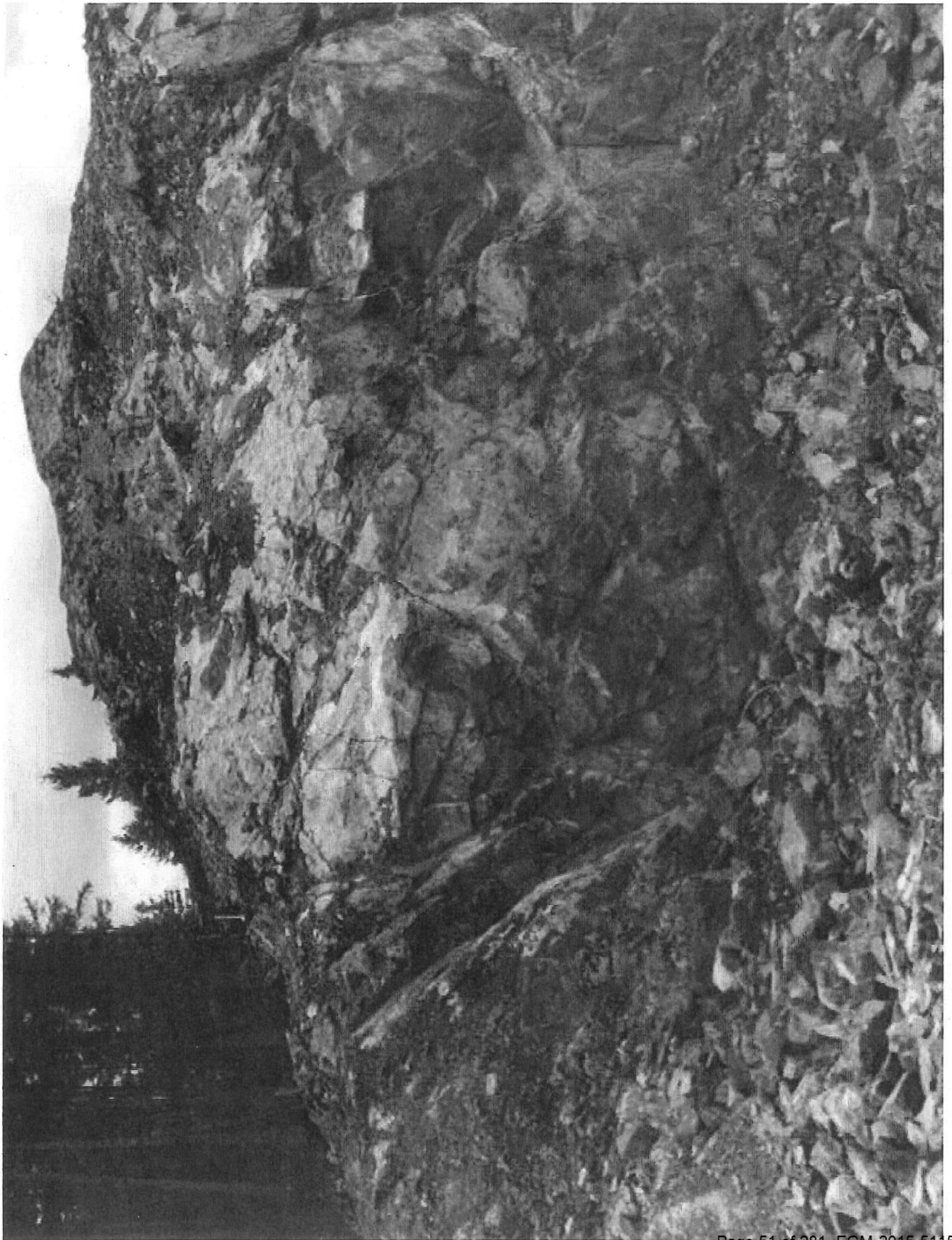
The lack of due diligence by SIA/CHH to contain their site activities within the bounds and required setbacks has negatively impacted CVRD's adjoining property on more than once occasion and in several different locations. The lack of a clearly-defined boundary around their entire site, inclusive of property boundaries with CVRD lands to the south, north and west, has proven somewhat challenging in identifying and documenting where encroachments from their activities may be taking place. The encroachments noted in this letter are therefore subject to possible further verification and there may be additional encroachment concerns that become apparent with improved property boundary verification on site and additional requirements to address those concerns. It is therefore requested that the Ministry of Mines require SIA/CHH to survey and clearly identify with permanent markers and/or fencing their property boundaries, the 5 m setback and the covenanted areas to prevent future encroachments and improve SIA's/CHH's ability to monitor and control their site activities.

pc: M. Block, South Island Aggregates, Cobble Hill Holdings  
D. Howe, Deputy Chief Inspector, Ministry of Energy and Mines



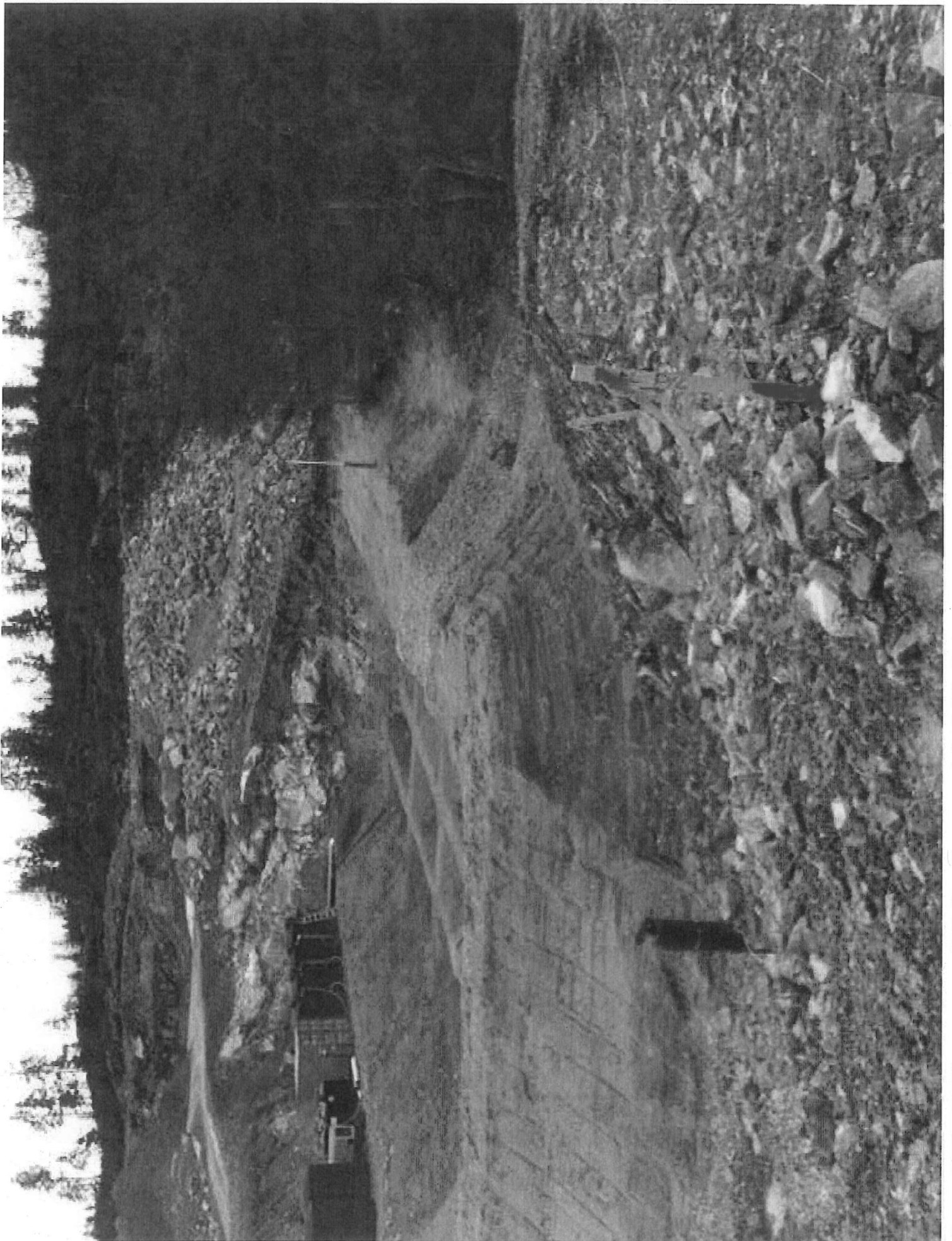






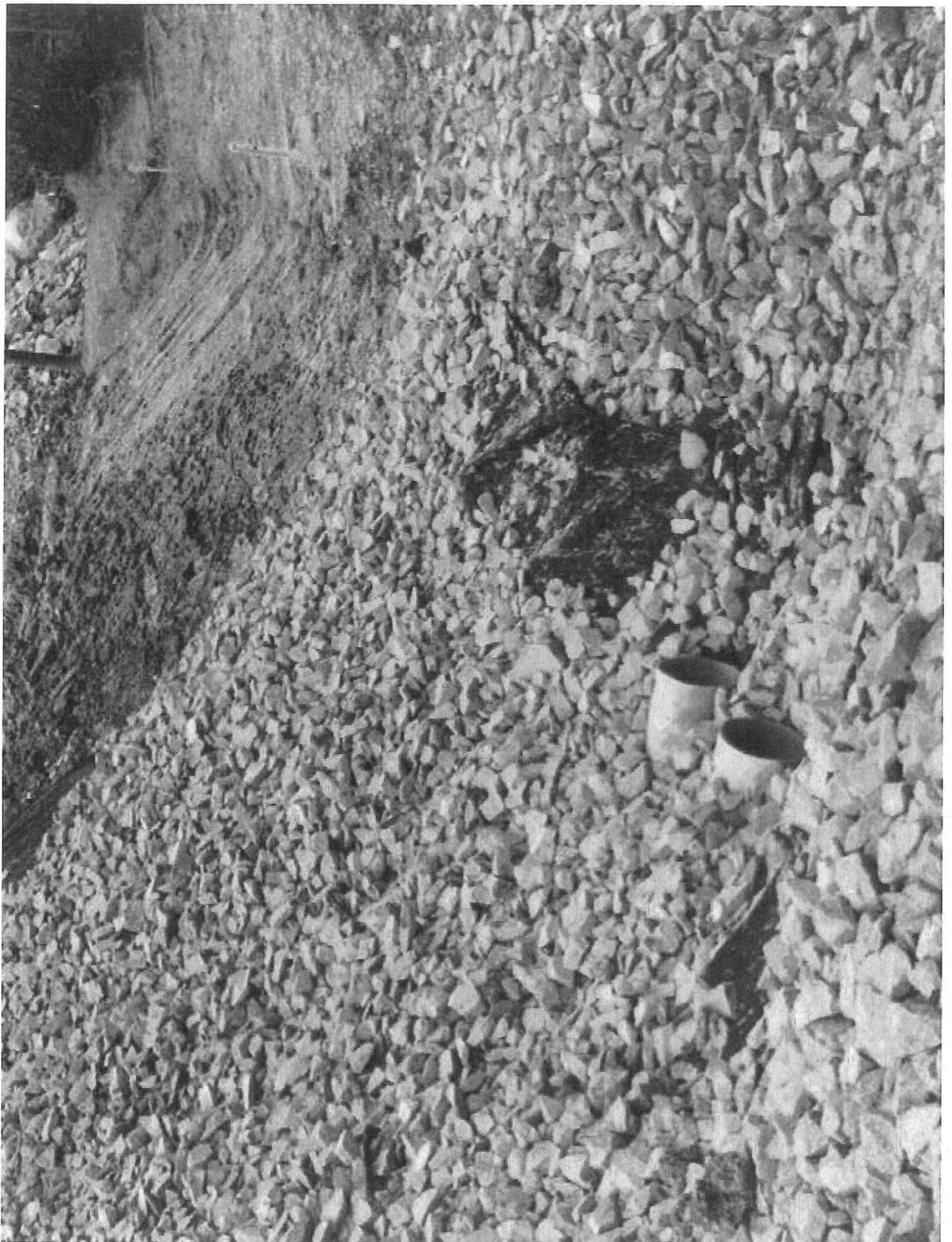












Page 056 to/à Page 057

Withheld pursuant to/removed as

DUPLICATE

## Frankl, Dave MEM:EX

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**From:** Togneri, Sebastien MEM:EX  
**Sent:** Thursday, April 30, 2015 2:18 PM  
**To:** Minister, MEM MEM:EX  
**Subject:** RE: Waste Discharge Authorization for South Island Aggregates

Info file but send to Mining division to work with MoE

**Sébastien Togneri**

Executive Assistant to the Hon. Bill Bennett

Minister of Energy and Mines and Minister Responsible for Core Review

Office: 250-953-0942 | Cell: 250-893-2147 | E-mail: [sebastien.togneri@gov.bc.ca](mailto:sebastien.togneri@gov.bc.ca)

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**From:** Minister, MEM MEM:EX  
**Sent:** Thursday, April 30, 2015 2:16 PM  
**To:** Togneri, Sebastien MEM:EX  
**Subject:** FW: Waste Discharge Authorization for South Island Aggregates  
Action?

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**From:** s.22  
**Sent:** Thursday, April 30, 2015 1:47 PM  
**To:** Minister, ENV ENV:EX  
**Cc:** OfficeofthePremier, Office PREM:EX; Minister, FLNR FLNR:EX; Minister, AGRI AGRI:EX; Minister, MEM MEM:EX; Minister, MNGD MNGD:EX; Minister, ABR ABR:EX; Minister, AVED AVED:EX; Minister, MCF MCF:EX; Minister, CSCD CSCD:EX; Minister, EDUC EDUC:EX; Minister, FIN FIN:EX; Minister, HLTH HLTH:EX; Minister, MIT MIT:EX; Minister, JAG JAG:EX; Minister, SDSI SDSI:EX; Minister, MTIC MTIC:EX; Transportation, Minister TRAN:EX; Minister, STSB STSB:EX; Environment Critic; Darcy.MLA, Judy LASS:EX; Chandra Herbert.MLA, Spencer LASS:EX; Farnworth.MLA, Mike LASS:EX; Bains.MLA, Harry LASS:EX; [jenny.kwan.mla@leg.bc.ca](mailto:jenny.kwan.mla@leg.bc.ca); Popham.MLA, Lana LASS:EX; [doug.routley.mla@leg.bc.ca](mailto:doug.routley.mla@leg.bc.ca); Minister, JTST JTST:EX; Routley.MLA, Bill LASS:EX; Horgan.MLA, John LASS:EX; [sfurstenau@cprd.bc.ca](mailto:sfurstenau@cprd.bc.ca)  
**Subject:** Re: Waste Discharge Authorization for South Island Aggregates

April 30, 2015

Dear Minister Polak, **Re: Waste Discharge Authorization for South Island Aggregates (Reference: 281408)**

I was dismayed by how easily to shirk your responsibilities to thousands of your electorate and the environment you've been tasked to protect.

You said: I can appreciate that this is not the outcome you were hoping for. Ministry staff are reviewing how to address the Environmental Appeal Board's direction as outlined in their final decision and I assure you that staff will continue to set requirements that protect human health and the environment.

**In fact**, many others, and I believe that the Ministry of Energy and Mines, the Ministry of the Environment, and the Environmental Appeal Board have acted without regard for the protection of major watersheds on the South Island. Instead, throughout this fight, it appears that the business interests of Mike Kelly (SIA), Marty Block(CHH) and their numbered company have been highly accommodated and protected by these Ministries.

**LANDFILL CRITERIA FOR MUNICIPAL SOLID WASTE Draft Interim Second Edition BRITISH COLUMBIA**

**BC Ministry of Environment**

**NOVEMBER 2013**

*Hazardous Waste (HW) Regulation.*

Separation from Groundwater and Surface Water

**1. In addition, a long-term storage facility may not be located:**

- within 100 m of any surface water or
- within the watershed of a designated community water supply

**Hazardous Waste Legislation Guide June 2005 • 121**

### **4.1 GROUNDWATER AND SURFACE WATER QUALITY**

Existing and potential future uses of groundwater and surface water must be identified within 1 km of the landfill footprint. After considering existing and potential future uses of groundwater and surface water, a

Qualified Professional must recommend the appropriate water quality criteria, compliance locations, and provide related rationale and justification.

We were told the 'LANDFILL CRITERIA FOR MUNICIPAL SOLID WASTE' is merely a guideline. (?)

### **Tell Me:**

*Does depositing so much toxic material over an aquifer, so close to both Sooke Lake (a protected watershed) and Shawnigan Lake make sense, especially in an area prone to earthquakes?*

*When does human morality super cede the rhetoric you spout?!*

**The Stebbings Road Quarry site was not selected after a systematic search for a suitable location that could meet technically sound criteria for a contaminated soil facility.**

1. Excerpts from the Decision:

[42] Although there is little evidence on this point, it appears that SIA's plan was to start "stockpiling" clean fill at the surface of the quarry, and then deposit it into sections of the quarry as the mining of that section is completed. SIA had begun stockpiling clean fill on Lot 21, to be used as needed. However, in or about late October of 2010, approximately 1,250 tonnes of contaminated soil was deposited onto Lot 21 from a site in Greater Victoria. SIA noticed an odour coming from the soil and contacted the company that had sent it.

[43] Testing revealed that some of the soil had concentrations of tetrachloroethylene, also known as perchloroethylene ("PERC"), above the residential land use standards set out in the Contaminated Sites Regulation, and could not be accepted as clean fill for the quarry. Mr. Block notified the Ministry of the PERC soil. Because there was no soil relocation agreement or other authorization in place for this soil, the numbered company was in contravention of the Act. The PERC soil was subsequently moved to Lot 23, segregated, and covered with a tarp while the Ministry worked with the numbered company to determine how to proceed.

[44] The Panel heard a great deal of evidence about the PERC soil and the various issues that arose in relation to that soil. The way that the PERC soil issue was handled by the company appears to have fueled concerns in the community about the company's fitness and suitability to operate a contaminated soil landfill under a permit. However, for the purposes of this Background, the importance of the PERC soil is that it may have been the impetus to the permit application.

[45] There was now a need to deal with the PERC soil on the Site. There was also a need to reclaim the quarry. A contaminated soil landfill facility would meet both needs, and would be a way to turn the reclamation requirement under the mine permit into a business opportunity.

I can't help but feel outraged that while a 'stay' was in effect, the EAB felt it was alright to allow SIA /CHH a variance, which resulted in 40,000 tons of contaminated soil brought to Shawnigan Lake, where no effective remediation facility is currently operating. (During the hearings, we learned that in their sworn affidavit, the owners of SIA provided misleading information to the EAB – they claimed, for example, that their water treatment system was operational. It was not.)

The CRD already has a Tervita Engineered Landfill Disposal Facility in Highwest, on Millstream Rd and another Tervita Facility is located seven miles north of Port McNeill on Hwy 19. Either of these local Tervita facilities could have easily accommodated and properly treated those soils. And there are numerous additional Tervita facilities throughout BC's mainland.

<http://www.tervita.com/aboutus/corporate-social-responsibility/environment>

**From 'condensed\_briefing\_28apr15' pdf attached:**

**Additional Facts;**

- The quarry sits on top of an Aquifer and next to Shawnigan Creek [47, 264 and 361]
- Any water leaving the site will enter the creek and eventually Shawnigan Lake [50] or possibly the aquifer beneath the site. [466]
- There is significant doubt as to how the ground water flows in the region and it may be possible that it enters the **CRD watershed** around Sooke Lake. [<http://www.andrewweavermla.ca/2015/04/18/shawnigan-watershed/>]
- The southern coast of BC has a well established history of **seismic activity** which can change ground water flow [ e.g. Haida Gwaii and Tofino hot springs, [<http://earthquake.usgs.gov/learn/topics/groundwater.php> ]  
(Personal note: An earthquake occurred on Aug. 29/12, 13 km NE of Sooke, BC, measured 3.0. After a resounding BOOM, our entire house shook. A second quake occurred, Nov. 16/12, 2 km NNE of Sooke, BC, measured 0.8. Both quake centers were close to the SIA quarry site.)
- The containment of the site is reliant on plastic liners (with a **limited lifespan** [505]) and a water treatment plant, since there is significant doubt that the bedrock under the site is impermeable. [475 – 477 ]
- SIA is going to continue blasting, even after they start installing the plastic liners and accepting fill [445]
- SIA is responsible for monitoring and operating the site per the conditions of the permit [477]. That monitoring is **self-reporting**. [708]
- SIA has already failed, at least once, to properly treat contaminated water at the site. [542 and <http://www.andrewweavermla.ca/2015/04/18/shawnigan-watershed/> ]
- The bond on the site is **only \$220,000** [648].

***How can any intelligent individual really expect that this company will comply with the stringent requirements of the Ministry of Environment permit, given the ongoing unresolved issues with their Mining permit?***

This decision was made in accordance with the *Environmental Management Act* by Ministry of Environment staff in the West Coast Region. The statutory evidence-based decision maker considered a large volume of scientific assessments, technical information, First Nations input, community feedback and other information.

The government uses a professional reliance model. In this case, Active Earth Engineering made the engineering recommendations for the SIA project. At the time of the EAB appeal (6 months after the permit was approved), SIA still owed Active Earth fees of ~\$500,000.

[ 270 ] Whether or not those fees were contingent on the permits approval is an open question.

The only local proponent of the project (other than family members of the owners) was the Malahat First Nations and their financial arrangement with the permit holder is a matter of public record. [ 683]

Throughout, the EAB hearing, the impression created for the residents of Shawnigan Lake, the CVRD, the Cowichan Tribes, and all opposed to the permit, is that the project was going to be approved by the Ministry decision-maker despite any evidence of site unsuitability.

CVRD's offer to help locate a more suitable site was also ignored.

Legal counsel for the proponent did not call the engineering company before the hearing as an expert witness. Thus the site conditions and engineering plan, upon which the Ministry largely based the permit, could not be directly examined, or the engineers cross-examined.

While the advice of the chief internal ministry technical advisor was to seek the analysis of a completely independent hydrogeologist, that was simply not done by the statutory decision maker, Herbert Bunce, and the main criteria for approval continued to be the assertions of the engineering/advocate hired by the proponent.

In making the decision, the statutory decision maker was satisfied there is sufficient information to set requirements that will provide protection of human health and the environment.

Both before and during the EAB hearings, concluded on July 25, 2014, SIA's model of the quarry bedrock geology was repeatedly called into question by qualified hydrogeologists. It has been concluded that the bedrock is actually fractured and that water moves easily within the fissures. In fact all of the experts who testified were unanimous in their concerns about the location of this proposed contaminated soil site. It became clear that this is indeed an inappropriate



site for this type of dump, and that the contaminants present a clear risk, not just to the environment but to the long-term safety of the drinking water. It also became clear that in the process of granting this permit, the protocols for selecting a site for contaminated soil were ignored.

As part of the permit, South Island Aggregates must treat discharge water to meet the most stringent water quality standards in British Columbia and are required to post monitoring information and reports. Qualified professionals from both inside and outside the ministry reviewed this application based on their expertise. The Ministry of Environment is legally obligated to consider applications to treat and discharge contaminated soil.

The bulk of the evidence is contained within the Environmental Appeal Board's own appeal ruling. Every paragraph in the document has a number, which is referred to below for easy reference.

- The Fill Permit (PR-105809) allows for the dumping on Lot 23 of soil containing various toxic; **lead, mercury**, light and heavy weight hydrocarbons, **pesticides** including **DDT and PCBs**, Phenols including PCP. [complete list in paragraph 67]
- The Permit does not put any limit on where the material can come from. For example, existing contracts from as far away as Prince Rupert.
- [paragraph 13 and 48 of [http://www.eab.gov.bc.ca/ema/2013ema015b\\_019c.pdf](http://www.eab.gov.bc.ca/ema/2013ema015b_019c.pdf) ]
  - SIA has breached the terms of their Mining permit numerous times (dating back as far as 2007); • Mining on CVRD Parkland (lot 23)
  - Dumping Fill on CVRD Parkland (lot 21 and lot 23)
  - Contaminated Fill (lot 21 and lot 23)
- Leachate running from the fill onto CVRD parkland and into Shawnigan Creek (lot 21)
- Mine works not respecting the 5 meter setbacks from property lines (in some cases the mine works are on neighbouring lots) (lot 23)
- Mining below the water table (lot 23)
- Not keeping proper mine records (lot 21 and lot 23)

These infractions were brought up during the appeal, but the Appeal Board decided they were not relevant to the fill permit [670-671, 691]

The Ministry of Energy and Mines has sent letters to SIA requesting that they stop work until some of these issues are addressed, but SIA has yet to comply (letters from 2014.) There have also been letters regarding this issue from the CVRD to SIA and the Ministries requesting the same (as far back as 2007.) (PDF's attached)

While at present, testing has not been done to confirm whether the watersheds for Shawnigan Lake and Victoria are linked by underground aquifers, they are indeed side-by-side. Therefore, what is totally **supportable** is that we are the closest watershed to Victoria, and that as demand for drinking water increases, it is an **unsupportable** risk to endanger any drinking water sources in populated areas.

It is important for you to consider at this juncture—regardless of past or current political mistakes--Ultimately, do those of you in the MOE and the EAB want to be directly responsible for potentially contaminating the drinking water of the entire south island, including that of the provincial Capital, a watershed that is supposed to be protected.

**\*Your ministries and this BC government are playing a very dangerous game of environmental risk.**

Jennifer Mcguire, the Executive Director of Regional Operations for BC Ministry of Environment, has agreed to do an environmental assessment of the SIA site, and to coordinate any site visits with CVRD. In light of the seriousness of this situation, and the crucial timing factors, I hope this is not just another stall tactic with no positive outcome. A great deal of environmental damage has already been done and those responsible must be held accountable.

**The only appropriate and respectful recommendation should be that both the mining permit-- Q-8-094 and the contaminated soil permit PR-105809 be REVOKED.**

Yours truly,

s.22

I have been given permission to share the following:

## Frankl, Dave MEM:EX

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**From:** Minister, MEM MEM:EX  
**Sent:** Thursday, April 30, 2015 2:32 PM  
**To:** Metcalfe, Megan MEM:EX  
**Cc:** Togneri, Sebastien MEM:EX  
**Subject:** FW: Waste Discharge Authorization for South Island Aggregates  
**Attachments:** condensed\_briefing\_28apr15.pdf; ATT00001.htm; to MEM SIA CHH Encroachment and Damage to CVRD Property April 27 2015.pdf; ATT00002.htm; 14 04 21 SRA Hern MoM mine permit violations.pdf; ATT00003.htm

Hi Megan,

Sebastien has requested this be fwd. to Mining Division to work with Ministry of Environment.

Thank you,

**Luke Rioux**

Administrative Assistant to the Hon. Bill Bennett | Ministry of Energy and Mines  
Room 301, Parliament Buildings | Victoria, BC | V8W 9E2 | 250-387-5896

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**From:** s.22  
**Sent:** Thursday, April 30, 2015 1:47 PM  
**To:** Minister, ENV ENV:EX  
**Cc:** OfficeofthePremier, Office PREM:EX; Minister, FLNR FLNR:EX; Minister, AGRI AGRI:EX; Minister, MEM MEM:EX; Minister, MNGD MNGD:EX; Minister, ABR ABR:EX; Minister, AVED AVED:EX; Minister, MCF MCF:EX; Minister, CSCD CSCD:EX; Minister, EDUC EDUC:EX; Minister, FIN FIN:EX; Minister, HLTH HLTH:EX; Minister, MIT MIT:EX; Minister, JAG JAG:EX; Minister, SDSI SDSI:EX; Minister, MTIC MTIC:EX; Transportation, Minister TRAN:EX; Minister, STSB STSB:EX; Environment Critic; Darcy.MLA, Judy LASS:EX; Chandra Herbert.MLA, Spencer LASS:EX; Farnworth.MLA, Mike LASS:EX; Bains.MLA, Harry LASS:EX; jenny.kwan.mla@leg.bc.ca; Popham.MLA, Lana LASS:EX; doug.routley.mla@leg.bc.ca; Minister, JTST JTST:EX; Routley.MLA, Bill LASS:EX; Horgan.MLA, John LASS:EX; sfurstenau@cvr.bc.ca  
**Subject:** Re: Waste Discharge Authorization for South Island Aggregates

April 30, 2015

Dear Minister Polak, **Re: Waste Discharge Authorization for South Island Aggregates (Reference: 281408)**

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**LANDFILL CRITERIA FOR MUNICIPAL SOLID WASTE Draft Interim Second Edition BRITISH COLUMBIA**  
**BC Ministry of Environment**  
**NOVEMBER 2013**

*Hazardous Waste (HW) Regulation.*

Separation from Groundwater and Surface Water

- 1. In addition, a long-term storage facility may not be located:**
- within 100 m of any surface water or
  - within the watershed of a designated community water supply
- Hazardous Waste Legislation Guide June 2005 • 121**

#### 4.1 GROUNDWATER AND SURFACE WATER QUALITY

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**The Stebbings Road Quarry site was not selected after a systematic search for a suitable location that could meet technically sound criteria for a contaminated soil facility.**

#### 1. Excerpts from the Decision:

[42] Although there is little evidence on this point, it appears that SIA's plan was to start "stockpiling" clean fill at the surface of the quarry, and then deposit it into sections of the quarry as the mining of that section is completed. SIA had begun stockpiling clean fill on Lot 21, to be used as needed. However, in or about late October of 2010, approximately 1,250 tonnes of contaminated soil was deposited onto Lot 21 from a site in Greater Victoria. SIA noticed an odour coming from the soil and contacted the company that had sent it.

[43] Testing revealed that some of the soil had concentrations of tetrachloroethylene, also known as perchloroethylene ("PERC"), above the residential land use standards set out in the Contaminated Sites Regulation, and could not be accepted as clean fill for the quarry. Mr. Block notified the Ministry of the PERC soil. Because there was no soil relocation agreement or other authorization in place for this soil, the numbered company was in contravention of the Act. The PERC soil was subsequently moved to Lot 23, segregated, and covered with a tarp while the Ministry worked with the numbered company to determine how to proceed.

[44] The Panel heard a great deal of evidence about the PERC soil and the various issues that arose in relation to that soil. The way that the PERC soil issue was handled by the company appears to have fueled concerns in the community about the company's fitness and suitability to operate a contaminated soil landfill under a permit. However, for the purposes of this Background, the importance of the PERC soil is that it may have been the impetus to the permit application.

[45] There was now a need to deal with the PERC soil on the Site. There was also a need to reclaim the quarry. A contaminated soil landfill facility would meet both needs, and would be a way to turn the reclamation requirement under the mine permit into a business opportunity.

I can't help but feel outraged that while a 'stay' was in effect, the EAB felt it was alright to allow SIA /CHH a variance, which resulted in 40,000 tons of contaminated soil brought to Shawnigan Lake, where no effective remediation facility is currently operating. (During the hearings, we learned that in their sworn affidavit, the owners of SIA provided misleading information to the EAB – they claimed, for example, that their water treatment system was operational. It was not.)

The CRD already has a Tervita Engineered Landfill Disposal Facility in Highwest, on Millstream Rd and another Tervita Facility is located seven miles north of Port McNeill on Hwy 19. Either of these local Tervita facilities could have easily accommodated and properly treated those soils. And there are numerous additional Tervita facilities throughout BC's mainland.

<http://www.tervita.com/aboutus/corporate-social-responsibility/environment>

#### **From 'condensed\_briefing\_28apr15' pdf attached:**

##### **Additional Facts;**

- The quarry sits on top of an Aquifer and next to Shawnigan Creek [47, 264 and 361]
- Any water leaving the site will enter the creek and eventually Shawnigan Lake [50] or possibly the aquifer beneath the site. [466]
- There is significant doubt as to how the ground water flows in the region and it may be possible that it enters the **CRD watershed** around Sooke Lake. [<http://www.andrewweavermla.ca/2015/04/18/shawnigan-watershed/>]
- The southern coast of BC has a well established history of **seismic activity** which can change ground water flow [ e.g. Haida Gwaii and Tofino hot springs, [<http://earthquake.usgs.gov/learn/topics/groundwater.php> ]
- (Personal note: An earthquake occurred on Aug. 29/12, 13 km NE of Sooke, BC, measured 3.0. After a resounding BOOM, our entire house shook. A second quake occurred, Nov. 16/12, 2 km NNE of Sooke, BC, measured 0.8. Both quake centers were close to the SIA quarry site.)
- The containment of the site is reliant on plastic liners (with a **limited lifespan** [505]) and a water treatment plant, since there is significant doubt that the bedrock under the site is impermeable. [475 – 477 ]
- SIA is going to continue blasting, even after they start installing the plastic liners and accepting fill [445]
- SIA is responsible for monitoring and operating the site per the conditions of the permit [477]. That monitoring is **self-reporting**. [708]
- SIA has already failed, at least once, to properly treat contaminated water at the site. [542 and <http://www.andrewweavermla.ca/2015/04/18/shawnigan-watershed/> ]
- The bond on the site is **only \$220,000** [648].

***How can any intelligent individual really expect that this company will comply with the stringent requirements of the Ministry of Environment permit, given the ongoing unresolved issues with their Mining permit?***

This decision was made in accordance with the *Environmental Management Act* by Ministry of Environment staff in the West Coast Region. The statutory evidence-based decision maker considered a large volume of scientific assessments, technical information, First Nations input, community feedback and other information.

The government uses a professional reliance model. In this case, Active Earth Engineering made the engineering recommendations for the SIA project. At the time of the EAB appeal (6 months after the permit was approved), SIA still owed Active Earth fees of ~\$500,000.

[ 270 ] Whether or not those fees were contingent on the permits approval is an open question.

The only local proponent of the project (other than family members of the owners) was the Malahat First Nations and their financial arrangement with the permit holder is a matter of public record. [ 683]

Throughout, the EAB hearing, the impression created for the residents of Shawnigan Lake, the CVRD, the Cowichan Tribes, and all opposed to the permit, is that *the project was going to be approved by the Ministry decision-maker despite any evidence of site unsuitability.*  
CVRD's offer to help locate a more suitable site was also ignored.

Legal counsel for the proponent did not call the engineering company before the hearing as an expert witness. Thus the site conditions and engineering plan, upon which the Ministry largely based the permit, could not be directly examined, or the engineers cross-examined.

While the advice of the chief internal ministry technical advisor was to seek the analysis of a completely independent hydrogeologist, that was simply not done by the statutory decision maker, Herbert Bunce, and the main criteria for approval continued to be the assertions of the engineering/advocate hired by the proponent.

In making the decision, the statutory decision maker was satisfied there is sufficient information to set requirements that will provide protection of human health and the environment.

Both before and during the EAB hearings, concluded on July 25, 2014, SIA's model of the quarry bedrock geology was repeatedly called into question by qualified hydrogeologists. It has been concluded that the bedrock is actually fractured and that water moves easily within the fissures. In fact all of the experts who testified were unanimous in their concerns about the location of this proposed contaminated soil site. It became clear that this is indeed an inappropriate site for this type of dump, and that the contaminants present a clear risk, not just to the environment but to the long-term safety of the drinking water. It also became clear that in the process of granting this permit, the protocols for selecting a site for contaminated soil were ignored.

As part of the permit, South Island Aggregates must treat discharge water to meet the most stringent water quality standards in British Columbia and are required to post monitoring information and reports. Qualified professionals from both inside and outside the ministry reviewed this application based on their expertise. The Ministry of Environment is legally obligated to consider applications to treat and discharge contaminated soil.

The bulk of the evidence is contained within the Environmental Appeal Board's own appeal ruling. Every paragraph in the document has a number, which is referred to below for easy reference.

- The Fill Permit (PR-105809) allows for the dumping on Lot 23 of soil containing various toxic; **lead, mercury**, light and heavy weight hydrocarbons, **pesticides** including **DDT and PCBs**, Phenols including PCP. [complete list in paragraph 67]
- The Permit does not put any limit on where the material can come from. For example, existing contracts from as far away as Prince Rupert.
- [paragraph 13 and 48 of [http://www.eab.gov.bc.ca/ema/2013ema015b\\_019c.pdf](http://www.eab.gov.bc.ca/ema/2013ema015b_019c.pdf) ]
  - SIA has breached the terms of their Mining permit numerous times (dating back as far as 2007); • Mining on CVRD Parkland (lot 23)
  - Dumping Fill on CVRD Parkland (lot 21 and lot 23)
  - Contaminated Fill (lot 21 and lot 23)
- Leachate running from the fill onto CVRD parkland and into Shawnigan Creek (lot 21)
- Mine works not respecting the 5 meter setbacks from property lines (in some cases the mine works are on neighbouring lots) (lot 23)
- Mining below the water table (lot 23)
- Not keeping proper mine records (lot 21 and lot 23)

These infractions were brought up during the appeal, but the Appeal Board decided they were not relevant to the fill permit [670-671, 691]

The Ministry of Energy and Mines has sent letters to SIA requesting that they stop work until some of these issues are addressed, but SIA has yet to comply (letters from 2014.) There have also been letters regarding this issue from the CVRD to SIA and the Ministries requesting the same (as far back as 2007.) (PDF's attached)

While at present, testing has not been done to confirm whether the watersheds for Shawnigan Lake and Victoria are linked by underground aquifers, they are indeed side-by-side. Therefore, what is totally **supportable** is that we are the closest watershed to Victoria, and that as demand for drinking water increases, it is an **unsupportable** risk to endanger any drinking water sources in populated areas.

It is important for you to consider at this juncture—regardless of past or current political mistakes--Ultimately, do those of you in the MOE and the EAB want to be directly responsible for potentially contaminating the drinking water of the entire south island, including that of the provincial Capital, a watershed that is supposed to be protected.

**\*Your ministries and this BC government are playing a very dangerous game of environmental risk.**

Jennifer McGuire, the Executive Director of Regional Operations for BC Ministry of Environment, has agreed to do an environmental assessment of the SIA site, and to coordinate any site visits with CVRD. In light of the seriousness of this situation, and the crucial timing factors, I hope this is not just another stall tactic with no positive outcome. A great deal of environmental damage has already been done and those responsible must be held accountable.

**The only appropriate and respectful recommendation should be that both the mining permit-- Q-8-094 and the contaminated soil permit PR-105809 be REVOKED.**

Yours truly,

s.22

I have been given permission to share the following:

Page 065 to/à Page 093

Withheld pursuant to/removed as

DUPLICATE

## Frankl, Dave MEM:EX

---

**From:** Haslam, David GCPE:EX  
**Sent:** Thursday, April 30, 2015 5:58 AM  
**To:** Mah-Paulson, May MEM:EX  
**Cc:** Togneri, Sebastien MEM:EX  
**Subject:** Re: URGENT: Andrew Weaver QP question

Thx.

David Haslam  
Communications Director  
Ministry of Energy and Mines  
250-361-7989

---

**From:** Mah-Paulson, May MEM:EX  
**Sent:** Wednesday, April 29, 2015 9:03 PM  
**To:** Haslam, David GCPE:EX  
**Cc:** Togneri, Sebastien MEM:EX  
**Subject:** URGENT: Andrew Weaver QP question

Hi – as A/ADM, here's the recommended response for QP tomorrow morning:

- The Ministry is working with the CVRD and the company to resolve this issue.
- The Ministry will be meeting with the CVRD on Friday to discuss their concerns.
- This issue is not related to the Mines Act amendment application currently under review.

Lori and I discussed tonight, to coordinate our responses. We agreed that MEM would respond to the 1<sup>st</sup> question and MOE would respond to the 2<sup>nd</sup> question. She is preparing a BN on their issue and will provide us a copy of the BN early in the morning.

David, over to you for GCPE review. Sebastien had indicated that he would need our recommended response before 8:30 am.

May

---

**From:** Morel, David P MEM:EX  
**Sent:** Wednesday, April 29, 2015 5:23 PM  
**To:** Mah-Paulson, May MEM:EX  
**Cc:** Togneri, Sebastien MEM:EX; Halls, Lori D ENV:EX  
**Subject:** Re: Andrew Weaver QP question

Hi May

MO wanted us to touch base with MOE Lori Halls tonight to make sure we have a coordinated answer with MOE by very early tomorrow am. (Welcome to acting adm). Can you call Lori and make sure we have coordinated approach. Lori's cell is s.22

David

Call me on my cell if you want to discuss.

Sent from my iPhone

On Apr 29, 2015, at 4:59 PM, Mah-Paulson, May MEM:EX <[May.Mah-Paulson@gov.bc.ca](mailto:May.Mah-Paulson@gov.bc.ca)> wrote:

Hi Sebastien – thanks for this additional information.

With respect to the 2<sup>nd</sup> question on the attachment, yes, we agree that that question should be directed to the Minister of Environment

David

With respect to the 1<sup>st</sup> question, we will provide you a response as soon as possible, and definitely before 8:30 am tomorrow morning.

Regards,

May

**May Mah-Paulson**

Chief Gold Commissioner | Executive Director, Mineral Titles

Ministry of Energy and Mines

Phone 250.952.0335 | Fax 250.952.0541

---

**From:** Togneri, Sebastien MEM:EX

**Sent:** Wednesday, April 29, 2015 4:51 PM

**To:** Mah-Paulson, May MEM:EX

**Subject:** FW: Andrew Weaver QP question

**Sébastien Togneri**

Executive Assistant to the Hon. Bill Bennett

Minister of Energy and Mines and Minister Responsible for Core Review

Office: 250-953-0942 | Cell: 250-893-2147 | E-mail: [sebastien.togneri@gov.bc.ca](mailto:sebastien.togneri@gov.bc.ca)

---

**From:** Togneri, Sebastien MEM:EX

**Sent:** Wednesday, April 29, 2015 4:44 PM

**To:** Musgrove, Kate MEM:EX; Morel, David P MEM:EX

**Cc:** Haslam, David GCPE:EX; Sandve, Chris MEM:EX

**Subject:** RE: Andrew Weaver QP question

Sorry folks, here's the attachment.

**Sébastien Togneri**

Executive Assistant to the Hon. Bill Bennett

Minister of Energy and Mines and Minister Responsible for Core Review

Office: 250-953-0942 | Cell: 250-893-2147 | E-mail: [sebastien.togneri@gov.bc.ca](mailto:sebastien.togneri@gov.bc.ca)

---

**From:** Togneri, Sebastien MEM:EX

**Sent:** Wednesday, April 29, 2015 4:34 PM

**To:** Musgrove, Kate MEM:EX; Morel, David P MEM:EX

**Cc:** Haslam, David GCPE:EX; Sandve, Chris MEM:EX

**Subject:** Andrew Weaver QP question

**Importance:** High

Good evening,

Green Party Leader, Andrew Weaver dropped off this package moments ago with his anticipated question regarding Shawnigan Lake's South Island Aggregates in tomorrow's Question Period. He refers specifically to Eddy Taje's letter that the property impacted (Cowichan Valley Regional District's property) must be cleaned up to the satisfaction of the property owner and then goes on to ask the Minister to ensure that this is done before any amendments to South Island Aggregates' mines permit become active. If we could get a suggested response from the division as soon as possible, it would be much appreciated.

Yours truly,

**Sébastien Togneri**

Executive Assistant to the Hon. Bill Bennett

Minister of Energy and Mines and Minister Responsible for Core Review

Office: 250-953-0942 | Cell: 250-893-2147 | E-mail: [sebastien.togneri@gov.bc.ca](mailto:sebastien.togneri@gov.bc.ca)



Page 096 to/à Page 110

Withheld pursuant to/removed as

DUPLICATE

## Frankl, Dave MEM:EX

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**From:** Sandve, Chris MEM:EX  
**Sent:** Thursday, April 30, 2015 6:47 AM  
**To:** Mah-Paulson, May MEM:EX; Haslam, David GCPE:EX  
**Cc:** Togneri, Sebastien MEM:EX; Suric, Michelle J GCPE:EX; Gilmore, Dan GCPE:EX; Amann-Blake, Nathaniel MEM:EX  
**Subject:** RE: URGENT: Andrew Weaver QP question

Hi May

How do we ensure the lands are remediated and restored? And I'm not sure I understand the significance of this last sentence: "We do not have the authority to provide access to private land beyond the mine site. Such access would normally be by a private agreement."?

Thanks

Chris

### Chris Sandve

Chief of Staff to the Hon. Bill Bennett

Minister of Energy and Mines

Office: 250-356-9944 | Cell: 250-818-4306 | E-mail: [chris.sandve@gov.bc.ca](mailto:chris.sandve@gov.bc.ca)

---

**From:** Mah-Paulson, May MEM:EX  
**Sent:** Thursday, April 30, 2015 6:14 AM  
**To:** Haslam, David GCPE:EX  
**Cc:** Sandve, Chris MEM:EX; Togneri, Sebastien MEM:EX; Suric, Michelle J GCPE:EX; Gilmore, Dan GCPE:EX; Amann-Blake, Nathaniel MEM:EX  
**Subject:** Re: URGENT: Andrew Weaver QP question

Here's a fourth bullet:

- We regulate the mining activity including the activity which led to this situation. The company has been advised to remediate and restore the lands affected by the trespass. In response to that, the company has provided an engineered report to the CVRD and are awaiting a response from the CVRD. We do not have the authority to provide access to private land beyond the mine site. Such access would normally be by a private agreement.

May

On 2015-04-30, at 6:09 AM, "Haslam, David GCPE:EX" <[David.Haslam@gov.bc.ca](mailto:David.Haslam@gov.bc.ca)> wrote:

Looping in dan and Michelle on below.

David Haslam  
Communications Director  
Ministry of Energy and Mines  
250-361-7989

**From:** Sandve, Chris MEM:EX  
**Sent:** Thursday, April 30, 2015 6:07 AM  
**To:** Mah-Paulson, May MEM:EX  
**Cc:** Togneri, Sebastien MEM:EX; Haslam, David GCPE:EX  
**Subject:** Re: URGENT: Andrew Weaver QP question

Thanks May

Thinking on this more although the question doesn't say this I think what it's really asking is what mechanisms does MEM have to ensure that clean up occurs and will it use them? Is there anything we can say along those lines? Thanks

Chris

Sent from my iPhone

> On Apr 30, 2015, at 5:59 AM, Mah-Paulson, May MEM:EX <[May.Mah-Paulson@gov.bc.ca](mailto:May.Mah-Paulson@gov.bc.ca)> wrote:

>

> I've drafted a further bullet, just want to check something with staff before sending back your way.

>

> May

>

>> On 2015-04-30, at 5:10 AM, "Sandve, Chris MEM:EX" <[Chris.Sandve@gov.bc.ca](mailto:Chris.Sandve@gov.bc.ca)> wrote:

>>

>> Hi may

>>

>> Can you clarify the last bullet?

>> (This issue is not related to...) - what is the application currently under review and why would we say it isn't related?

>>

>> Thanks

>>

>> Chris

>>

>> Sent from my iPhone

>>

>>> On Apr 29, 2015, at 9:06 PM, Togneri, Sebastien MEM:EX <[Sebastien.Togneri@gov.bc.ca](mailto:Sebastien.Togneri@gov.bc.ca)> wrote:

>>>

>>> Hey Chris,

>>>

>>> See below.

>>>

>>> Sent from my BlackBerry 10 smartphone on the TELUS network.

>>> From: Mah-Paulson, May MEM:EX <[May.Mah-Paulson@gov.bc.ca](mailto:May.Mah-Paulson@gov.bc.ca)>

>>> Sent: Wednesday, April 29, 2015 9:03 PM

>>> To: Haslam, David GCPE:EX

>>> Cc: Togneri, Sebastien MEM:EX

>>> Subject: URGENT: Andrew Weaver QP question

>>>  
>>>  
>>> Hi – as A/ADM, here's the recommended response for QP tomorrow morning:  
>>>  
>>> - The Ministry is working with the CVRD and the company to resolve this issue.  
>>> - The Ministry will be meeting with the CVRD on Friday to discuss their concerns.  
>>> - This issue is not related to the Mines Act amendment application currently under review.  
>>>  
>>> Lori and I discussed tonight, to coordinate our responses. We agreed that MEM would respond to the 1st question and MOE would respond to the 2nd question. She is preparing a BN on their issue and will provide us a copy of the BN early in the morning.  
>>>  
>>> David, over to you for GCPE review. Sebastien had indicated that he would need our recommended response before 8:30 am.  
>>>  
>>> May  
>>>  
>>> From: Morel, David P MEM:EX  
>>> Sent: Wednesday, April 29, 2015 5:23 PM  
>>> To: Mah-Paulson, May MEM:EX  
>>> Cc: Togneri, Sebastien MEM:EX; Halls, Lori D ENV:EX  
>>> Subject: Re: Andrew Weaver QP question  
>>>  
>>> Hi May  
>>>  
>>> MO wanted us to touch base with MOE Lori Halls tonight to make sure we have a coordinated answer with MOE by very early tomorrow am. (Welcome to acting adm). Can you call Lori and make sure we have coordinated approach. Lori's cell is s.22  
>>>  
>>> David  
>>>  
>>> Call me on my cell if you want to discuss.  
>>> Sent from my iPhone  
>>>  
>>> On Apr 29, 2015, at 4:59 PM, Mah-Paulson, May MEM:EX <[May.Mah-Paulson@gov.bc.ca](mailto:May.Mah-Paulson@gov.bc.ca)<<mailto:May.Mah-Paulson@gov.bc.ca>>> wrote:  
>>> Hi Sebastien – thanks for this additional information.  
>>>  
>>> With respect to the 2nd question on the attachment, yes, we agree that that question should be directed to the Minister of Environment  
>>>  
>>> David  
>>> .  
>>>  
>>> With respect to the 1st question, we will provide you a response as soon as possible, and definitely before 8:30 am tomorrow morning.  
>>>  
>>> Regards,  
>>>  
>>> May  
>>>

>>> May Mah-Paulson  
>>> Chief Gold Commissioner | Executive Director, Mineral Titles  
>>> Ministry of Energy and Mines  
>>> Phone 250.952.0335 | Fax 250.952.0541  
>>>  
>>> From: Togneri, Sebastien MEM:EX  
>>> Sent: Wednesday, April 29, 2015 4:51 PM  
>>> To: Mah-Paulson, May MEM:EX  
>>> Subject: FW: Andrew Weaver QP question  
>>>  
>>>  
>>>  
>>>  
>>> Sébastien Togneri  
>>> Executive Assistant to the Hon. Bill Bennett  
>>> Minister of Energy and Mines and Minister Responsible for Core Review  
>>> Office: 250-953-0942 | Cell: 250-893-2147 | E-mail:  
>>> [sebastien.togneri@gov.bc.ca](mailto:sebastien.togneri@gov.bc.ca)<<mailto:sebastien.togneri@gov.bc.ca>>  
>>>  
>>> From: Togneri, Sebastien MEM:EX  
>>> Sent: Wednesday, April 29, 2015 4:44 PM  
>>> To: Musgrove, Kate MEM:EX; Morel, David P MEM:EX  
>>> Cc: Haslam, David GCPE:EX; Sandve, Chris MEM:EX  
>>> Subject: RE: Andrew Weaver QP question  
>>>  
>>>  
>>> Sorry folks, here's the attachment.  
>>>  
>>> Sébastien Togneri  
>>> Executive Assistant to the Hon. Bill Bennett  
>>> Minister of Energy and Mines and Minister Responsible for Core Review  
>>> Office: 250-953-0942 | Cell: 250-893-2147 | E-mail:  
>>> [sebastien.togneri@gov.bc.ca](mailto:sebastien.togneri@gov.bc.ca)<<mailto:sebastien.togneri@gov.bc.ca>>  
>>>  
>>> From: Togneri, Sebastien MEM:EX  
>>> Sent: Wednesday, April 29, 2015 4:34 PM  
>>> To: Musgrove, Kate MEM:EX; Morel, David P MEM:EX  
>>> Cc: Haslam, David GCPE:EX; Sandve, Chris MEM:EX  
>>> Subject: Andrew Weaver QP question  
>>> Importance: High  
>>>  
>>> Good evening,  
>>>  
>>> Green Party Leader, Andrew Weaver dropped off this package moments ago with his anticipated question regarding Shawnigan Lake's South Island Aggregates in tomorrow's Question Period. He refers specifically to Eddy Taje's letter that the property impacted (Cowichan Valley Regional District's property) must be cleaned up to the satisfaction of the property owner and then goes on to ask the Minister to ensure that this is done before any amendments to South Island Aggregates' mines permit become active. If we could get a suggested response from the division as soon as possible, it would be much appreciated.  
>>>

>>> Yours truly,  
>>>  
>>>  
>>> Sébastien Togneri  
>>> Executive Assistant to the Hon. Bill Bennett  
>>> Minister of Energy and Mines and Minister Responsible for Core Review  
>>> Office: 250-953-0942 | Cell: 250-893-2147 | E-mail:  
sebastien.togneri@gov.bc.ca<mailto:sebastien.togneri@gov.bc.ca>  
>>>  
>>>

## Frankl, Dave MEM:EX

---

**From:** Togneri, Sebastien MEM:EX  
**Sent:** Monday, May 4, 2015 8:51 AM  
**To:** Minister, MEM MEM:EX  
**Subject:** RE: Question re: "Delay of final permit for SIA"

Draft reply

### Sébastien Togneri

Executive Assistant to the Hon. Bill Bennett  
Minister of Energy and Mines and Minister Responsible for Core Review  
Office: 250-953-0942 | Cell: 250-893-2147 | E-mail: [sebastien.togneri@gov.bc.ca](mailto:sebastien.togneri@gov.bc.ca)

---

**From:** Minister, MEM MEM:EX  
**Sent:** Monday, May 4, 2015 8:49 AM  
**To:** Togneri, Sebastien MEM:EX  
**Subject:** FW: Question re: "Delay of final permit for SIA"

Action?

---

**From:** s.22  
**Sent:** Monday, May 4, 2015 7:11 AM  
**To:** Minister, MEM MEM:EX  
**Subject:** Question re: "Delay of final permit for SIA"

Good morning Honorable Minister Bennett,

Last week CHEK news ran a broadcast concerning a delay of the final permit being granted to SIA unless the company re-mediates the neighbouring land belonging to the CVRD.  
I read through the transcripts provided and watched the clips but did not actually hear this statement.

Can you please clarify this?  
What, exactly, is the actual truth concerning this situation?

Thank you very much.  
s.22

Page 117 to/à Page 118

Withheld pursuant to/removed as

DUPLICATE



## Frankl, Dave MEM:EX

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**From:** Jacobs, Jake GCPE:EX  
**Sent:** Tuesday, May 5, 2015 3:33 PM  
**To:** Sandve, Chris MEM:EX; Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Cc:** Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Suric, Michelle J GCPE:EX  
**Subject:** RE: Media Request - CHEK News - South island Aggregates

Program says it has to do with the importation of soils onto the site covered by permit G-8-331. Getting details confirmed.

---

**From:** Sandve, Chris MEM:EX  
**Sent:** Tuesday, May 5, 2015 3:31 PM  
**To:** Jacobs, Jake GCPE:EX; Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Cc:** Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Suric, Michelle J GCPE:EX  
**Subject:** RE: Media Request - CHEK News - South island Aggregates

What's his angle – why should we have issued a stop work order?

Chris Sandve  
Chief of Staff to the Hon. Bill Bennett  
Minister of Energy and Mines  
Office: 250-356-9944 | Cell: 250-818-4306 | E-mail: [chris.sandve@gov.bc.ca](mailto:chris.sandve@gov.bc.ca)

---

**From:** Jacobs, Jake GCPE:EX  
**Sent:** Tuesday, May 5, 2015 3:29 PM  
**To:** Sandve, Chris MEM:EX; Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Cc:** Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Gleeson, Kelly T GCPE:EX; Plummer, Glen GCPE:EX; Suric, Michelle J GCPE:EX  
**Subject:** Media Request - CHEK News - South island Aggregates

FYI. Working on a response.

**Date/Time Received:** May 5 – 3:15pm

**Reporter:** Richard Konwick – CHEK News – <sup>s.22</sup> - [rkonwick@cheknews.ca](mailto:rkonwick@cheknews.ca)

**Deadline:** May 5 - ASAP

**Reporter's request:** wants to know if we issued a stop work order to South island Aggregates on Lot 21.

**Recommendation:** send info and attribute to David

**Questions/Response:**

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Withheld pursuant to/removed as

DUPLICATE

**MINISTRY OF ENERGY AND MINES  
DIVISION NAME  
ESTIMATES BRIEFING NOTE 2015/16**

**ISSUE:**           **South Island Aggregates**

**KEY MESSAGES:**

- The waste management permit issued by the Ministry of Environment (MOE) to South Island Aggregates/Cobble Hill Holdings Ltd. under the *Environmental Management Act* (EMA) was subject to an appeal process through the Environmental Appeal Board.
- The Environmental Appeal Board (EAB) is an independent agency which hears appeals from certain decisions made by government officials related to environmental issues. The EAB upheld the MOE permit subject to conditions which must be included in the permit or in the *Mines Act* permit for the quarry.
- MEM is working with MOE in the review of the quarry's *Mines Act* permit amendment application and the ruling of the EAB.

**BACKGROUND:**

- South Island Aggregates/Cobble Hill Holdings Ltd. has operated the South Island Aggregates Quarry on Stebbings Road since 2008.
- The quarry is located in the Cowichan Valley Regional District (CVRD), near Shawnigan Lake.
- In 2010, the proponent advised Senior Inspector of Mines, Southwest region—the *Mines Act* statutory decision maker (SDM)—that it planned to commence importing contaminated material to the quarry as fill.
  - The proponent had authorization to import “residential class soil” to be stockpiled for final reclamation, but contaminated materials do not fall under this soil classification and require MOE approval.
- A directive was issued by MEM's SDM prohibiting the importation of contaminated material, as it did not meet the requirements of the quarry's existing permits from MOE and MEM.
- The proponent subsequently applied to MOE for a waste management permit (WMP) issued under the *Environmental Management Act* (EMA), and to MEM for an amendment to the existing *Mines Act* permit for the quarry.

- WMPs authorize the discharge of wastes to the environment and set limits on the quantity and quality of the discharge.
  - These permits also set requirements for monitoring the effect of the discharge on the environment, and any other terms and conditions which may be necessary to prevent pollution.
- After extensive review, including First Nations consultation (the Malahat First Nation has supported the application), MOE issued a WMP to South Island Aggregates/Cobble Hill Holdings Ltd. in 2013 regarding treatment and discharge of up to 100,000 tonnes of contaminated soil per year at a facility to be located on Stebbings Road.
- Three area residents, the Shawnigan Lake Residents Association and the CVRD appealed MOE's WMP decision to the EAB.
- The EAB plays a role in ensuring the protection and wise use of the environment by providing a quasi-judicial access point for the public and industry to appeal certain government decisions.
- At the request of the EAB, MEM's SDM, geotechnical inspector and geologist provided evidence during the EAB process.
- The EAB found that, on a balance of probabilities, the geology and hydrogeology of the site and the facility design, together with the permit conditions, will provide the required protections.
- Among the EAB's requirements:
  - Blasting is prohibited during installation of cell liners or reuse of liners.
  - A permanent roof must be constructed over the soil-management area within one year.
  - Wheels of soil-transport vehicles must be rinsed before leaving the site.
- The proponent has also applied for a *Mines Act* permit amendment for the South Island Aggregates quarry; final permit conditions are currently being developed, and MEM will be imposing some conditions that will strengthen the provisions of the WMP.
- A meeting is being arranged with MOE to review the draft *Mines Act* permit conditions, to ensure the requirements of both MOE and MEM are met, and that all directives from the EAB are addressed as may be required.
- In addition, MEM regional inspection staff and staff from MOE will undertake joint training so that the two ministries can contribute to the oversight on this operation for both permits.

## Frankl, Dave MEM:EX

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**From:** Sandve, Chris MEM:EX  
**Sent:** Tuesday, May 5, 2015 4:14 PM  
**To:** Jacobs, Jake GCPE:EX  
**Cc:** Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX; Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Suric, Michelle J GCPE:EX  
**Subject:** Re: Media Request - CHEK News - South island Aggregates

Yes

Sent from my iPhone

On May 5, 2015, at 3:56 PM, Jacobs, Jake GCPE:EX <[Jake.Jacobs@gov.bc.ca](mailto:Jake.Jacobs@gov.bc.ca)> wrote:

Nate is OK with these bullets. (David is not available) We are trying to get a hold of the inspector to see what steps are next, but Ed is on the road and we can't reach him at this time. I also attached a briefing note for more background on the importation of soils. Are you OK with these bullets sent to the reporter and attribute to David?

**Date/Time Received:** May 5 – 3:15pm

**Reporter:** Richard Konwick – CHEK News – s.22

· [rkonwick@cheknews.ca](mailto:rkonwick@cheknews.ca)

**Deadline:** May 5 - ASAP

**Reporter's request:** wants to know if we issued a stop work order to South island Aggregates on Lot 21.

**Recommendation:** send info and attribute to David

**Questions/Response:**

- On May 1, 2015, MEM issued a stop work order to South Island Aggregates (SIA) with respect to the importation of soils onto the site covered by permit G-8-331.
- No soil importation shall take place on this site until this order has been rescinded.
- MEM has ordered SIA to forward all documentation relating to the importation of soil onto the site by noon on May 8, 2015.

## Frankl, Dave MEM:EX

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**From:** Jacobs, Jake GCPE:EX  
**Sent:** Tuesday, May 5, 2015 5:29 PM  
**To:** Sandve, Chris MEM:EX; Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Cc:** Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Suric, Michelle J GCPE:EX  
**Subject:** Media Request - CTV - Vancouver Island - South island Aggregates

Are you OK with these same bullets sent to the reporter at CTV and attribute to David? They need info ASAP.

**Date/Time Received:** May 5 – 5:15pm

**Reporter:** Scott Cunningham - CTV - Vancouver Island - <sup>s.22</sup>

**Deadline:** May 5 - ASAP

**Reporter's request:** wants to know if we issued a stop work order to South island Aggregates on Lot 21.

**Recommendation:** send info and attribute to David

**Questions/Response:**

- On May 1, 2015, MEM issued a stop work order to South Island Aggregates (SIA) with respect to the importation of soils onto the site covered by permit G-8-331.
- No soil importation shall take place on this site until this order has been rescinded.
- MEM has ordered SIA to forward all documentation relating to the importation of soil onto the site by noon on May 8, 2015.

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DUPLICATE

## Frankl, Dave MEM:EX

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**From:** Jacobs, Jake GCPE:EX  
**Sent:** Tuesday, May 5, 2015 5:58 PM  
**To:** Sandve, Chris MEM:EX; Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Cc:** Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Suric, Michelle J GCPE:EX  
**Subject:** Re: Media Request - CHEK News - South island Aggregates

Will get the background tomorrow from program/Ed

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**From:** Sandve, Chris MEM:EX  
**Sent:** May-05-15 5:48 PM  
**To:** Jacobs, Jake GCPE:EX; Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Cc:** Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Suric, Michelle J GCPE:EX  
**Subject:** RE: Media Request - CHEK News - South island Aggregates

For tomorrow – need background on why a stop worker order was issued

**Chris Sandve**

Chief of Staff to the Hon. Bill Bennett

Minister of Energy and Mines

Office: 250-356-9944 | Cell: 250-818-4306 | E-mail: [chris.sandve@gov.bc.ca](mailto:chris.sandve@gov.bc.ca)

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**From:** Jacobs, Jake GCPE:EX  
**Sent:** Tuesday, May 5, 2015 3:56 PM  
**To:** Sandve, Chris MEM:EX; Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Cc:** Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Suric, Michelle J GCPE:EX  
**Subject:** RE: Media Request - CHEK News - South island Aggregates

Nate is OK with these bullets. (David is not available) We are trying to get a hold of the inspector to see what steps are next, but Ed is on the road and we can't reach him at this time. I also attached a briefing note for more background on the importation of soils. Are you OK with these bullets sent to the reporter and attribute to David?

**Date/Time Received:** May 5 – 3:15pm

**Reporter:** Richard Konwick – CHEK News – <sup>s.22</sup> - [rkonwick@cheknews.ca](mailto:rkonwick@cheknews.ca)

**Deadline:** May 5 - ASAP

**Reporter's request:** wants to know if we issued a stop work order to South island Aggregates on Lot 21.

**Recommendation:** send info and attribute to David

**Questions/Response:**

- On May 1, 2015, MEM issued a stop work order to South Island Aggregates (SIA) with respect to the importation of soils onto the site covered by permit G-8-331.
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Withheld pursuant to/removal as

DUPLICATE

## Frankl, Dave MEM:EX

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**From:** Haslam, David GCPE:EX  
**Sent:** Tuesday, May 5, 2015 7:47 PM  
**To:** Jacobs, Jake GCPE:EX  
**Cc:** Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Jacobs, Jake GCPE:EX; Sandve, Chris MEM:EX; Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Subject:** Re: Media request: South Island Aggregates - work stoppage

Looping in chris ect. On below. Spoke to chris. We. Don't have enough info to. Respond. We can clarify in the am when on firmer ground.

David Haslam  
Communications Director  
Ministry of Energy and Mines  
250-361-7989

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**From:** Jacobs, Jake GCPE:EX  
**Sent:** Tuesday, May 5, 2015 6:40 PM  
**To:** Haslam, David GCPE:EX  
**Cc:** Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Jacobs, Jake GCPE:EX  
**Subject:** Media request: South Island Aggregates - work stoppage

CTV Vancouver Island is pushing for more info. They will be interviewing Andrew Weaver and Bill Routley (NDP) about this work stoppage for their late night newscast. They are pressing us for more details and a possible interview. They want to know what does Permit G-8-331 mean? He is looking for some context. He's wondering if MEM is concerned with past importation or what is happening now. They'll be looking for this info for their late night newscast tonight. I have e-mailed Morel and Nate looking for more info.

Bullets sent to reporter:

- \* On May 1, 2015, MEM issued a stop work order to South Island Aggregates (SIA) with respect to the importation of soils onto the site covered by permit G-8-331.
- \* No soil importation shall take place on this site until this order has been rescinded.
- \* MEM has ordered SIA to forward all documentation relating to the importation of soil onto the site by noon on May 8, 2015.

## Frankl, Dave MEM:EX

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**From:** Sandve, Chris MEM:EX  
**Sent:** Tuesday, May 5, 2015 7:47 PM  
**To:** Jacobs, Jake GCPE:EX  
**Cc:** Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX; Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX  
**Subject:** Re: Media request: South Island Aggregates - work stoppage

I talked to Haslam and was thinking we just lie low until tomorrow but if they are interviewing weaver and routley then we should clarify

We need to find out why we issued this stop work order - what did the company do to prompt this action from us

Sent from my iPhone

On May 5, 2015, at 7:44 PM, Jacobs, Jake GCPE:EX <[Jake.Jacobs@gov.bc.ca](mailto:Jake.Jacobs@gov.bc.ca)> wrote:

David M has provided us this response. Are you OK with this response sent to CTV Vancouver Island & CHEK TV clarifying the work order stoppage?

To clarify:

An order was issued late last week prohibiting the importation of soil onto the mine site. The reason being is that the mine permit has not been amended to construct the waste cell and there already is adequate soil on the site for reclamation.

A second order was issued for the mine to provide the records of all truck loads of soil/waste on the site. This is to ensure that the soil brought into the site meets the MOE specs. These records are part of the sites current MEM mines Act permit. The order was issued to support a Ministry of Environments investigation.

Note the mine is not shut down and neither order impacts mining activities.

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**From:** Jacobs, Jake GCPE:EX  
**Sent:** May-05-15 6:40 PM  
**To:** Haslam, David GCPE:EX  
**Cc:** Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Jacobs, Jake GCPE:EX?  
**Subject:** Media request: South Island Aggregates - work stoppage

CTV Vancouver Island is pushing for more info. They will be interviewing ?Weaver and Bill Routley (NDP) about this work stoppage for their late night newscast. They are pressing us for more details and a possible interview. They want to know what does Permit G-8-331 mean? He is looking for some context. He's wondering if MEM is concerned with past importation or what is happening now. They'll be looking for this info for their late night newscast tonight. I have e-mailed Morel and Nate looking for more info.

Bullets sent to reporter:

\* On May 1, 2015, MEM issued a stop work order to South Island Aggregates (SIA) with respect to the importation of soils onto the site covered by permit G-8-331.

- \* No soil importation shall take place on this site until this order has been rescinded.
- \* MEM has ordered SIA to forward all documentation relating to the importation of soil onto the site by noon on May 8, 2015.

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DUPLICATE

## Frankl, Dave MEM:EX

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**From:** Jacobs, Jake GCPE:EX  
**Sent:** Tuesday, May 5, 2015 9:00 PM  
**To:** Sandve, Chris MEM:EX  
**Cc:** Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX; Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX  
**Subject:** Re: Media request: South Island Aggregates - work stoppage

Thanks

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**From:** Sandve, Chris MEM:EX  
**Sent:** Tuesday, May 05, 2015 08:57 PM  
**To:** Jacobs, Jake GCPE:EX  
**Cc:** Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX; Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX  
**Subject:** Re: Media request: South Island Aggregates - work stoppage

I just watched both news clips - neither are inaccurate - therefore I don't think we need to send anything further tonight

Sent from my iPhone

On May 5, 2015, at 7:44 PM, Jacobs, Jake GCPE:EX <[Jake.Jacobs@gov.bc.ca](mailto:Jake.Jacobs@gov.bc.ca)> wrote:

David M has provided us this response. Are you OK with this response sent to CTV Vancouver Island & CHEK TV clarifying the work order stoppage?

To clarify:

An order was issued late last week prohibiting the importation of soil onto the mine site. The reason being is that the mine permit has not been amended to construct the waste cell and there already is adequate soil on the site for reclamation.

A second order was issued for the mine to provide the records of all truck loads of soil/waste on the site. This is to ensure that the soil brought into the site meets the MOE specs. These records are part of the sites current MEM mines Act permit. The order was issued to support a Ministry of Environments investigation.

Note the mine is not shut down and neither order impacts mining activities.

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**From:** Jacobs, Jake GCPE:EX  
**Sent:** May-05-15 6:40 PM  
**To:** Haslam, David GCPE:EX  
**Cc:** Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Jacobs, Jake GCPE:EX?  
**Subject:** Media request: South Island Aggregates - work stoppage

CTV Vancouver Island is pushing for more info. They will be interviewing ?Weaver and Bill Routley (NDP) about this work stoppage for their late night newscast. They are pressing us for more details and a possible interview. They want to know what does Permit G-8-331 mean? He is looking for some context. He's wondering if MEM is concerned with past importation or what is happening now. They'll be looking for this info for their late night newscast tonight. I have e-mailed Morel and Nate looking for more info.

Bullets sent to reporter:

- \* On May 1, 2015, MEM issued a stop work order to South Island Aggregates (SIA) with respect to the importation of soils onto the site covered by permit G-8-331.
- \* No soil importation shall take place on this site until this order has been rescinded.
- \* MEM has ordered SIA to forward all documentation relating to the importation of soil onto the site by noon on May 8, 2015.

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## Frankl, Dave MEM:EX

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**From:** Togneri, Sebastien MEM:EX  
**Sent:** Wednesday, May 6, 2015 10:22 AM  
**To:** Minister, MEM MEM:EX  
**Subject:** RE: Question re: "Delay of final permit for SIA"

Draft response

### Sébastien Togneri

Executive Assistant to the Hon. Bill Bennett  
Minister of Energy and Mines and Minister Responsible for Core Review  
Office: 250-953-0942 | Cell: 250-893-2147 | E-mail: [sebastien.togneri@gov.bc.ca](mailto:sebastien.togneri@gov.bc.ca)

---

**From:** Minister, MEM MEM:EX  
**Sent:** Wednesday, May 6, 2015 8:41 AM  
**To:** Togneri, Sebastien MEM:EX  
**Subject:** FW: Question re: "Delay of final permit for SIA"

Action?

---

**From:** s.22  
**Sent:** Wednesday, May 6, 2015 7:15 AM  
**To:** Minister, MEM MEM:EX  
**Subject:** Re: Question re: "Delay of final permit for SIA"

Good morning Honorable Minister Bennett,

Last night there was another news broadcast in which it was stated that your ministry has "issued a stop work order to South Island Aggregates".  
Couple this with what was already in the news below.

Can you please clarify exactly what the truth is?

Thank you very much,  
s.22

---

**From:** s.22  
**To:** "mem minister" <[mem.minister@gov.bc.ca](mailto:mem.minister@gov.bc.ca)>  
**Sent:** Monday, May 4, 2015 7:10:54 AM  
**Subject:** Question re: "Delay of final permit for SIA"

Good morning Honorable Minister Bennett,

Last week CHEK news ran a broadcast concerning a delay of the final permit being granted to SIA unless the company re-mediate the neighbouring land belonging to the CVRD.  
I read through the transcripts provided and watched the clips but did not actually hear this statement.

Can you please clarify this?

What, exactly, is the actual truth concerning this situation?

Thank you very much,  
s.22

## Frankl, Dave MEM:EX

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**From:** Sandve, Chris MEM:EX  
**Sent:** Wednesday, May 6, 2015 1:11 PM  
**To:** Crebo, David GCPE:EX; Mitschke, Matt ENV:EX; Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Jacobs, Jake GCPE:EX  
**Cc:** Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Subject:** RE: SIA statement

ok

### Chris Sandve

Chief of Staff to the Hon. Bill Bennett

Minister of Energy and Mines

Office: 250-356-9944 | Cell: 250-818-4306 | E-mail: [chris.sandve@gov.bc.ca](mailto:chris.sandve@gov.bc.ca)

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**From:** Crebo, David GCPE:EX  
**Sent:** Wednesday, May 6, 2015 1:10 PM  
**To:** Sandve, Chris MEM:EX; Mitschke, Matt ENV:EX; Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Jacobs, Jake GCPE:EX  
**Cc:** Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Subject:** RE: SIA statement

Rack and stack, for those who don't get her in the halls

---

**From:** Sandve, Chris MEM:EX  
**Sent:** Wednesday, May 6, 2015 1:10 PM  
**To:** Crebo, David GCPE:EX; Mitschke, Matt ENV:EX; Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Jacobs, Jake GCPE:EX  
**Cc:** Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Subject:** RE: SIA statement

How will you deal with all the media requests?

### Chris Sandve

Chief of Staff to the Hon. Bill Bennett

Minister of Energy and Mines

Office: 250-356-9944 | Cell: 250-818-4306 | E-mail: [chris.sandve@gov.bc.ca](mailto:chris.sandve@gov.bc.ca)

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**From:** Crebo, David GCPE:EX  
**Sent:** Wednesday, May 6, 2015 1:09 PM  
**To:** Sandve, Chris MEM:EX; Mitschke, Matt ENV:EX; Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Jacobs, Jake GCPE:EX  
**Cc:** Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Subject:** RE: SIA statement

FYI – MMP isn't going to do a statement. Instead she'll scrum as need be.

---

**From:** Sandve, Chris MEM:EX  
**Sent:** Wednesday, May 6, 2015 12:40 PM  
**To:** Mitschke, Matt ENV:EX; Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Crebo, David

GCPE:EX; Jacobs, Jake GCPE:EX  
Cc: Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
Subject: RE: SIA statement

Here is updated statement. Please run past ADMs and then if approved Matt I'll leave to you to run past PO

The South Island Aggregate site is made up of two separate private properties. Lot 21 can receive non-contaminated soil but not contaminated soil. Lot 23 is permitted by the Ministry of Environment to receive contaminated soil as long as certain conditions are met.

Last Thursday, MLA Weaver raised concerns in the Legislature including whether contaminated soils were being dumped on Lot 21, where they are not permitted. The following day, Ministry of Energy and Mines inspectors determined they had enough information to issue a stop worker to the company with regards to Lot 21, stating:

*Under Section 10 of the Mines Act, South Island Aggregates (SIA) is hereby issued a Stop Work Order with respect to the importation of soils onto the permit site (Lot 21). No soil importation shall take place on this site until such time as this order has been rescinded.*

*In addition, SIA is ordered to forward the Inspector two copies of all documentation relating to the importation of soil onto the site as per Special Condition 1 of permit G-8-331. This documentation shall be delivered to the office address appearing at the bottom of this letter no later than 12:00 pm (noon), May 8, 2015.*

This order will remain in place while the Ministry determines whether the company is dumping contaminated soil on Lot 21.

As the company is permitted to dump contaminated soil on Lot 23, similar action cannot be taken with regards to this property.

However, the Ministry of Environment is actively engaged with the Cowichan Valley Regional District to develop a sampling plan for both Lot 21 and 23 including groundwater, surface water and soil. Sediment and surface water will also be tested in Shawnigan Creek. This sampling is expected to take place next week.

If the test results show the company is out of compliance with its conditions on Lot 21 or Lot 23, appropriate enforcement action will be taken.

**Chris Sandve**

Chief of Staff to the Hon. Bill Bennett

Minister of Energy and Mines

Office: 250-356-9944 | Cell: 250-818-4306 | E-mail: [chris.sandve@gov.bc.ca](mailto:chris.sandve@gov.bc.ca)

---

**From:** Mitschke, Matt ENV:EX  
**Sent:** Wednesday, May 6, 2015 12:38 PM  
**To:** Sandve, Chris MEM:EX; Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Crebo, David GCPE:EX; Jacobs, Jake GCPE:EX  
**Cc:** Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Subject:** Re: SIA statement

We can, Chin gave me the marching order that MMP is the lead for all SIA, so I think any statement should come out of MoE. MMP also said she was fine doing scrums and live media

Sent from my BlackBerry 10 smartphone on the TELUS network.

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**From:** Sandve, Chris MEM:EX  
**Sent:** Wednesday, May 6, 2015 12:24 PM  
**To:** Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Crebo, David GCPE:EX; Mitschke, Matt ENV:EX; Jacobs, Jake GCPE:EX  
**Cc:** Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Subject:** SIA statement

MBB is thinking the easiest way to deal with the media on this (CTV, CBC, Times Colonist .... Jake – any others?) is to put out a statement. What does everyone think of the below?

The South Island Aggregate site is made up of two separate private properties. Lot 21 is permitted by the Ministry of Energy and Mines for quarry operations. This lot can receive non-contaminated soil but not contaminated soil. The second, Lot 23 is permitted by the Ministry of Environment to receive contaminated soil as long as certain conditions are met.

Last Thursday, MLA Weaver raised concerns in the Legislature including whether contaminated soils were being dumped on Lot 21, where they are not permitted. The following day, Ministry of Energy and Mines inspectors determined they had enough information to issue a stop worker to the company with regards to Lot 21, stating:

*Under Section 10 of the Mines Act, South Island Aggregates (SIA) is hereby issued a Stop Work Order with respect to the importation of soils onto the permit site (Lot 21). No soil importation shall take place on this site until such time as this order has been rescinded.*

*In addition, SIA is ordered to forward the Inspector two copies of all documentation relating to the importation of soil onto the site as per Special Condition 1 of permit G-8-331. This documentation shall be delivered to the office address appearing at the bottom of this letter no later than 12:00 pm (noon), May 8, 2015.*

This order will remain in place while the Ministry determines whether the company is dumping contaminated soil on Lot 21.

As the company is permitted to dump contaminated soil on Lot 23, similar action cannot be taken with regards to this property.

However, the Ministry of Environment is actively engaged with the Cowichan Valley Regional District to develop a sampling plan for both Lot 21 and 23 including groundwater, surface water and soil. Sediment and surface water will also be tested in Shawnigan Creek. This sampling is expected to take place next week.

If the test results show the company is out of compliance with its conditions on Lot 21 or Lot 23, appropriate enforcement action will be taken.

**Chris Sandve**

Chief of Staff to the Hon. Bill Bennett

Minister of Energy and Mines

Office: 250-356-9944 | Cell: 250-818-4306 | E-mail: [chris.sandve@gov.bc.ca](mailto:chris.sandve@gov.bc.ca)

Page 149 to/à Page 159

Withheld pursuant to/removed as

DUPLICATE

## Frankl, Dave MEM:EX

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**From:** Haslam, David GCPE:EX  
**Sent:** Wednesday, May 6, 2015 11:28 AM  
**To:** Jacobs, Jake GCPE:EX; Sandve, Chris MEM:EX; Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Cc:** Gilmore, Dan GCPE:EX; Gleeson, Kelly T GCPE:EX; Plummer, Glen GCPE:EX; Suric, Michelle J GCPE:EX  
**Subject:** RE: Media Request - CBC (On the Island) - South island Aggregates

Stand by. We're working on this with MoE.

---

**From:** Jacobs, Jake GCPE:EX  
**Sent:** Wednesday, May 6, 2015 11:27 AM  
**To:** Sandve, Chris MEM:EX; Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Cc:** Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Gleeson, Kelly T GCPE:EX; Plummer, Glen GCPE:EX; Suric, Michelle J GCPE:EX  
**Subject:** Media Request - CBC (On the Island) - South island Aggregates

Producer looking for a copy of a stop work order that would have accompanied the issuance of order on Lot 21. Also would like clarification on the work stoppage.

**Date/Time Received:** May 6 – 11:15am

**Reporter/Producer:** Michael Tymchuk – CBC (On the Island) - <sup>s.22</sup> - [michael.tymchuk@cbc.ca](mailto:michael.tymchuk@cbc.ca)

**Deadline:** May 6 - 4pm

**Reporter's request:** looking for a copy of a stop work order that would have accompanied the issuance of order on Lot 21.

**Recommendation:** send info and attribute to David

**Questions/Response:**



## Frankl, Dave MEM:EX

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**From:** Jacobs, Jake GCPE:EX  
**Sent:** Wednesday, May 6, 2015 11:42 AM  
**To:** Sandve, Chris MEM:EX; Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Cc:** Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Gleeson, Kelly T GCPE:EX; Plummer, Glen GCPE:EX; Suric, Michelle J GCPE:EX  
**Subject:** Media Request - Victoria Times Colonist - South island Aggregates

Reporter looking for details on the work stop order.

**Date/Time Received:** May 6 – 11:30am

**Reporter:** Jeff Bell – Victoria Times Colonist - <sup>s.22</sup> – [jwbell@timescolonist.com](mailto:jwbell@timescolonist.com)

**Deadline:** May 6 - 4pm

**Reporter's request:** looking for details on the work stop order at SIA.

**Recommendation:** send info and attribute to David

**Questions/Response:**

## Frankl, Dave MEM:EX

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**From:** Jacobs, Jake GCPE:EX  
**Sent:** Wednesday, May 6, 2015 11:44 AM  
**To:** Sandve, Chris MEM:EX; Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Cc:** Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Suric, Michelle J GCPE:EX  
**Subject:** RE: Media Request - CBC (On the Island) - South island Aggregates  
**Attachments:** SIA - Stop work order - May 1 2015.pdf

FYI, here is a copy of the stop work order that the reporter is asking for.

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**From:** Jacobs, Jake GCPE:EX  
**Sent:** Wednesday, May 6, 2015 11:27 AM  
**To:** Sandve, Chris MEM:EX; Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Cc:** Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Gleeson, Kelly T GCPE:EX; Plummer, Glen GCPE:EX; Suric, Michelle J GCPE:EX  
**Subject:** Media Request - CBC (On the Island) - South island Aggregates

Producer looking for a copy of a stop work order that would have accompanied the issuance of order on Lot 21. Also would like clarification on the work stoppage.

**Date/Time Received:** May 6 – 11:15am

**Reporter/Producer:** Michael Tymchuk – CBC (On the Island) - <sup>s.22</sup> [michael.tymchuk@cbc.ca](mailto:michael.tymchuk@cbc.ca)

**Deadline:** May 6 - 4pm

**Reporter's request:** looking for a copy of a stop work order that would have accompanied the issuance of order on Lot 21.

**Recommendation:** send info and attribute to David

**Questions/Response:**



Ministry of  
Energy and Mines

May 1, 2015

File:16104522015-01

Marty Block  
Mine Manager  
South Island Aggregates Ltd  
PO Box 282 Malahat  
Malahat BC V0R 2L0

Dear Marty Block;

**Re: South Island Aggregates Quarry 2, Permit G-8-331**

---

Under *Section 10* of the *Mines Act*, South Island Aggregates (SIA) is hereby issued a **Stop Work Order** with respect to the importation of soils onto the permit site. No soil importation shall take place on this site until such time as this order has been rescinded.

In addition, SIA is ordered to forward the Inspector two copies of all documentation relating to the importation of soil onto the site as per Special Condition 1 of permit G-8-331. This documentation shall be delivered to the office address appearing at the bottom of this letter no later than 12:00 pm (noon), May 8, 2015.

Sincerely,

Jim Dunkley, P. Geo.  
Senior Inspector of Mines

## Frankl, Dave MEM:EX

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**From:** Smith, Heather L LASS:EX  
**Sent:** Wednesday, May 6, 2015 11:56 AM  
**To:** Togneri, Sebastien MEM:EX  
**Subject:** RE: Waste Discharge Authorization for South Island Aggregates

Thank you.

---

**From:** Togneri, Sebastien MEM:EX [mailto:Sebastien.Togneri@gov.bc.ca]  
**Sent:** May 6, 2015 11:33 AM  
**To:** Smith, Heather L  
**Subject:** Re: Waste Discharge Authorization for South Island Aggregates

Yes. Will register it.

Sent from my BlackBerry 10 smartphone on the TELUS network.

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**From:** Smith, Heather L  
**Sent:** Wednesday, May 6, 2015 10:22 AM  
**To:** Togneri, Sebastien MEM:EX  
**Subject:** FW: Waste Discharge Authorization for South Island Aggregates

Does this have anything to do with Bill's Minister hat?

---

**From:** s.22  
**Sent:** May 6, 2015 11:12 AM  
**To:** Minister, ENV ENV:EX; [Premier@gov.bc.ca](mailto:Premier@gov.bc.ca); Weaver.MLA, Andrew  
**Cc:** Routley.MLA, Bill; Horgan.MLA, John; Minister, HLTH L HLTH:EX; [elizabeth.may.c1a@parl.gc.ca](mailto:elizabeth.may.c1a@parl.gc.ca); Bennett.MLA, Bill  
**Subject:** RE: Waste Discharge Authorization for South Island Aggregates

Good morning,

The generic email letter response received below is unacceptable. Using 'Waste Discharge Authorization' in the subject line is unacceptable. The Minister can call it what she wants but the fact is it is much more than 'waste.' The permit allows toxins and chemicals including known mutagens, carcinogens and teratogens to be dumped in the watershed including: Benzene, Chlorides, DDT and PCB, Dioxins, Ethyl Benzene, Furans, Glycols, MTBE, Phenols, Styrene, Toluene, Volatile Petroleum hydrocarbons and Xylene, substances a little more serious than the word 'waste' implies.

It is incomprehensible that we as parents must fight the Minister of the Environment to protect our children's and our grandchildren's drinking water. It is incomprehensible in this day when worldwide water is so precious, that countries all over the world are fighting for clean water and finding ways to protect their water supplies, that we on Vancouver Island have to fight our own government to protect our water! Our children learn how to help protect the environment in elementary school. But in their own backyard their government permits toxins to be dumped into the very watershed where their drinking water originates. Children in Victoria schools on the other hand have their water protected by miles and miles and miles, over 20,000 hectares, of pristine land where human feet may not tread.

Why are my children and my grandchildren living in a small community being treated so differently than children in Victoria?

Science has proven the site of this toxic soil dump in the watershed above Shawnigan Lake is inappropriate for many reasons. The site cannot be monitored adequately by the Ministry, so the owners are to regulate themselves? The two individuals who have repeatedly proven in the past they have little or no regard for authority or regulations? It is most interesting that evidence of those infractions which we have known about for years, are just now starting to come to light via the media.

Thank goodness for the few really good politicians, who take the time to listen and actually learn the facts. Thank goodness for those few who understand that **their job is to represent us** and we really do care about our environment how we leave it for our children and grandchildren and that we will fight to protect it and our families and our future until the bitter end. The community continues to oppose this permit now, as it has from the very start, and will continue to fight to have it rescinded by all means available to us.

Generic letter response not required.

s.22

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**From:** Minister, ENV ENV:EX [<mailto:ENV.Minister@gov.bc.ca>]  
**Sent:** Wednesday, April 29, 2015 3:22 PM  
**To:** 's.22'  
**Subject:** RE: Waste Discharge Authorization for South Island Aggregates

Reference: 281095

*April 29, 2015*

s.22

Dear <sup>s.22</sup>

Thank you for your recent email regarding the waste discharge authorization for South Island Aggregates/Cobble Hill Holdings Ltd. As this issue falls under the responsibility of the Ministry of Environment, I am pleased to respond.

The Ministry of Environment granted a waste discharge authorization under the *Environmental Management Act* on August 21, 2013, to South Island Aggregates / Cobble Hill Holdings Ltd. A copy of the permit and the full technical assessment are available on our website at [http://www.env.gov.bc.ca/epd/regions/vanc\\_island/env-mgt/sia\\_permit.htm](http://www.env.gov.bc.ca/epd/regions/vanc_island/env-mgt/sia_permit.htm).

This decision was made in accordance with the *Environmental Management Act* by Ministry of Environment staff in the West Coast Region. The statutory evidence-based decision maker considered a large volume of

scientific assessments, technical information, First Nations input, community feedback and other information. In making the decision, the statutory decision maker was satisfied there is sufficient information to set requirements that will provide protection of human health and the environment. Unacceptable. As part of the permit, South Island Aggregates must treat discharge water to meet the most stringent water quality standards in British Columbia and are required to post monitoring information and reports. Qualified professionals from both inside and outside the ministry reviewed this application based on their expertise.

The Ministry of Environment is legally obligated to consider applications to treat and discharge contaminated soil.

The decision was appealed to the Environmental Appeal Board, which reviewed the decision to determine if it should be varied or overturned. On March 20, 2015, the Environmental Appeal Board upheld the permit issued by the Ministry of Environment, subject to six additional directives requiring the permit to include additional provisions. You can read a summary of the decision at [http://www.eab.gov.bc.ca/ema/2013ema015c\\_019d\\_020b\\_021b.pdf](http://www.eab.gov.bc.ca/ema/2013ema015c_019d_020b_021b.pdf).

I can appreciate that this is not the outcome you were hoping for. Ministry staff are reviewing how to address the Environmental Appeal Board's direction as outlined in their final decision and I assure you that staff will continue to set requirements that protect human health and the environment.

Thank you again for taking the time to write.

Sincerely,

Mary Polak  
Minister

## Frankl, Dave MEM:EX

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**From:** Togneri, Sebastien MEM:EX  
**Sent:** Wednesday, May 6, 2015 11:58 AM  
**To:** Rioux, Luke MEM:EX; MEM Correspondence MEM:EX  
**Subject:** FW: Waste Discharge Authorization for South Island Aggregates

Info file

**Sébastien Togneri**

Executive Assistant to the Hon. Bill Bennett

Minister of Energy and Mines and Minister Responsible for Core Review

Office: 250-953-0942 | Cell: 250-893-2147 | E-mail: [sebastien.togneri@gov.bc.ca](mailto:sebastien.togneri@gov.bc.ca)

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**From:** Smith, Heather L [<mailto:Heather.Smith@leg.bc.ca>]  
**Sent:** Wednesday, May 6, 2015 10:22 AM  
**To:** Togneri, Sebastien MEM:EX  
**Subject:** FW: Waste Discharge Authorization for South Island Aggregates

---

**From** <sup>s.22</sup>

**Sent:** May 6, 2015 11:12 AM

**To:** Minister, ENV ENV:EX; [Premier@gov.bc.ca](mailto:Premier@gov.bc.ca); Weaver.MLA, Andrew

**Cc:** Routley.MLA, Bill; Horgan.MLA, John; Minister, HLTH L HLTH:EX; [elizabeth.may.c1a@parl.gc.ca](mailto:elizabeth.may.c1a@parl.gc.ca); Bennett.MLA, Bill

**Subject:** RE: Waste Discharge Authorization for South Island Aggregates

Good morning,

The generic email letter response received below is unacceptable. Using 'Waste Discharge Authorization' in the subject line is unacceptable. The Minister can call it what she wants but the fact is it is much more than 'waste.' The permit allows toxins and chemicals including known mutagens, carcinogens and teratogens to be dumped in the watershed including: Benzene, Chlorides, DDT and PCB, Dioxins, Ethyl Benzene, Furans, Glycols, MTBE, Phenols, Styrene, Toluene, Volatile Petroleum hydrocarbons and Xylene, substances a little more serious than the word 'waste' implies.

It is incomprehensible that we as parents must fight the Minister of the Environment to protect our children's and our grandchildren's drinking water. It is incomprehensible in this day when worldwide water is so precious, that countries all over the world are fighting for clean water and finding ways to protect their water supplies, that we on Vancouver Island have to fight our own government to protect our water! Our children learn how to help protect the environment in elementary school. But in their own backyard their government permits toxins to be dumped into the very watershed where their drinking water originates. Children in Victoria schools on the other hand have their water protected by miles and miles and miles, over 20,000 hectares, of pristine land where human feet may not tread. Why are my children and my grandchildren living in a small community being treated so differently than children in Victoria?

Science has proven the site of this toxic soil dump in the watershed above Shawnigan Lake is inappropriate for many reasons. The site cannot be monitored adequately by the Ministry, so the owners are to regulate themselves? The two individuals who have repeatedly proven in the past they have little or no regard for authority or regulations? It is most interesting that evidence of those infractions which we have known about for years, are just now starting to come to light via the media. Thank goodness for the few really good politicians, who take the time to listen and actually learn the facts. Thank goodness for those few who understand that **their job is to represent us** and we really do care about our environment how we leave it for our children and grandchildren and that we will fight to protect it and our families and our future until the bitter end. The community continues to oppose this permit now, as it has from the very start, and will continue to fight to have it rescinded by all means available to us.

---

**From:** Minister, ENV ENV:EX [mailto:ENV.Minister@gov.bc.ca]  
**Sent:** Wednesday, April 29, 2015 3:22 PM  
**To:** s.22  
**Subject:** RE: Waste Discharge Authorization for South Island Aggregates  
Reference: 281095  
*April 29, 2015*  
s.22

Dear s.22

Thank you for your recent email regarding the waste discharge authorization for South Island Aggregates/Cobble Hill Holdings Ltd. As this issue falls under the responsibility of the Ministry of Environment, I am pleased to respond.

The Ministry of Environment granted a waste discharge authorization under the *Environmental Management Act* on August 21, 2013, to South Island Aggregates / Cobble Hill Holdings Ltd. A copy of the permit and the full technical assessment are available on our website at

[http://www.env.gov.bc.ca/epd/regions/vanc\\_island/env-mgt/sia\\_permit.htm](http://www.env.gov.bc.ca/epd/regions/vanc_island/env-mgt/sia_permit.htm).

This decision was made in accordance with the *Environmental Management Act* by Ministry of Environment staff in the West Coast Region. The statutory evidence-based decision maker considered a large volume of scientific assessments, technical information, First Nations input, community feedback and other information. In making the decision, the statutory decision maker was satisfied there is sufficient information to set requirements that will provide protection of human health and the environment. Unacceptable. As part of the permit, South Island Aggregates must treat discharge water to meet the most stringent water quality standards in British Columbia and are required to post monitoring information and reports. Qualified professionals from both inside and outside the ministry reviewed this application based on their expertise.

The Ministry of Environment is legally obligated to consider applications to treat and discharge contaminated soil.

The decision was appealed to the Environmental Appeal Board, which reviewed the decision to determine if it should be varied or overturned. On March 20, 2015, the Environmental Appeal Board upheld the permit issued by the Ministry of Environment, subject to six additional directives requiring the permit to include additional provisions. You can read a summary of the decision at

[http://www.eab.gov.bc.ca/ema/2013ema015c\\_019d\\_020b\\_021b.pdf](http://www.eab.gov.bc.ca/ema/2013ema015c_019d_020b_021b.pdf).

I can appreciate that this is not the outcome you were hoping for. Ministry staff are reviewing how to address the Environmental Appeal Board's direction as outlined in their final decision and I assure you that staff will continue to set requirements that protect human health and the environment.

Thank you again for taking the time to write.

Sincerely,  
Mary Polak  
Minister



## Frankl, Dave MEM:EX

---

**From:** Jacobs, Jake GCPE:EX  
**Sent:** Wednesday, May 6, 2015 11:58 AM  
**To:** Sandve, Chris MEM:EX; Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Cc:** Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Suric, Michelle J GCPE:EX  
**Subject:** RE: Media Request - CTV (Vancouver Island)/CBC Radio - South island Aggregates

CTV – Vancouver Island pressing for an interview or clarification

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**From:** Jacobs, Jake GCPE:EX  
**Sent:** Wednesday, May 6, 2015 9:38 AM  
**To:** Sandve, Chris MEM:EX; Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Cc:** Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Suric, Michelle J GCPE:EX  
**Subject:** RE: Media Request - CTV (Vancouver Island)/CBC Radio - South island Aggregates

Adds CBC reporter also looking for clarification

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**From:** Jacobs, Jake GCPE:EX  
**Sent:** Wednesday, May 6, 2015 9:35 AM  
**To:** Sandve, Chris MEM:EX; Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Cc:** Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Gleeson, Kelly T GCPE:EX; Plummer, Glen GCPE:EX; Suric, Michelle J GCPE:EX  
**Subject:** Media Request - CTV (Vancouver Island) - South island Aggregates

Reporter wants an on camera interview this morning with the ministry to clarify the work stoppage. Updated IN being prepared.

**Date/Time Received:** May 6 – 9:30am

**Reporter:** Scott Cunningham - CTV - Vancouver Island - s.22  
[keith.vass@cbc.ca](mailto:keith.vass@cbc.ca)

Keith Vass – CBC (Victoria) · s.22

**Deadline:** May 6 - ASAP

**Reporter's request:** would like an on cam interview with the ministry to clarify the work stoppage.

**Recommendation:** send info and attribute to David

**Questions/Response:**

Page 170 to/à Page 173

Withheld pursuant to/removed as

DUPLICATE

## Frankl, Dave MEM:EX

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**From:** Crebo, David GCPE:EX  
**Sent:** Wednesday, May 6, 2015 12:32 PM  
**To:** Haslam, David GCPE:EX; Sandve, Chris MEM:EX; Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Mitschke, Matt ENV:EX; Jacobs, Jake GCPE:EX  
**Cc:** Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Subject:** RE: SIA statement

Works for me, but I'll want Mitschke to chime in.

---

**From:** Haslam, David GCPE:EX  
**Sent:** Wednesday, May 6, 2015 12:28 PM  
**To:** Sandve, Chris MEM:EX; Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Crebo, David GCPE:EX; Mitschke, Matt ENV:EX; Jacobs, Jake GCPE:EX  
**Cc:** Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Subject:** Re: SIA statement

Okay.

David Haslam  
Communications Director  
Ministry of Energy and Mines  
250-361-7989

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**From:** Sandve, Chris MEM:EX  
**Sent:** Wednesday, May 6, 2015 12:24 PM  
**To:** Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Crebo, David GCPE:EX; Mitschke, Matt ENV:EX; Jacobs, Jake GCPE:EX  
**Cc:** Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Subject:** SIA statement

MBB is thinking the easiest way to deal with the media on this (CTV, CBC, Times Colonist .... Jake – any others?) is to put out a statement. What does everyone think of the below?

The South Island Aggregate site is made up of two separate private properties. Lot 21 is permitted by the Ministry of Energy and Mines for quarry operations. This lot can receive non-contaminated soil but not contaminated soil. The second, Lot 23 is permitted by the Ministry of Environment to receive contaminated soil as long as certain conditions are met.

Last Thursday, MLA Weaver raised concerns in the Legislature including whether contaminated soils were being dumped on Lot 21, where they are not permitted. The following day, Ministry of Energy and Mines inspectors determined they had enough information to issue a stop work to the company with regards to Lot 21, stating:

*Under Section 10 of the Mines Act, South Island Aggregates (SIA) is hereby issued a Stop Work Order with respect to the importation of soils onto the permit site (Lot 21). No soil importation shall take place on this site until such time as this order has been rescinded.*

*In addition, SIA is ordered to forward the Inspector two copies of all documentation relating to the importation of soil onto the site as per Special Condition 1 of permit G-8-331. This documentation shall be delivered to the office address appearing at the bottom of this letter no later than 12:00 pm (noon), May 8, 2015.*

This order will remain in place while the Ministry determines whether the company is dumping contaminated soil on Lot 21.

As the company is permitted to dump contaminated soil on Lot 23, similar action cannot be taken with regards to this property.

However, the Ministry of Environment is actively engaged with the Cowichan Valley Regional District to develop a sampling plan for both Lot 21 and 23 including groundwater, surface water and soil. Sediment and surface water will also be tested in Shawnigan Creek. This sampling is expected to take place next week.

If the test results show the company is out of compliance with its conditions on Lot 21 or Lot 23, appropriate enforcement action will be taken.

**Chris Sandve**

Chief of Staff to the Hon. Bill Bennett

Minister of Energy and Mines

Office: 250-356-9944 | Cell: 250-818-4306 | E-mail: [chris.sandve@gov.bc.ca](mailto:chris.sandve@gov.bc.ca)

## Frankl, Dave MEM:EX

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**From:** Jacobs, Jake GCPE:EX  
**Sent:** Wednesday, May 6, 2015 12:33 PM  
**To:** Sandve, Chris MEM:EX; Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Crebo, David GCPE:EX; Mitschke, Matt ENV:EX  
**Cc:** Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Subject:** Re: SIA statement

CHEK, CFAX - no requests but they have been reporting on the story

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**From:** Sandve, Chris MEM:EX  
**Sent:** Wednesday, May 06, 2015 12:24 PM  
**To:** Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Crebo, David GCPE:EX; Mitschke, Matt ENV:EX; Jacobs, Jake GCPE:EX  
**Cc:** Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Subject:** SIA statement

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Minister of Energy and Mines

Office: 250-356-9944 | Cell: 250-818-4306 | E-mail: [chris.sandve@gov.bc.ca](mailto:chris.sandve@gov.bc.ca)

## Frankl, Dave MEM:EX

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**From:** Sandve, Chris MEM:EX  
**Sent:** Wednesday, May 6, 2015 12:38 PM  
**To:** Mitschke, Matt ENV:EX; Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Crebo, David GCPE:EX; Jacobs, Jake GCPE:EX  
**Cc:** Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Subject:** RE: SIA statement

Ok great – I am tweaking the statement and will circulate final shortly – then will leave to you to run past your Minister and PO – Jake please make sure ENV knows all media that need to get this statement

### Chris Sandve

Chief of Staff to the Hon. Bill Bennett

Minister of Energy and Mines

Office: 250-356-9944 | Cell: 250-818-4306 | E-mail: [chris.sandve@gov.bc.ca](mailto:chris.sandve@gov.bc.ca)

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**From:** Mitschke, Matt ENV:EX  
**Sent:** Wednesday, May 6, 2015 12:38 PM  
**To:** Sandve, Chris MEM:EX; Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Crebo, David GCPE:EX; Jacobs, Jake GCPE:EX  
**Cc:** Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Subject:** Re: SIA statement

We can, Chin gave me the marching order that MMP is the lead for all SIA, so I think any statement should come out of MoE. MMP also said she was fine doing scrums and live media

Sent from my BlackBerry 10 smartphone on the TELUS network.

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**From:** Sandve, Chris MEM:EX  
**Sent:** Wednesday, May 6, 2015 12:24 PM  
**To:** Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Crebo, David GCPE:EX; Mitschke, Matt ENV:EX; Jacobs, Jake GCPE:EX  
**Cc:** Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Subject:** SIA statement

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Office: 250-356-9944 | Cell: 250-818-4306 | E-mail: [chris.sandve@gov.bc.ca](mailto:chris.sandve@gov.bc.ca)



Page 180 to/à Page 183

Withheld pursuant to/removed as

DUPLICATE

## Frankl, Dave MEM:EX

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**From:** Jacobs, Jake GCPE:EX  
**Sent:** Monday, May 11, 2015 6:27 PM  
**To:** Sandve, Chris MEM:EX; Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Cc:** Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Suric, Michelle J GCPE:EX  
**Subject:** Re: Media request - CBC Radio - SIA

Bullets are with David. Karn doesn't need info until tomorrow. Will send up tomorrow morning.

---

**From:** Jacobs, Jake GCPE:EX  
**Sent:** May-11-15 4:11 PM  
**To:** Sandve, Chris MEM:EX; Petrie, Cynthia MEM:EX; Togneri, Sebastien MEM:EX  
**Cc:** Haslam, David GCPE:EX; Gilmore, Dan GCPE:EX; Plummer, Glen GCPE:EX; Suric, Michelle J GCPE:EX  
**Subject:** Media request - CBC Radio - SIA

FYI. Karn says ENV will be responding. Keith Vass (CBC Radio -Victoria) has contacted ENV wanting to know if there's any change with respect to the MEM stop work order issued to South Island Aggregates May 1. ENV also wants to know if SIA got back to MEM by Friday's deadline. Working with program now to get that info for ENV. Will send it up first.



## NEWS RELEASE

Date: March 19, 2013

For Immediate Release

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### CVRD Response to the Ministry of Environment Posting a Draft Waste Discharge Permit in the Shawnigan Lake Watershed

**Duncan, BC:** The Ministry of Environment posted a draft Waste Discharge Permit on March 19, 2013 for the South Island Aggregates contaminated soils facility in the Shawnigan Lake Watershed. In response to this action, the Cowichan Valley Regional District has sent the attached letter to the Honourable Terry Lake, Minister of Environment.

For more information please contact:

*Warren Jones*

*Chief Administrative Officer*

*Cowichan Valley Regional District*

*Phone: 250-746-2500*

*Email: [wjones@cvrd.bc.ca](mailto:wjones@cvrd.bc.ca)*



March 19, 2013

File No.:

Minister of Environment  
PO BOX 9339 STN PROV GOVT  
VICTORIA BC V8W 9M1

via email: [ENV.Minister@gov.bc.ca](mailto:ENV.Minister@gov.bc.ca)

Attention: Honourable Terry Lake

Dear Minister Lake,

Re: **South Island Aggregates Contaminated Soils Facility  
in the Shawnigan Lake Watershed**

Today your Ministry posted a draft Waste Discharge Permit that when finally approved will see hundreds of thousands of tons of contaminated soil being dumped in the headwaters of the Shawnigan Lake Watershed. This same watershed is the source of drinking water for more than 7,000 people in the Shawnigan Lake area.

As you know the Cowichan Valley Regional District (CVRD) and Shawnigan Community are vehemently opposed to the South Island Aggregates (SIA) Contaminated Soils Facility application because it places a major public water supply at long-term risk. Accidents, mislabeled materials, seismic events, liner failure, ownership change, or future negligence are each possible in the circumstances, however unlikely they may appear at present or are minimized in the applicant's proposal. Oversight is largely delegated to the self-reporting scrutiny of the private owner. Once contaminated soil is placed in the ground the risks will have been taken. Perhaps it will be ten years maybe a hundred years, unfortunately, history dictates that inevitably problems will arise and there will be no way to remediate contamination of aquifers or to take back pollution of Shawnigan Lake.

Over the past year the CVRD has subscribed to the collaborative approach to dealing with the existing contaminated soil dumping issue in the Shawnigan Watershed. We sincerely appreciate what has been accomplished to date by your staff and the CVRD with sampling of dump sites and the hundreds of recently trucked materials. We are working with your ministry to solve a long-term environmental management problem by working together on mutually supportive local government bylaws and provincial regulations. We have offered to work with your ministry to identify a site or sites within the CVRD that could accommodate contaminated soils without compromising a community watershed. All of this positive work is likely to be overshadowed and for not by the anticipated approval of the SIA proposal.

Significant doubts have been raised about the location and character of underlying aquifers in the vicinity of the SIA quarry. Water users concern about risk is not a knee-jerk NIMBY reaction, but one founded on realistic assessments of the geological and hydrological uncertainties of the watershed area raised by independent professionals. These are not theoretical concerns, but ones based on science.

.../2

Cowichan Valley Regional District  
175 Ingram Street  
Duncan, British Columbia V9L 1N8

Toll Free: 1.800.665.3955  
Tel: 250.746.2500  
Fax: 250.746.2513

**cowichan**  
[www.cvrld.bc.ca](http://www.cvrld.bc.ca)

March 19, 2013  
Minister Terry Lake

Page two

The situation that Shawnigan Lake faces has become urgent. There is no competent authority dealing with cumulative environmental impact and what authority does exist is highly fragmented among agencies that are not well integrated in practice. The SIA application should not be considered in isolation from the overall context of the watershed. Shawnigan residents stand to live with the absurdity of officially sanctioned contaminated soil in their headwaters basin and the potential negative effects on public health and property values for the fleeting financial enrichment of others.

We cannot believe that a properly considered government decision would at the same time be willing to countenance a risk to a major public water supply, ignore the overwhelming concerns of the largest unincorporated population in the province, dismiss technical concerns from highly competent independent professionals and set aside the explicit opposition of a cooperating local government. We urge you to take the precautionary steps necessary, before the risks come due, to protect a public water supply. Please deny the SIA application before the damage is done.

Yours truly,



Rob Hutchins  
Chair

WJ/ann

pc: Premier Christy Clark  
Bill Routley, MLA  
CVRD Board of Director

File: ADMINISTRATOR/Correspondence/Directors/2011 - 2013/no Minister Lake SIA Waste Discharge Permit March 29 2013

## Firth, Janet EMNG:EX

---

**From:** Coleman.MLA, Rich [Rich.Coleman.MLA@leg.bc.ca]  
**Sent:** Thursday, March 28, 2013 9:19 AM  
**To:** Minister, EMH EMH:EX  
**Subject:** FW: Protect our Watershed!  
**Attachments:** coleman.docx

s.22

---

**From:**  
**Sent:** March-28-13 9:16 AM  
**To:** Coleman.MLA, Rich  
**Subject:** Protect our Watershed!

s.22

March 28, 2013

Honourable Rich Coleman  
Minister of Energy, Mines and Natural Gas  
Province of BC

Dear Minister:

Re: Permit to Haul and Dump Contaminated Soil in Shawnigan Lake Watershed

I urge you NOT to approve any legislative or regulatory changes that would support South Island Aggregate's bid to dump contaminated soil into Shawnigan Lake's watershed. Below are the reasons why the mining ministry should not support this precedent setting, destructive proposed public policy.

1. It is opposed by 100% of Shawnigan Lake residents, including the MLA and candidates from all political parties (including your own party), regional government representatives, volunteer area associations whose mandate is to protect the watershed and all other community interests, including First Nations.
2. The science offers no guarantee that the leachate from the contaminated soil will not find its way into our drinking water and air shed. In fact, it is clear from new investigations that 100,000 tons of contaminated soil (annually for fifty years) will be deposited directly over a large, porous limestone formation that runs through various southern Vancouver Island water sources and directly over an existing aquifer.
3. The hauling of the contaminated soil itself presents environmental and safety risks to Shawnigan and area residents.
4. Changing legislation and regulations to aid the granting of such a permit violates all aspects of your Sustainability on BC Mining Criteria.

The trampling of democracy over the greed of two businessmen will result in an embarrassment to the Ministry, lawsuits, citizen boycotts against the business involved and further civil action that will flood environmental bodies with hundreds of appeals.

Please protect our environment, protect democracy and fulfill your ministerial mandate.

Sincerely,

s.22

March 28, 2013

B.C. Minister of Environment  
PO Box 9047 Stn. Prov. Govt.  
Room 247, Parliament Bldgs.  
Victoria, BC  
V8W 9E2

Attn: Honourable Dr. Terry Lake, MLA  
Minister of Environment

Dear Sir,

**Re: South Island Aggregates (SIA) Contaminated Soils Landfill - Stebbings Road near Shawnigan Lake, B.C.**

I am writing to you because I am concerned about the threat to a drinking water source posed by this development. I am a professional engineer and geoscientist specializing in hydrogeology and at this time I am not working for any client regarding the project<sup>s.22</sup>

s.22 became familiar with the issues surrounding this application. As a P. Eng. I am motivated to communicate my concerns in accordance with our code of ethics, article 1 "*hold paramount the safety, health and welfare of the public and the protection of the environment*".

**Writer's Qualifications:**

s.22

The main materials reviewed in forming our opinion are listed as follows:

- SIA Website
- SIA Technical Assessment Report (TAR), Active Earth Eng. Ltd., August 2012
- Review of Application by the Environmental Protection Branch, September 14, 2012
- Letter to Shawnigan Residents Association re. SIA Application, LHC, September 23, 2012
- Bedrock Geology of the SIA Stebbings Road Quarry, BCGS, October 30, 2012
- Existing hydrogeology information resources like: The BC Water Resources Atlas, Aquifer mapping, geology mapping and general research.

Page 1 of 3



## General

There are four critical elements in a secure landfill: a bottom liner, a leachate collection system, a cover, and the natural hydrogeologic setting. The natural setting can be selected to minimize the possibility of wastes escaping to groundwater beneath a landfill. The three other elements must be engineered. Each of these elements is critical to success.

You want the geology to do two contradictory things for you. To prevent the wastes from escaping, you want soil and rock layers as tight (waterproof) as possible. Yet if leakage occurs, you want the geology to be as simple as possible so you can easily predict where the wastes will go. Then you can put down wells and capture the escaped wastes by pumping. Fractured bedrock is highly undesirable beneath a landfill because the wastes cannot be located if they escape. Mines and quarries should be avoided because they frequently contact the groundwater.

The engineered elements of the "secure" landfill are also prone to failure. The US Environmental Protection Agency (USEPA) acknowledges that all landfill liners leak. Most liners leak soon after filling starts.

Also leachate collection systems clog or fail for various reasons no matter how well designed. Furthermore hazardous constituents in landfills (ie. toxic metals) never degrade and the hazard posed by a landfill will last for "several thousand years" (USEPA).

## The SIA Site Setting

On-site and nearby well records indicate that the proposed landfill site overlies fractured bedrock. The contaminated soil will be placed into a depression created by rock quarrying. Observed seepage into the existing rock pit, well water levels, and nearby wetlands indicate that the pit may be excavated into the natural water table. There is no natural protection or barrier between pit bottom and the underlying drinking water aquifer.

SIA's Engineers, Active Earth Engineering Ltd. (AEE), have concluded that the layer of rock beneath the site has such low permeability that the underlying aquifer is protected. The basis for this conclusion is very questionable as noted in the Environmental Protection Branch review. AEE calculated a 100,000 year travel time from pit bottom to the underlying aquifer, this is an erroneous conclusion based on inadequate testing and flawed assumptions.

## Risk to Drinking Water

Nearby Shawnigan Creek, surrounding wells and Shawnigan Lake water will be put at risk by the proposed disposal of contaminated soils. The most imminent risk is to neighboring wells to the east of the site. There are at least 5 wells within 500 m. of the disposal site. These wells are on large residential lots along Goldstream Heights Road and Stebbings Road. This cluster of wells will produce a lowering of local water levels and likely induce flow from under the landfill. That is groundwater will flow from beneath the SIA site toward those wells. See the attached cross-section and plan. The quarrying operation itself may present a risk to these wells by leaching of explosives by-products into the drinking water aquifer.

## Conclusions

The proposed SIA contaminated soils landfill site provides no natural protection for the established drinking water sources in the region. The site is not suitable for a landfill. All environmental and drinking water protection measures proposed must be engineered (man-made) and are prone to failure. Furthermore the protection measures would have to be maintained in perpetuity. This is not a sustainable proposal. The environmental assessment (TAR) carried out for the proposal has many errors and omissions all of which favour the proponent.

## Closing

If the SIA contaminated soil landfill proposal is allowed to proceed it will present and unacceptable risk to local drinking water supplies. The proposal should be rejected.

If our region needs a site for disposal/treatment of contaminated soils then there are many more suitable sites that are available. A siting study and selection process should be undergone to locate these sites; however, recent advances in contaminated soils treatment techniques provide another option. Contaminated soils can be treated where found making hauling and dumping unnecessary.

Yours Sincerely

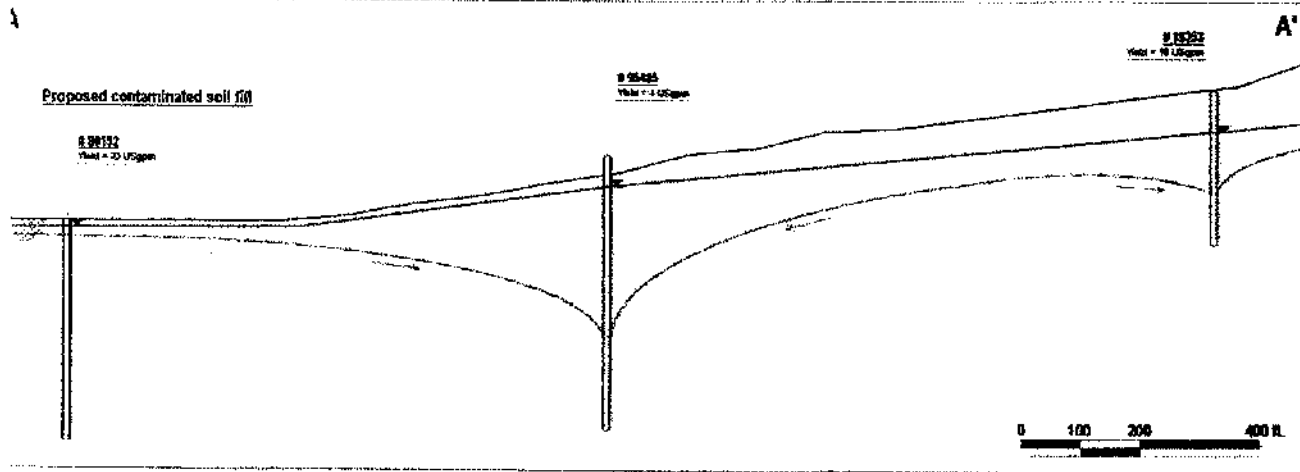
s.22

ccs: Dr Paul Hasselback; VIHA, Nanaimo  
Mark Hall, VIHA, Duncan  
Honourable Bill Routley; MLA Cowichan Valley  
Cowichan News Leader, Duncan  
Rob Hutchins, Chair, CVRD  
G. Horwood, Shawnigan Residents Association  
M. Pye, AEE  
Plus others

Encl.

Page 3 of 3

## LEGEND



## Firth, Janet EMNG:EX

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**From:** Minister, EMH EMH:EX  
**Sent:** Friday, April 12, 2013 12:44 PM  
**To:** EMNG Correspondence EMNG:EX  
**Subject:** info/file FW: A matter for Tourism, Children & Families, Community, Sports & culture, Education, Health, Environment, - Shawnigan Lake Watershed- contaminated soil will effect our Economy  
**Attachments:** CVRD Response SIA Permit PDF

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**From:** Coleman.MLA, Rich [mailto:Rich.Coleman.MLA@leg.bc.ca]  
**Sent:** Thursday, March 21, 2013 11:52 AM  
**To:** Minister, EMH EMH:EX  
**Subject:** FW: A matter for Tourism, Children & Families, Community, Sports & culture, Education, Health, Environment, - Shawnigan Lake Watershed- contaminated soil will effect our Economy

---

**From:** Shauna Benson [mailto:southcowichanchamber@shaw.ca]  
**Sent:** March-21-13 10:47 AM  
**To:** Bell, Pat JTST:EX; Letnick.MLA, Norm; Cadieux.MLA, Stephanie; McRae.MLA, Don; Coleman.MLA, Rich; Lake.MLA, Terry; Thomson.MLA, Steve; MacDiarmid.MLA, Margaret; [william.bennett.mla@leg.bc.ca](mailto:william.bennett.mla@leg.bc.ca)  
**Cc:** Christy Clark.MLA  
**Subject:** A matter for Tourism, Children & Families, Community, Sports & culture, Education, Health, Environment, - Shawnigan Lake Watershed- contaminated soil will effect our Economy

Hello Ministers Bell, Letnick, Cadieux, McRae, Coleman, Lake, Thomson, MacDiarmid & Bennett

As the South Cowichan Chamber of Commerce- there is a matter that will have a huge affect on our Economy that I know can be easily diverted!

Please look at an alternative to the Dumping of Contaminated soil in the Shawnigan Lake Watershed.

We have Families, Schools, Business & Tourism that all rely on a secure clean water source in and around the Shawnigan Lake Area, actually for all of the Cowichan Valley!

This affects all the Ministries you are responsible for!

SIA has been given the go ahead to deposit their contaminated goods in a gravel pit within the Shawnigan Lake Watershed.

You have Individuals, Businesses, Regional Directors and the Whole Region District asking you to put a stop to the dumping and help find an alternate solution.

Please read the attached letter from the Cowichan Valley Regional District.

We look forward to hearing from you and working on a solution, before more contaminants can be dumped.

Warm regards,



**Shauna Benson**

Executive Director | South Cowichan Chamber of Commerce  
ph. 250.743.3566 | 118 - 2720 Mill Bay road, Mill Bay, BC V0R 2P1  
[southcowichanchamber@shaw.ca](mailto:southcowichanchamber@shaw.ca) | [www.southcowichanchamber.org](http://www.southcowichanchamber.org)

*'Your Rural Chumber'*

## **Ferguson, Susan M EMNG:EX**

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**From:** Minister, EMH EMH:EX  
**Sent:** Friday, April 12, 2013 12:59 PM  
**To:** EMNG Correspondence EMNG:EX  
**Subject:** AAA FW: A matter for Tourism, Children & Families, Community, Sports & culture, Education, Health, Environment, - Shawnigan Lake Watershed- contaminated soil will effect our Economy

---

**From:** Shauna Benson [<mailto:southcowichchamber@shaw.ca>]  
**Sent:** Tuesday, March 26, 2013 11:26 AM  
**To:** 'Shauna Benson'; Bell, Pat JTST:EX; Letnick.MLA, Norm LASS:EX; Cadieux.MLA, Stephanie LASS:EX; McRae.MLA, Don LASS:EX; Coleman.MLA, Rich LASS:EX; Lake.MLA, Terry LASS:EX; Thomson.MLA, Steve LASS:EX; MacDiarmid.MLA, Margaret LASS:EX; [william.bennett.mla@leg.bc.ca](mailto:william.bennett.mla@leg.bc.ca)  
**Cc:** Christy Clark.MLA  
**Subject:** RE: A matter for Tourism, Children & Families, Community, Sports & culture, Education, Health, Environment, - Shawnigan Lake Watershed- contaminated soil will effect our Economy

Hello again Ministers!

We need some help from our government on this issue!

You do have the power to stop this!

Find an alternative land source that is not in a Watershed, or that does not have underground springs!

We have two Private Businesses that are cleaning up someone else's mess from previous bad calls in this area.

Bamberton- had to clean up their site, spending Millions of their own dollars!  
Richwood Contracting is currently doing the same for the other end of Shawnigan!

Have it so business has to clean their contaminates be for moving them anywhere.

As the South Cowichan Chamber of Commerce- there is a matter that will have a huge affect on our Economy that I know can be easily diverted!

Please look at an alternative to the Dumping of Contaminated soil in the Shawnigan Lake Watershed.

We have Families, Schools, Business & Tourism that all rely on a secure clean water source in and around the Shawnigan Lake Area, actually for all of the Cowichan Valley!

This affects all the Ministries you are responsible for!

SIA has been given the go ahead to deposit their contaminated goods in a gravel pit within the Shawnigan Lake Watershed.

You have Individuals, Businesses, Regional Directors and the Whole Region District asking you to put a stop to the dumping and help find an alternate solution.

Please read the attached letter from the Cowichan Valley Regional District.

We look forward to hearing from you and working on a solution, before more contaminants can be dumped.

Warm regards,



**Shauna Benson**

Executive Director | South Cowichan Chamber of Commerce

ph. 250.743.3565 | 118 – 2720 Mill Bay road, Mill Bay, BC V0R 2P1

[shauna@cowichancommerce.ca](mailto:shauna@cowichancommerce.ca) | [www.southcowichancommerce.org](http://www.southcowichancommerce.org)

***'Your Rural Chamber'***

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## Ferguson, Susan M EMNG:EX

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**From:** Minister, EMH EMH:EX  
**Sent:** Friday, April 12, 2013 1:00 PM  
**To:** EMNG Correspondence EMNG:EX  
**Subject:** Reply Direct FW: Draft permit to South Island Aggregate

**From:** Coleman.MLA, Rich [mailto:Rich.Coleman.MLA@leg.bc.ca]  
**Sent:** Wednesday, March 27, 2013 1:38 PM  
**To:** Minister, EMH EMH:EX  
**Subject:** FW: Draft permit to South Island Aggregate

s.22

**From:** \_\_\_\_\_  
**Sent:** March-27-13 1:09 PM  
**To:** Lake.MLA, Terry  
**Cc:** GHInfo FIN:EX; 'ghinfo.gov.bc.ca'; Coleman.MLA, Rich  
**Subject:** Draft permit to South Island Aggregate

Dear Mr. Lake,

s.22

To be frank, we are incredulous that a draft permit has been granted to South Island Aggregate to accept hundreds of thousands of tons of contaminated soil at their quarry site in the South Shawnigan watershed.

Apparently, the process is out of your hands now and it is in the hands of bureaucrats; we hope you can reinstate yourself in the process and reverse it.

Surely on earth, people in this lovely Province have the right to clean drinking water, and to not be fearful of some bureaucratic decision that threatens or lays waste to this precious and essential resource.

Yours Sincerely,

s.22

April 5, 201

*ATTENTION: MINISTER OF MINE & ENERGY*

I am writing to you in regard to the proposed Shawnigan Lake and Victoria water shed contamination site.

s.22

I as well as thousands of others are EXTREMELY concerned about the drinking water that we use from Shawnigan Lake.

The acceptance of this draft is unacceptable by all peoples. The whole concept of putting a toxic waste plant in two water sheds is absolutely absurd, not to mention negligent on the parts of the Minister of Environment, the Health Minister and the Preimier and many others in government.

I thought in our time we were getting smarter, it doesn't seem that way on the governments behalf.

Or is this about Money??? Can't be anything else in the minds of all the people in Shawnigan Lake, not to mention Victoria. Is Victoria not the capital of British Columbia, what a blunder here on the governments behalf.

I believe April is cancer awarness month. What a farce that is. The government will be escalating the cancers if this goes into our drinking water.

Absolutely nothing of this proposal makes sense to the intelligent people who are environmentally aware that all that is, IS.

If you don't know what that means, it is what you do involves you. We need to be working with nature, not going against it because it will come back and hurt mankind big time.

Please read the letters from professionals that I am enclosing. Please LISTEN to our MLA's who are against this. PLEASE educate yourselves on this matter. It is a HUGE ENVIRONMENTAL DISASTER waiting to happen if you allow this to go through.

Yours truly,

s.22

<b>MINISTER OF ENERGY AND MINES</b>		
REFERRAL NUMBER _____		
REFER TO: _____		
DRAFT REPLY <input type="checkbox"/>	INFO/FILE <input type="checkbox"/>	REPLY DIRECT <input type="checkbox"/>
RECEIVED	APR 15 2013	
REMARKS: _____		
_____		
_____		



**Ferguson, Susan M EMNG:EX**

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**From:** Minister, EMH EMH:EX  
**Sent:** Monday, April 15, 2013 11:26 AM  
**To:** EMNG Correspondence EMNG:EX  
**Subject:** info/file FW: Shawnigan Lake - No Contaminated Waste site! - YouTube

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**From:** Coleman.MLA, Rich [mailto:Rich.Coleman.MLA@leg.bc.ca]  
**Sent:** Friday, April 5, 2013 12:15 PM  
**To:** Minister, EMH EMH:EX  
**Subject:** FW: Shawnigan Lake - No Contaminated Waste site! - YouTube

---

**From:** s.22  
**Sent:** April-04-13 4:19 PM  
**To:** [premier@gov.bc.ca](mailto:premier@gov.bc.ca); [terry.lake@leg.bc.ca](mailto:terry.lake@leg.bc.ca); Thomson.MLA, Steve; Coleman.MLA, Rich  
**Subject:** Shawnigan Lake - No Contaminated Waste site! - YouTube

I have emailed some of you before about this issue ... You really should take a look at this short video. Would you want to be the political party that allowed Greater Victoria's water to become contaminated??? It may not be true....but, are you willing to take the risk? More research MUST be done before a permit is issued to SIA.

**Shawnigan Lake - No Contaminated Waste site!**  
<http://www.youtube.com/watch?v=nkhs7xgXPjM&feature=youtu.be>

Please share with your friends/network and help stop this dumping of contaminated soil !

Thanks,  
s.22

## Ferguson, Susan M EMNG:EX

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**From:** Minister, EMH EMH:EX  
**Sent:** Monday, April 15, 2013 11:33 AM  
**To:** EMNG Correspondence EMNG:EX  
**Subject:** info/file FW: Appeal of SIA permit to dump contaminated soil in Shawnigan Lake watershed, # 225272

---

**From:** Coleman.MLA, Rich [mailto:Rich.Coleman.MLA@leg.bc.ca]  
**Sent:** Friday, April 5, 2013 12:53 PM  
**To:** Minister, EMH EMH:EX  
**Subject:** FW: Appeal of SIA permit to dump contaminated soil in Shawnigan Lake watershed, # 225272

---

**From:** s.22  
**Sent:** April-04-13 9:18 AM  
**To:** Responses West Coast, ENV Protection ENV:EX  
**Cc:** s.22 premier@gov.bc.ca; Lake.MLA, Terry; Chong.MLA, Ida; Coleman.MLA, Rich; ralph.sultan@leg.bc.ca; stephanie.cadieau.mla@leg.bc.ca; margaret.macdairmid.mla@leg.bc.ca; naomi.yamamoto.mla@leg.bc.ca; deJong.MLA, Mike; Dix.MLA, Adrian; Fleming.MLA, Rob; Routley.MLA, Bill; s.22 Kendall, Perry HLTH:EX; Shoemaker, Wes ENV:EX; Lachance, Luc ENV:EX; John McKinley; editor@shawniganfocus.ca; s.22 info@Shawnigan Residents Association; s.22 torrance@wildernesscommittee.org; s.22  
**Subject:** Appeal of SIA permit to dump contaminated soil in Shawnigan Lake watershed, # 225272

I wish to register to provide evidence that will demonstrate a permit should not be provided for this project.

s.22

s.22 My research has provided the basis to bring forward the following evidence. I will present research from the United States and England which clearly demonstrates:

- a near 100% probability the landfill will leak contaminants.
- evidence that the drop in property values ranges from 15 to 100%
- evidence of birth defects, increased cancer rates and other significant health problems
- evidence that these countries have failed to monitor the contaminants entering their landfills, which will serve as evidence we experience the same risk in BC
- evidence that demonstrates a significant financial cost to the local community in lost business
- evidence that similar projects elsewhere have resulted in billion dollars of cleanup costs for governments

s.22

s.22 I will be outlining the basis for a class-action lawsuit which includes the BC government. My presentation will serve as evidence that ample notice was provided to the government prior to them approving the disposition of carcinogens in the watershed. I have been advised that local estimates place the financial risk to the government in excess of \$2 billion. I will also present a list of successful litigations conducted elsewhere that relate directly to this project, which will demonstrate that the province will need to develop a contingency fund to pay for future damages related to this project.



April 19, 2013

s.22

Dear s.22

Re: Your letter of March 28, 2013.  
"Permit to haul and dump contaminated soil in Shawnigan Lake Watershed"

I have been requested to reply to your letter addressed to Minister Coleman regarding the application for a Waste Management permit on the South Island Aggregate site and the potential, subsequent Mines Act Permit amendment.

The current application with the Ministry of Environment is undergoing a very detailed and complex review including involvement from Government;

- Professional geologists and other specialist Geo-Scientists
- Geotechnical engineers
- Hydrologists
- Agronomists
- and appropriate professionals with the Ministry of the Environment (MOE)

All comments and independent reports received are being reviewed as a part of the MOE process. This includes comments from Local Government and the Vancouver Island Health Authority (Health Officers).

As the decision on the waste management permits rests solely with the Ministry of the Environment, I have forwarded your correspondence to Mr. Bunce at the Ministry of the Environment.

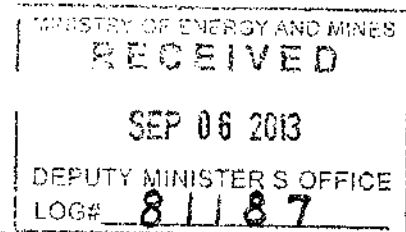
Thank you for your interest and comments.

Ed Taje  
Senior Mines Inspector, Coast Area

Cc: Hubert Bunce, MOE  
Luc LaChance, MOE

Cho, Gayle MEM:EX

**From:** Minister, MEM MEM:EX  
**Sent:** Thursday, August 22, 2013 11:59 AM  
**To:** MEM Correspondence MEM:EX  
**Subject:** FW: 5 new petition signatures: s.22



file

**From:** s.22  
**Sent:** Thursday, August 22, 2013 11:25 AM  
**To:** Minister, MEM MEM:EX  
**Subject:** 5 new petition signatures: s.22

5 new people recently signed Shawnigan Lake Residence Association's petition "Premier Christy Clark & Mary Polak Minister of the Environment: Reverse SIA Contaminated Soil Dump Permit in Shawnigan Lake" on Change.org.

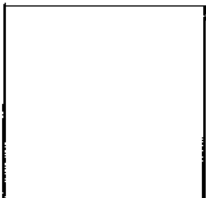
There are now 125 signatures on this petition. Read reasons why people are signing, and respond to Shawnigan Lake Residence Association by clicking here:  
<http://www.change.org/en-CA/petitions/premier-christy-clark-mary-polak-minister-of-the-environment-reverse-sia-contaminated-soil-dump-permit-in-shawnigan-lake/responses/new?response=72fa993bf5da>

Dear Bill Bennett,

Reverse SIA Contaminated Soil Dump Permit in Shawnigan Lake

Sincerely,

s.22



## Firth, Janet MEM:EX

---

**From:** Minister, MNGD MNGD:EX  
**Sent:** Wednesday, August 28, 2013 8:58 AM  
**To:** MEM Correspondence MEM:EX  
**Subject:** FW: South Island Aggregates

Info file, please

---

**From:** Coleman.MLA, Rich [mailto:Rich.Coleman.MLA@leg.bc.ca]  
**Sent:** Monday, August 26, 2013 3:04 PM  
**To:** Minister, MNGD MNGD:EX  
**Subject:** FW: South Island Aggregates

---

**From:** s.22

**Sent:** August 26, 2013 11:37 AM

**To:** McGuire, Jennifer ENV:EX; [Minister@ec.gc.ca](mailto:Minister@ec.gc.ca); Bunce, Hubert ENV:EX; Minister, ENV ENV:EX; WLAPMail, WWW ENV:EX; Anton.MLA, Suzanne; Ashton.MLA, Dan; Austin.MLA, Robin; Bains.MLA, Harry; Barnett.MLA, Donna; Bennett.MLA, Bill; Bernier.MLA, Mike; Bing.MLA, Doug; Bond.MLA, Shirley; Cadieux.MLA, Stephanie; Chandra Herbert.MLA, Spencer; Chouhan.MLA, Raj; [premier@gov.bc.ca](mailto:premier@gov.bc.ca); Coleman.MLA, Rich; Conroy.MLA, Katrine; Corrigan.MLA, Kathy; Dalton.MLA, Marc; Darcy.MLA, Judy; deJong.MLA, Mike; Dix.MLA, Adrian; Donaldson.MLA, Doug; Eby.MLA, David; Elmore.MLA, Mable; Foster.MLA, Eric; Fraser.MLA, Scott; Gibson.MLA, Simon; Hamilton.MLA, Scott; Hammell.MLA, Sue; Heyman.MLA, George; Hogg.MLA, Gordon; Holman.MLA, Gary; Horgan.MLA, John; Horne.MLA, Douglas; Hunt.MLA, Marvin; Huntington.MLA, Vicki; James.MLA, Carole; Karagianis.MLA, Maurine; Krog.MLA, Leonard Eugene; Kwan, Jenny (Office); Kylo.MLA, Greg; Lake.MLA, Terry; Larson.MLA, Linda; Lee.MLA, Richard; Letnick.MLA, Norm; Macdonald.MLA, Norm; Martin.MLA, John; McRae.MLA, Don; Morris.MLA, Mike; Mungall.MLA, Michelle; Oakes.MLA, Coralee; Pimm.MLA, Pat; Plecas.MLA, Darryl; Polak.MLA, Mary; Popham.MLA, Lana; Ralston.MLA, Bruce; Reid.MLA, Linda; Reimer.MLA, Linda; Rice.MLA, Jennifer; Robinson.MLA, Selina; Routley.MLA, Bill; Routley.MLA, Douglas; Rustad.MLA, John; Shin.MLA, Jane Jae Kyung; Simons.MLA, Nicholas; Simpson.MLA, Shane; Stilwell.MLA, Michelle; Stilwell.MLA, Moira; Stone.MLA, Todd; Sturdy.MLA, Jordan; Sullivan.MLA, Sam; Sultan.MLA, Ralph; Tegart.MLA, Jackie; Thomson.MLA, Steve; Thornthwaite.MLA, Jane; Throness.MLA, Laurie; Trevena.MLA, Claire; Virk.MLA, Amrik; Wat.MLA, Teresa; Weaver.MLA, Andrew; Wilkinson.MLA, Andrew; Yamamoto.MLA, Naomi; Yap.MLA, John; [letters@timescolonist.com](mailto:letters@timescolonist.com); s.22

**Subject:** RE: South Island Aggregates

Open letter to the BC Legislative Assembly:

Hello,

I can appreciate the Ministry of Environment's (MOE's) position that a technically "correct" decision has been made with regards to the South Island Aggregates (SIA) permit for 640 Stebbings Rd, Shawnigan Lake.

While your ministry may have completed all technical requirements with regards to this permit I feel that your process is morally bankrupt. The people of Shawnigan have made their wishes known and have been ignored, except for additional conditions being attached to an already terrible plan. The process has been claimed to be "free of political interference" however from the perspective of the people of Shawnigan the MOE has directly facilitated a permanent threat to their drinking water supply, business, and property values. This is not in line with public expectations that the MOE exists to steward our environment.

Like it or not, this is a political issue and it would be nice to see both our government and our Official Opposition doing their jobs as politicians with regards to this issue. It would seem that the goal of the public consultation is to attach extra requirements on to the draft permit but not to take grassroots public input into account. In short, your

process appears to be a sham. The process is designed to favour the applicant in a manner that negligent with respect to the wishes of the community of Shawnigan Lake.

No amount of monitoring requirements or discharge treatment standards will be enough. The fact that your ministry is trumpeting these additional conditions as good for the community shows just how flawed this process is. The initial permit was designed to discharge water into an active stream feeding a community watershed without meeting provincial drinking water requirements. That fact alone should be frightening to all the people of Shawnigan and BC. Apparently, industrial discharge of process water in active watersheds is only mandated for treatment when the public catches wind of the effluent discharge.

Additionally, the marketing of this project as Soil Remediation is farcical at best. The "Remediation" will involve "dig and dump" practices for the most part. In short, it is a landfill, not a "remediation" site. Remediation implies additional processes beyond sealing screened soil in a biocell. The soils proposed will contain numerous carcinogenic compounds, heavy metals, industrial wastes, coal ash, etc. Due to our position in an active earthquake zone the integrity of the biocells and other processes is a moot point. In a large seismic event the biocells will surely be pierced by the shifting bedrock and then it is game over for the region's water supply. There is already seismic activity in the area from blasting in adjacent, active, quarries. One would have to put a lot of effort into finding a site less suited for a dig and dump remediation operation.

To Summarize:

1. This represents a permanent environmental threat to the Shawnigan watershed.
2. The liner will be well designed. It will still leak as Cache Creek's liner is leaking.
3. There is active blasting in the adjacent quarries. We live in an earthquake zone.
4. The whole region is fed by a network of underground aquifers that is not mapped.
5. The site located is above two active watersheds. Shawnigan and Sooke lakes
6. Active wells run directly under the site.
7. If the aquifers flow south west they will encounter the Sooke Lake Reservoir
8. This project has the potential to eventually endanger the entire water supply of southern Vancouver Island.

If the above points are within the realm of "acceptable risk" then your process is beyond dangerous. This debacle implies that the ministry exists to facilitate the interests of a private business and not the people of Shawnigan or British Columbia. The fact that drinking water level discharge requirements were "tacked on" to the initial permit is negligent. With the existing track record the MOE has for enforcing its own regulations, and the reliance on self monitoring and reporting, you must forgive the people of Shawnigan for not having any faith in the MOE review process.

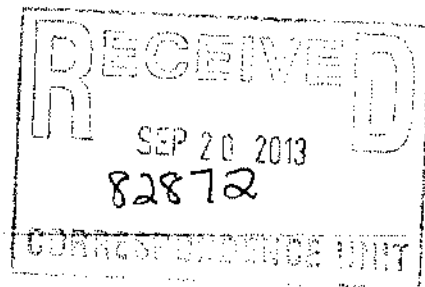
Thank you for your public service,

s.22

MMRD  
info/file

Ferguson, Susan M MEM:EX

**From:** Minister, MEM MEM:EX  
**Sent:** Wednesday, September 11, 2013 1:11 PM  
**To:** MEM Correspondence MEM:EX  
**Subject:** FW: SIA Permit Approval - Disgusted Community



Fyi/file

**From:** s.22

**Sent:** Sunday, September 8, 2013 2:14 PM

**To:** OfficeofthePremier, Office PREM:EX; Minister, ENV ENV:EX; Minister, MEM MEM:EX; Health, HLTH HLTH:EX

**Subject:** Re: SIA Permit Approval - Disgusted Community

# FAMILIES OF SHAWNIGAN AND MILLER TOXIC CONTAMINANTS APPROVED FOR OUR WATERSHED

CHLORIDES

BENZENE

TOXIC

HEAVY METALS

HYDROCARBONS

ACID

PAHs

OTHER TOXIC SUBSTANCES

HELP STOP THIS

WATERSHED

This is what you are allowing to be dumped in our watershed....for the benefit of a private company at the risk of contaminating drinking water for thousands....

On Sun, Sep 8, 2013 at 2:00 PM, <sup>s.22</sup> > wrote:

RE: South Island Aggregates Permit Approval - Shawnigan Lake

If you would actually listen to the majority of the population in the Cowichan Valley, and especially Shawnigan Lake, Cobble Hill, and Mill Bay, you might actually get an elected Liberal MLA from this area one day....instead you continue to alienate the voters and local government. Your own Liberal candidate for this area, by the way, was completely opposed to the location of this toxic waste dump. At least you could listen to one of your own...

The fact that you issued a permit to dump millions of tonnes of contaminated soil on a property near Shawnigan Lake, which as you are aware contains a creek and tributaries that flow into Shawnigan Lake and will apparently accept some of the so-called safe effluent from the landfill, is a disgrace to your government and the democratic process. Your process is flawed, obviously biased, and irresponsible. In a democracy, politicians are supposed to listen to the majority. The BC Liberals with bloated egos do the opposite - you ignore the wishes, health and safety of the majority for the financial gain of a few. It is impossible for you to claim that you issued this permit in the best interest of our community.

It is blatantly apparent that the MOE does not have the resources to properly monitor and enforce regulations in this area. The fact that you are unable to get the owners of land that have illegal dump sites on them to clean up their messes is an embarrassment to your government. They simply ignore MOE requests and get away with it.

How is it that during the permit application process, your government is claimed that the South Island Aggregates proposal was a low risk to our drinking water, and then after the permit is issued your own spokesperson suddenly claims that will in fact be a high-risk facility?

***"Ministry agents visit high-risk facilities a minimum of once a year"*** MOE spokesperson, Jennifer McGuire, Aug 30, 2013 to the Cowichan News Leader Pictorial

Why is it that you believe the geological reports of the private company (Active Earth) hired by the proponent, and completely discount the claims by the company (Lowen Hydrology Consulting) representing our concerned population?

There will there be appeals, and lawsuits to stop the disgusting mess that you so willingly approved (and in the eyes of many helped promote) to protect our health and property values. Would you sit back and let this happen to your drinking water watershed? I doubt it...

You have an alternative, and it's not too late to change your minds and do what you know is the right thing to do. Listen to the local government and the majority of the citizens of South Cowichan, and take us up on the offer of providing a better location that is better suited for a landfill - at least have the decency to respond to our offer.

If you are going to reply to this email with some canned response or typical reply about how some low-level decision maker is responsible for the soon to be toxic mess and you have no authority to deny the permit, then don't bother replying to my email at all.

Sincerely,

s.22



I will introduce a significant amount of scientific evidence into the official record during the course of my presentation.

Sincerely  
s.22

s.22

Confidentiality Warning: This message and any attachments are intended only for the use of the intended recipient(s), are confidential, and may be privileged. If you are not the intended recipient, you are hereby notified that any review, retransmission, conversion to hard copy, copying, circulation or other use of this message and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by return e-mail or telephone, and delete this message and any attachments from your system. Thank you.

Page 208 to/à Page 229

Withheld pursuant to/removed as

DUPLICATE

**Ferguson, Susan M MEM:EX**

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**From:** Minister, MEM MEM:EX  
**Sent:** Tuesday, March 24, 2015 2:30 PM  
**To:** MEM Correspondence MEM:EX  
**Subject:** FW: Toxic dump in Shawnigan Lake

Direct reply.

**From:** s.22  
**Sent:** Tuesday, March 24, 2015 1:54 PM  
**To:** Minister, MEM MEM:EX  
**Subject:** Toxic dump in Shawnigan Lake

To the Honorable Bill Bennett, Minister of Energy and Mines

I am writing this letter to protest the recent approve of a permit for South Island Aggregates (S.I.A.) to establish a soil remediation facility in the Shagnigan Lake Watershed. This permit allows S.I.A. to bring 100 000 tonnes of contaminated soil each year for 50 years and dump it on site. The site is on Sebbings Rd at the top of the Shawnigan Watershed, and will continue to operate as an active quarry. **It is unheard of to dump contaminated soil on a site in a community watershed ware no contamination exists and their is an active quarry with on going blasting.**

S.I.A. is a privet gravel company that continues to show troubling, dishonest and unethical business practices. I am deeply disturbed by the history of S.I.A. and their inability to self monitor. I do not trust them. to fulfill and maintain safe practices on this scale and of this risk level. Furthermore there are no plans to deal with a failure on the site, ether by the company or the ministry.

s.22 I care deeply about this island and my community. I truly think this is a bad idea and that it WILL have a negative impact on the economic and environmental health of this and neighboring community's as well as a fundamental risk to our drinking water!

Bottom line: Community bears 100% of the risk and endures certain negative impacts.

**Please conciser helping to revoke the permit and and take the Cowichan Valley Regional District up on their offer to search for a suitable site that dose not compromise a community watershed.**

Thank you very much for you time and considering the negative effects this will have on the local population if it is allowed to continue.

Sincerely,  
s.22

A concerned citizen.

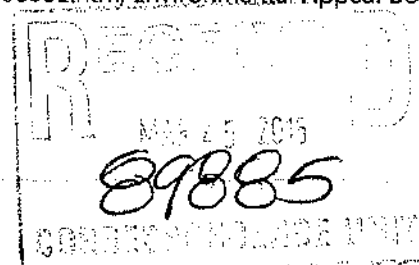
**Holding, Lea MEM:EX**

MMRD

**From:** Minister, MEM MEM:EX  
**Sent:** Wednesday, March 25, 2015 2:57 PM  
**To:** MEM Correspondence MEM:EX  
**Subject:** FW: EAB Hearing Ruling  
**Attachments:** Mary Polak March 2015.pdf; ATT00001.htm; Environmental Appeal Board Hearing Errors.pdf; ATT00002.htm

Info/file

**From:** s.22  
**Sent:** Wednesday, March 25, 2015 2:54 PM  
**To:** Minister, ENV ENV:EX  
**Cc:** Minister, FLNR FLNR:EX; Minister, MEM MEM:EX; Minister, AGRI AGRI:EX; Horgan.MLA, John LASS:EX; Routley.MLA, Bill LASS:EX; s.22 Tyee; Globe and Mail; CKNW Radio; Victoria Times-Colonist; Cowichan Valley Citizen; Vancouver Sun; Vancouver Province; CBC Radio; s.22 s.22  
**Subject:** EAB Hearing Ruling



March 25, 2015

Honourable Mary Polak Minister of Environment

Dear Minister Polak:

It is apparent from your recent radio and TV interviews that the information you have received from your advisers indicates that you have not read/heard all available information about the Environmental Appeal Board Ruling concerning South Island Aggregates' permit application.

The "Science" that you quote for the approval was torn apart in the hearings by many professionals. I have attached a list of sixteen items that the EAB failed to address.

Did you know that the representatives from Active Earth never even testified? Did you know that one of the SIA owners was proven to have lied during the hearings? Did you know that the "Professional" approving the permit never visited the site before he approved it?

Do you understand that the EAB and SIA agreed that the lining of the contaminated pit will eventually fail? This pit, full of potential contaminants, will be there FOREVER and eventually leach into the groundwater and lake tributary.

Shawnigan Lake residents are not divided on this issue. From the beginning, the vast majority has said this permit is wrong. Only a handful of residents have said yes (the two SIA owners, their family members and perhaps a handful of supporters).

s.22

Can we count on you, as Minister of Environment, to have the courage and leadership to stand up for the over 8000 residents of this community who are saying "NO" and reverse this decision?

Sincerely,

s.22

encl: (2) pdf of letter, EAB list

cc: Honourable Christy Clark, MLA John Horgan, MLA Bill Routley, Honourable Steve Thomson, Honourable Norm Letnick, Honourable Bill Bennett, Victoria Times-Colonist, Cowichan Valley Citizen, Cowichan News Leader, Vancouver Sun, Vancouver Province, Shawnigan Focus, CBC Radio, Les Leyne, Vaughn Palmer, The Tyee

## **Environmental Appeal Board Hearing: *Flaws, Oversights, Errors and Omissions***

1. This permit poses serious risks to Shawnigan Lake and other BC Communities:
  - Community bears 100% of the risk and endures a negative impact – zero benefit to Shawnigan – benefits go to a corporation.
  - Risks are environmental, health, and economic – fundamental risk to drinking water and an assault on property values for everyone.
  - An engineering failure cannot be remediated in a watershed, especially in an aquifer.
  - Company is responsible for self-monitoring; this is shown not to work (Mt Polley, for example) and the MOE has demonstrated over the last 14 years that they do not have the capacity to monitor or to enforce remediation.
  - There are no plans in place to deal with a failure on the site, either by the company or the ministry.
  - Engineering failures are commonplace and to be expected in a mining operation lasting 50 years.
  - Mining licenses throughout the province become potential fill sites for contaminated soil, a precedent that affects every community, not just Shawnigan.
2. There are serious oversights, errors, and omissions in the Ministry process:
  - The process is flawed and does not serve the people of BC or protect the environment.
  - All of the experts who testified during the hearings agreed that the site is not suitable for a contaminated soil dump.
  - It is unheard of to dump contaminated soil on a site in a community watershed where no contamination exists and there is an active quarry with ongoing blasting.
  - Victoria and Vancouver drinking watersheds are protected, as all drinking watersheds in BC should be.
  - The Statutory Decision Maker erred in a number of ways in issuing the permit
    - Did not consider expertise, competency, ethical conduct, and financial viability of the company.
    - Did not consider the financial impact on the community.
3. Flaws with the Environmental Appeal Board decision include:
  - Reliance on SIA's engineering report, even when their qualified professional did not testify and the report was demonstrated to be full of errors during the hearings.
  - CVRD offered to work together to find a suitable site in the region –this offer was ignored by the Ministry of Environment. It remains on the table as an honourable and practical alternative. The Tervita site is an example of an existing alternative dumpsite within the CRD.
  - Decision assumes Ministry of Environment is competent and able to do the monitoring when in practice the Ministry is understaffed and unable to deal with problems that arise (e.g. Mt Polley). This is demonstrated in the illegal soil dumpsites already in the CVRD.
  - A significant amount of information was omitted from the decision that was presented during the EAB hearings.

March 25, 2015

Honourable Mary Polak  
Minister of Environment  
PO Box 9047 STN Prov Govt  
Victoria, BC V8W 9E2

Dear Minister Polak:

It is apparent from your recent radio and TV interviews that the information you have received from your advisers indicates that you have not read/heard all available information about the Environmental Appeal Board Ruling concerning South Island Aggregates' permit application.

The "Science" that you quote for the approval was torn apart in the hearings by many professionals. I have attached a list of sixteen items that the EAB failed to address.

Did you know that the representatives from Active Earth never even testified? Did you know that one of the SIA owners was proven to have lied during the hearings? Did you know that the "Professional" approving the permit never visited the site before he approved it?

Do you understand that the EAB and SIA agreed that the lining of the contaminated pit will eventually fail? This pit, full of potential contaminants, will be there FOREVER and eventually leach into the groundwater and lake tributary.

Shawnigan Lake residents are not divided on this issue. From the beginning, the vast majority has said this permit is wrong. Only a handful of residents have said yes (the two SIA owners, their family members and perhaps a handful of supporters).

s.22

Can we count on you, as Minister of Environment, to have the courage and leadership to stand up for the over 8000 residents of this community who are saying "NO" and reverse this decision?

Sincerely,

s.22

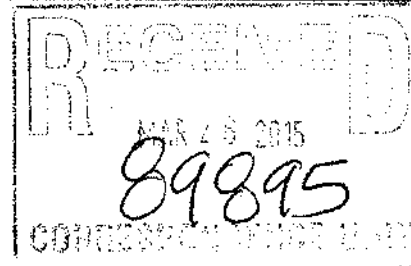
encl: EAB list

cc: Honourable Christy Clark, MLA John Horgan, MLA Bill Routley, Honourable Steve Thomson, Honourable Norm Letnick, Honourable Bill Bennett, Victoria Times-Colonist, Cowichan Valley Citizen, Cowichan News Leader, Vancouver Sun, Vancouver Province, Shawnigan Focus, CBC Radio, Les Leyne, Vaughn Palmer, The Tyee

**Holding, Lea MEM:EX**

MMRTD

**From:** Minister, MNGD MNGD:EX  
**Sent:** Thursday, March 26, 2015 9:24 AM  
**To:** MEM Correspondence MEM:EX  
**Subject:** FW: SHAME



Info file, please

**From:** s.22

**Sent:** Wednesday, March 25, 2015 7:34 PM

**To:** Minister, ENV ENV:EX; Minister, FLNR FLNR:EX; Minister, AGRI AGRI:EX; Minister, MEM MEM:EX; Minister, MNGD MNGD:EX; Minister, ABR ABR:EX; Minister, AVED AVED:EX

**Subject:** SHAME

re: your shocking disregard of public welfare. What did SIA pay for this verdict?

1. This permit poses serious risks to Shawnigan Lake and other BCCommunities:

- Community bears 100% of the risk and endures a negative impact – zero benefit to Shawnigan – benefits go to a corporation.
- Risks are environmental, health, and economic – fundamental risk to drinking water and an assault on property values for everyone.
- An engineering failure cannot be remediated in a watershed, especially in an aquifer.
- Company is responsible for self-monitoring; this is shown not to work (Mt Polley, for example) and the MOE has demonstrated over the last 14 years that they do not have the capacity to monitor or to enforce remediation.
- There are no plans in place to deal with a failure on the site, either by the company or the ministry.
- Engineering failures are commonplace and to be expected in a mining operation lasting 50 years.
- Mining licenses throughout the province become potential fill sites for contaminated soil, a precedent that affects every community, not just Shawnigan.

2. There are serious oversights, errors, and omissions in the Ministry process:

- The process is flawed and does not serve the people of BC or protect the environment.
- All of the experts who testified during the hearings agreed that the site is not suitable for a contaminated soil dump.
- It is unheard of to dump contaminated soil on a site in a community watershed where no contamination exists and there is an active quarry with ongoing blasting.



- Victoria and Vancouver drinking watersheds are protected, as all drinking watersheds in BC should be.
- The Statutory Decision Maker erred in a number of ways in issuing the permit
  - o Did not consider expertise, competency, ethical conduct, and financial

viability of the company.

- o Did not consider the financial impact on the community.

3. Flaws with the Environmental Appeal Board decision include:

Reliance on SIA's engineering report, even when their qualified professional did not testify and the report was demonstrated to be full of errors during the hearings.

1

- CVRD offered to work together to find a suitable site in the region –this offer was ignored by the Ministry of Environment. It remains on the table as an honourable and practical alternative. The Tervita site is an example of an existing alternative dump site within the CRD.
- Decision assumes Ministry of Environment is competent and able to do the monitoring when in practice the Ministry is understaffed and unable to deal with problems that arise (eg. Mt Polley). This is demonstrated in the illegal soil dump sites already in the CVRD.
- A significant amount of information was omitted from the decision that was presented during the EAB hearings.

Page 237 to/à Page 238

Withheld pursuant to/removed as

DUPLICATE

## **Firth, Janet MEM:EX**

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**From:** Firth, Janet MEM:EX on behalf of MEM Correspondence MEM:EX  
**Sent:** Monday, March 30, 2015 8:50 AM  
**To:** Minister, MEM MEM:EX  
**Cc:** McCann, Meghan MEM:EX  
**Subject:** RE: DECISION NOS. 2013-EMA-015(c), 019(d), 020(b) and 021(b)

Hi Sebastien,

We don't have a template response for this. In their response, ENV should state that our Ministry forwarded the incoming to them for response.

Please let me know if you need further.

Thanks,

Janet

---

**From:** Minister, MEM MEM:EX  
**Sent:** Monday, March 30, 2015 8:34 AM  
**To:** MEM Correspondence MEM:EX  
**Subject:** FW: DECISION NOS. 2013-EMA-015(c), 019(d), 020(b) and 021(b)

I have forwarded this to ENV. Do we have a template to reply letting people know when we do this?

---

**From:** s.22  
**Sent:** Sunday, March 29, 2015 9:56 AM  
**To:** Minister, MEM MEM:EX  
**Subject:** DECISION NOS. 2013-EMA-015(c), 019(d), 020(b) and 021(b)

Dear Minister,

I would like to voice my concern over the recent appeal ruling on the permit to dump contaminated soil at the South Island Aggregates quarry in Shawnigan Lake. Although a significant amount of effort was put into the appeal process, the actual location of the site was never in question. I understand that this is standard practice for the Ministry of Environment based on paragraph 226 of the appeal ruling. (If you have not seen the appeal ruling it is available here: [http://www.eab.gov.bc.ca/ema/2013ema015c\\_019d\\_020b\\_021b.pdf](http://www.eab.gov.bc.ca/ema/2013ema015c_019d_020b_021b.pdf))

Given the recent events at Mt. Polley, it should be clear that no amount of engineering can make up for a bad location. If that tailings pond had not been sitting above a creek and two lakes, the breach would have been a non-issue. The situation in Shawnigan Lake is very similar to Mt. Polley in that the site offers no real natural containment: it is on the side of a hill, next to a stream, over an aquifer. If the engineered containment solution fails, pollution will enter the Shawnigan Lake watershed. (paragraphs 475-477 of the appeal ruling)

I would implore you to investigate this issue and discuss my concerns with the Honourable Mary Polak. If the businesses on the South end of Vancouver Island need an additional site to dump contaminated soil, then the Cowichan Valley Regional District has offered to help find suitable sites with more favourable geology. I

would be interested in your views on why this site is needed at all and, if it is required, why a more suitable location cannot be found? Please write back at your convenience.

Respectfully Yours,

s.22

Additional Information;

- The quarry sits on top of an Aquifer and next to Shawnigan Creek [paragraphs 47 and 264]
- Any water leaving the site will enter the creek and eventually Shawnigan Lake [para 50]
- The soil may contain high concentrations of toxins like Mercury, Pesticides (including DDT), and PCBs. [para 67]
- The soil may come from anywhere (some has already been shipped down from Prince Rupert)
- SIA is going to continue blasting, even after they start installing the plastic liners and accepting fill [para 445]

## **Firth, Janet MEM:EX**

---

**From:** McCann, Meghan MEM:EX  
**Sent:** Monday, March 30, 2015 8:54 AM  
**To:** MEM Correspondence MEM:EX; Togneri, Sebastien MEM:EX  
**Subject:** info file - RE: Revoke SIA's Shawnigan Lake Landfill Approval

Will do :-)

-----Original Message-----

**From:** MEM Correspondence MEM:EX  
**Sent:** Monday, March 30, 2015 8:47 AM  
**To:** Togneri, Sebastien MEM:EX  
**Cc:** McCann, Meghan MEM:EX  
**Subject:** FW: Revoke SIA's Shawnigan Lake Landfill Approval

Hi Sebastien,

Please advise if this should be for ENV as well, as it's regarding the permit to dump contaminated soil at the South Island Aggregates quarry in Shawnigan Lake?

Thanks,

Janet

-----Original Message-----

**From:** Minister, MEM MEM:EX  
**Sent:** Monday, March 30, 2015 8:37 AM  
**To:** MEM Correspondence MEM:EX  
**Subject:** FW: Revoke SIA's Shawnigan Lake Landfill Approval

For appropriate action.

-----Original Message-----

**From:** s.22  
**Sent:** Saturday, March 28, 2015 7:44 PM  
**To:** OfficeofthePremier, Office PREM:EX; Minister, ENV ENV:EX; Minister, FLNR FLNR:EX; Minister, AGRI AGRI:EX; Minister, MEM MEM:EX; Minister, MNGD MNGD:EX; Minister, ABR ABR:EX; Minister, AVED AVED:EX; Minister, MCF MCF:EX; Minister, CSCD CSCD:EX; Minister, EDUC EDUC:EX; Minister, FIN FIN:EX; Minister, HLTH HLTH:EX; Minister, MIT MIT:EX; Minister, JAG JAG:EX; Minister, SDSI SDSI:EX; Minister, MTIC MTIC:EX; Transportation, Minister TRAN:EX; Minister, STSB STSB:EX; Environment Critic; Darcy.MLA, Judy LASS:EX; Chandra Herbert.MLA, Spencer LASS:EX; Farnworth.MLA, Mike LASS:EX; Bains.MLA, Harry LASS:EX; [jenny.kwan.mla@leg.bc.ca](mailto:jenny.kwan.mla@leg.bc.ca); Popham.MLA, Lana LASS:EX; [doug.routley.mla@leg.bc.ca](mailto:doug.routley.mla@leg.bc.ca); Minister, JTST JTST:EX  
**Cc:** Routley.MLA, Bill LASS:EX; Horgan.MLA, John LASS:EX; [sfurstenau@cvrd.bc.ca](mailto:sfurstenau@cvrd.bc.ca)  
**Subject:** Revoke SIA's Shawnigan Lake Landfill Approval

s.22

Page 242 to/à Page 243

Withheld pursuant to/removed as

DUPLICATE

## Ferguson, Susan M MEM:EX

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**From:** Minister, MEM MEM:EX  
**Sent:** Wednesday, April 1, 2015 2:19 PM  
**To:** MEM Correspondence MEM:EX  
**Subject:** FW: Shawnigan Lake Watershed - Toxic Dump Site

Info/File

**From:** s.22  
**Sent:** Wednesday, April 1, 2015 12:16 PM  
**To:** OfficeofthePremier, Office PREM:EX; Minister, ENV ENV:EX  
**Cc:** Minister, MEM MEM:EX; Minister, FLNR FLNR:EX; Minister, AGRI AGRI:EX; Minister, MNGD MNGD:EX; Minister, ABR ABR:EX; Minister, AVED AVED:EX; Minister, MCF MCF:EX; Minister, CSCD CSCD:EX; Minister, EDUC EDUC:EX; Minister, HLTH HLTH:EX; Minister, MIT MIT:EX; Minister, JTST JTST:EX; Minister, JAG JAG:EX; Minister, SDST SDST:EX; Minister, MTIC MTIC:EX; Minister, STSB STSB:EX; [letters@nationalpost.com](mailto:letters@nationalpost.com); [letters@theglobeandmail.com](mailto:letters@theglobeandmail.com); [provletters@theprovince.com](mailto:provletters@theprovince.com); [sunletters@theprovince.com](mailto:sunletters@theprovince.com); [editor@vicnews.com](mailto:editor@vicnews.com); [news@islandtides.com](mailto:news@islandtides.com); [editor@cowichannewsleader.com](mailto:editor@cowichannewsleader.com); [news@cowichanvalleycitizen.com](mailto:news@cowichanvalleycitizen.com); [letters@timescolonist.com](mailto:letters@timescolonist.com); [elizabeth.may.dla@parl.gc.ca](mailto:elizabeth.may.dla@parl.gc.ca); s.22; Routley.MLA, Bill LASS:EX; Horgan.MLA, John LASS:EX; [kdavis@cvrd.bc.ca](mailto:kdavis@cvrd.bc.ca); [mclement@cvrd.bc.ca](mailto:mclement@cvrd.bc.ca); [liannidinardo@cvrd.bc.ca](mailto:liannidinardo@cvrd.bc.ca); [anicholson@cvrd.bc.ca](mailto:anicholson@cvrd.bc.ca); [imorrison@cvrd.bc.ca](mailto:imorrison@cvrd.bc.ca); [mdorey@cvrd.bc.ca](mailto:mdorey@cvrd.bc.ca); [mmarcotte@cvrd.bc.ca](mailto:mmarcotte@cvrd.bc.ca); [kkuhn@cvrd.bc.ca](mailto:kkuhn@cvrd.bc.ca); s.22; [rhutchins@ladysmith.ca](mailto:rhutchins@ladysmith.ca); [mayor@duncan.ca](mailto:mayor@duncan.ca); [chairperson@cvrd.bc.ca](mailto:chairperson@cvrd.bc.ca); [tom.walker@northcowichan.ca](mailto:tom.walker@northcowichan.ca); [rob.douglas@northcowichan.ca](mailto:rob.douglas@northcowichan.ca); [sfurstenau@cvrd.bc.ca](mailto:sfurstenau@cvrd.bc.ca); [shawniganresidentsassociation@gmail.com](mailto:shawniganresidentsassociation@gmail.com)  
**Subject:** Shawnigan Lake Watershed - Toxic Dump Site

31 March 2015

To: Honourable Premier Christy Clark and Honourable Mary Polak, Minister of the Environment

Re: Toxic Dump Site in the Shawnigan Lake Watershed

Statements of *careful monitoring* of this site and/or *well designed emergency plans* are not reassuring to me and should not be reassuring to any B.C. resident.

I have to wonder if the people of Mt. Polley were also advised of the Ministry's intentions of *careful monitoring* and *well designed emergency plans*?

This dump site sits over an aquifer and over fractured permeable limestone, not over 70-80 meters of solid impermeable rock as was originally claimed, and the site sits mere feet away from a stream running into Shawnigan Lake.

It is not too late to prevent *another* environmental disaster. We all need to learn from previous mistakes, not continue to make them.

Stop the permit to dump soils contaminated with toxins including known carcinogens, mutagens and teratogens into the Shawnigan Lake watershed. This would never be allowed in the Sooke Lake watershed, the risk of contaminating Victoria's drinking water would be too great. I question what is so different about the Shawnigan Lake watershed?

s.22

Victoria, B.C.

\_\_\_\_\_ Information from ESET NOD32 Antivirus, version of virus signature database 11412 (20150401)

\_\_\_\_\_ The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>



## **Firth, Janet MEM:EX**

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**From:** Minister, MEM MEM:EX  
**Sent:** Tuesday, April 7, 2015 9:27 AM  
**To:** MEM Correspondence MEM:EX  
**Subject:** Info/File - FW: Shawnigan Lake watershed

Info/File

**From:** s.22  
**Sent:** Sunday, April 5, 2015 9:51 AM  
**To:** Routley.MLA, Bill LASS:EX; Horgan.MLA, John LASS:EX; OfficeofthePremier, Office PREM:EX; Minister, ENV ENV:EX; Minister, AGRI AGRI:EX; Minister, MEM MEM:EX; Minister, FLNR FLNR:EX  
**Subject:** Shawnigan Lake watershed

To Honourable Members Christy Clark, Mary Polak, Steve Thomas, Norm Letnick and Bill Bennett:

I am writing regarding the decision to allow contaminated soil to be dumped in the Shawnigan Lake watershed area. Clearly, this is an unsound decision as its potential impacts on the community and those in the surrounding area are irreversible. Water knows no boundaries in the watersheds and contaminants can easily render the drinking water unsafe for local and surrounding residents and businesses.

s.22

s.22 I do not want to have to drink bottled water like we did for years as we were all too afraid to consume tap water. My brother-in-laws and their families in Ontario continue to use bottled water to this day. Living here, I did not imagine this concern would haunt us again.

Rather than repeat all of the arguments you have already heard, I am asking you to review the decision to dump contaminants in the watershed and accept the community's offer to find an alternate site, even within the Cowichan Valley Regional District.

Sincerely,

s.22

## Ferguson, Susan M MEM:EX

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**From:** MEM Correspondence MEM:EX  
**Subject:** FW: Shawnigan Lake Watershed Protection

**From:** s.22  
**Sent:** Tuesday, April 7, 2015 9:41 PM  
**To:** Minister, MEM MEM:EX  
**Subject:** Shawnigan Lake Watershed Protection

Honourable Bill Bennett  
Minister of Energy and Mines

I would like to express my opposition to the Ministry of Environment granting a permit to South Island Aggregate allowing them to dump five million tons of contaminated soil in Shawnigan Lake's watershed. By issuing this permit Shawnigan Lake residents have been denied their right to clean, safe water and have been forced to wholly accept the inherent risks associated with this project. Surely the Provincial government must recognize the value of a protected water source for a community and understand that any probability of failure of this contaminated soil dump, no matter how small, is a threat and reason enough to forbid it in our watershed. In the EAB hearings, a cohort of experts testified as to the unsuitability of the site and were completely ignored in the board's decision. The board instead sided with SIA's engineers who did not even take the stand to defend their work.

s.22 it is totally unfair to have our lives and interests devalued and put in jeopardy by this Provincial government.

s.22

**Ferguson, Susan M MEM:EX**

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**From:** Minister, MEM MEM:EX  
**Sent:** Wednesday, April 8, 2015 8:57 AM  
**To:** MEM Correspondence MEM:EX  
**Subject:** FW: Please stop the Contaminated dumping in Shawnigan Watershed

Draft Reply

s.22  
**From:** s.22  
**Sent:** Friday, April 3, 2015 4:10 PM  
**To:** Minister, MEM MEM:EX  
**Cc:** Routley.MLA, Bill LASS:EX; Horgan.MLA, John LASS:EX  
**Subject:** Please stop the Contaminated dumping in Shawnigan Watershed

To the Honourable Bill Bennett

s.22 . At this point we discovered that there was  
a Contaminated Soil facility being constructed s.22 The science involved in this  
facility shows without a doubt that this location is improper for this type of facility and is putting our entire  
community at risk. Our homes, our livelihoods and health is in the crosshairs of this facility.

We beg you to have a look at this situation. Make the right decision and please revoke this permit before the  
damage takes place. Help protect our environment, our salmon stream, our drinking water s.22  
s.22 Help me keep them safe.

Thank you

s.22

Sent from Windows Mail

**Ferguson, Susan M MEM:EX**

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**From:** Minister, MNGD MNGD:EX  
**Sent:** Friday, April 10, 2015 7:56 PM  
**To:** MEM Correspondence MEM:EX  
**Subject:** FW: Toxic Soil Dump at Shawnigan Lake

Info file, please

**From:** s.22  
**Sent:** Thursday, April 9, 2015 10:21 AM  
**To:** Minister, ENV ENV:EX  
**Cc:** OfficeofthePremier, Office PREM:EX; Minister, MNGD MNGD:EX; Minister, HLTH HLTH:EX; Minister, JTST JTST:EX; Minister, STSB STSB:EX  
**Subject:** Toxic Soil Dump at Shawnigan Lake

s.22

April 9, 2015

The Honourable Mary Polak, Minister of Environment

PO BOX 9047 STN PROV GOVT

VICTORIA, BC V8W 9E2

[ENV.Minister@gov.bc.ca](mailto:ENV.Minister@gov.bc.ca)

Fax: 250 387-1356

Dear Minister,

I am strongly opposed to the permit granted for *South Island Aggregates (SIA)* to dump contaminated waste at their site on Stebbings Road, at Shawnigan Lake B.C.

I believe this permit places Shawnigan Lake, Greater Victoria and the Province at huge risk in several ways. At risk are:

- a. Shawnigan Lake's water quality and the health of residents
- b. Water quality of the aquifer in the valley and surrounding areas, including the Victoria Watershed;
- c. Tourism and real estate values in the Shawnigan Lake region;
- d. Potential law suits against the permit holder and issuer; and
- e. Inevitable clean up costs for the toxic waste site. (These costs could be in the hundreds of millions of dollars).

It seems unconscionable to me that a permit could be issued that places the nearby watershed and aquifer at such risk particularly when the *Cowichan Valley Regional District (CVRD)* made its position clear by launching an appeal. I have read through the *Environmental Appeal Board Decisions* regarding the permit and it is clear the environmental risks remain significant and that the geology surrounding and below the site remain uncertain. The health and environmental safety of thousands of people are in the hands of a "for profit" business that has demonstrated flagrant disregard for adherence to rules of the permit and the bylaws of the CVRD.

I am also concerned about the future potential negative economic impacts to the Shawnigan Lake area and for Greater Victoria. Of note is the Victoria drinking water reservoir almost exactly the same distance from the contaminated soil dump as Shawnigan Lake. Not only could the Shawnigan Lake area become a less attractive destination, but impacts could literally spill southward to Greater Victoria residents as well.

Many concerned residents thought the Appeal Board would actually disallow the permit for SIA to dump. Now we are in disbelief shocked with this decision. Concerns now are greater than ever and discussions regarding the dump are intensifying; all because a private company wants to make money and our government has not taken a thorough look at the potential long-term impacts of this decision.

Clearly the decision to allow a toxic soil dump was not made adhering to our Premier's mantra of "Families First" since this decision puts families in this region "last" when considering the competing values and priorities: profiteering versus protecting the safety and security of our residents. Our government should be working to protect its citizens and it is evident that the Cowichan Valley Regional District is doing this. I sincerely hope that our Provincial Government will do the same. This dump will come to embarrass us all, potentially make our community sick, and cost taxpayers dearly for the cleanup and other consequences.

Please stop this dump by rescinding the permit.

Sincerely,

s.22

cc: Honourable Christy Clark, Premier

Honourable Rich Coleman, Deputy Premier

Honourable Terry Lake, Minister of Health

Honourable Shirley Bond, Minister of Jobs, Tourism and Skills Training

Honourable Naomi Yamamoto, Minister of State for Tourism and Small Business

## **Firth, Janet MEM:EX**

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**From:** Minister, MNGD MNGD:EX  
**Sent:** Monday, April 13, 2015 10:06 AM  
**To:** MEM Correspondence MEM:EX  
**Subject:** FW: Permit Approval for South Island Aggregate

Info file, please

**From:** s.22  
**Sent:** Sunday, April 12, 2015 9:21 AM  
**To:** OfficeofthePremier, Office PREM:EX  
**Cc:** Minister, ENV ENV:EX; Minister, MNGD MNGD:EX; Minister, HLTH HLTH:EX; Minister, JTST JTST:EX; Minister, STSB STSB:EX; [letters@timescolonist.com](mailto:letters@timescolonist.com); [news@cowichanvalleycitizen.com](mailto:news@cowichanvalleycitizen.com); [sunletters@vancouverisun.com](mailto:sunletters@vancouverisun.com); [letters@theglobeandmail.com](mailto:letters@theglobeandmail.com); [letters@nationalpost.com](mailto:letters@nationalpost.com)  
**Subject:** Permit Approval for South Island Aggregate

Honourable Christy Clark

Dear Ms. Clark,

I am sure you have received many letters about the disastrous permit approval for South Island Aggregate. It bears repeating over and over until you and this government revoke the permit. This is the wrong location for South Island Aggregate to dump contaminated soil.

I feel it is disingenuous of you to speak of caring for families and the environment and then allowing contaminated soil to be dumped in direct line with our water source.

WE DO NOT have the luxury ( as all of Victoria and Vancouver residents do) of a fresh untainted water source. Isn't it nice that Victoria residents near us enjoy water from a Secure Unaccessable Lake which by chance is the same distance away as Shawnigan Lake from the contaminated soil. I am not sure if the Sooke Lake Basin is free from risks when this fails. John Alexander, YOUR lawyer has stated as much in an interview on television.

Why are we not afforded the same "luxury".

I will repeat here so you understand the hardships contaminated soil will put on our community

There is NO BENEFIT to the residents or Shawnigan Lake and surrounding people and we bear ALL the risks ( financial and healthwise) WHEN this liner leaks.

1. All the experts from the hearing have agreed that the liner will break down and has not even been proven yet to be safe over a long period.
2. At the hearings all the experts that spoke stated that a communities "watershed" ( OUR drinking source) is an inappropriate location for contaminated soil.
3. South Island Aggregate is not equipped to "manage" and self-monitor their own site. This seems like a disaster waiting to happen considering the problems and infractions they have already had.
4. With the emphasis on clean drinking water around the world and the updated Provincial Water Act coming out soon, it is frightening to think the Ministry of Environment can make these decisions countering what your mandate is.

5. s.22

6. In addition to our health, I am wondering as a whole, what this will do to our community and our economy when people stop moving here or investing their business here. I am aware realtors are already having potential buyers questioning the water source.
7. In addition to the water problems I would like to address the road problems. Over the years they will be running large trucks up the Malahat and onto Shawnigan Lake Road. Are they being made to pay for or maintain the road surface as the volume and weight of these trucks will destroy the roads.

In conclusion, s.22 Shawnigan have many issues with this permit. This should never have gotten past the first hurdle. CVRD directors in Duncan April of 2013 had apposed this idea. All the benefit will go to SIA and their large profits and your tax dollars and all the risks will fall on us.

PLEASE REVOKE THE SOUTH ISLAND AGGREGATE PERMIT AND USE ANOTHER SITE. It can be done as there are other sites available.

Thank you for your prompt attention to this very pressing issue.

s.22



## **Firth, Janet MEM:EX**

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**From:** Minister, MNGD MNGD:EX  
**Sent:** Monday, April 13, 2015 10:07 AM  
**To:** MEM Correspondence MEM:EX  
**Subject:** FW: Approval of Permit for South Island Aggregate

Info file, please

**From:** s.22  
**Sent:** Sunday, April 12, 2015 7:25 PM  
**To:** Minister, JTST JTST:EX  
**Cc:** OfficeofthePremier, Office PREM:EX; Minister, ENV ENV:EX; Minister, MNGD MNGD:EX; [letters@timescolonist.com](mailto:letters@timescolonist.com); Minister, HLTH HLTH:EX  
**Subject:** Approval of Permit for South Island Aggregate

Honourable Shirley Bond,  
Minister of Jobs, Tourism, and Skills Training

Dear Ms. Bond,

I am writing to you today to ask that the permit for South Island Aggregate to dump contaminated soil in the Shawnigan Lake watershed be REVOKED. I am calling on you to speak to Ms. Polak and Ms. Clark about this matter as this situation will, no doubt, greatly affect our chances of attracting new business to our area, or in fact holding business here. Tourism is a large part of our economy in the Cowichan Valley and small business jobs are also very important. As Minister of Jobs and Tourism, I believe it is your job to ensure this community continues to be vibrant and growing. When this site of contaminated soil leaks into our water, the our economy and our community will be crippled. Already there have been questions from potential buyers about the quality of our water and the fear of this site fouling our watershed.

There are other sites, away from our drinking water source that would be more suitable and Cowichan Valley Regional District staff have agreed to help locate a site.

I am appealing to you and your fellow ministers to do the right thing and review ALL the reports from the experts of the hearing and not just the issues and questions that can be rationalized and explained away in the governments favour.

All politicians in this province have a duty to protect our health and our well being. It is your duty to uphold that.

I will repeat here what I have written to Premier Clark so you understand the hardships this permit and the contaminated toxic soil will put on our community

There is NO BENEFIT to the residents or Shawnigan Lake and surrounding people and we bear ALL the risks ( financial and healthwise) WHEN this liner leaks.

1. All the experts from the hearing have agreed that the liner will break down and has not even been proven yet to be safe over a long period.

2. At the hearings all the experts that spoke stated that a communities "watershed" ( OUR drinking source) is an inappropriate location for contaminated soil.
3. South Island Aggregate is not equipped to "manage" and self-monitor their own site. This seems like a disaster waiting to happen considering the problems and infractions they have already had.
4. With the emphasis on clean drinking water around the world and the updated Provincial Water Act coming out soon, it is frightening to think the Ministry of Environment can make these decisions countering what your mandate is.
5. s.22

I feel saddened when our government listens not to the people of British Columbia, but their lawyer, John Alexander spouting lies and your own "experts" who are just repeating what is on your agenda. How can Mary Polak sleep at night after stating on television that the "risks are acceptable".

That's ridiculous and who are these risks acceptable for ?

Please stop this to avert a disaster from happening.

Thank you in advance for your prompt attention to this pressing matter.

s.22

**Ferguson, Susan M MEM:EX**

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**From:** Minister, MEM MEM:EX  
**Sent:** Friday, April 17, 2015 12:33 PM  
**To:** MEM Correspondence MEM:EX  
**Subject:** FW: Fight for Clean Water -Shawnigan Lake/Greater Victoria

Info/File

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**From:** s.22  
**Sent:** Friday, April 17, 2015 12:26 PM  
**To:** [leona.aglukkaq@parl.gc.ca](mailto:leona.aglukkaq@parl.gc.ca)  
**Cc:** [rona.ambrose@parl.gc.ca](mailto:rona.ambrose@parl.gc.ca); Minister, MEM MEM:EX; Minister, ENV ENV:EX; Minister, HLTH HLTH:EX; Horgan.MLA, John LASS:EX; Hammell.MLA, Sue LASS:EX; Farnworth.MLA, Mike LASS:EX; [fifthtips@cbc.ca](mailto:fifthtips@cbc.ca); [localnews@timescolonist.com](mailto:localnews@timescolonist.com)  
**Subject:** Re: Fight for Clean Water -Shawnigan Lake/Greater Victoria

Honourable Leona Aglukkaq

Minister of the Environment, CANADA

I am writing to you with a heavy heart, to ask for your support in quashing a permit issued by the BC Government that allows *South Island Aggregates* to dump up to 100,000 tonnes of contaminated soil each year for 50 years, in its quarry in the Malahat region of Vancouver Island. Contaminants listed in the permit include dioxins, furans, phenols, hydrocarbons, arsenic, lead chlorides, and a myriad of other toxins known to be harmful to human health.

This request is about protecting the aquifer that we all share, in and around the Malahat, Cowichan Valley, and Greater Victoria as well as protecting Shawnigan Lake that is the drinking water for thousands of people living near the lake. The stream that feeds Shawnigan Lake actually runs right through the dumpsite and the site sits on top of an aquifer. Additionally the dump site is virtually the same distance from Shawnigan Lake and Sooke Lake that is the "protected" reservoir for Greater Victoria and, the dump is *above* both lakes.

This dumpsite was never part of a well-considered plan. This venture is simply an opportunity for a company to make money and is supported by the Province because it creates business and it is convenient. The dump potentially comes at great costs however, to thousands of people in the area who rely on a clean healthy water supply. I clearly remember the horrors of the Love Canal disaster in New York and other more recent Canadian incidents of aquifer contamination and I don't want to see it repeated here.

There is huge opposition to this dumping permit, but it is falling on deaf ears. In opposition to the dump are the Cowichan Valley Regional District (CVRD), the Shawnigan Residents Association and many thousands of

individuals. The *Cowichan Tribe* is also solidly in opposition to the permit. The CVRD has even offered to help find other more appropriate sites, but to no avail.

The Cowichan Valley Regional District Director leading the fight against the permit is Sonya Furstenau. [sfurstenau@cvrd.bc.ca](mailto:sfurstenau@cvrd.bc.ca) Background information can be found at Save Shawnigan Water. <http://soniafurstenau.ca/save-shawnigan-water/>

This weekend many residents are taking part in the Blue Dot Campaign organized by the Suzuki Foundation to guarantee the right to a healthy environment – with fresh air, clean water, safe food and a say in the decisions that affect our health and well-being. I hope this event brings more attention to the issue as protecting the environment is increasingly important to every Canadian. I also hope that you can enact federal legislation to protect watersheds and aquifers across Canada as soon as possible.

I sincerely hope that you can look into this matter and lend some support.

Regards,

s.22

## Ferguson, Susan M MEM:EX

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**From:** Minister, MEM MEM:EX  
**Sent:** Monday, April 20, 2015 10:19 AM  
**To:** MEM Correspondence MEM:EX  
**Subject:** FW: SHAWNIGAN AND SOOKE LAKE WATER AT RISK  
  
**Importance:** High

### Info/File

**From:** s.22  
**Sent:** Saturday, April 18, 2015 8:29 AM  
**To:** Minister, MEM MEM:EX  
**Subject:** SHAWNIGAN AND SOOKE LAKE WATER AT RISK  
**Importance:** High

Good morning

I expect our elected officials to help solve this issue with the SIA being granted a permit to dump toxic waste in a watershed at SHAWNIGAN LAKE BC.

It really isn't rocket science we all know #\*\* flows down hill.

I am pleading with you to get involved and help with this gross error of judgment.

PLEASE.

Thank you

s.22

**Ferguson, Susan M MEM:EX**

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**From:** Minister, MEM MEM:EX  
**Sent:** Monday, April 20, 2015 10:30 AM  
**To:** MEM Correspondence MEM:EX  
**Subject:** FW: Shawnigan Lake Watershed

Info/File

s.22  
**From:** \_\_\_\_\_  
**Sent:** Monday, April 20, 2015 10:29 AM  
**To:** Minister, MEM MEM:EX  
**Subject:** FW: Shawnigan Lake Watershed

Honourable Bill Bennett,

s.22  
\_\_\_\_\_ were struck dumb over the decision to allow South Island Aggregates a permit to fill their quarry located directly above the aquifer and within meters of a stream flowing into Shawnigan Lake with 100,000 TONS of contaminated soil per year for 50 years.

5 MILLION TONS of toxic stew dumped directly above our headwaters. Unbelievable!

Please work with your team to rescind the permit allowing such a danger to our environment, economy and way of life. Thank you for your consideration.

s.22

Page 260 to/à Page 263

Withheld pursuant to/removed as

DUPLICATE

**Ferguson, Susan M MEM:EX**

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**From:** Minister, ENV ENV:EX  
**Sent:** Wednesday, April 29, 2015 3:22 PM  
**To:** s.22  
**Subject:** RE: Waste Discharge Authorization for South Island Aggregates

Reference: 281114

*April 29, 2015*

s.22

Dear <sup>s.22</sup>

Thank you for your recent email regarding the waste discharge authorization for South Island Aggregates/Cobble Hill Holdings Ltd. As this issue falls under the responsibility of the Ministry of Environment, I am pleased to respond.

The Ministry of Environment granted a waste discharge authorization under the *Environmental Management Act* on August 21, 2013, to South Island Aggregates / Cobble Hill Holdings Ltd. A copy of the permit and the full technical assessment are available on our website at [http://www.env.gov.bc.ca/epd/regions/vanc\\_island/env-mgt/sia\\_permit.htm](http://www.env.gov.bc.ca/epd/regions/vanc_island/env-mgt/sia_permit.htm).

This decision was made in accordance with the *Environmental Management Act* by Ministry of Environment staff in the West Coast Region. The statutory evidence-based decision maker considered a large volume of scientific assessments, technical information, First Nations input, community feedback and other information. In making the decision, the statutory decision maker was satisfied there is sufficient information to set requirements that will provide protection of human health and the environment. As part of the permit, South Island Aggregates must treat discharge water to meet the most stringent water quality standards in British Columbia and are required to post monitoring information and reports. Qualified professionals from both inside and outside the ministry reviewed this application based on their expertise. The Ministry of Environment is legally obligated to consider applications to treat and discharge contaminated soil.

The decision was appealed to the Environmental Appeal Board, which reviewed the decision to determine if it should be varied or overturned. On March 20, 2015, the Environmental Appeal Board upheld the permit issued by the Ministry of Environment, subject to six additional directives requiring the permit to include additional provisions. You can read a summary of the decision at [http://www.eab.gov.bc.ca/ema/2013ema015c\\_019d\\_020b\\_021b.pdf](http://www.eab.gov.bc.ca/ema/2013ema015c_019d_020b_021b.pdf).

I can appreciate that this is not the outcome you were hoping for. Ministry staff are reviewing how to address the Environmental Appeal Board's direction as outlined in their final decision and I assure you that staff will continue to set requirements that protect human health and the environment.

Thank you again for taking the time to write.

Sincerely,



Mary Polak  
Minister

**Firth, Janet MEM:EX**

---

**From:** Minister, ENV ENV:EX  
**Sent:** Wednesday, April 29, 2015 3:22 PM  
**To:** s.22  
**Subject:** RE: Waste Discharge Authorization for South Island Aggregates

Reference: 281437

*April 29, 2015*

s.22

Dear <sup>s.22</sup>

Thank you for your recent email regarding the waste discharge authorization for South Island Aggregates/Cobble Hill Holdings Ltd. As this issue falls under the responsibility of the Ministry of Environment, I am pleased to respond.

The Ministry of Environment granted a waste discharge authorization under the *Environmental Management Act* on August 21, 2013, to South Island Aggregates / Cobble Hill Holdings Ltd. A copy of the permit and the full technical assessment are available on our website at [http://www.env.gov.bc.ca/epd/regions/vanc\\_island/env-mgt/sia\\_permit.htm](http://www.env.gov.bc.ca/epd/regions/vanc_island/env-mgt/sia_permit.htm).

This decision was made in accordance with the *Environmental Management Act* by Ministry of Environment staff in the West Coast Region. The statutory evidence-based decision maker considered a large volume of scientific assessments, technical information, First Nations input, community feedback and other information. In making the decision, the statutory decision maker was satisfied there is sufficient information to set requirements that will provide protection of human health and the environment. As part of the permit, South Island Aggregates must treat discharge water to meet the most stringent water quality standards in British Columbia and are required to post monitoring information and reports. Qualified professionals from both inside and outside the ministry reviewed this application based on their expertise. The Ministry of Environment is legally obligated to consider applications to treat and discharge contaminated soil.

The decision was appealed to the Environmental Appeal Board, which reviewed the decision to determine if it should be varied or overturned. On March 20, 2015, the Environmental Appeal Board upheld the permit issued by the Ministry of Environment, subject to six additional directives requiring the permit to include additional provisions. You can read a summary of the decision at [http://www.eab.gov.bc.ca/ema/2013ema015c\\_019d\\_020b\\_021b.pdf](http://www.eab.gov.bc.ca/ema/2013ema015c_019d_020b_021b.pdf).

I can appreciate that this is not the outcome you were hoping for. Ministry staff are reviewing how to address the Environmental Appeal Board's direction as outlined in their final decision and I assure you that staff will continue to set requirements that protect human health and the environment.

Thank you again for taking the time to write.

Sincerely,

Mary Polak  
Minister



s.22

April 29, 2015

The Honourable Bill Bennett

Minister of Energy and Mines and Minister Responsible for Core Review

PO BOX 9069 STN PROV GOVT

VICTORIA, BC V8W 9E2

RE: Mining Operations of South Island Aggregates.

Dear Minister,

I am very concerned about the mining activities of South Island Aggregates (SIA) and their associated corporate entities located at 640 Stebbings Rd. in Shawnigan Lake. I understand that there has been a significant amount of historical correspondence<sup>1</sup> regarding compliance with the terms of the associated mining permits for Lot 21 and Lot 23. This issue has now come to a head because of the permit issued by the Ministry of Environment, which will allow for contaminated fill to be used to remediate the site.

In case you have not been informed, a significant amount of damage has been done to the parkland and community forest immediately to the west of the SIA mine site. Not only have the mine works extended onto parkland, but also, it appears that the quarry itself has trespassed onto parkland. Unfortunately, these are minor transgressions compared to the mountain of fill that has been deposited in the park northwest of the quarry. This huge mountain of fill appears to contain a large amount of contaminated material and the water leaching from this mountain is running into both the park to the west and the creek to the north. It appears that your Ministry has been aware of some of these issues going back as far as 2007.

As a private citizen, I am alarmed that the Ministry of Energy and Mines will not act to protect the community forest and parklands neighbouring the operations of one of your permit holders. After the incident at Mt Polley, I did not think that ongoing disregard of compliance issues would be tolerated, especially when they impact a public park! Perhaps it would be possible to set some clear dates and consequences such that these permits can be brought back into compliance quickly.

Respectfully Yours,

s.22

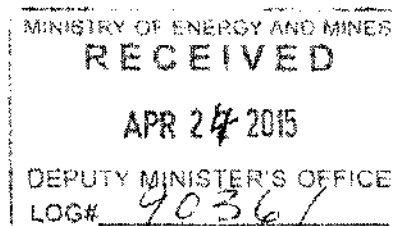
MINISTER OF ENERGY AND MINES	
REFERRAL NUMBER	
REFER TO:	
DRAFT REPLY <input type="checkbox"/>	INFOFILE <input checked="" type="checkbox"/> REPLY DIRECT <input type="checkbox"/>
RECEIVED	APR 29 2015
REMARKS	Refer to Env
	X 447 89940

MINISTRY OF ENERGY AND MINES	
RECEIVED	
APR 30 2015	
DEPUTY MINISTER'S OFFICE	
LOG#	90448

<sup>1</sup> Letter from FARRIS on behalf of Shawnigan Residents Association to Ministry of Energy and Mines, May 15, 2014  
Letter from Ministry of Energy and Mines to SIA on March 24th 2014 and April 1st 2014  
Letter from CVRD to Ministry of Energy and Mines and Ministry of Environment on April 22, 2014  
Letter from CVRD to SIA cc Ministries on the May 15th 2009  
Letter from the Ministry of Energy, Mines and Petroleum Resources to SIA on March 1st 2007

s.22

Honourable Bill Bennett  
Box 9060, Stn Prov Govt  
Victoria BC V8W9E2



Dear Energy and Mines Minister,

I was amazed and saddened at the decision of the Environmental Appeal Board to allow the permit issued for the dumping of toxic waste in the Shawnigan Lake watershed, as it ignored so much evidence presented to it that the location is entirely wrong for this purpose. s.22 when, not if, it becomes impossible to do either because of the contamination flowing from this dump site, I will recall the totally wrong decision to allow this.

I strongly press the government to do the right thing and revoke this permit and initiate a search for a suitable dump site that does not threaten a community watershed, as this permit so plainly does. Please give me your assurance that this will be done.

Yours truly,

s.22

<b>MINISTER OF ENERGY AND MINES</b>		
REFERRAL NUMBER _____		
REFER TO: <u>ENVIRONMENT</u>		
DRAFT REPLY <input type="checkbox"/>	INFO FILE <input type="checkbox"/>	REPLY DIRECT <input type="checkbox"/>
RECEIVED <b>APR 23 2015</b>		
REMARKS: _____		
_____		
_____		

Page 270 to/à Page 271

Withheld pursuant to/removed as

DUPLICATE

## Ferguson, Susan M MEM:EX

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**From:** Minister, MEM MEM:EX  
**Sent:** Thursday, April 30, 2015 2:25 PM  
**To:** MEM Correspondence MEM:EX  
**Subject:** FW: Waste Discharge Authorization for South Island Aggregates  
**Attachments:** condensed\_briefing\_28apr15.pdf; ATT00001.htm; to MEM SIA CHH Encroachment and Damage to CVRD Property April 27 2015.pdf; ATT00002.htm; 14 04 21 SRA Hern MoM mine permit violations.pdf; ATT00003.htm

Info/File

**From:** s.22  
**Sent:** Thursday, April 30, 2015 1:47 PM  
**To:** Minister, ENV ENV:EX  
**Cc:** OfficeofthePremier, Office PREM:EX; Minister, FLNR FLNR:EX; Minister, AGRI AGRI:EX; Minister, MEM MEM:EX; Minister, MNGD MNGD:EX; Minister, ABR ABR:EX; Minister, AVED AVED:EX; Minister, MCF MCF:EX; Minister, CSCD CSCD:EX; Minister, EDUC EDUC:EX; Minister, FIN FIN:EX; Minister, HLTH HLTH:EX; Minister, MIT MIT:EX; Minister, JAG JAG:EX; Minister, SDSI SDSI:EX; Minister, MTIC MTIC:EX; Transportation, Minister TRAN:EX; Minister, STSB STSB:EX; Environment Critic; Darcy.MLA, Judy LASS:EX; Chandra Herbert.MLA, Spencer LASS:EX; Farnworth.MLA, Mike LASS:EX; Bains.MLA, Harry LASS:EX; jenny.kwan.mla@leg.bc.ca; Popham.MLA, Lana LASS:EX; doug.routley.mla@leg.bc.ca; Minister, JTST JTST:EX; Routley.MLA, Bill LASS:EX; Horgan.MLA, John LASS:EX; sfurstenau@cvrld.bc.ca  
**Subject:** Re: Waste Discharge Authorization for South Island Aggregates

April 30, 2015

Dear Minister Polak,  
281408)

Re: Waste Discharge Authorization for South Island Aggregates (Reference:

I was dismayed by how easily to shirk your responsibilities to thousands of your electorate and the environment you've been tasked to protect.

You said: I can appreciate that this is not the outcome you were hoping for. Ministry staff are reviewing how to address the Environmental Appeal Board's direction as outlined in their final decision and I assure you that staff will continue to set requirements that protect human health and the environment.  
**In fact**, many others, and I believe that the Ministry of Energy and Mines, the Ministry of the Environment, and the Environmental Appeal Board have acted without regard for the protection of major watersheds on the South Island. Instead, throughout this fight, it appears that the business interests of Mike Kelly (SIA), Marty Block(CHH) and their numbered company have been highly accommodated and protected by these Ministries.

### LANDFILL CRITERIA FOR MUNICIPAL SOLID WASTE Draft Interim Second Edition BRITISH COLUMBIA BC Ministry of Environment NOVEMBER 2013

*Hazardous Waste (HW) Regulation.*

Separation from Groundwater and Surface Water

1. In addition, a long-term storage facility may not be located:

- within 100 m of any surface water or
- within the watershed of a designated community water supply

Hazardous Waste Legislation Guide June 2005 • 121

#### 4.1 GROUNDWATER AND SURFACE WATER QUALITY

Existing and potential future uses of groundwater and surface water must be identified within 1 km of the landfill footprint. After considering existing and potential future uses of groundwater and surface water, a

Qualified Professional must recommend the appropriate water quality criteria, compliance locations, and provide related rationale and justification.

We were told the 'LANDFILL CRITERIA FOR MUNICIPAL SOLID WASTE ' is merely a guideline. (?)

#### Tell Me:

*Does depositing so much toxic material over an aquifer, so close to both Sooke Lake (a protected watershed) and Shawnigan Lake make sense, especially in an area prone to earthquakes?*

*When does human morality super cede the rhetoric you spout?!*

**The Stebbings Road Quarry site was not selected after a systematic search for a suitable location that could meet technically sound criteria for a contaminated soil facility.**

**I. Excerpts from the Decision:**

[42] Although there is little evidence on this point, it appears that SIA's plan was to start "stockpiling" clean fill at the surface of the quarry, and then deposit it into sections of the quarry as the mining of that section is completed. SIA had begun stockpiling clean fill on Lot 21, to be used as needed. However, in or about late October of 2010, approximately 1,250 tonnes of contaminated soil was deposited onto Lot 21 from a site in Greater Victoria. SIA noticed an odour coming from the soil and contacted the company that had sent it.

[43] Testing revealed that some of the soil had concentrations of tetrachloroethylene, also known as perchloroethylene ("PERC"), above the residential land use standards set out in the Contaminated Sites Regulation, and could not be accepted as clean fill for the quarry. Mr. Block notified the Ministry of the PERC soil. Because there was no soil relocation agreement or other authorization in place for this soil, the numbered company was in contravention of the Act. The PERC soil was subsequently moved to Lot 23, segregated, and covered with a tarp while the Ministry worked with the numbered company to determine how to proceed.

[44] The Panel heard a great deal of evidence about the PERC soil and the various issues that arose in relation to that soil. The way that the PERC soil issue was handled by the company appears to have fueled concerns in the community about the company's fitness and suitability to operate a contaminated soil landfill under a permit. However, for the purposes of this Background, the importance of the PERC soil is that it may have been the impetus to the permit application.

[45] There was now a need to deal with the PERC soil on the Site. There was also a need to reclaim the quarry. A contaminated soil landfill facility would meet both needs, and would be a way to turn the reclamation requirement under the mine permit into a business opportunity.

I can't help but feel outraged that while a 'stay' was in effect, the EAB felt it was alright to allow SIA /CHH a variance, which resulted in 40,000 tons of contaminated soil brought to Shawnigan Lake, where no effective remediation facility is currently operating. (During the hearings, we learned that in their sworn affidavit, the owners of SIA provided misleading information to the EAB – they claimed, for example, that their water treatment system was operational. It was not.)

The CRD already has a Tervita Engineered Landfill Disposal Facility in Highwest, on Millstream Rd and another Tervita Facility is located seven miles north of Port McNeill on Hwy 19. Either of these local Tervita facilities could have easily accommodated and properly treated those soils. And there are numerous additional Tervita facilities throughout BC's mainland.

<http://www.tervita.com/aboutus/corporate-social-responsibility/environment>

**From 'condensed\_briefing\_28apr15' pdf attached:**

**Additional Facts:**

- The quarry sits on top of an Aquifer and next to Shawnigan Creek [47, 264 and 361]
- Any water leaving the site will enter the creek and eventually Shawnigan Lake [50] or possibly the aquifer beneath the site. [466]
- There is significant doubt as to how the ground water flows in the region and it may be possible that it enters the **CRD watershed** around Sooke Lake. [<http://www.andrewweavermla.ca/2015/04/18/shawnigan-watershed/>]
- The southern coast of BC has a well established history of seismic activity which can change ground water flow [ e.g. Haida Gwaii and Tofino hot springs, (<http://earthquake.usgs.gov/learn/topics/groundwater.php> )  
(Personal note: An earthquake occurred on Aug. 29/12, 13 km NE of Sooke, BC, measured 3.0. After a resounding BOOM, our entire house shook. A second quake occurred Nov. 16/12, 2 km NNE of Sooke, BC, measured 0.9. Both quake centers were close to the SIA quarry site.)
- The containment of the site is reliant on plastic liners (with a limited lifespan [505]) and a water treatment plant, since there is significant doubt that the bedrock under the site is impermeable. [475 – 477 ]
- SIA is going to continue blasting, even after they start installing the plastic liners and accepting fill [445]
- SIA is responsible for monitoring and operating the site per the conditions of the permit [477]. That monitoring is **self-reporting**. [708]
- SIA has already failed, at least once, to properly treat contaminated water at the site. [542 and <http://www.andrewweavermla.ca/2015/04/18/shawnigan-watershed/> ]
- The bond on the site is **only \$220,000** [648].

***How can any intelligent individual really expect that this company will comply with the stringent requirements of the Ministry of Environment permit, given the ongoing unresolved issues with their Mining permit?***

This decision was made in accordance with the *Environmental Management Act* by Ministry of Environment staff in the West Coast Region. The statutory evidence-based decision maker considered a large volume of scientific assessments, technical information, First Nations input, community feedback and other information.

The government uses a professional reliance model. In this case, Active Earth Engineering made the engineering recommendations for the SIA project. At the time of the EAB appeal (6 months after the permit was approved), SIA still owed Active Earth fees of ~\$500,000.

[ 270 ] Whether or not those fees were contingent on the permits approval is an open question.

The only local proponent of the project (other than family members of the owners) was the Malahat First Nations and their financial arrangement with the permit holder is a matter of public record. [ 683]

Throughout, the EAB hearing, the impression created for the residents of Shawnigan Lake, the CVRD, the Cowichan Tribes, and all opposed to the permit, is that the project was going to be approved by the Ministry decision-maker despite any evidence of site unsuitability.  
CVRD's offer to help locate a more suitable site was also ignored.

Legal counsel for the proponent did not call the engineering company before the hearing as an expert witness. Thus the site conditions and engineering plan, upon which the Ministry largely based the permit, could not be directly examined, or the engineers cross-examined.



While the advice of the chief internal ministry technical advisor was to seek the analysis of a completely independent hydrogeologist, that was simply not done by the statutory decision maker, Herbert Bunce, and the main criteria for approval continued to be the assertions of the engineering/advocate hired by the proponent.

In making the decision, the statutory decision maker was satisfied there is sufficient information to set requirements that will provide protection of human health and the environment.

Both before and during the EAB hearings, concluded on July 25, 2014, SIA's model of the quarry bedrock geology was repeatedly called into question by qualified hydrogeologists. It has been concluded that the bedrock is actually fractured and that water moves easily within the fissures. In fact all of the experts who testified were unanimous in their concerns about the location of this proposed contaminated soil site. It became clear that this is indeed an inappropriate site for this type of dump, and that the contaminants present a clear risk, not just to the environment but to the long-term safety of the drinking water. It also became clear that in the process of granting this permit, the protocols for selecting a site for contaminated soil were ignored.

As part of the permit, South Island Aggregates must treat discharge water to meet the most stringent water quality standards in British Columbia and are required to post monitoring information and reports. Qualified professionals from both inside and outside the ministry reviewed this application based on their expertise. The Ministry of Environment is legally obligated to consider applications to treat and discharge contaminated soil.

The bulk of the evidence is contained within the Environmental Appeal Board's own appeal ruling. Every paragraph in the document has a number, which is referred to below for easy reference.

- The Fill Permit (PR-105809) allows for the dumping on Lot 23 of soil containing various toxic: lead, mercury, light and heavy weight hydrocarbons, pesticides including DDT and PCBs, Phenols including PCP. [complete list in paragraph 67]
- The Permit does not put any limit on where the material can come from. For example, existing contracts from as far away as Prince Rupert. [paragraph 13 and 48 of [http://www.cab.gov.bc.ca/ema/2013ema015b\\_019c.pdf](http://www.cab.gov.bc.ca/ema/2013ema015b_019c.pdf)]
- SIA has breached the terms of their Mining permit numerous times (dating back as far as 2007); • Mining on CVRD Parkland (lot 23)
  - Dumping Fill on CVRD Parkland (lot 21 and lot 23)
  - Contaminated Fill (lot 21 and lot 23)
- Leachate running from the fill onto CVRD parkland and into Shawnigan Creek (lot 21)
- Mine works not respecting the 5 meter setbacks from property lines (in some cases the mine works are on neighbouring lots) (lot 23)
- Mining below the water table (lot 23)
- Not keeping proper mine records (lot 21 and lot 23)

These infractions were brought up during the appeal, but the Appeal Board decided they were not relevant to the fill permit [670-671, 691]

The Ministry of Energy and Mines has sent letters to SIA requesting that they stop work until some of these issues are addressed, but SIA has yet to comply (letters from 2014.) There have also been letters regarding this issue from the CVRD to SIA and the Ministries requesting the same (as far back as 2007.) (PDF's attached)

While at present, testing has not been done to confirm whether the watersheds for Shawnigan Lake and Victoria are linked by underground aquifers, they are indeed side-by-side. Therefore, what is totally **supportable** is that we are the closest watershed to Victoria, and that as demand for drinking water increases, it is an **unsupportable** risk to endanger any drinking water sources in populated areas.

It is important for you to consider at this juncture—regardless of past or current political mistakes--Ultimately, do those of you in the MOE and the EAB want to be directly responsible for potentially contaminating the drinking water of the entire south island, including that of the provincial Capital, a watershed that is supposed to be protected.

**\*Your ministries and this BC government are playing a very dangerous game of environmental risk.**

Jennifer McGuire, the Executive Director of Regional Operations for BC Ministry of Environment, has agreed to do an environmental assessment of the SIA site, and to coordinate any site visits with CVRD. In light of the seriousness of this situation, and the crucial timing factors, I hope this is not just another stall tactic with no positive outcome. A great deal of environmental damage has already been done and those responsible must be held accountable.

**The only appropriate and respectful recommendation should be that both the mining permit— Q-8-094 and the contaminated soil permit PR-105809 be REVOKED.**

Yours truly,

s.22

I have been given permission to share the following:

**Ferguson, Susan M MEM:EX**

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**From:** Minister, MEM MEM:EX  
**Sent:** Wednesday, May 6, 2015 11:40 AM  
**To:** MEM Correspondence MEM:EX  
**Subject:** FW: Question re: "Delay of final permit for SIA"

Draft Reply

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**From:** s.22  
**Sent:** Wednesday, May 6, 2015 7:15 AM  
**To:** Minister, MEM MEM:EX  
**Subject:** Re: Question re: "Delay of final permit for SIA"

Good morning Honorable Minister Bennett,

Last night there was another news broadcast in which it was stated that your ministry has "issued a stop work order to South Island Aggregates".  
Couple this with what was already in the news below.

Can you please clarify exactly what the truth is?

Thank you very much,  
s.22

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**From:** s.22  
**To:** "mem minister" <[mem.minister@gov.bc.ca](mailto:mem.minister@gov.bc.ca)>  
**Sent:** Monday, May 4, 2015 7:10:54 AM  
**Subject:** Question re: "Delay of final permit for SIA"

Good morning Honorable Minister Bennett,

Last week CHEK news ran a broadcast concerning a delay of the final permit being granted to SIA unless the company re-mediates the neighbouring land belonging to the CVRD.  
I read through the transcripts provided and watched the clips but did not actually hear this statement.

Can you please clarify this?  
What, exactly, is the actual truth concerning this situation?

Thank you very much,  
s.22

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Withheld pursuant to/removed as

DUPLICATE

## Appleton, Natalie MTIC:EX

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**From:** Costa, Sarina MEM:EX  
**Sent:** Tuesday, May 19, 2015 12:10 PM  
**To:** Costa, Sarina MEM:EX  
**Subject:** FW: request for a meeting with Minister Bennett

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**From:** Sonia Furstenau [<mailto:SFurstenau@cvrd.bc.ca>]  
**Sent:** Tuesday, April 28, 2015 11:21 PM  
**To:** Minister, MEM MEM:EX  
**Subject:** request for a meeting with Minister Bennett

Hello,

I would like to request a meeting with Minister Bennett at his earliest convenience to discuss the South Island Aggregates Mines Permit.

Thank you,

Sonia Furstenau, Area Director  
Area B - Shawnigan Lake  
Cowichan Valley Regional District  
[sfurstenau@cvrd.bc.ca](mailto:sfurstenau@cvrd.bc.ca)  
250-715-6763

Cliff #90018

Dear:

**Re: your Correspondance regarding Contaminated Soil Shawnigan Lake Area**

Thank you for your expression of concern and interest regarding the Ministry of Environment Permit allowing the creation of a managed waste cell at the South Island Aggregates Quarry (SIA) on Stebbings Road.

As you are aware the Ministry of Environment issued a permit to SIA allowing for the creation of the waste site. This authorization underwent a very lengthy and comprehensive review period, and the subsequent decision was subject to appeal through the Environmental Appeal Board. The appeal board at the conclusion of a very intense review of all facts presented upheld the MOE permit.

This permit is directly linked to a Mines Act Permit, and defines the final end use of the Quarry site on conclusion of quarrying operations. As a result of this link, the Ministry of Mines staff worked with the Ministry of Environment, and undertook joint publication, and referral periods. This included attendance at two public meeting related to this matter.

The Mines Act Permit was not issued at the same time, as it was important to understand the ruling of the Appeal Board, and potential linkages/conditions that may have been related to the Mines Act permit. The Mines Act Permit will include reference to all conditions of the MOE permit, in addtions to specific condition related to overall site water management. It will ensure that the material is stored utilizing a dry stack system, suitable for this site that will severly limit the accumulations of water within the containment. This is addition to the MOE requirement for a catchment system. Geotechnical conditions required under the Mines Act will be addressed through Conditions established by Ministry Professional Geothchnical Engineering staff. This includes soil compaction, and seismic stability. The company will br required to develop a suitable emergency plan for this component of the quarry site, which will be in addition to the standard emergency plan required for all mine sites in British Columbia. Blasting will regulated to a standard that exceeds the requirement of the Appeal board.

This site will require an annual geotechnical review. In addition MEM staff will be meeting with staff from MOE to ensure the linkages between the two authorizations are sound, and will infact enchance the control measures required by the MOE permit. As a component of the dual authorization, training will be provided to Inspectors of Mines for the SW Region, and to Compliance and Enforcement peronel , which will allow joint oversite of this operations.

MEM recognises the importance of protecting water resources and has take a very aggressive approach to meeting this important consideration.

Should you have further questions regarding this matter please contact Mr. E. Taje Regional Manager at [eddy.taje@gov.bc.ca](mailto:eddy.taje@gov.bc.ca).

Yours truly,

Minister.

Cc ?????

E. Taje MEM