



# Case Summary

## Details

**Case File #:** 201605636 **Opened Date:** 2016-08-22 02:36 PM  
**Category:** CO SERVICE **Discovery Date:** 2016-04-22  
**Type:** ENVIRONMENTAL **Closed Date:** 2016-08-28 12:29 PM  
**Status:** Closed **Admin Org Unit:** SOUTH ISLAND ZONE  
**Opened By:** PAUWELS, PETER : 56871 **Source:** OBSERVE, RECORD AND REPORT PROGRAM  
**Lead Investigator:** PAUWELS, PETER : 56871 **Source Ref #:** 15-0358 , 16-26  
**Lead Investigator's Phone:** **Other Source Agency:**  
**Paper File Created:** No **Transferred to Agency:** MUNICIPALITY  
**Electronic Case File:** **Other Transferred Agency:** LANGFORD BYLAW  
**Investigation Review Process:** No **Joint Investigation:** No  
**Investigation Review Date:** **Transferred Agency Contact:** FLETCHER, LORNE  
**Investigation Start Date:** 2016-04-22 **Lead Agency:** MINISTRY OF ENVIRONMENT  
**Joint Agency Contact:** **Joint Agency Phone:** MINISTRY OF ENVIRONMENT  
**Other Joint Agency:** **Joint Agency Case No:**  
**Case Description:** ERS 15-0358 & 16-2643 - COMPLAINT OF RUN-OFF FROM CONSTRUCTION SITE.

## Members:

Name	Phone Number	Start Date	End Date
PAUWELS, PETER : 56871		2016-08-22	2026-08-20

## Parties Involved:

Name	DOB	Role	Nature of Involvement	Phone No.	Address
TRI-X EXCAVATING LTD.		SUBJECT OF COMPLAINT		250-478-6656	1107 GOLDSTREAM AVE. LANGFORD BC V9B 2Y9 CAN

## Sites:

Site	Site Type	Description
1. 1-2; SOUTH ISLAND ZONE		923 WALFRED RD, LANGFORD

## Notes:

Date	Name	Comments
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**Continuation Report:**

Date	Time	Name	Report
2016-08-28	12:30	PAUWELS, PETER : 56871	CO Pauwels reviewed file - no call back from com. Concluded as referred to Langford Bylaw.
2016-08-22	13:30	PAUWELS, PETER : 56871	CO Pauwels left message for com advising that Langford Bylaw is the most appropriate agency for dealing with his concerns. Invited com to call CO Pauwels.
2016-08-22	12:30	PAUWELS, PETER : 56871	CO Pauwels drove by the site. No runoff leaving the site, ditches appear dusty with nothing of particular concern.
2016-08-22	10:30	PAUWELS, PETER : 56871	CO Pauwels exchanged e-mails (attached) with Langford Bylaw Chief Lorne Fletcher who advises they have a file open on this location and it is monitored on a regular basis. Bylaw Officer Paul Lambert is in charge of the file. s.22
2016-08-17	14:50	PAUWELS, PETER : 56871	s.22 Com called in ERS 16-2643 regarding the same site. Concern being pressure washing of trucks with run-off into the ditch.
2016-04-24	08:30	PAUWELS, PETER : 56871	CO Pauwels reviewed ERS 15-0358 and called com. Com is unhappy with the Tri-X Construction project on Walfred Rd. Particularly s.2 is concerned with washing of trucks and the resulting run-off which enters the ditch then flows downhill and eventually into Langford Lake several kms away.
			CO Pauwels explained to com that the Muni of Langford has bylaws that strictly regulate these types of large scale construction projects and that he should report his concerns to them. CO Pauwels suggested com call back if he is not satisfied with Langford's response.

**Attachments:**

Attach#	Description	Photo	File	Attached By	Attached Date
1	ERS 15-0358	No	ERS 15-0358.HTM	PAUWELS, CHARLENE : 64730	2016-08-22
2	ERS 16-2643	No	ERS 16-2643.HTM	PAUWELS, CHARLENE : 64730	2016-08-22
3	2016 08 22 EMAIL CORRESPONDENCE FROM LORNE FLETCHER	No	2016 08 22 EMAIL CORRESPONDENCE FROM LORNE FLETCHER .PDF	PAUWELS, CHARLENE : 64730	2016-08-26
4	2016 08 22 EMAIL CORRESPONDENCE FROM PAUL LAMBERT	No	2016 08 22 EMAIL CORRESPONDENCE FROM PAUL LAMBERT.PDF	PAUWELS, CHARLENE : 64730	2016-08-26

**Contravention No.1****ENVIRONMENTAL MANAGEMENT ACT 6 (4) : INTRODUCE WASTE AND CAUSE POLLUTION****Species:****Est. Incident Date**

2016-04-22

**Party:**

TRI-X EXCAVATING LTD.

**Site:**1. 1-2; SOUTH ISLAND ZONE;  
923 WALFRED RD, LANGFORD**Party Address:**1107 GOLDSTREAM AVE.  
LANGFORD BC V9B 2Y9  
CAN**Enforcement Actions**

**Enforcement Action No. 1****Type:** ADMINISTRATIVE ACTION**Effective Date:** 2016-08-22**End Date:****Admin Action Type:** REFERRED**Comments:****Vehicles:**

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Enforcement Routing Sheet #15-0358

Complaint Received By: RICK (Operations 6 ECC)

Date / Time received:

2015-04-22 16:16

Area: LANGFORD - VICTORIA - WEST COAST REGION

COORS OR#:

CALLER INFORMATION	
Caller Name:	s.22
Mail / Street Address:	
City:	s.22
Postal Code:	
Referred By:	
Contact Numbers	
Residence	s.22

VIOLATION DETAILS		
Violation Date: 04/22/2015	Violation Time: ongoing	Violation in Progress? No
Violation Type: WASTE		
Offense Witnessed: Washing heavy equipment		
Offense Location: Jacklyn and Walfred construction site.		
Offense Details: COM reports a construction site is operating at above location. They are servicing and washing trucks on the property and water is flowing to a ditch that contains a seasonal creek. The creek and ditch are on the frontage to the site and close to where the trucks are parked for washing. Caller is concerned there is oil and grease being washed off the trucks and into the ditch that leads to Langford lake. Caller can see water flowing from site into the ditch 1625 message CO Pauwels 1630 message CO Dekelver		

DESCRIPTION				
Name (if known)				
Description	Sex	Race	Height	Weight
	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	
Clothing				
Vehicle				
Weapons				
Other Details				
	Sex	Race	Height	Weight
	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	
Name (if known)				
Description	Sex	Race	Height	Weight



	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	
Description	Sex	Race	Height	Weight
	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	
Name (if known)				
Description	Sex	Race	Height	Weight
	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	
Clothing				
Vehicle				
Weapons				
Other Details				

**Notification:**  
2015-04-22 17:21 Email to: South Island [DUNCAN, VICTORIA]s.15 Sent from  
SGPEP.ECC1@gov.bc.ca

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Enforcement Routing Sheet #16-2643

**Complaint Received By:** DAVID H (Operations 3 ECC)  
**Area:** LANGFORD - VICTORIA - WEST COAST REGION

**Date / Time received:**  
2016-08-17 14:51  
**COORS OR#:**

CALLER INFORMATION	
Caller Name:	s.22
Mail / Street Address:	
City:	s.22
Postal Code:	
Referred By:	
Contact Numbers	s.22

VIOLATION DETAILS		
<b>Violation Date:</b> 08/17/2016	<b>Violation Time:</b> Ongoing	<b>Violation in Progress?</b> Yes
<b>Violation Type:</b> WASTE		
<b>Offense Witnessed:</b> Washing heavy equipment.		
<b>Offense Location:</b> 923 Walfred Rd., Langford, BC		
<b>Offense Details:</b> COM reported that Tri-X Excavating employees are currently pressure washing industrial vehicles resulting in waste that is causing a run-off into Langford Lake. The run-off has a visible sheen. COM will be recording a video of the individuals doing this and can provide this to a CO. COM advised that they spoke to CO Peter Pauwels about this occurring in April, 2016.		

Previous ERS: 15-0358.

14:55 - Called CO Peter Pauwels - left a message.

DESCRIPTION				
Name (if known)				
Description	Sex	Race	Height	Weight
	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	
Clothing				
Vehicle				
Weapons				
Other Details				
	Sex	Race	Height	Weight
	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	
Name (if known)				

Description	Sex	Race	Height	Weight
	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	
Description	Sex	Race	Height	Weight
	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	
Name (if known)				
Description	Sex	Race	Height	Weight
	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	
Clothing				
Vehicle				
Weapons				
Other Details				

**Notification:**  
2016-08-17 14:56 Email to: South Island [DUNCAN, VICTORIA] s.15 Sent from  
SGPEP.ECC1@gov.bc.ca

From: Lorne Fletcher [<mailto:lfletcher@cityoflangford.ca>]

Sent: Monday, August 22, 2016 10:36 AM

To: Pauwels, Peter ENV:EX

Cc: Paul Lambert

Subject: Re: complaint re washing of trucks

Hello Peter.

We are familiar with the property and our Officer, Paul Lambert has a file open to address land use and soil movement issues rather than watercourse concerns.

s.22 Paul is our only Officer working, so I'm not sure what steps will be taken before tomorrow.

s.22

Lorne (remote)

On Aug 22, 2016, at 10:26, Pauwels, Peter ENV:EX

<[Peter.Pauwels@gov.bc.ca](mailto:Peter.Pauwels@gov.bc.ca)<<mailto:Peter.Pauwels@gov.bc.ca>>> wrote:

Hello Lorne,

We received the following complaint that I believe would be covered by one or more of your bylaws. Please let me know if this is not the case or if you need more info.

Peter Pauwels  
Conservation Officer  
South Island Zone  
250-391-2305

#### CALLER INFORMATION

Caller Name: s.22

Mail / Street Address: s.22

City: s.22

Postal Code:

Referred By:

#### CONTACT NUMBERS

:s.22

#### VIOLATION DETAILS:

Violation Date: 2016-08-17

Violation Time: Ongoing

Violation in Progress: Yes

Violation Type: WASTE

Offense Witnessed: Washing heavy equipment.

Offense Location: 923 Walfred Rd., Langford, BC Offense Details: COM reported that Tri-X Excavating employees are currently pressure washing industrial vehicles resulting in waste that is causing a run-off into Langford Lake. The run-off has a visible sheen. COM will be recording a video of the individuals doing this and can provide this to a CO.

**From:** Paul Lambert [<mailto:plambert@cityoflangford.ca>]  
**Sent:** Monday, August 22, 2016 1:21 PM  
**To:** Lorne Fletcher; Pauwels, Peter ENV:EX  
**Subject:** Case Activity Update 927 - 931 Walfred Rd

CURRENT ACTIVITY INFORMATION:

Activity: Investigation  
Outcome: Continued Investigation  
Date Completed: 8/22/2016 1:17:55 PM

Comments: plambert 2016/08/22 1:10 PM - Email from Peter Pauwels, Conservation Officer, South Island Zone, 250-391-2305 following a report s.22 that workers were pressure washing dump trucks on-site and the water run off contained a substance that had a visible sheen.

plambert 2016/08/22 1:15 PM - On arrival no dump trucks observed on site. One excavator was working on the west side of the property loading a road grader. No indication of water, or wet areas left over from pressure washing. Road surface on Walfred Rd appeared clear.

CASE INFORMATION:

Case #: MBE14-1036  
Case Type: Zoning/Land Use

Case Details: plambert 2014/08/19 3:06 PM - Case opened to document information relating to the TUP expiration at SOC property and land use activities occurring thereon.

Violations:

Violator:

Complainant(s):

Location:  
s.22

This email was sent from PRODUCTION on CITATION.



# Case Summary

## Details

<b>Case File #:</b>	201701505	<b>Opened Date:</b>	2017-03-20 09:47 AM
<b>Category:</b>	CO SERVICE	<b>Discovery Date:</b>	2017-03-16
<b>Type:</b>	ENVIRONMENTAL	<b>Closed Date:</b>	2017-06-19 03:22 PM
<b>Status:</b>	Closed	<b>Admin Org Unit:</b>	SOUTH ISLAND ZONE
<b>Opened By:</b>	PAUWELS, CHARLENE : 64730	<b>Source:</b>	ANNONYMOUS REPORT
<b>Lead Investigator:</b>	PAUWELS, PETER : 56871	<b>Source Ref #:</b>	16-6569
<b>Lead Investigator's Phone:</b>		<b>Other Source Agency:</b>	16-6574, 16-6594
<b>Paper File Created:</b>	No	<b>Transferred to Agency:</b>	
<b>Electronic Case File:</b>	No	<b>Other Transferred Agency:</b>	
<b>Investigation Review Process:</b>	No	<b>Joint Investigation:</b>	No
<b>Investigation Review Date:</b>		<b>Transferred Agency Contact:</b>	
<b>Investigation Start Date:</b>	2017-03-16	<b>Lead Agency:</b>	MINISTRY OF ENVIRONMENT
<b>Joint Agency Contact:</b>		<b>Joint Agency:</b>	MINISTRY OF ENVIRONMENT
<b>Other Joint Agency:</b>		<b>Joint Agency Phone:</b>	
<b>Case Description:</b>	ERS 16-6569 & 16-6574 REPORT OF USING DEMOLITION WASTE AS LANDFILL.		

## Members:

Name	Phone Number	Start Date	End Date
PAUWELS, PETER : 56871		2017-03-20	2027-03-18
PAUWELS, CHARLENE : 64730		2017-03-20	2027-03-18

## Parties Involved:

Name	DOB	Role	Nature of Involvement	Phone No.	Address
TRI-X EXCAVATING LTD./TRI-X GROUP		SUBJECT OF COMPLAINT			1107 GOLDSTREAM AVENUE VICTORIA B BC V9B 2Y9 CAN

## Sites:

Site	Site Type	Description
1. 1-1; SOUTH ISLAND ZONE		DISTRICT OF METCHOSIN

## Notes:

Date	Name	Comments
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2017-06-19 PAUWELS, CHARLENE : EMAIL CORRESPONDENCE ATTACHED.  
64730

2017-06-08 PAUWELS, CHARLENE : EMAIL CORRESPONDENCE ATTACHED.  
64730

2017-06-06 PAUWELS, CHARLENE : EMAIL CORRESPONDENCE ATTACHED.  
64730

2017-05-20 NORRIS, SCOTT SGT REVIEWED. PLEASE UPDATE FILE AND CLOSE.

2017-04-05 PAUWELS, CHARLENE : PHOTOS & EMAIL CORRESPONDENCE ATTACHED.  
64730

2017-04-03 PAUWELS, CHARLENE : ERS ATTACHED.  
64730

2017-03-24 PAUWELS, CHARLENE : WARNING LETTER & EMAIL CORRESPONDENCE ATTACHED.  
64730

2017-03-20 PAUWELS, CHARLENE : COORS / ECM CREATED.  
64730

#### Continuation Report:

Date	Time	Name	Report
2017-06-04	13:30	PAUWELS, PETER : 56871	CO Pauwels attended back at the Tri-X property and observed that all of the demo debris has been removed. Nobody on site, photos taken. CO Pauwels sent photos to Laura Hunse and had discussion with her about the file. Agreed that compliance has been achieved. COS file to be concluded here subject to re-opening if EP / Laura Hunse requests same.
2017-04-20	14:00	PAUWELS, PETER : 56871	CO Pauwels cc'd on e-mail from CRD Bylaw Officer Marquis to District of Metchosis advising that Tri-X has begun trucking demo debris to the CRD approved Hartland Rd landfill. It is believed the debris comes from the Metchosis site that is the subject of this investigation.
2017-03-22	12:00	PAUWELS, PETER : 56871	Laura Hunse sent Warning Letter (attached) to Tri-X Excavating Ltd. for violation of EMA 6(3) (Intro Waste by prescribed activity or operation), with instructions for Tri-X on how to reach compliance with EMA. Hunse confirmed receipt of this warning by Brian Baker in a subsequent phone call. Baker advised Hunse that he will begin trucking the material to an approved facility in the next few days.
2017-03-20	15:20	PAUWELS, PETER : 56871	CO Pauwels sent e-mail to Laura Hunse providing update of CO Pauwels meeting with Baker today. CO Pauwels then spoke to Hunse by phone and discussed the file. Agreed that the best course of action would be for Hunse to issue an EMA "unauthorized site" warning to Baker, then explain the permitting process to him in case he wants to proceed with his plan to process demo debris on site.
2017-03-20	12:40	PAUWELS, PETER : 56871	CO Pauwels met with Tri-X owner Brian Baker at Canwest Tim Horton's. Baker denies giving anyone instructions to light the fire or knowledge of who lit the fire. Baker says he leases the property from s.22 and several other people have keys and access to the site. CO Pauwels explained EMA prohibitions on waste disposal and gave Baker a copy of the Waste Discharge Reg. Baker states that he was hoping to set up an operation where demo waste is sorted then ground up and used as soil conditioner. CO Pauwels instructed Baker to contact EP's Laura Hunse to discuss how that could be accomplished through permitting under EMA.
2017-03-19	14:45	PAUWELS, PETER : 56871	CO Pauwels sent e-mail to Laura Hunse (EP Nanaimo) attaching the complaint and photographs of the site from MFD and those taken today.



2017-03-19	10:35	PAUWELS, PETER : 56871	CO Pauwels attended the site in question, located via an unmarked driveway off Hwy 14 just west of Humpback Rd. CO Pauwels parked truck and walked around a locked gate. CO Pauwels walked uphill for 300 m and located the demo debris pile as per ERS. Nobody on site. The fire is now out. CO Pauwels took photos of the debris pile and the general site. No chipper or grinder present. When CO Pauwels returned to his patrol truck s.22 employee of Tri-X was parked at the gate. CO Pauwels introduced himself and asked s.22 to have Brian BAKER call CO Pauwels. s.22 said he would pass on the request. CO Pauwels received a call back from BAKER within 10 minutes and arranged to meet him on March 20 in Langford.
2017-03-17	16:41	PAUWELS, PETER : 56871	CO Pauwels received e-mail from MFD Chief Stephanie DUNLOP confirming that MFD attended and extinguished the fire. DUNLOP further advised that she talked to Brian BAKER of Tri Ex Excavating (company leasing the property) who claimed to be unaware of any burning on the site. BAKER told DUNLOP that the demo waste was intended to be chipped and used for road base. E-mail attached.
2017-03-17	14:00	PAUWELS, PETER : 56871	CO Pauwels received e-mail from CRD Bylaw Officer Wilf MARQUIS reporting on his inspection of the site at 11:15 hrs today. At that time MARQUIS observed piles of demo waste and 1 pile that was smouldering. Nobody was on site. MARQUIS called Metchosin and the MFD was called out to extinguish the fire. MARQUIS took several photographs. E-mail attached.
2017-03-16	14:35	PAUWELS, PETER : 56871	CO Pauwels reviewed confidential ERS 16-6569 and 16-6574 regarding landfilling of demo waste in Metchosin. CO Pauwels forwarded ERS to Lisa Urlacher, CAO of the District of Metchosin. CO Pauwels then spoke to Urlacher on the phone and she advised that Metchosin would be sending out a CRD Bylaw inspector tomorrow to look at the site in question.CO Pauwels unable to attend as he will be on DOR.

**Attachments:**

Attach#	Description	Photo	File	Attached By	Attached Date
1	ERS 16-6569	No	ERS 16-6569.HTM	PAUWELS, CHARLENE : 64730	2017-03-20
2	ERS 16-6574	No	ERS 16-6574.HTM	PAUWELS, CHARLENE : 64730	2017-03-20
3	WARNING LETTER	No	2017-03-22 UA50919 IR50919 WARNING 2B.PDF	PAUWELS, CHARLENE : 64730	2017-03-24
4	2017-03-22 EMAIL CORRESPONDENCE FROM LAURA HUNSE	No	2017 03 22 EMAIL CORRESPONDENCE FROM LAURA HUNSE.PDF	PAUWELS, CHARLENE : 64730	2017-03-24
5	ERS 16-6594	No	ERS 16-6594.HTM	PAUWELS, CHARLENE : 64730	2017-04-03
6	PHOTOS & EMAIL CORRESPONDENCE FROM WILF MARQUIS	No	2017 03 17 PHOTOS AND EMAIL CORRESPONDENCE FROM WILF MARQUIS.PDF	PAUWELS, CHARLENE : 64730	2017-04-05
7	2017-04-24 EMAIL CORRESPONDENCE TO LAURA HUNSE	No	2017 04 24 EMAIL CORRESPONDENCE TO LAURA HUNSE .PDF	PAUWELS, CHARLENE : 64730	2017-06-06

8	2017-06-05 EMAIL CORRESPONDENCE FROM LAURA HUNSE	No	2017 06 05 EMAIL CORRESPONDENCE FORM LAURA HUNSE.PDF	PAUWELS, CHARLENE : 64730	2017-06-08
9	2017-04-20 EMAIL CORRESPONDENCE FROM WIL MARQUIS	No	2017 01505 EMAIL CORRESPONDENCE FROM WILF MARQUIS.PDF	PAUWELS, CHARLENE : 64730	2017-06-19

<b>Contravention No.1</b>	<b>ENVIRONMENTAL MANAGEMENT ACT 6 (3) : INTRODUCE WASTE BY PRESCRIBED ACTIVITY OR OPERATION</b>
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**Species:**

<b>Est. Incident Date</b>	2017-03-16	<b>Party:</b>	TRI-X EXCAVATING LTD./TRI-X GROUP
<b>Site:</b>	1. 1-1; SOUTH ISLAND ZONE; DISTRICT OF METCHOSIN	<b>Party Address:</b>	1107 GOLDSTREAM AVENUE VICTORIA B BC V9B 2Y9 CAN

**Enforcement Actions**

**Enforcement Action No. 1**

<b>Type:</b>	WARNING		
<b>Issued By:</b>	PAUWELS, PETER : 56871	<b>Ticket No:</b>	
<b>Warning Type:</b>	LETTER	<b>Vehicle Plate Number:</b>	
<b>Served By:</b>	PAUWELS, PETER : 56871	<b>Vehicle Prov/State:</b>	
<b>Service Date:</b>	2017-03-23 12:00 PM		
<b>Registered Owner:</b>			
<b>Count</b>		<b>Licence Action</b>	
<b>Count 1:</b>	ENVIRONMENTAL MANAGEMENT ACT 6 (3) : INTRODUCE WASTE BY PRESCRIBED ACTIVITY OR OPERATION	No	
<b>Comments:</b>	WARNING LETTER ISSUED BY ENVIRONMENTAL PROTECTION OFFICER LAURA HUNSE, SENT REGISTERED MAIL.		

**Vehicles:**

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Close Report

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Previous

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Enforcement Routing Sheet #16-6569

Complaint Received By: JANE (Operations 3 ECC)

Date / Time received:

2017-03-16 09:44

Area: SOOKE - VICTORIA - WEST COAST REGION

COORS OR#:

CALLER INFORMATION	
Caller Name:	CONFIDENTIAL
Mail / Street	N/A
Address:	
City:	SOOKE, BC
Postal Code:	
Referred By:	
Contact Numbers	
	N/A

VIOLATION DETAILS		
Violation Date: 03/16/2017	Violation Time: N/A	Violation in Progress? No
Violation Type: DUMPING		
Offense Witnessed: Dumping		
Offense Location: Sooke Road, next to 3701 Sooke Road		
Offense Details: Caller reports Tri-Ex Excavating is using demolition waste as landfill at the above location. Caller has seen the trucks going in, and the waste pile is visible on Google Earth.		

DESCRIPTION				
Name (if known)				
Description	Sex	Race	Height	Weight
	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	
Clothing				
Vehicle				
Weapons				
Other Details				
	Sex	Race	Height	Weight
	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	
Name (if known)				
Description	Sex	Race	Height	Weight
	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	

Description	Sex	Race	Height	Weight
	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	
Name (if known)				
Description	Sex	Race	Height	Weight
	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	
Clothing				
Vehicle				
Weapons				
Other Details				

**Notification:**  
2017-03-16 09:48 Email to: South Island [DUNCAN, VICTORIA] [s.15 | Sent from  
SGPEP.ECC1@gov.bc.ca

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Close Report

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Previous

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Enforcement Routing Sheet #16-6574

Complaint Received By: PERRY (Operations 1 ECC)

Date / Time received:

2017-03-16 11:00

Area: METCHOSIN - VICTORIA - WEST COAST REGION

COORS OR#:

CALLER INFORMATION	
Caller Name:	s.22
Mail / Street Address:	NOT SUPPLIED
City:	METCHOSIN, BC
Postal Code:	
Referred By:	ORR
Contact Numbers	
Residence	not provided

VIOLATION DETAILS		
Violation Date:	03/16/2017	Violation Time:
Violation Type:	DUMPING	
Offense Witnessed:	Dumping demo asbestos drywall	
Offense Location:	District of Metchosin Sooke rd beside 3701 Sooke rd	
Offense Details:	Details of the violation: Dumping demo asbestos drywall	
Transport Involved: Trucks going in steady have there own landfill		
Additional Comments: Google maps 48.4204292,-123.5712236		
See ERS: 6569 also		

DESCRIPTION				
Name (if known)				
Description	Sex	Race	Height	Weight
	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	
Clothing				
Vehicle				
Weapons				
Other Details				
	Sex	Race	Height	Weight
	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	
Name (if known)				
Description	Sex	Race	Height	Weight

	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	
Description	Sex	Race	Height	Weight
	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	
Name (if known)				
Description	Sex	Race	Height	Weight
	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	
Clothing				
Vehicle				
Weapons				
Other Details				

**Notification:**  
2017-03-16 11:04 Email to: South Island [DUNCAN, VICTORIA] s.15 | Sent from  
SGPEP.ECC1@gov.bc.ca



Report Date: March 22, 2017

File: UA50919

Report Number: 050919

Tri-X Excavating Ltd./Tri-X Group

1107 Goldstream Avenue  
Victoria BC V9B 2Y9

Dear Tri-X Excavating Ltd./Tri-X Group

**Re: Warning Letter, Unauthorized Discharge, 48.419182 and -123.570093 degrees near 3701 Sooke Road, Victoria, Effluent**

On March 22, 2017, Ministry of Environment, Environmental Protection Division staff conducted an inspection of your facility, located at 48.419182 and -123.570093 degrees near 3701 Sooke Road, Victoria. The inspection determined that Tri-X Excavating Ltd./Tri-X Group is out of compliance with the *Environmental Management Act*, Part 2 Prohibitions and Authorizations, Section 6(3) waste disposal. This Warning Letter lists the compliance verification information below.

By discharging waste under Environmental Management Act without a valid authorization Tri-X Excavating Ltd./Tri-X Group 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 Tri-X Excavating Ltd./Tri-X Group. 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 Tri-X Excavating Ltd./Tri-X Group and will be taken into account in the event of future violations.

Finally, I request that Tri-X Excavating Ltd./Tri-X Group immediately implement the necessary changes or modifications to correct the non-compliance(s) listed above with the *Environmental Management Act*. Further, I request that Tri-X Excavating Ltd./Tri-X Group 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. Tri-X Excavating Ltd./Tri-X Group failed to comply with the *Environmental Management Act*, section 6(3) as outlined below.

Inspection Details:

Requirement Description:	<b>Environmental Management Act, Environmental Management Act</b> 6 (3): Subject to subsection (5), a person must not introduce or cause or allow to be introduced into the environment, waste produced by a prescribed activity or operation.
--------------------------	---

Ministry of Environment

Compliance  
Environmental  
Protection Division

Mailing Address:  
2080-A  
Labieux Rd  
Nanaimo BC V9E 6J9

Telephone: 250 751 3100  
Facsimile: 250 751 3103  
Website: [www.gov.bc.ca/env](http://www.gov.bc.ca/env)

Details/Findings:	The site at the listed location contains piles of refuse originating from residential, commercial, institutional, demolition, land clearing and/or construction sources that are being managed, treated, and/or discharged; the above activity falls under the prescribed activity listed in Waste Discharge Regulation Schedule 1 as Municipal Solid Waste Management. On March 17, 2017, the Metchosin Fire Department attended the site to extinguish a fire in one of the debris piles (see photos, below). In addition to the unauthorized air emissions from burning at this site, leachate and surface water run-off are typical discharges for this type of prescribed activity as precipitation on and through the wastepiles discharges into the ground or overland as unauthorized and untreated discharges.
Compliance:	Out
Actions to be taken:	Municipal Solid Waste Management requires authorization to discharge waste in order to be exempt from the Environmental Management Act (EMA) 6(3). Information on how to obtain a permit can be found here: <a href="http://www2.gov.bc.ca/gov/content/environment/waste-management/waste-d">http://www2.gov.bc.ca/gov/content/environment/waste-management/waste-d</a>

Below are attachments related to this inspection.

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

Yours truly,

Laura Hunse

Environmental Protection Officer

cc:

**Attachments:**

- 1) Pile 1.jpg      2017-03-17 Debris Pile at Site
- 2) Pile 2.jpg      2017-03-17 Ignited Debris Pile
- 3) Pile 3.jpg      2017-03-17 Extinguishing Burning Debris Pile
- 4) Site Location Reference.jpg      2017-03-17 Site Location Reference

**Deliver via:**

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

**Ministry of Environment**

Compliance  
Environmental  
Protection Division

Mailing Address:  
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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>  
uthorizations

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.





Img : Pile 1.jpg



Img : Pile 2.jpg



Img : Pile 3.jpg



Img : Site Location Reference.jpg

**From:** Hunse, Laura A ENV:EX  
**Sent:** Wednesday, March 22, 2017 12:07 PM  
**To:** Pauwels, Peter ENV:EX  
**Subject:** FW: Tri-X Unauthorized Dishcharge Warning

For your records, re ERS ERS 16-6569. It will go out registered mail today or tomorrow.

Laura Hunse

Environmental Protection Officer • Compliance Section  
Environmental Protection Division • Ministry of Environment  
2080A Labieux Road • Nanaimo BC V9T 6J9  
(p)250.751.3224 • [laura.hunse@gov.bc.ca](mailto:laura.hunse@gov.bc.ca)

**24-hour Spill/Environmental Emergency Reporting:** 1.800.663.3456 (Provincial Emergency Program)  
**24-hour Report All Poachers and Polluters (RAPP):** 1.877.952.7277 or <http://www.env.gov.bc.ca/cos/rapp/form.htm>

*All things are bound together. All things connect. ~ Chief Seattle, 1855*

?

Close Report

?

Previous

?

Next

Enforcement Routing Sheet #16-6594

Complaint Received By: COREY (Operations 2 ECC)

Date / Time received:

2017-03-17 11:49

Area: METCHOSIN - VICTORIA - WEST COAST REGION

COORS OR#:

CALLER INFORMATION

Caller Name:

s.22

Mail / Street

Address:

City:

Postal Code:

Referred By:

Contact Numbers

Cellular

s.22

VIOLATION DETAILS

Violation Date:

03/17/2017

Violation Time:

Violation in Progress?

Yes

Violation Type:

FIRE PROHIBITION

Offense Witnessed:

Burning toxic material

Offense Location:

Section 38 Metchosin. 2 km south of Woodruff Road on the sooke Hwy, east side. Property has a red gate and a sign, 24"x12" that says "Private Property".

Offense Details:

Caller wishes to remain anonymous. COM advises that the occupants of the property noted above are burning hazardous materials.

DESCRIPTION

Name (if known)

Description

Sex

Race

Height

Weight

Eyes

Hair

Glasses

Smoker

Build

Complexion

Distinguishing Features

Clothing

Vehicle

Weapons

Other Details

Sex

Race

Height

Weight

Eyes

Hair

Glasses

Smoker

Build

Complexion

Distinguishing Features

Name (if known)

Description

Sex

Race

Height

Weight

Eyes

Hair

Glasses

Smoker

Build

Complexion

Distinguishing Features

Description	Sex	Race	Height	Weight
	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	
Name (if known)				
Description	Sex	Race	Height	Weight
	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	
Clothing				
Vehicle				
Weapons				
Other Details				

**Notification:**  
2017-03-17 12:04 Email to: South Island [DUNCAN, VICTORIA] s.15 Sent from  
SGPEP.ECC1@gov.bc.ca

From: Wilf Marquis [<mailto:wmarquis@crd.bc.ca>]  
Sent: Friday, March 17, 2017 2:07 PM  
To: Pauwels, Peter ENV:EX; Lisa Urlacher ([LUrlacher@metchosin.ca](mailto:LUrlacher@metchosin.ca))  
Cc: Norris, Scott ENV:EX  
Subject:

FYI, I attended the property this morning @ 1115 hrs. and took the attached photographs. The red gate was open and a landscape company truck was on site just leaving, the s.22 driver did not want anything to do with my attendance. s.2 kept the gate open as I was already within the property, allowing me to access the property and waited for me to leave the property, locking behind me. No one else was on site.

Numerous demo waste loads deposited and a small pile of what appears to be similar waste smoldering next to the piles as pictured. The loads of demo waste are further straight into the property than pictured in the Google maps picture earlier provided.

Information I have is that TriX Excavating is leasing the land from the owner s.22  
s.22 and delivering the loads to the property in question and has been doing so for some time, 3 months or more. In all likelihood the complainant speaking with the Ministry is the same person I have been conversing with, who wishes to stay anonymous.

With regards to any observed recent deposits of soil which would be an additional concern to the District of Metchosin, an area to the South East may be fill materials although difficult to determine as material is flat, no recent piles or information to determine when fill may have been brought in.

Wilf MARQUIS  
Senior Bylaw Officer

Bylaw and Animal Care Services  
212-2780 Veterans Memorial Parkway, Victoria, BC, Canada V9B 3S6 Ph. 250.474.3351 ext. 22 \ Fax:  
250.391.9727 \ TF: 800.665.7899  
email: [wmarquis@crd.bc.ca](mailto:wmarquis@crd.bc.ca)

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Please consider the environment before printing this email.































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

From: Pauwels, Peter ENV:EX

Sent: Monday, April 24, 2017 10:18 AM

To: Hunse, Laura A ENV:EX

Subject: FW: Sooke/Woodruff Road, Bylaw File 17/140, Tri-X Excavating (April 20, 2017)

Laura, not sure if you got this or not. It looks like at least some of the material is leaving the site and being disposed of properly.

I found out that the photo's I sent you last week were several months old, so you can disregard them as they do not reflect the current state of the property.

pp

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

From: Wilf Marquis [<mailto:wmarquis@crd.bc.ca>]

Sent: Thursday, April 20, 2017 10:12 AM

To: Lisa Urlacher

Cc: Pauwels, Peter ENV:EX

Subject: RE: Sooke/Woodruff Road, Bylaw File 17/140, Tri-X Excavating (April 20, 2017)

Lisa, just a quick update on recent events related to Tri-x Excavating. Late last week I became aware of some loads from Tri-X being received at Hartland, mostly appeared to be residential cleanup type loads containing numerous banned items and resulting in fines being issued. On Tuesday April 18, 2017 I was present at Hartland and Tri-X arrived on site to deliver a load of clean demolition waste. s.22 Supervisor, Technical Services, Environmental Resource Management and I supervised deposit of the load. Tri-X has obtained the necessary Controlled Waste Permit from the CRD which requires the Hazardous Assessment paperwork to state that the material does not contain hazardous materials i.e. asbestos, lead paint, etc. The loads are also expected to comply by not containing other banned materials such as metal, drywall, cardboard, etc.

The loads delivered (2) on Tuesday that I inspected were in compliance with our requirements. The driver of the vehicles s.22 also s.22 stated the loads were originating from the Cook Street Village area where several houses were being demolished to make way for a development. It is expected that up to 30 loads of this material will be delivered to Hartland over the next few weeks. s.22 has also spoken with Brian BAKER the owner of Tri-X Excavating with regards to the CRD requirements and dumping fees related to these loads.

It appears that Tri-X may have changed their disposal practices regarding demo waste as a result of recent events in Metchosin?

Have you had a chance to review the possible charges under the Fire Regulations I sent you?

Let me know how you wish to proceed on this matter, thanks.

Wilf MARQUIS

Senior Bylaw Officer

Bylaw and Animal Care Services

212-2780 Veterans Memorial Parkway, Victoria, BC, Canada V9B 3S6 Ph. 250.474.3351 ext. 22 \ Fax:  
250.391.9727 \ TF: 800.665.7899

email: [wmarquis@crd.bc.ca](mailto:wmarquis@crd.bc.ca)

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

From: Lisa Urlacher [<mailto:lurlacher@metchosin.ca>]

Sent: Monday, March 20, 2017 9:50 AM

To: Pauwels, Peter ENV:EX <[Peter.Pauwels@gov.bc.ca](mailto:Peter.Pauwels@gov.bc.ca)>; Wilf Marquis <[wmarquis@crd.bc.ca](mailto:wmarquis@crd.bc.ca)>

Subject: RE: Sooke Road

Hi Wilf, please give me a call.

Lisa

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

From: Pauwels, Peter ENV:EX [<mailto:Peter.Pauwels@gov.bc.ca>]

Sent: Monday, March 20, 2017 9:32 AM

To: 'Wilf Marquis'

Cc: Lisa Urlacher

Subject: RE:

Wilf / Lisa

I attended the property yesterday morning at which time nobody was there. I had a good look around the entire site. Nothing new to report regarding the demo waste pile, I am still looking into how our legislation may apply to what is being done there.

But regarding the fill area to the south east: I was able to walk all the way around it and it appears they have been filling in a gully with all different kinds of fill, including land clearing debris, concrete and dirt. I am not an expert in this field but the quantity looked very significant to me. I've attached a photo from the toe of the slope and it's got to be at least 10 m deep and 30 m wide there. It appears that the landfilling is ongoing as some of it is very recent.

I would be happy to go back up there any time this week (except Friday) to do a joint inspection with Brian Baker if that would be of assistance.

Peter Pauwels

Conservation Officer  
South Island Zone  
250-391-2305

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

From: Wilf Marquis [<mailto:wmarquis@crd.bc.ca>]  
Sent: Friday, March 17, 2017 2:07 PM  
To: Pauwels, Peter ENV:EX; Lisa Urlacher ([LUrlacher@metchosin.ca](mailto:LUrlacher@metchosin.ca))  
Cc: Norris, Scott ENV:EX  
Subject:

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With regards to any observed recent deposits of soil which would be an additional concern to the District of Metchosin, an area to the South East may be fill materials although difficult to determine as material is flat, no recent piles or information to determine when fill may have been brought in.

Wilf MARQUIS  
Senior Bylaw Officer

Bylaw and Animal Care Services  
212-2780 Veterans Memorial Parkway, Victoria, BC, Canada V9B 3S6 Ph. 250.474.3351 ext. 22 \ Fax:  
250.391.9727 \ TF: 800.665.7899  
email: [wmarquis@crd.bc.ca](mailto:wmarquis@crd.bc.ca)

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Please consider the environment be

**From:** Hunse, Laura A ENV:EX  
**Sent:** Monday, June 5, 2017 3:35 PM  
**To:** Pauwels, Peter ENV:EX  
**Subject:** RE: Tri X yard

Great, thanks. LH

**From:** Pauwels, Peter ENV:EX  
**Sent:** Monday, June 5, 2017 1:58 PM  
**To:** Hunse, Laura A ENV:EX  
**Subject:** Tri X yard

Here you go Laura. Image 124 shows where the demo debris used to be. The other picture shows the fill site which doesn't appear to have any demo debris either.

Peter Pauwels  
Conservation Officer  
South Island Zone  
250-391-2305

From: Wilf Marquis [<mailto:wmarquis@crd.bc.ca>]

Sent: Thursday, April 20, 2017 10:12 AM

To: Lisa Urlacher

Cc: Pauwels, Peter ENV:EX

Subject: RE: Sooke/Woodruff Road, Bylaw File 17/140, Tri-X Excavating (April 20, 2017)

Lisa, just a quick update on recent events related to Tri-x Excavating. Late last week I became aware of some loads from Tri-X being received at Hartland, mostly appeared to be residential cleanup type loads containing numerous banned items and resulting in fines being issued. On Tuesday April 18, 2017 I was present at Hartland and Tri-X arrived on site to deliver a load of clean demolition waste. s.22

Supervisor, Technical Services, Environmental Resource Management and I supervised deposit of the load. Tri-X has obtained the necessary Controlled Waste Permit from the CRD which requires the Hazardous Assessment paperwork to state that the material does not contain hazardous materials i.e. asbestos, lead paint, etc. The loads are also expected to comply by not containing other banned materials such as metal, drywall, cardboard, etc.

The loads delivered (2) on Tuesday that I inspected were in compliance with our requirements. The driver of the vehicle s.22 also s.22 stated the loads were originating from the Cook Street Village area where several houses were being demolished to make way for a development. It is expected that up to 30 loads of this material will be delivered to Hartland over the next few weeks. s.22 has also spoken with Brian BAKER the owner of Tri-X Excavating with regards to the CRD requirements and dumping fees related to these loads.

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Have you had a chance to review the possible charges under the Fire Regulations I sent you?

Let me know how you wish to proceed on this matter, thanks.

Wilf MARQUIS  
Senior Bylaw Officer

Bylaw and Animal Care Services  
212-2780 Veterans Memorial Parkway, Victoria, BC, Canada V9B 3S6 Ph. 250.474.3351 ext. 22 \ Fax:  
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# Case Summary

## Details

**Case File #:** 201909432 **Opened Date:** 2019-10-28 03:19 PM  
**Category:** CO SERVICE **Discovery Date:** 2019-10-28  
**Type:** ENVIRONMENTAL **Closed Date:** 2019-11-13 01:24 PM  
**Status:** Closed **Admin Org Unit:** SOUTH ISLAND ZONE  
**Opened By:** PAUWELS, CHARLENE : 64730 **Source:** REPORTED  
**Lead Investigator:** PAUWELS, PETER : 56871 **Source Ref #:** ERS 19-4971  
**Lead Investigator's Phone:** **Other Source Agency:** 19-4979  
**Paper File Created:** No **Transferred to Agency:**  
**Electronic Case File:** No **Other Transferred Agency:**  
**Investigation Review Process:** No **Joint Investigation:** No  
**Investigation Review Date:** **Transferred Agency Contact:**  
**Investigation Start Date:** 2019-10-28 **Lead Agency:** MINISTRY OF ENVIRONMENT  
**Joint Agency Contact:** **Joint Agency:** MINISTRY OF ENVIRONMENT  
**Other Joint Agency:** **Joint Agency Phone:**  
**Case Description:** ERS 19-4971 REPORT OF ONGOING ISSUE WITH CONSTRUCTION MATERIAL BEING DUMPED. **Joint Agency Case No:**

## Members:

Name	Phone Number	Start Date	End Date
PAUWELS, PETER : 56871		2019-10-28	2029-10-25
PAUWELS, CHARLENE : 64730		2019-10-28	2029-10-25

## Parties Involved:

Name	DOB	Role	Nature of Involvement	Phone No.	Address
TRI-X EXCAVATING LTD./TRI-X GROUP		SUBJECT OF COMPLAINT			1107 GOLDSTREAM AVENUE VICTORIA B BC V9B 2Y9 CAN
s.22		COMPLAINANT		s.22	

## Sites:

Site	Site Type	Description
1. 1-1; SOUTH ISLAND ZONE		3659 SOOKE ROAD

**Notes:**

Date	Name	Comments
2019-10-28	PAUWELS, CHARLENE :	ENTERED & ATTACHED. 64730

**Continuation Report:**

Date	Time	Name	Report
2019-11-13	10:20	PAUWELS, PETER : 56871	CO Pauwels called CRD Bylaw Officer Wilf Marquis for an update on the property. Marquis advised that he is following up on one report of a truck load of fill being brought on to the property in October. Marquis attended at the property and did not see any dumped demo debris. Marquis did see 2 roll off bins on the property that may have had material in them, but there was nothing to suggest debris was being dumped on the property.
2019-10-29	13:30	PAUWELS, PETER : 56871	<p>File to be concluded here, subject to re-opening if evidence of an EMA violation is received.</p> <p>CO Pauwels reviewed ERS 19-4979 with confidential update. CO Pauwels then called com s.22 and had an approx. 15 min telephone conversation. CO Pauwels advised the following:</p> <ul style="list-style-type: none"> <li>- CO Pauwels is aware of, and has been to the large Tri-X property at 3659 Sooke Rd.,</li> <li>- CO Pauwels last attendance was approximately 2 years ago and involved investigation of complaints of burning and trucking in of demolition waste</li> <li>- that complaint was dealt with in conjunction with the CRD Bylaw Dept., specifically Bylaw Officer Wilf Marquis, who was doing enforcement work for the District of Metchosin.</li> <li>- CO Pauwels was also recently contacted by the Metchosin FD regarding concerns about potential future burning of stumps on the property. CO Pauwels spoke to the Metchosin Fire Chief and information was provided on the OBSCR. CO Pauwels did not attend the property with respect to that complaint.</li> <li>- Metchosin has fill deposit and land use bylaws in place that prohibit the importation of fill or demolition debris to the property. CO Pauwels is aware from previous conversation with Wilf Marquis, that CRD Bylaw is following up on any complaints they receive of fill or demo debris being brought onto the property.</li> <li>- CO Pauwels is aware that dump trucks come and go from the property regularly, but it appears that Tri-X uses the property as a base of operations and a location where trucks are parked when not in use.</li> <li>- CO Pauwels did his best to explain the applicability of the Environmental Management Act; specifically that the Act applies where waste is being introduced into the environment from a specific industry or activity, or where "pollution" is being caused. At this point the COS has received no evidence that "pollution" is occurring, or that waste materials are being introduced into the environment in a manner that would trigger an investigation under EMA.</li> <li>- CO Pauwels further explained that there is some overlap between EMA and Metchosin's bylaws. With this property the CRD Bylaw department is taking the lead and have indicated they would reach out to MOE if they have any evidence that pollution is being caused</li> </ul>

or that waste is being introduced into the environment.

- CO Pauwels expressed the opinion that at this point the concerns raised by the com relate to the use of the property for industrial / business purposes. As such, this is a land use issue, which is clearly within the mandate of the local government (Metchosin).
- CO Pauwels provided contact information for Laura Hunse, of Nanaimo EP, if the com wishes more information on EMA and what constitutes pollution, or other triggers under EMA.
- CO Pauwels also provided the FLNRO complaint # for the com to use if she becomes aware that any of the watercourses on the property are being impacted.

Com stated that her main concern was that a ravine has been filled in, and that the SOC is seeking a Temporary Use Permit from Metchosin for the property to be used for industrial purposes. CO Pauwels re-iterated that these are concerns squarely within the mandate of local government. Com expressed some dissatisfaction with Metchosin and CRD Bylaws response to the issues. CO Pauwels advised com that in his experience CRD Bylaw is very thorough and professional.

#### Attachments:

Attach#	Description	Photo	File	Attached By	Attached Date
1	20191028_DOC_CONFIDNo ENTIAL_ERS_19-4971	No	20191028_DOC_CONFIDE NTIAL_ERS_19-4971.PDF	PAUWELS, CHARLENE : 64730	2019-10-28
2	20191028_DOC_s.22 _ERS_19-4979	No	20191028_DOC_s.22 RS_19-4979.PDF	_EPAUWELS, CHARLENE : 64730	2019-10-28

#### Contravention No.1

#### ENVIRONMENTAL MANAGEMENT ACT 6 (3) : INTRODUCE WASTE BY PRESCRIBED ACTIVITY OR OPERATION

#### Species:

#### Est. Incident Date

2019-10-28

#### Party:

TRI-X EXCAVATING  
LTD./TRI-X GROUP

#### Site:

1. 1-1; SOUTH ISLAND ZONE;  
3659 SOOKE ROAD

#### Party Address:

1107 GOLDSTREAM  
AVENUE VICTORIA B BC  
V9B 2Y9 CAN

#### Enforcement Actions

#### Enforcement Action No. 1

#### Type:

ADMINISTRATIVE ACTION

#### Effective Date:

2019-10-29

#### End Date:

#### Admin Action Type:

ADVICE

#### Comments:

#### Vehicles:

[Back to Search](#)

## Enforcement Routing Sheet #19-4971

Complaint Received By: DAWN (Admin ECC)

Date / Time received:

2019-10-28 10:16

Area: METCHOSIN - VICTORIA - WEST COAST REGION

COORS OR#:

## CALLER INFORMATION

Caller Name: CONFIDENTIAL

Mail / Street

Address:

City: VICTORIA, BC

Postal Code:

Referred By:

Contact Numbers

confidential

## VIOLATION DETAILS

Violation Date: 10/28/2019

Violation Time: Ongoing

Violation in Progress? No

Violation Type: DUMPING

Offense Witnessed:

See Report

Offense Location:

3659 Sooke Road

Offense Details:

COM states that there has been an ongoing issue with construction material being dumped at the above address. COM states that s.22 has photos of tarpped/covered material being brought onto the property. COM believes that it's lumber and other misc construction waste. COM states that the CRD Bylaw is aware but are unable to do anything. COM states that the Regional District is aware and not acting. The property has various water courses that border it and there is a nearby watershed that supplies the area with their drinking water. COM wished to remained confidential s.22

s.22

## DESCRIPTION

Name (if known)				
Description	Sex	Race	Height	Weight
	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	
Clothing				
Vehicle				
Weapons				
Other Details				
	Sex	Race	Height	Weight
	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	
Name (if known)				
Description	Sex	Race	Height	Weight

	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	
Description	Sex	Race	Height	Weight
	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	
Name (if known)				
Description	Sex	Race	Height	Weight
	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	
Clothing				
Vehicle				
Weapons				
Other Details				

**Notification:**  
2019-10-28 10:28 Email to: South Island [DUNCAN, VICTORIA] s.15 Sent from  
SGPEP.ECC1@gov.bc.ca





## Enforcement Routing Sheet #19-4979

**Complaint Received By:** DAWN (Admin ECC)**Date / Time received:**

2019-10-28 11:30

**Area:** METCHOSIN - VICTORIA - WEST COAST REGION**COORS OR#:****CALLER INFORMATION****Caller Name:** s.22**Mail / Street** s.22**Address:****City:** s.22**Postal Code:****Referred By:** s.22**Contact Numbers****Cellular** s.22**VIOLATION DETAILS****Violation Date:** 10/28/2019**Violation Time:** =**Violation in Progress?** No**Violation Type:** DUMPING**Offense Witnessed:**

See Report

**Offense Location:**

3659 Sooke Road

**Offense Details:**

Details of the violation

I am speaking for concerned residents of Metchosin about on-going high-volume unregulated dumping at 3659 Sooke Road, Metchosin. The District of Metchosin, in particular the CAO Lisa Urlacher, knows about the unregulated dumping of excavated material and demolition materials from other sites and, as far as we can see, is not taking action to stop what's going on. We fear for our fish-bearing creeks and our aquifer. We don't understand why there isn't a stop-work order, punitive fines, and an order for remediation.

The present owner is Brian Baker of Tri-X Excavation. The previous owner was s.22 of Aggressive Excavation, Metchosin Properties, and Mid-Island Aggregate. Land and Water BC will have a record of s.22 and contaminated fill at Shawnigan Lake.

We believe that Capital Region District By-law Enforcement has investigation records for this property. The District contracts its bylaw enforcement to CRD.

One of our residents has photographs of trucks coming and going, which I can obtain for you.

I think it would be valuable to interview s.22

s.22

The entrance to 3659 Sooke Road has a signs that says Keep Out Construction Site and warn of video surveillance. If you get can obtain the surveillance video, you will see the volume of dump trucks coming to the property covered, and leaving 15 minutes later uncovered. Another interesting possibility: there is a highway traffic camera at that location. I wonder if that camera would show a record of the activity at 3659 Sooke Road.

We are concerned for environmental degradation, habitat destruction, the Bilston Creek Watershed, and aquifer 606. This property has a tributary to Martin Brook. Martin Brook, a trout-bearing stream, runs along the front of the property. Another stream from this property runs into Metchosin Creek. Martin Brook and Metchosin Creek feed into Bilston Creek. Our creek system and wetlands are home to blue-listed cutthroat trout and the red-legged frog. We have concerns for contamination of aquifer #606, which is particularly fragile.

s.22

s.22

**Description of the Suspect**

s.22 TRI-X EXCAVATION,

To confirm that you are human, please enter the word 'report' in this text box:  
report

DESCRIPTION				
Name (if known)				
Description	Sex	Race	Height	Weight
	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	
Clothing				
Vehicle				
Weapons				
Other Details				
	Sex	Race	Height	Weight
	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	
Name (if known)				
Description	Sex	Race	Height	Weight
	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	
Description	Sex	Race	Height	Weight
	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	
Name (if known)				
Description	Sex	Race	Height	Weight
	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	
Clothing				
Vehicle				
Weapons				
Other Details				

**Notification:**  
2019-10-28 11:31 Email to: South Island [DUNCAN, VICTORIA] p.15 Sent from  
SGPEP.ECC1@gov.bc.ca



# Case Summary

## Details

<b>Case File #:</b>	201910204	<b>Opened Date:</b>	2019-11-14 10:20 AM
<b>Category:</b>	CO SERVICE	<b>Discovery Date:</b>	2019-08-06
<b>Type:</b>	ENVIRONMENTAL	<b>Closed Date:</b>	
<b>Status:</b>	Open	<b>Admin Org Unit:</b>	SOUTH ISLAND ZONE
<b>Opened By:</b>	PAUWELS, CHARLENE : 64730	<b>Source:</b>	REPORTED
<b>Lead Investigator:</b>	PAUWELS, PETER : 56871	<b>Source Ref #:</b>	ERS 19-2585
<b>Lead Investigator's Phone:</b>		<b>Other Source Agency:</b>	
<b>Paper File Created:</b>	No	<b>Transferred to Agency:</b>	
<b>Electronic Case File:</b>	No	<b>Other Transferred Agency:</b>	
<b>Investigation Review Process:</b>	No	<b>Joint Investigation:</b>	No
<b>Investigation Review Date:</b>		<b>Transferred Agency Contact:</b>	
<b>Investigation Start Date:</b>	2019-08-06	<b>Lead Agency:</b>	MINISTRY OF ENVIRONMENT
<b>Joint Agency Contact:</b>		<b>Joint Agency:</b>	MINISTRY OF ENVIRONMENT
<b>Other Joint Agency:</b>		<b>Joint Agency Phone:</b>	
<b>Case Description:</b>	ERS 19-2585 ANONYMOUS REPORT OF LARGE VOLUMES OF DUMPING ON PROPERTY.		

## Members:

Name	Phone Number	Start Date	End Date
PAUWELS, PETER : 56871		2019-11-14	2029-11-11
PAUWELS, CHARLENE : 64730		2019-11-14	2029-11-11

## Parties Involved:

Name	DOB	Role	Nature of Involvement	Phone No.	Address
TRI-X EXCAVATING LTD./TRI-X GROUP		SUBJECT OF COMPLAINT			1107 GOLDSTREAM AVENUE VICTORIA B BC V9B 2Y9 CAN

## Sites:

Site	Site Type	Description
1. 1-1; SOUTH ISLAND ZONE		3659 SOOKE ROAD IN THE DISTRICT OF METCHOSIN ON VANCOUVER ISLAND.

## Notes:

Date	Name	Comments
2019-11-14	NORRIS, SCOTT	SGT REVIEWED - SGT DISCUSSED WITH CO PAUWELS. COORS FILE WAS NOT OPENED IN A TIMELY MANNER BY MISTAKE BUT INFO WAS REVIEWED AT THE TIME AND NO ACTION WAS REQUIRED DUE TO CRD/METCHOSIN MONITORING PROGRAM AND PERMITTING PROCESS.
2019-11-14	PAUWELS, CHARLENE : 64730	ENTERED & ATTACHED.

#### Continuation Report:

Date	Time	Name	Report
2019-08-12	08:00	PAUWELS, PETER : 56871	ERS REVEIEWED. SAME SITE BEING MONITORED CLOSELY BY CRD & DISTRICT OF METCHOSIN. NO COM TO CONTACT AS REPORT IS ANONYMOUS. NFAR.

#### Attachments:

Attach#	Description	Photo	File	Attached By	Attached Date
1	20190806_DOC_ANONY MOUS_ERS_19-2585	No	20190806_DOC_ANONYM OUS_ERS_19-2585.PDF	PAUWELS, CHARLENE : 64730	2019-11-14

#### Contravention No.1 ENVIRONMENTAL MANAGEMENT ACT 6 (3) : INTRODUCE WASTE BY PRESCRIBED ACTIVITY OR OPERATION

##### Species:

<b>Est. Incident Date</b>	2019-08-06	<b>Party:</b>	TRI-X EXCAVATING LTD./TRI-X GROUP
<b>Site:</b>	1. 1-1; SOUTH ISLAND ZONE; 3659 SOOKE ROAD IN THE DISTRICT OF METCHOSIN ON VANCOUVER ISLAND.	<b>Party Address:</b>	1107 GOLDSTREAM AVENUE VICTORIA B BC V9B 2Y9 CAN

#### Enforcement Actions

##### Enforcement Action No. 1

<b>Type:</b>	UNATTENDED
<b>Comments:</b>	

#### Vehicles:

?

Close Report

?

Previous

?

Next

Enforcement Routing Sheet #19-2585

Complaint Received By: ISABELLE (Operations 1 ECC)

Date / Time received:

2019-08-06 09:18

Area: METCHOSIN - VICTORIA - WEST COAST REGION

COORS OR#:

CALLER INFORMATION	
Caller Name:	ANONYMOUS RAPP REPORT
Mail / Street	NOT PROVIDED
Address:	
City:	METCHOSIN BC
Postal Code:	
Referred By:	
Contact Numbers	
Cellular	not provided

VIOLATION DETAILS		
Violation Date: 08/06/2019	Violation Time: ongoing	Violation in Progress? No
Violation Type: DUMPING		
Offense Witnessed: dumping		
Offense Location: 3659 Sooke Road in the District of Metchosin on Vancouver Island.		
Offense Details: There have been large volumes of dumping has been occurring at this site for some time, and it has been reported to the District by one of the few nearby residents. The dumping includes piles of rock and sand, which does not appear to be contained or protected with silk fencing and which have been reported to be piled near a slope. The property itself is adjacent to Bilston Creek, which has a population of cutthroat trout.		
Of note is the fact that this property was previously owned by s.22 whose company Aggressive Excavating, has been implicated in the dumping that occurred at Shawnigan Lake. Dumping has continued under the new owner. The names associated with this property are Mr. Brian Baker, who I believe to be the owner, s.22 and the company operating out of the site is Tri-X Excavating.		

The District of Metchosin is aware of the issues at this site; reports of dumping were presented to the Mayor and Council in December 2018 (but no serious investigation was pursued by the District). The Mayor and Council were most recently notified of unpermitted activity at the site at a Council meeting on July 29. Based on their past practices, I'm expecting no action from the District.

A look at Google Maps indicates that this property is essentially an industrial yard tucked into the trees. While the entrance is marked, there doesn't appear to be an address sign. It's located on the left hand side of Hwy 14 as you travel from Victoria to Sooke. Set your trip odometer to zero at the traffic lights by the Co-op Gas Station located on the corner of Hwy 14 and the Westshore Parkway, and the site is 2.3 kilometres ahead.

DESCRIPTION				
Name (if known)				
Description	Sex	Race	Height	Weight
	Eyes	Hair	Glasses	Smoker
	Build	Complexion	Distinguishing Features	
Clothing				
Vehicle				

Weapons				
Other Details				
	Sex	Race	Height	Weight
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Vehicle				
Weapons				
Other Details				

**Notification:**  
2019-08-06 09:19 Email to: South Island [DUNCAN, VICTORIA] p.15 Sent from  
SGPEP.ECC1@gov.bc.ca