



Report Date: June 21, 2017

File: UA-056519

Report Number: 056519

Tran Aquaculture  
38620 No 4 Road  
Abbotsford BC  
V3G 2G2

Dear Tran Aquaculture

**Re: Warning Letter, Unauthorized Discharge, 38620 No. 4 Road, Abbotsford, British Columbia,**

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On June 09, 2017, Ministry of Environment, Environmental Protection Division staff conducted an inspection of your facility, located at 38620 No. 4 Road, Abbotsford, British Columbia. The inspection determined that Tran Aquaculture is out of compliance with the Environmental Management Act, Part 2 Prohibitions and Authorizations, Section 6(2) waste disposal. This Warning Letter lists the compliance verification information below.

By discharging business waste from a Land-based Finfish facility, without a valid authorization Tran Aquaculture commits an offence under the Environmental Management Act (EMA). Section 120(3) of EMA states as follows:

*120(3) A person who contravenes any of the following commits an offence and is liable on conviction to a fine not exceeding \$1 000 000 or imprisonment for not more than 6 months, or both: (a) section 6 (2), (3) or (4) [waste disposal];...*

It should also be noted that, as an alternative to prosecution of the offence referenced above, the Ministry may initiate action to impose an administrative penalty against Tran Aquaculture. The Administrative Penalties Regulation (EMA) (B.C. Reg. 133/2014) (APR) was brought into force in 2014. The APR describes the prescribed provisions of the EMA as well as that of specified regulations under which administrative penalties can be assigned. Section 12(1) of the APR states as follows:

*12(1) A person who contravenes section 6 (2), (3) or (4), 7, 8, 9 (1) or (4), 11, 25 (2), 40 (1), (2), (3), (6) or (7), 48 (8), (10) or (15), 55 (1), 72 (1) or (2) or 76.2 of the Act is liable to an administrative penalty not exceeding \$75 000.*

If you fail to take the necessary actions to restore compliance, you may be subject to escalating enforcement action. This Warning Letter and the alleged violations and circumstances to which it refers, will form part of the compliance history of Tran Aquaculture and will be taken into account in the event of future violations.

Finally, I request that Tran Aquaculture immediately implement the necessary changes or modifications to correct the non-compliance(s) listed above with the *Environmental Management Act*. Further, I request that Tran Aquaculture notify this office in writing by email or letter within 30 days of this letter, advising what corrective measures have been taken, and what else is being done, to prevent similar non-compliances in the future. Tran Aquaculture failed to comply with the *Environmental Management Act*, section 6(2) as outlined below.

Inspection Details:

Requirement Description:	<b>Environmental Management Act, Environmental Management Act</b> 6 (2): Subject to subsection (5), a person must not introduce or cause or allow waste to be introduced into the environment in the course of conducting a prescribed industry, trade or business.
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**Ministry of Environment**

Compliance  
Environmental  
Protection Division

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Details/Findings:	<p>This inspection was triggered by a confidential complaint of "untreated and unscreened effluent [...] discharged [into the environment] on an ongoing basis approx. 1,300 liters per day".</p> <p>A waste effluent discharge into the corn field North of the building, directly from three vertical water storage tanks was observed during the onsite inspection. This unauthorized discharge corroborates the confidential complaint received.</p> <p>After inspecting inside of the facility, I headed East outside along the North side of the Barn. There I observed three large black vertical water storage tanks and noticed an open valve on the third tank with a clear braided hose attached crossing the driveway, extended into the cornfield. On closer inspection, the hose was discharging out a light-brown effluent. Ponding was observed forming from the discharge on the edge of the field as shown in the attached inspection photos.</p> <p>The three tanks' function was described by the owner as holding process water which circulates from the fish farm tanks and returns back into the farm tank system.</p> <p>Determined to be an unauthorized business waste discharge to the environment from a prescribed industry.</p>
Compliance:	Out
Actions to be taken:	Please comply with all sections of the Land-based Finfish Waste Control Regulation (the Regulation) specifically Section 6 effluent standards for non-filterable residue, total phosphorus, and chlorine monitoring and concentration requirements.
Requirement Description:	<b>Environmental Management Act, Land-Based Finfish Waste Control Regulation (68/94) (EMA)</b> 2 (a): The owner of a land-based finfish facility is exempt from section 6 (2) and (3) of the Environmental Management Act with respect to the discharge of wastes from the land-based finfish facility if the owner (a) submits a preoperational report, if required under section 3,
Details/Findings:	The owner did not submit a preoperational report as required, therefore is not exempt from EMA 6 (2) and (3).
Compliance:	Out
Actions to be taken:	N/A
Requirement Description:	<b>Environmental Management Act, Land-Based Finfish Waste Control Regulation (68/94) (EMA)</b> 2 (b): The owner of a land-based finfish facility is exempt from section 6 (2) and (3) of the Environmental Management Act with respect to the discharge of wastes from the land-based finfish facility if the owner (b) registers under section 4 of this regulation, and
Details/Findings:	The owner did not register as required under section 4, therefore is not exempt from EMA 6 (2) and (3).
Compliance:	Out
Actions to be taken:	N/A
Requirement Description:	<b>Environmental Management Act, Land-Based Finfish Waste Control Regulation (68/94) (EMA)</b> 3 (1): Subject to subsection (2) the owner of a land-based finfish facility must submit a receiving water quality report to a director before construction begins on (a) a land-based finfish facility built after the date this regulation comes into force, or (b) an expansion of a land-based finfish facility if the proposed resulting annual production is 20 percent greater than the annual production before the expansion.
Details/Findings:	The owner did not submit a receiving water quality report to the British Columbia Ministry of Environment before construction began on Tran Aquaculture finfish facility. The owner stated the facility has been in operation for less than one year.



Compliance:	Out
Actions to be taken:	Submit a receiving water quality report to the Director as required by the Regulation.
Requirement Description:	<b>Environmental Management Act, Land-Based Finfish Waste Control Regulation (68/94) (EMA)</b> 3 (2): Unless requested by a director, a receiving water quality report is not required for facilities with a dilution ratio greater than 20 to 1.
Details/Findings:	Tran Aquaculture has not supplied a dilution ratio. Wastewater from the facility was observed deposited in the adjacent farm field without dilution to the receiving environment. Given that the effluent is not being discharged to a receiving stream, compliance is not determined.
Compliance:	Not Determined
Actions to be taken:	Submit a receiving water quality report to the Director as described in the Regulation.
Requirement Description:	<b>Environmental Management Act, Land-Based Finfish Waste Control Regulation (68/94) (EMA)</b> 4 (1): An owner of a land-based finfish facility must submit a completed registration to a director before construction of the facility begins.
Details/Findings:	The owner has not submitted a completed registration as required by the Regulation.
Compliance:	Out
Actions to be taken:	Submit registration as required by the Regulation.
Requirement Description:	<b>Environmental Management Act, Land-Based Finfish Waste Control Regulation (68/94) (EMA)</b> 6 (1)(a): A person must not discharge effluent from a land-based finfish facility to the environment (a) if the non-filterable residue concentration in the effluent exceeds (i) 10 mg/L and the dilution ratio is less than 20 to 1, or (ii) 20 mg/L and the dilution ratio is 20 to 1 or greater.
Details/Findings:	Based on the complaint and observed during the onsite inspection, effluent from the operation is discharged into the farm field on the property. It was said by the owner during the inspection that the effluent discharged is not assayed for non-filterable residue concentration.
Compliance:	Not Determined
Actions to be taken:	The quality of the effluent discharged to the environment must not exceed the concentrations listed.
Requirement Description:	<b>Environmental Management Act, Land-Based Finfish Waste Control Regulation (68/94) (EMA)</b> 6 (1)(b): A person must not discharge effluent from a land-based finfish facility to the environment (b) if the total phosphorous concentration in the effluent exceeds (i) 0.1 mg/L and the dilution ratio is less than 20 to 1, or (ii) 0.2 mg/L and the dilution ratio is 20 to 1 or greater. or
Details/Findings:	Based on the complaint and observed during the onsite inspection, effluent from the operation is discharged into the farm field on the property. It was said by the owner during the inspection that the effluent discharged is not assayed for total phosphorus concentration.
Compliance:	Not Determined
Actions to be taken:	The quality of the effluent discharged to the environment must not exceed the concentrations listed.

Requirement Description:	<b>Environmental Management Act, Land-Based Finfish Waste Control Regulation (68/94) (EMA)</b> 6 (1)(c): A person must not discharge effluent from a land-based finfish facility to the environment (c) if the effluent has detectable chlorine as measured by the amperometric titration method as defined by the American Public Health Association, Standard Methods 17th Edition, New York, 1989.
Details/Findings:	Based on the complaint and observed during the onsite inspection, effluent from the operation is discharged into the farm field on the property. It was said by the owner during the inspection that the effluent discharged is not assayed for total phosphorus concentration.
Compliance:	Not Determined
Actions to be taken:	The quality of the effluent discharged to the environment must not exceed the concentrations listed.
Requirement Description:	<b>Environmental Management Act, Land-Based Finfish Waste Control Regulation (68/94) (EMA)</b> 7 (1)(a): The operator of a land-based finfish facility must not discharge to surface water or ground water (a) sand, silt, mud, solids, sludges, filter backwash, debris or other pollutants arising from treatment or control of water supply or effluent;
Details/Findings:	Waste sludges and solids were reported to be disposed of into the manure pit. It was reported that the process hasn't operated long enough yet to require sludge removal.
Compliance:	In
Actions to be taken:	N/A
Requirement Description:	<b>Environmental Management Act, Land-Based Finfish Waste Control Regulation (68/94) (EMA)</b> 7 (1)(b): The operator of a land-based finfish facility must not discharge to surface water or ground water (b) untreated cleaning wastes such as those obtained from a vacuum or standpipe bottom drain system.
Details/Findings:	Reported during the inspection that such materials would be disposed of in the manure pit.
Compliance:	In
Actions to be taken:	N/A
Requirement Description:	<b>Environmental Management Act, Land-Based Finfish Waste Control Regulation (68/94) (EMA)</b> 7 (1)(c): The operator of a land-based finfish facility must not discharge to surface water or ground water (c) accumulated solids from raceways or ponds.
Details/Findings:	Reported during the inspection that such materials would be disposed of in the manure pit.
Compliance:	In
Actions to be taken:	N/A
Requirement Description:	<b>Environmental Management Act, Land-Based Finfish Waste Control Regulation (68/94) (EMA)</b> 7 (1)(d): The operator of a land-based finfish facility must not discharge to surface water or ground water (d) detergents, disinfecting agents, cleaning agents or chemicals, if the effluent does not pass a 96 hour LC20 bioassay test as defined by Environment Canada's Biological Test Method: Reference Method for Determining Acute Lethality of Effluents to Rainbow Trout, or
Details/Findings:	It was described during the inspection that these chemicals are not used in the operation. No toxicity assays were reported to have ever been done to the effluent discharged to the environment.

Compliance:	Not Determined
Actions to be taken:	N/A
Requirement Description:	<b>Environmental Management Act, Land-Based Finfish Waste Control Regulation (68/94) (EMA)</b> 7 (2): The operator of a federal or provincial land-based finfish facility that rears fish for release into the wild may release fish carcasses to the originating surface waters if the carcasses result from the removal of eggs and sperm.
Details/Findings:	Fish at Tran Aquaculture are not reared for release into the wild.
Compliance:	Not Applicable
Actions to be taken:	N/A
Requirement Description:	<b>Environmental Management Act, Land-Based Finfish Waste Control Regulation (68/94) (EMA)</b> 8: An owner of a land-based finfish farm must, upon request of a director, prepare and submit to a director a written waste management plan.
Details/Findings:	<p>The waste management plan was not communicated clearly to the inspector during the inspection.</p> <p>The operation was described as a closed-loop, except for water additions due to evaporation, and no discharges were said to be made out of the system. When asked for water input volumes to the system, it was stated no water addition volumes were measured. The statements made regarding discharges were contradicted by observations by the inspector of a hose discharging from storage tanks to the environment (see photos). The storage tanks were explained to hold process water which recirculates back into the system. The discharge was observed flowing into a ditch which the owner described as "wetland" located along the edge of the corn field. This discharge is determined to be an unauthorized discharge to the environment.</p> <p>The operation of the 'manure pit' was described to receive solid waste generated from the aquaculture facility into, with photos shown of the construction of the pit during the inspection interview. But during the inspection of the pit area on the property, it was revealed to not currently be in use by the facility and it was said to have been designed and used for the previous operation of a chicken farm on the property.</p> <p>A septic system was being installed between the Barn containing the fish farm operation and the manure pit on the day of the onsite inspection. The new septic system was described to be for a future home which is to be built on the property. It is unclear if the effluent which is currently being discharged to the environment will be fed to the septic system, and if the septic system will be connected to the manure pit.</p>
Compliance:	Not Determined
Actions to be taken:	Please confirm if any business waste is to be disposed of in the septic system being built. Please report the average volume and sources of solid waste produced by the facility on a monthly basis and how it is disposed of.



Below are attachments related to this inspection.

If you have any questions about this letter, please contact the undersigned.

Yours truly,

Stewart Paterson

Environmental Protection Officer

cc:

**Attachments:**

1) Photo Record - Tran Aquaculture 2017-06-09.pdf Photo Record  
Tran Aquaculture 2017-06-09 Site Inspection Paterson

**Deliver via:**

Email: ☒ Fax: ☐ Mail: ☐  
Registered Mail: ☐ Hand Delivery: ☐

**Ministry of Environment**

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**DISCLAIMER:**

Please note that sections of the permit, regulation or code of practice referenced in this inspection record are for guidance and are not the official version. Please refer to the original permit, regulation or code of practice.

To see the most up to date version of the regulations and codes of practices please visit  
<http://www.bclaws.ca>

If you require a copy of the original permit, please contact the inspector noted on this inspection record or visit:  
<http://www2.gov.bc.ca/gov/topic.page?id=DF89089126D042FD96DF5D8C1D8B1E41&title=Publically%20Viewable%20A%20authorizations>

It is also important to note that this inspection record does not necessarily reflect each requirement or condition of the authorization therefore compliance is noted only for the requirements or conditions listed in the inspection record.

Authorization: UA-52769	Tran Aquaculture
NRIS IR #: 56519	Onsite Inspection Date: 2017-06-09

Photo 1

Three effluent tanks with braided hose attached and valve open on third tank.



Photo 2

Braided hose connected to the effluent tank discharging into the grassy area.



Authorization: UA-52769	Tran Aquaculture
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Photo 3

Close-up of hose discharging effluent during onsite inspection. Effluent coloured light-brown.



Photo 4

Ponding between grassy area and corn field. Facing West.





Authorization: UA-52769	Tran Aquaculture
NRIS IR #: 56519	Onsite Inspection Date: 2017-06-09

<p>Photo 5</p> <p>Ponding between grassy area and corn field. Facing East.</p>	
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