

Barlow, John ENV:EX

From: Minister, ENV ENV:EX
Sent: Wednesday, January 4, 2017 12:14 PM
To: Correspondence Unit ENV:EX
Subject: FW: [New post] Mary, the problem is getting worse

Follow Up Flag: Follow up
Flag Status: Completed

Categories: John

From: s.22
Sent: Wednesday, January 4, 2017 8:56 AM
To: Minister, ENV ENV:EX
Subject: Fwd: [New post] Mary, the problem is getting worse

Please read Mary

Begin forwarded message:

From: Sonia Furstenau <donotreply@wordpress.com>
Date: January 3, 2017 at 11:17:20 PM PST
To: s.22
Subject: [New post] Mary, the problem is getting worse

soniafurstenau posted: "On October 17th 2016, Environment Minister Mary Polak was interviewed by CBC's Gregor Craigie - the discussion was about the contaminated landfill in Shawnigan's watershed owned by Cobble Hill Holdings and operated by South Island Resource Management. Th"

New post on Sonia Furstenau



Copyright

Mary, the problem is getting worse
by [soniafurstenau](#)

Page 02 to/à Page 06

Withheld pursuant to/removal as

Copyright

Visco, Greg ENV:EX

s.22

From:
Sent: Sunday, January 8, 2017 5:07 PM
To: Minister, ENV ENV:EX; Jonny Wakefield | Peace Region Update; Minister, MEM MEM:EX; Minister, FIN FIN:EX
Subject: The Importance Of Water To The BC Liberals? Not very....Just look at Quesnel Lake.

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Info/File

Copyright

lkines@timescolonist.com

We can only hope that your tenure as environment minister is terminated on May 9th, 2017. That is the day when democracy returns....with no top-ups.

s.22

Page 08 to/à Page 10

Withheld pursuant to/removed as

s.14;s.13

Polak, Mary ENV:EX

From: Polak, Mary ENV:EX
Sent: Tuesday, January 24, 2017 4:18 PM
To: Kapac de Frias, Martina E ENV:EX
Subject: Re: Statement for posting

Looks fine

Sent from my iPad

On Jan 24, 2017, at 4:14 PM, Kapac de Frias, Martina E ENV:EX <Martina.KapacdeFrias@gov.bc.ca> wrote:

From: Karn, David GCPE:EX
Sent: Tuesday, January 24, 2017 4:14 PM
To: Kapac de Frias, Martina E ENV:EX
Cc: GCPE Communications - Environment; Shiff, Alexander ENV:EX; La Forge, Jessica ENV:EX; Wolford, Jessica GCPE:EX; Shoemaker, Wes ENV:EX; Zacharias, Mark ENV:EX; Gordon, Matt GCPE:EX
Subject: RE: Statement for posting

Correct version attached.

From: Karn, David GCPE:EX
Sent: Tuesday, January 24, 2017 4:12 PM
To: Kapac de Frias, Martina E ENV:EX
Cc: GCPE Communications - Environment; Shiff, Alexander ENV:EX; La Forge, Jessica ENV:EX; Wolford, Jessica GCPE:EX; Shoemaker, Wes ENV:EX; Zacharias, Mark ENV:EX; Gordon, Matt GCPE:EX
Subject: RE: Statement for posting

Correction, to be posted on ENV News page.

From: Karn, David GCPE:EX
Sent: Tuesday, January 24, 2017 4:11 PM
To: Kapac de Frias, Martina E ENV:EX
Cc: GCPE Communications - Environment; Shiff, Alexander ENV:EX; La Forge, Jessica ENV:EX; Wolford, Jessica GCPE:EX; Shoemaker, Wes ENV:EX; Zacharias, Mark ENV:EX; Gordon, Matt GCPE:EX
Subject: Statement for posting

Martina,

Please find attached a statement for posting on the ENV SIA webpage for your approval.

<Statement - Jan 24 2017 2.docx>

Page 12 to/à Page 15

Withheld pursuant to/removed as

s.14;s.13

DRAFT

ORDER OF THE MINISTER OF ENVIRONMENT

ENVIRONMENTAL MANAGEMENT ACT SECTION 79

SPILL PREVENTION ORDER

WHEREAS Cobble Hill Holdings Ltd., Inc. No. BC0754588 ("**Cobble Hill Holdings**") is the owner of land legally described as Lot 23 Blocks 156, 201 and 323 Malahat District Plan VIP78459 (the "**Land**") located at 460 Stebbings Road near Shawnigan Lake, British Columbia, which is used as a landfill facility for contaminated soil (the "**Facility**") as part of a reclamation plan for a quarry site;

AND WHEREAS Permit PR-105809 issued to Cobble Hill Holdings under the *Environmental Management Act* authorizing the discharge of refuse and effluent in connection with the Facility has been suspended for non-compliance;

AND WHEREAS the contaminated soil at the Facility generates and may be expected to continue to generate leachate, which is a liquid that, in the course of passing through matter, extracts soluble or suspended solids, or any other component of the material through which it has passed ("**Leachate**");

AND WHEREAS the Leachate is a polluting substance that, in my opinion, is capable of causing pollution if it were to be spilled or escape onto any land or into any body of water, as it contains contaminants that are capable of substantially altering or impairing the usefulness of the environment;

AND WHEREAS I consider that the following persons (together, the "**Named Parties**") have possession, charge or control of the polluting substance:

- **Cobble Hill Holdings Ltd.**, owner of the Land and Facility;
- **Martin Uwe Block, Michael Kelly and Brian Martin**, directors of Cobble Hill Holdings Ltd.;
- **South Island Resource Management Ltd.**, operator of the Facility; and
- **South Island Aggregates Ltd.**, operator of the quarry reclamation program on the Land;

AND WHEREAS I consider it reasonable and necessary to lessen the risk of an escape or spill of the polluting substance (Leachate) to make the following Order;

NOW THEREFORE pursuant to Section 79 of the *Environmental Management Act*, I, Mary Polak, Minister of Environment, order as follows:

1. The Named Parties must ensure that all Leachate generated at the Facility, including from the landfill, soil management area and wheel wash area, is collected, stored temporarily pending removal from the Facility, and transported from the Facility to an off-site facility that is authorized to treat and/or dispose of the Leachate. The collection and temporary storage of

Leachate at the Facility must be carried out so as to prevent an escape or spill of Leachate into the environment.

2. The Named Parties must ensure that all works for the collection and temporary storage of Leachate generated at the Facility are inspected regularly and maintained in good working order, and that records of the volumes of Leachate collected, stored and transported, including the location of the authorized facility(ies) receiving the Leachate, are maintained and submitted to the director on or immediately before the 1st and 15th day of each month. Submissions must be made electronically to the following email inbox: EnvironmentalCompliance@gov.bc.ca.
3. This Order shall take effect immediately.
4. In the event of a conflict between the provisions of this Order and the Pollution Prevent Order issued to Cobble Hill Holdings Ltd. on October 12, 2016, the provisions of this Order will prevail.
5. The Named Parties are jointly and severally responsible for fulfilling all requirements of this Order.
6. Nothing in this Order prevents the Ministry of Environment from taking any other action that may be taken under the *Environmental Management Act*.

Minister of Environment

Date

(This part is for administrative purposes only and is not part of the Order)

Authority under which Order is made:

Act and Section: *Environmental Management Act*, Section 79

Other (specify): _____

For Cover Letter: <<<for formatting by Coleen Gooderham>>>>

Allterra Construction Ltd.
2158 Millstream Road
Victoria BC V9B 6H4
Email: Todd@allterraconstruction.ca

South Island Resource Management Ltd.
2158 Millstream Road
Victoria BC V9B 6H4
Email: Raymond@allterraconstruction.ca

South Island Aggregates Ltd.
Herald Street Law
101-536 Herald Street
Victoria BC V8W 1S6
Email: info@heraldstreetlaw.com

Martin Uwe Block
A-693 Stebbings Road
Shawnigan Lake BC V0R 2W3
Email: marty.sia@shaw.ca

Michael Kelly
A-693 Stebbings Road
Shawnigan Lake BC V0R 2W3
Email: mike.sia@shaw.ca

Brian Martin
A-693 Stebbings Road
Shawnigan Lake BC V0R 2W3
Email:

Cobble Hill Holdings Ltd.
Herald Street Law
101-536 Herald Street
Victoria BC V8W 1S6
Email: info@heraldstreetlaw.com

Enclosed is Order ##### issued under Section 79 of the *Environmental Management Act*. Your attention is respectfully directed to the requirements outlined in the Order.

Failure to comply with the requirements of this Order is a contravention of the *Environmental Management Act* and may result in legal action. I direct your attention to Section 120(10) of the *Environmental Management Act*, which reads:

“(10) A person who contravenes an order...that is given, made or imposed under this Act by ...the minister...commits an offence and is liable on conviction to a fine not exceeding \$300 000 or imprisonment for not more than 6 months, or both.”

Failure to comply with the requirements of this Order may also result in an administrative penalty under the Administrative Penalties Regulation (Environmental Management Act) (B.C. Reg 133/2014) (Regulation). I direct your attention to Section 12(4) of the Regulation, which reads:

“(4) A person who fails to comply with an order under the [Environmental Management] Act is liable to an administrative penalty not exceeding \$40 000.”

I also draw your attention to the Spill Reporting Regulation (B.C. Reg 263/90) and the reporting requirement in section 79(5) of the *Environmental Management Act* which provides that:

(5) If a polluting substance escapes or is spilled or waste is introduced into the environment other than as allowed or authorized by [...]

the person who had possession, charge or control of the substance or waste immediately before the escape, spill or introduction must, immediately after he or she learns of the escape, spill or introduction, report the escape, spill or introduction in accordance with the regulations.

This Order does not authorize entry upon, crossing over, or use for any purpose of private or crown lands or works, unless and except as authorized by the owner of such lands or works. The responsibility for obtaining such authority rests with you. It is also your responsibility to ensure that all activities are carried out with due regard for the rights of third parties, and comply with other applicable legislation that may be in force, including applicable local government bylaws.

The Parties are notified that the Province intends to publish on the Ministry of Environment website the entirety of any Regulatory Document provided that:

- (a) the Province will provide written notice to the parties of its intent to publish the Regulatory Documents at least [14] days prior to publication,
- (b) the Province will not publish any information what could not, if it were subject to a request under section 5 of FOIPPA, be disclosed under the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165 as amended from time to time.

Please be advised that the Ministry intends to publish the Order on the provincial government website within 7 days.

Yours truly,

Mark Zacharias
Assistant Deputy Minister
Environmental Protection Division

Polak, Mary ENV:EX

From: Shoemaker, Wes ENV:EX
Sent: Thursday, January 26, 2017 6:04 PM
To: Polak, Mary ENV:EX; Zacharias, Mark ENV:EX
Subject: Fwd: SIA

We can discuss later if it works.

Wes

W.H. (Wes) Shoemaker, MBA
Deputy Minister
Ministry of Environment
5th Floor, 2975 Jutland Road
Victoria, BC
Tel: 250.387.5429 | Fax: 250.387.6003
E-mail: wes.shoemaker@gov.bc.ca

****Please note:** This email is intended for the addressee(s) only and may contain legally privileged information. Any unauthorized use, disclosure or reproduction is strictly prohibited.**

Sent from my iPhone

Begin forwarded message:

From: "Sweeney, Neil PREM:EX" <Neil.Sweeney@gov.bc.ca>
Date: January 26, 2017 at 6:01:47 PM PST
To: "Shoemaker, Wes ENV:EX" <Wes.Shoemaker@gov.bc.ca>
Subject: SIA

I spoke with MMP. ^{s.13} !

s.13

Thx

N

Sent from my iPhone

Polak, Mary ENV:EX

From: Kapac de Frias, Martina E ENV:EX
Sent: Friday, January 27, 2017 11:01 AM
To: Polak, Mary ENV:EX
Subject: Fwd: FOR REVIEW: statement
Attachments: Statement_SIA suspension_DRAFT.docx; ATT00001.htm

For review pls.

Begin forwarded message:

From: "Crebo, David GCPE:EX" <David.Crebo@gov.bc.ca>
Date: January 27, 2017 at 8:50:15 AM PST
To: "Zacharias, Mark ENV:EX" <Mark.Zacharias@gov.bc.ca>, "Kapac de Frias, Martina E ENV:EX" <Martina.KapacdeFrias@gov.bc.ca>
Cc: "Shoemaker, Wes ENV:EX" <Wes.Shoemaker@gov.bc.ca>
Subject: FOR REVIEW: statement

Mark, Martina - here's a draft statement to be issued from MMP when the time is right. Thought is best to get this circulated for review now.

Dave Crebo
Communications Director
Ministry of Environment
(250) 812-5747

STATEMENT

For Immediate Release
[Release Number]
January 27, 2017

Ministry Environment

Environment Minister statement on Cobble Hill Holdings permit

VICTORIA – Minister of Environment Mary Polak has issued the following statement in regards to the waste discharge permit held by Cobble Hill Holdings Ltd. for their facility near Shawnigan Lake.

“Effective immediately, I have suspended the waste discharge permit for Cobble Hill Holdings due to their failure to address both outstanding as well as past non-compliances. I am also signalling my intention to cancel the permit if the Ministry of Environment statutory decision-maker does not receive the required documents, as outlined in my suspension letter to the company, within ten business days.”

“I have also informed the company it must continue to meet all monitoring requirements and ensure pollution does not occur regardless of the permit suspension. Further to that, I am also issuing a Spill Prevention Order to ensure appropriate measures are taken to reduce the risk of leachate escaping from the facility into the environment.”

“My decision to suspend the waste discharge permit is based on information and advice from my staff who are technical experts in their field, and have dedicated their careers to monitoring sites like this and ensuring the environment and public health is protected.”

The Minister’s letter of suspension, reasons for decision and Spill Prevention Order can be found at: <http://www2.gov.bc.ca/gov/content/environment/air-land-water/site-permitting-compliance/sia>

Contact:

Media Relations
Ministry of Environment
250 953-3834

Page 24 to/à Page 29

Withheld pursuant to/removed as

s.14;s.13

Polak, Mary ENV:EX

From: s.22
Sent: Monday, January 30, 2017 9:25 PM
To: allpointswest@cbc.ca
Cc: Polak, Mary ENV:EX; Polak.MLA, Mary LASS:EX; Shawnigan Residents Association; premier@gov.bc.ca
Subject: Mary Polak interview, 1/30/17

Greetings;

Today we listened to the "All Points West" interview with the Minister of Environment, Mary Polak. The interview focused on her office's decision to suspend the permit for South Island Aggregates/Cobble Hill Holdings after Supreme Court Justice Sewell's recent ruling. We appreciate any press coverage we can get on an issue that has consumed and exhausted our community since 2013.

However, if your research department had read the good judge's decision fully, how could your interviewer not ask for Ms. Polak's opinion on the less than ethical manner in which SIA/CHH and their engineers, Active Earth, misled her department, the people of the Cowichan Valley, (Sections 174,175), and very possibly, the courts?...especially when Ms Polak's tardy phone-call left him with so little time for the interview? In articles and interviews since the publication of Justice Sewell's ruling, the minister does not seem to mention or address this glowing piece of content that should clearly be seen by anyone as the nail in the coffin.

It is the obvious head-shaker on which the good judge seemed to base his final decision.

We are so used to being overlooked, insulted and unrepresented by Ms Polak and her department, and we are so used to "listening" to Premier Christy Clark's silence on this matter. Time and time again, after numerous permit infractions over the years, Ms Polak has been just wrist-slapping the dumpsite "players"...even after receiving and refusing to receive opposing findings that have proven to be so damning. And all the time the people of Shawnigan Lake, the Cowichan Valley and the Shawnigan Residents Association have been forced to fund raise and dig deep into their own pockets to fork out over a million dollars to finance the battle with our own Ministry of Environment to protect our drinking water and our environment. And all the while our tax money finances the Ministry of Environment...we cover both bills.

So much financial and emotional cost for so many, for so long.

We hope that Ms Polak and Premier Clark's BC Liberals find some ethical backbone and pull this permit immediately, then our next battle can begin.

So thanks for your help in illuminating the major concerns we face because of continuous irresponsible leadership. We'll take all the help we can get, but in our view...it was a missed opportunity for you.

Sincerely;

s.22

Shawnigan Lake

Polak, Mary ENV:EX

From: Polak, Mary ENV:EX
Sent: Monday, January 30, 2017 9:35 PM
To: Kapac de Frias, Martina E ENV:EX
Subject: Fwd: Mary Polak interview, 1/30/17

See below

Sent from my iPad

Begin forwarded message:

From: s.22
Date: January 30, 2017 at 9:24:57 PM PST
To: allpointswest@cbc.ca
Cc: mary.polak@gov.bc.ca, mary.polak.mla@leg.bc.ca, Shawnigan Residents Association
<shawniganresidentsassociation@gmail.com>, primier@gov.bc.ca
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Sincerely;

s.22

Shawnigan Lake

From: [Polak, Mary ENV:EX](#)
To: [Kapac de Frias, Martina E ENV:EX](#)
Subject: Fwd: Mary Polak interview, 1/30/17
Date: Monday, January 30, 2017 9:34:34 PM

See below

Sent from my iPad

Begin forwarded message:

From: s.22
Date: January 30, 2017 at 9:24:57 PM PST
To: allpointswest@cbc.ca
Cc: mary.polak@gov.bc.ca, mary.polak.mla@leg.bc.ca, Shawnigan Residents Association <shawniganresidentsassociation@gmail.com>, primier@gov.bc.ca
Subject: Mary Polak interview, 1/30/17

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drinking water and our environment. And all the while our tax money finances the Ministry of Environment...we cover both bills.

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Sincerely;

s.22

Shawnigan Lake

Barlow, John ENV:EX

From: Minister, ENV ENV:EX
Sent: Tuesday, January 31, 2017 10:08 AM
To: Correspondence Unit ENV:EX
Subject: FW: Cobble Hill Holdings, Cowichan Watershed

Follow Up Flag: Follow up
Flag Status: Completed

Categories: s.22

From: Polak.MLA, Mary [<mailto:Mary.Polak.MLA@leg.bc.ca>]
Sent: Monday, January 30, 2017 3:34 PM
To: Minister, ENV ENV:EX
Subject: FW: Cobble Hill Holdings, Cowichan Watershed

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

From: s.22
Sent: January 30, 2017 2:07 PM
To: Polak.MLA, Mary <Mary.Polak.MLA@leg.bc.ca>
Subject: Cobble Hill Holdings, Cowichan Watershed

Dear Ms. Polak,

Thank you for suspending the dumping of contaminated soil in the Cowichan watershed. You have done the right thing. In the short term, please revoke the licence of Cobble Hill Holdings to continue the dumping. In the longer term, please do what you can to protect Vancouver Island watersheds from environmental contamination.

Thank you. I support you.

s.22, Nanaimo

Barlow, John ENV:EX

From: Minister, ENV ENV:EX
Sent: Tuesday, January 31, 2017 12:36 PM
To: Correspondence Unit ENV:EX
Subject: FW: Mary Polak interview, 1/30/17

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Greg

From: s.22
Sent: Tuesday, January 31, 2017 9:26 AM
To: Minister, ENV ENV:EX; OfficeofthePremier, Office PREM:EX
Subject: Fwd: Mary Polak interview, 1/30/17

Premier Clark and Minister Polak;

We are forwarding an email message that we sent to the CBC. The original message was Cced to the addresses we had for your offices. Both emails returned marked "Delivery Failed". We hope that these addresses are the correct ones.

Sincerely;
s.22

----- Forwarded message -----

From: s.22
Date: Mon, Jan 30, 2017 at 9:24 PM
Subject: Mary Polak interview, 1/30/17
To: allpointswest@cbc.ca
Cc: mary.polak@gov.bc.ca, mary.polak.mla@leg.bc.ca, Shawnigan Residents Association
<shawniganresidentsassociation@gmail.com>, primier@gov.bc.ca

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Sincerely;

s.22

Shawnigan Lake

From: [Kapac de Frias, Martina E ENV:EX](#)
To: [Polak, Mary ENV:EX](#)
Cc: [Knudsen, Mark ENV:EX](#); [Shiff, Alexander ENV:EX](#)
Subject: FW: SIA Stop Work Order
Date: Thursday, February 2, 2017 3:36:00 PM

From: Crebo, David GCPE:EX

Sent: Thursday, February 2, 2017 3:32 PM

To: ENV Ministerial Assistants

Cc: Murphy, Bernadette GCPE:EX

Subject: FW: SIA Stop Work Order

FYI in case this comes up on MMP interview with CFAX. MEM stop work order at SIA. Nothing to do with environment or safety, they just haven't build a fence as their MEM permit required.

From: Dunkley, Jim R MEM:EX

Sent: Thursday, February 2, 2017 3:01 PM

To: Robb, Peter L. MEM:EX; Hoffman, Al MEM:EX

Cc: Chace, Julie MEM:EX; Caughill, David MEM:EX

Subject: FW: SIA Stop Work Order

Some context for the Stop Work Order;

Prior to receiving their EMA permit to bring in contaminated soils, and the Environmental Appeal Board decision upholding that permit, SIA had on more than one occasion trespassed onto adjacent CVRD property in the course of their quarry operations. In July, 2015 a permit condition was added requiring SIA to construct a "substantial fence" along the property boundary. The purpose of the fence was to help enforce SIA to not trespass any further. The first section was constructed in 2015 along the western boundary closest to the ongoing work and contaminated soil cell. The permit condition allowed SIA until September 1, 2016 to complete the remainder of the fencing.

It was not completed by September 2016. An inspection in October 2016 revealed the fencing was not completed and order completion by December 16, 2016. Marty Block of SIA responded by asking for a delay until March 15, 2017. During a subsequent telephone conversation, Mr. Block and I agreed on a completion date of January 31, 2017.

On December 14, 2016 I sent a letter to Mr. Block giving SIA a second extension until January 31, 2017 to complete the fence and that if not completed, a Stop Work Order would be issued. And so today the SWO went out.

The SWO has nothing to do with the recent MOE permit suspension.

Copies of the December 14 letter and the inspection report containing the SWO are attached.

Jim Dunkley, P. Geo

Senior Inspector of Mines

600-1810 Blanshard St

Victoria, BC. V8W 9M9

250.953.4640

From: Dunkley, Jim R MEM:EX

Sent: Thursday, February 2, 2017 2:33 PM

To: Robb, Peter L. MEM:EX; Hoffman, Al MEM:EX

Cc: Plummer, Glen GCPE:EX; Caughill, David MEM:EX

Subject: SIA Stop Work Order

A Stop Work Order for Mines Act permit Q-8-094, South Island Aggregates was issued today.

The SWO is in response to ongoing non-compliance with permit conditions. The SWO is **not** in response to any environmental or health and safety concern.

The order does allow SIA to comply with all their requirements under their EMA permit and the

recently issued Spill Prevention Order.

Jim Dunkley, P. Geo

Senior Inspector of Mines

600-1810 Blanshard St

Victoria, BC. V8W 9M9

250.953.4640

From: [Kapac de Frias, Martina E ENV:EX](#)
To: [Polak, Mary ENV:EX](#)
Cc: [Knudsen, Mark ENV:EX](#); [Shiff, Alexander ENV:EX](#)
Subject: FW: SIA Stop Work Order
Date: Thursday, February 2, 2017 3:36:41 PM

From: Crebo, David GCPE:EX
Sent: Thursday, February 2, 2017 3:32 PM
To: ENV Ministerial Assistants
Cc: Murphy, Bernadette GCPE:EX
Subject: FW: SIA Stop Work Order

FYI in case this comes up on MMP interview with CFAX. MEM stop work order at SIA. Nothing to do with environment or safety, they just haven't build a fence as their MEM permit required.

From: Dunkley, Jim R MEM:EX
Sent: Thursday, February 2, 2017 3:01 PM
To: Robb, Peter L. MEM:EX; Hoffman, Al MEM:EX
Cc: Chace, Julie MEM:EX; Caughill, David MEM:EX
Subject: FW: SIA Stop Work Order

Some context for the Stop Work Order;

Prior to receiving their EMA permit to bring in contaminated soils, and the Environmental Appeal Board decision upholding that permit, SIA had on more than one occasion trespassed onto adjacent CVRD property in the course of their quarry operations. In July, 2015 a permit condition was added requiring SIA to construct a "substantial fence" along the property boundary. The purpose of the fence was to help enforce SIA to not trespass any further. The first section was constructed in 2015 along the western boundary closest to the ongoing work and contaminated soil cell. The permit condition allowed SIA until September 1, 2016 to complete the remainder of the fencing.

It was not completed by September 2016. An inspection in October 2016 revealed the fencing was not completed and order completion by December 16, 2016. Marty Block of SIA responded by asking for a delay until March 15, 2017. During a subsequent telephone conversation, Mr. Block and I agreed on a completion date of January 31, 2017.

On December 14, 2016 I sent a letter to Mr. Block giving SIA a second extension until January 31, 2017 to complete the fence and that if not completed, a Stop Work Order would be issued. And so today the SWO went out.

The SWO has nothing to do with the recent MOE permit suspension.

Copies of the December 14 letter and the inspection report containing the SWO are attached.

Jim Dunkley, P. Geo
Senior Inspector of Mines
600-1810 Blanshard St
Victoria, BC. V8W 9M9
250.953.4640

From: Dunkley, Jim R MEM:EX
Sent: Thursday, February 2, 2017 2:33 PM
To: Robb, Peter L. MEM:EX; Hoffman, Al MEM:EX
Cc: Plummer, Glen GCPE:EX; Caughill, David MEM:EX
Subject: SIA Stop Work Order

A Stop Work Order for Mines Act permit Q-8-094, South Island Aggregates was issued today.

The SWO is in response to ongoing non-compliance with permit conditions. The SWO is **not** in response to any environmental or health and safety concern.

The order does allow SIA to comply with all their requirements under their EMA permit and the

recently issued Spill Prevention Order.

Jim Dunkley, P. Geo
Senior Inspector of Mines
600-1810 Blanshard St
Victoria, BC. V8W 9M9
250.953.4640

Polak, Mary ENV:EX

From: Knudsen, Mark ENV:EX
Sent: Thursday, February 2, 2017 4:45 PM
To: Polak, Mary ENV:EX; Crebo, David GCPE:EX; Zacharias, Mark ENV:EX
Cc: Kapac de Frias, Martina E ENV:EX; Shiff, Alexander ENV:EX
Subject: FW: SIA Stop Work Order

FYI on the MEM side of SIA.

From: Denniston, Tristan M MEM:EX
Sent: Thursday, February 2, 2017 4:32 PM
To: Mills, Shane PREM:EX; Chin, Ben PREM:EX
Cc: Wallace-Deering, Eric MEM:EX; Haslam, David GCPE:EX; Grewal, Simrath MEM:EX; Gordon, Matt GCPE:EX; Grewal, Simrath MEM:EX; Wolford, Jessica GCPE:EX; Kapac de Frias, Martina E ENV:EX; Knudsen, Mark ENV:EX; Shiff, Alexander ENV:EX
Subject: SIA Stop Work Order

Good Afternoon Shane,

MEM has issued a stop work order to SIA. This is due to them being in violation of a permit condition which required they build a 'substantial fence' along the property boundary. This was in response to what staff says were repeated instances of trespass onto CVRD property in the course of quarry operations.

SIA constructed the first portion of fence along the western boundary, and the permit condition allowed SIA to operate until The permit condition allowed SIA until September 1, 2016 to complete the remainder of the fencing.

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Suggested response bullets:
s.13

Polak, Mary ENV:EX

From: Kapac de Frias, Martina E ENV:EX
Sent: Thursday, February 2, 2017 3:37 PM
To: Polak, Mary ENV:EX
Cc: Knudsen, Mark ENV:EX; Shiff, Alexander ENV:EX
Subject: FW: SIA Stop Work Order

From: Crebo, David GCPE:EX
Sent: Thursday, February 2, 2017 3:32 PM
To: ENV Ministerial Assistants
Cc: Murphy, Bernadette GCPE:EX
Subject: FW: SIA Stop Work Order

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Jim Dunkley, P. Geo

Senior Inspector of Mines

600-1810 Blanshard St

Victoria, BC. V8W 9M9

250.953.4640

Crozier, Bev ENV:EX

From: Zacharias, Mark ENV:EX
Sent: Thursday, February 2, 2017 4:45 PM
To: Shoemaker, Wes ENV:EX
Subject: FW: SIA Stop Work Order

From: Knudsen, Mark ENV:EX
Sent: Thursday, February 2, 2017 4:45 PM
To: Polak, Mary ENV:EX; Crebo, David GCPE:EX; Zacharias, Mark ENV:EX
Cc: Kapac de Frias, Martina E ENV:EX; Shiff, Alexander ENV:EX
Subject: FW: SIA Stop Work Order

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Sent: Thursday, February 2, 2017 4:32 PM
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Cc: Wallace-Deering, Eric MEM:EX; Haslam, David GCPE:EX; Grewal, Simrath MEM:EX; Gordon, Matt GCPE:EX; Grewal, Simrath MEM:EX; Wolford, Jessica GCPE:EX; Kapac de Frias, Martina E ENV:EX; Knudsen, Mark ENV:EX; Shiff, Alexander ENV:EX
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Suggested response bullets:
s.13

Barlow, John ENV:EX

From: Minister, ENV ENV:EX
Sent: Monday, February 6, 2017 9:06 AM
To: Correspondence Unit ENV:EX
Subject: FW: Contaminated soil disposal sites
Attachments: letter to Mary Polak.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Categories: John

From: s.22
Sent: Saturday, February 4, 2017 1:04 PM
To: Minister, ENV ENV:EX
Subject: Contaminated soil disposal sites

Honorable Mary Polak,

In my haste I sent your letter to those listed below only. Sorry about that and hoping that you will give it your attention.

Thank you.

s.22

From: s.22
Sent: Wednesday, February 01, 2017 2:13 PM
To: [Allan Leuschen](#) ; [Avtar.Sundher@gov.bc.ca](#) ; [env.mail@gov.bc.ca](#) ; [MEM.Minister@gov.bc.ca](#) ; [Kim.Bellefontaine@gov.bc.ca](#) ; [David.Caughill@gov.bc.ca](#) ; [min@dfo-mpo.gc.ca](#) ; [andrew.thomson@dfo-mpo.gc.ca](#) ; [laura.brown@dfo-mpo.gc.ca](#) ; [Dale.Desrochers@dfo-mpo.gc.ca](#) ; [Stacey.Larsen@dfo-mpo.gc.ca](#) ; [fin.donnely@parl.gc.ca](#) ; [Claire Trevena](#) ; [george.heyman.mla@leg.bc.ca](#) ; [doug.donaldson.mla@leg.bc.ca](#) ; [Rachel.Blaney@parl.gc.ca](#) ; [Kevin Brooks](#) ; [Terri Martin](#)
Subject: Contaminated soil disposal sites

Please find attached letter regarding contaminated soil landfills in sand and gravel pits.

s.22

Reference 305781February 1st, 2016

Honorable Mary Polak, Minister of Environment,
Parliament Buildings, Victoria, B.C.

Dear Mary Polak, Re: Contaminated soil disposal

I've just read your letter to Cobble Hill Holdings Ltd. and others regarding the above and find it unbelievable that this history of unacceptable permit violations could continue over the years right here in B.C. This is only expected in third world countries.

Another similar permit Application being reviewed by your Ministry is Uplands Excavating Ltd.'s proposal to landfill contaminated soil plus construction & demolition waste in their sand and gravel pit in Campbell River.

After all the violations and financial costs associated with Cobble Hill Holdings at Shawnigan Lake, surely these problems need to be avoided in the future. The Uplands Excavating Ltd.'s property is situated on a large sand and gravel High Vulnerability Aquifer Class 11A. It is also in the Campbell River/Quinsam River watersheds. With the potential to contaminate the City of Campbell River's drinking water on one side and the ephemeral tributaries that feed into the water for the Quinsam Salmon Hatchery on the other side it is impossible to find a worst place for a contaminated soil dump site.

Although the Reclamation and Environmental Protection Handbook for Sand, Gravel and Quarry Operations in British Columbia 1995 states **"Due to the porous nature of sand and gravel deposits, the use of pits and quarries as disposal sites is generally not permitted, since wastes can easily contaminate groundwater sources, surface water and soil"** there are no regulations regarding this.

It is obvious that owners of sand and gravel pits are not operating according to the Handbook so I am writing to implore you to bring in a regulation to deny permits for these Applications to landfill contaminated soil etc. so close to drinking water sources.

I realize that these operations also require a permit (or permit amendment) from the Ministry of Energy & Mines but understand that the Ministry of Environment is responsible for the technical review and consequential issue or refusal of a MOE permit.

It seems to me that it is an opportune time for this regulation, after yet another turn, this time by the Supreme Court of B.C., in the Shawnigan Lake issue, and before it becomes an election issue.

Sincerely,

CC.

Al Leuschen, Senior Env. Protection Officer Authorizations – South, Allan.Leuschen@gov.bc.ca

Avtar Sundher, Section Head, Authorizations-South, Avtar.Sundher@gov.bc.ca

Mark Zacharias, Assistant Deputy Minister, Environmental Protection Division, env.mail@gov.bc.ca

Honourable Bill Bennet, Minister of Mines, MEM.Minister@gov.bc.ca

Kim Bellefontaine, Manager Env. Geoscience & Permitting, Kim.Bellefontaine@gov.bc.ca

David Caughill, Regional Director, Southwest Region, David.Caughill@gov.bc.ca

The Honourable Minister of Fisheries and Oceans, Dominic LeBlanc, min@dfo-mpo.gc.ca

Rebecca Reid, Regional Director. Department of Fisheries and Oceans, rebecca.reid@dfo-mpo.gc.ca

Andrew Thomson, Regional Director. D.F.O., Pacific Region, andrew.thomson@dfo-mpo.gc.ca

Laura L. Brown, PhD, Area Dir. S. Coast Area, Fisheries and Oceans Canada, laura.brown@dfo-mpo.gc.ca

Dale Desrochers, Fisheries Protection Biologist, Dale.Desrochers@dfo-mpo.gc.ca

Stacey Larsen, Community Advisor, Campbell River & North Vancouver Island Areas, Fisheries & Oceans Canada, Stacey.Larsen@dfo-mpo.gc.ca

Fin Donnelly, Critic, Fisheries and Oceans, fin.donnelly@parl.gc.ca

Claire Trevena, MLA, North Vancouver Island, Claire.Trevena.MLA@leg.bc.ca

George Heyman, Environment Critic, george.heyman.mla@leg.bc.ca

Doug Donaldson, Ministry of Mines Critic, doug.donaldson.mla@leg.bc.ca

Rachel Blaney, MP, North Island-Powell River, Rachel.Blaney@parl.gc.ca

Diane Howe, Health and Safety and Permitting Branch, Diane.Howe@gov.bc.ca

Kevin Brooks, Development Services Supervisor, Community Planning & Development Services. Kevin.Brooks@campbellriver.ca

Terri Martin, Campbell River Environmental Coordinator, Terri.Martin@campbellriver.ca

From: [Knudsen, Mark ENV:EX](#)
To: [Polak, Mary ENV:EX](#)
Cc: [Kapac de Frias, Martina E ENV:EX](#); [Shiff, Alexander ENV:EX](#)
Subject: Fwd: For approval - SIA statement
Date: Wednesday, February 22, 2017 6:15:27 PM
Attachments: [Statement_SIA decision Feb 22_DRAFT2.docx](#)
[ATT00001.htm](#)

Please see attached for approval.

Mark Knudsen
Ministerial Assistant to the Hon. Mary Polak

Begin forwarded message:

From: "Crebo, David GCPE:EX" <David.Crebo@gov.bc.ca>
Date: February 22, 2017 at 4:03:37 PM PST
To: ENV Ministerial Assistants <ENVMINAS@Victoria1.gov.bc.ca>
Cc: "Zacharias, Mark ENV:EX" <Mark.Zacharias@gov.bc.ca>, "Murphy, Bernadette GCPE:EX" <Bernadette.Murphy@gov.bc.ca>
Subject: For approval - SIA statement

We have this on corp calendar for 9:30am tomorrow. We'd send to Van Island and press gallery.

Dave Crebo
Communications Director
Ministry of Environment
(250) 812-5747

STATEMENT

For Immediate Release
[Release Number]
February 23, 2017

Ministry Environment

Environment Minister statement on Cobble Hill Holdings permit

VICTORIA – Minister of Environment Mary Polak has issued the following statement in regards to the waste discharge permit held by Cobble Hill Holdings Ltd. for their facility near Shawnigan Lake.

“Effective immediately, I am cancelling the waste discharge permit for Cobble Hill Holdings due to their failure in meeting the requirements outlined in my letter to them on January 27th.”

“The company was given 15 business days to provide three required documents and only submitted two prior to the deadline given. Specifically, the company failed to provide the Province with adjusted financial security in the form of an irrevocable letter of credit.”

“Cobble Hill Holdings has been provided multiple opportunities to respond to outstanding non-compliances and has repeatedly missed deadlines with respect to their permit requirements.”

“Ministry staff are taking actions to ensure material on the property is managed in a way that does not present a risk to human health or the environment.”

“My decision to cancel the waste discharge permit is based on information and advice from staff who are technical experts in their field.”

The minister’s letter of cancellation and reasons for decision can be found at:
<http://www2.gov.bc.ca/gov/content/environment/air-land-water/site-permitting-compliance/sia>

Contact:

Media Relations
Ministry of Environment
250 953-3834

From: [Knudsen, Mark ENV:EX](#)
To: [Polak, Mary ENV:EX](#)
Cc: [Kapac de Frias, Martina E ENV:EX](#); [Shiff, Alexander ENV:EX](#)
Subject: Fwd: For approval - SIA statement
Date: Wednesday, February 22, 2017 6:15:28 PM
Attachments: [Statement_SIA decision Feb 22 DRAFT2.docx](#)
[ATT00001.htm](#)

Please see attached for approval.

Mark Knudsen
Ministerial Assistant to the Hon. Mary Polak

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Date: February 22, 2017 at 4:03:37 PM PST
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Cc: "Zacharias, Mark ENV:EX" <Mark.Zacharias@gov.bc.ca>, "Murphy, Bernadette GCPE:EX" <Bernadette.Murphy@gov.bc.ca>
Subject: For approval - SIA statement

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Contact:

Media Relations
Ministry of Environment
250 953-3834

From: [Kapac de Frias, Martina E ENV:EX](#)
To: [Knudsen, Mark ENV:EX](#)
Cc: [Shiff, Alexander ENV:EX](#); [Crebo, David GCPE:EX](#)
Subject: Re: For approval - SIA statement
Date: Wednesday, February 22, 2017 9:38:52 PM

Approved with edit needed to the third paragraph. Thanks.

On Feb 22, 2017, at 6:15 PM, Knudsen, Mark ENV:EX <Mark.Knudsen@gov.bc.ca> wrote:

Please see attached for approval.

Mark Knudsen
Ministerial Assistant to the Hon. Mary Polak

Begin forwarded message:

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<ENVMINAS@Victoria1.gov.bc.ca>
Cc: "Zacharias, Mark ENV:EX" <Mark.Zacharias@gov.bc.ca>, "Murphy, Bernadette GCPE:EX" <Bernadette.Murphy@gov.bc.ca>
Subject: For approval - SIA statement

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Dave Crebo
Communications Director
Ministry of Environment
(250) 812-5747

From: [Zacharias, Mark ENV:EX](#)
To: [McGuire, Jennifer ENV:EX](#); [Shoemaker, Wes ENV:EX](#); [Knudsen, Mark ENV:EX](#); [Kapac de Frias, Martina E ENV:EX](#)
Cc: [Gooderham, Coleen E ENV:EX](#); [Salkus, Beverley ENV:EX](#); [Visco, Greg ENV:EX](#)
Subject: CHH cancellation letters - for consideration (308290)
Date: Wednesday, February 22, 2017 9:38:55 PM
Attachments: [308290 - CHH SIA - DRAFT \(Minister\) MZ.docx](#)
[308290 - CHH SIA - DRAFT \(ADM\) MZ.docx](#)

Wes:

Here are the draft letters (JM I made a couple of small changes in track changes in these versions). If you could run by MMP while waiting for your Victoria flight we can get these prepped for tomorrow morning.

Regards, MZ

From: McGuire, Jennifer ENV:EX
Sent: Wednesday, February 22, 2017 8:03 PM
To: Zacharias, Mark ENV:EX
Cc: Gooderham, Coleen E ENV:EX; Salkus, Beverley ENV:EX
Subject: CHH cancellation letters - for consideration (308290)

Hi Mark,

Unless we hear otherwise from JAG, I propose that the attached letters (with the SPO as an enclosure for the ADM letter) are ready to go.

Jennifer

From: Visco, Greg ENV:EX
Sent: Wednesday, February 22, 2017 4:32 PM
To: Zacharias, Mark ENV:EX; McGuire, Jennifer ENV:EX
Cc: Gooderham, Coleen E ENV:EX; Salkus, Beverley ENV:EX
Subject: RE: Request: CHH cancellation letters for forming - not for sending yet (308290)
Hi Mark and Jennifer,

I was asked to finalize these letters for CHH/SIA permit and forward to you both.

Please find attached ADM and Minister's response to CHH/SIA regarding their permit for your review. I am not sure whether the 'report from staff' is an enclosure for the Minister's response or the ADM one so I did not make any adjustments to note either an enclosure on the Minister's letter or multiple enclosures on the ADM one.

Coleen, for your reference this is logged as 308290 in CLIFF.

Thanks all!

Greg

Greg Visco

Coordinator | Correspondence Unit

Ministry of Environment

250-387-9885

From: Gooderham, Coleen E ENV:EX
Sent: Wednesday, February 22, 2017 3:47 PM
To: Visco, Greg ENV:EX; Salkus, Beverley ENV:EX
Cc: Gooderham, Coleen E ENV:EX
Subject: Request: CHH cancellation letters for forming - not for sending yet
Please format and send back to me for Mark/Wes review.

Once they have approved I will send back to you for finalizing.

Thank you Coleen

From: McGuire, Jennifer ENV:EX
Sent: Wednesday, February 22, 2017 3:45 PM
To: Gooderham, Coleen E ENV:EX
Cc: Zacharias, Mark ENV:EX
Subject: CHH cancellation letters for formatting - not for sending yet
Hi Coleen,

Hoping you can format the attached letters so that they are penultimate drafts for MZ and Wes review. Awaiting confirmation from ADM regarding next steps.

Aiming for MMP decision tomorrow first thing.

Option 2 letter to include attached "Staff Report document"

I will review the staff report ensure no additional changes. No formatting required on the report.

Thx

JLM

Jennifer McGuire, P.Ag.

Executive Director, Regional Operations

Environmental Protection Division

Ministry of Environment

Surrey: 604-582-5284

Cell: 250-361-5944

Reference: 308290

File: 105809

Cobble Hill Holdings Ltd. (BC0754588)

Location address:

460 Stebbings Road
Shawnigan Lake BC V0R 2W3

Mailing address:

10-536 Herald Street
Victoria BC V8W 1S6

via Email: marty.sia@shaw.ca; mike.sia@shaw.ca

Dear Mr. Martin Block and Mr. Michael Kelly:

Re: Cancellation of Permit PR 105809

Pursuant to section 18(3)(c) of the *Environmental Management Act* [SBC 2003], c. 53 (the “**Act**”), I am cancelling Permit PR-105809 (the “**Permit**”) held by Cobble Hill Holdings Ltd. (the “**Permittee**”) for failure to comply with the terms of the Permit. In particular, by permit amendments made June 21, 2016, you were required to provide an updated security in the form of an irrevocable letter of credit by July 29, 2016. By my letter of January 27, 2017, I made clear my intention to cancel the Permit if the Director did not receive all of the listed items by February 20, 2017, including updated security in the form of an irrevocable letter of credit.

This security is in large measure intended to deal with closure and post closure activities that are necessary to deal with contaminated soil that has already been discharged at the site.

I have considered your letter of February 20, 2017, stating that you are currently unable to provide security because of insufficient finances. You propose instead a 15 business day delay to arrange financing and then propose that financing would only be provided conditional on lifting the suspension.

I have decided that this is not acceptable for several reasons:

- The Permittee was invited to make submissions on the cancellation of the Permit within ten business days of my January 27, letter. However, there was no request for a delay in the deadline for security until your letter of February 20.
- The Permittee has demonstrated a pattern of making minimal or no effort to come into compliance until threatened with actions such as permit cancellation. The Permittee has previously raised inability to pay for required measures, but has been able to pay when faced with permit cancellation.

...2

- The complete inadequacy of the cost estimates contained in the closure plan report submitted December 19, 2016- suggest an attempt to avoid payment of additional security.

In other circumstances, I might be swayed by an argument that a permittee requires more time to be able to come into compliance with a permit requirement, but given the past pattern of non-compliance and delayed compliance I am not swayed. However, in light of the above, the continued failure to comply with security requirements is not acceptable.

The cancellation of the Permit is effective immediately.

In accordance with section 18(6) of the Act, a permit that is cancelled is not a valid and subsisting permit or approval.

Sincerely,

Mary Polak
Minister

Reference: 308920

South Island Resource Management Ltd.
2158 Millstream Road
Victoria BC V9B 6H4
Email: Raymond@allterraconstruction.ca
Email: Todd@allterraconstruction.ca

Michael Kelly
A-693 Stebbings Road
Shawnigan Lake BC V0R 2W3
Email: mike.sia@shaw.ca

South Island Aggregates Ltd.
Herald Street Law
101-536 Herald Street
Victoria BC V8W 1S6
Email: info@heraldstreetlaw.com

Martin Uwe Block
A-693 Stebbings Road
Shawnigan Lake BC V0R 2W3
Email: marty.sia@shaw.ca

Brian Martin
A-693 Stebbings Road
Shawnigan Lake BC V0R 2W3

Cobble Hill Holdings Ltd.
Herald Street Law
101-536 Herald Street
Victoria BC V8W 1S6
Email: info@heraldstreetlaw.com

Dear Sirs,

I write further to the decision of the Minister of Environment dated February XX, 2017 to cancel Permit PR105809 (the “Permit”) held by Cobble Hill Holdings Ltd. (the “Permittee”) for failure to comply with the terms of the Permit.

This is to advise you that the Minister is considering amending the attached Spill Prevention Order (“SPO”) that was issued to you on January 27, 2017. Specifically, the Minister is considering amending the SPO to:

- Require updating the Cobble Hill Landfill Closure Plan Report Dated February 2017 to remove references to new contaminated soil being accepted at the site, and correction of any deficiencies identified by staff;
- Require: permanent closure of the landfill; inspection, operation and maintenance of the closure works during the post-closure period; and monitoring during the post-closure period, in accordance with the approved Closure Plan; and
- Require other measures that I consider reasonable and necessary.

Any movement of contaminated soil necessary for quarrying or excavation would require an authorization under the *Environmental Management Act*.

...2

I will consider any comments that you may have in relation to an amendment to the SPO that I receive within five business days of service of this letter.

Please also be advised of our intention to publish:

- Cobble Hill Holdings Ltd. letter of February 20, 2017;
- The Addendum Review of Contact and Non-Contact Water Management Systems marked confidential and dated 20 February 2017; and
- The Cobble Hill Landfill Closure Plan Report Dated February 2017.

We have reviewed the documents and do not consider them to contain any personal information or confidential business information. If you have any concerns, please contact us within 14 days. Your ministry contact for all matters relating to the Spill Prevention Order and cancellation is Ms. Jennifer McGuire, Executive Director, who can be reached at Jennifer.mcguire@gov.bc.ca.

Sincerely,

Mark Zacharias
Assistant Deputy Minister
Environmental Protection Division

Enclosure

From: [Knudsen, Mark ENV:EX](#)
To: [Polak, Mary ENV:EX](#)
Cc: [Kapac de Frias, Martina E ENV:EX](#); [Shiff, Alexander ENV:EX](#)
Subject: FW: Scrum summary -- Bill routley re: Cobble Hill
Date: Thursday, February 23, 2017 1:42:00 PM

FYI

It's good news. Frustrating that it took this long to get to reasoned response.

Even Min acknowledged it was a lie. I was troubled by the fact that there was something amiss....scientists working for company saying one thing...those hired by community were saying there could be an aquifer and fractured limestone. So many things wrong. What good is a process that starts with public going to public meetings and 90 percent of public opposed to site and there isn't a box to tick off that this was a show stopper. They ignored the CvRd.

Scandalous that there were missed opportunities to stop this and this govt took a different path. This Min didn't act in any serious way.

Soil? They need to get rid of it. Cell biologist who says the plastic layers that are protecting the lake are only good for 20-30 years. Can't just wait until pollutants drift into water. Govt should order it to be cleaned up.

Taxpayers cleanup? Outrageous. Fact the community and cvrd have spent \$ to defend. Here is a govt who works for big business. They didn't listen to the community and they plot ahead...they went for it and now look at the mess we have today. Taxpayer should not pay for their incompetence. Not listening to the people.

I would hope they would have done this a long time ago. Lie on permit application. Ridiculous. Should have immediately cancelled the permit. You are basically saying that's the bar -- go ahead and lie.

Sent from my iPhone

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Withheld pursuant to/removal as

DUPLICATE