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## RUSH: MLA Singh- Richmond Steel Recycling

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From: Lo, Reamick ENV:EX <Reamick.Lo@gov.bc.ca>  
To: Minister, ENV ENV:EX <ENV.Minister@gov.bc.ca>  
Sent: July 23, 2021 at 1:46:50 PM Pacific Daylight Time  
Attachments: McMillan Response.pdf, 2021-07-20 RS PPO Draft.pdf, 2021-06-30 RS PPO Draft.pdf, Harbinder response.pdf

RUSH – can I have something back by Wed morning or sooner?

Bullets please and what can we do to help resolve the issues this company is facing.

Additional info from the company:

With pressure from the City of Richmond, the Ministry is imposing a Pollution Prevention Order to BC, even though:

- Richmond Steel has been responsive to any and all communication with the Ministry
- Richmond Steel has invested millions of dollars to make improvements to the site in consultation with the leading experts in the environmental/waste management industry
- The Ministry refuses to collaborate with the company to find solutions; nor have they ever sought to invest in, or support the work of, Richmond Steel Recycling Ltd.
- The Province of BC collects fees for recycling services, but they have done nothing to invest in, or support the work of, the metal recycling industry.

From: Singh.MLA, Aman  
Sent: July 23, 2021 12:27 PM  
To: Heyman, George s.17  
Subject: Urgent Request from MLA Singh re: Richmond Steel Recycling

Good afternoon

Please find attached a number of documents including a Pollution Prevention Order issued to Richmond Steel Recycling Ltd. MLA Singh had a phone conversation with Mr. Dhillon to discuss the matter in detail. When Aman realized the PPO stops work this Monday- he is hoping to speak with Minister Heyman to begin working together with this business. This is the only steel recycling business in BC.

Thank you so much  
Sherrill Gullickson CA  
MLA Aman Singh  
Richmond Queensborough



Reply to the Attention of: Karl Gustafson, Q.C.  
Direct Line: 604.691.7427  
Email Address: karl.gustafson@mcmillan.ca  
Our File No.: 213746  
Date: July 7, 2021

## EMAIL

### Without Prejudice

Ms. O. Enick  
Environmental Protection Officer  
Ministry of Environment & Climate Change Strategy  
Compliance and Enforcement  
Suite 200 – 10470 152<sup>nd</sup> Street  
Surrey, British Columbia  
V3R 1Q7

Dear Ms. Enick;

### **Proposed Pollution Prevention Order Number 110800 (the “PPO”) for Richmond Steel Recycling Ltd. (“RSR”)**

As legal counsel for RSR, I am responding to your email of June 30, 2021 and to the proposed PPO attached thereto. This letter focuses primarily on legal issues and is without prejudice to RSR’s right to provide an additional separate response to the proposed PPO.

Based on the information set out in the proposed PPO, it is not possible for RSR to provide a meaningful response to the issues you have identified. To begin, we do not understand the legal and factual basis for the proposed PPO. The information provided in the proposed PPO describes an event that occurred on December 12, 2019. As far as we can ascertain, that incident happened on a single occasion and there has been no recurrence since. In addition, although not disclosed in the proposed PPO, but as you were informed in May 2021, RSR took action immediately after that event designed to prevent any recurrence. Accordingly, there does not appear to be any reasonable basis for your conclusion that an activity or operation has been or is being performed by a person in a manner that is “likely” to release a substance that will cause pollution. Please identify the activity or operation you believe is being performed in a manner that is “likely” to result in the release of a substance that will cause pollution and provide particulars in support of your conclusion.

Nothing in the proposed PPO indicates why a PPO is appropriate at this time or is otherwise required in the circumstances. On behalf of RSR, Pottinger Gaherty Environmental Consultants Ltd. (“PGL”), provided detailed information to you by email dated May 7, 2021. Among other things, that email set out

RSR's plans to take further steps as described in a draft "Drainage & Mitigation Plan" (a copy of which was provided with the email) to improve its stormwater treatment capabilities and capacity. In our understanding, RSR has not received any (i) criticism of, (ii) indication of deficiencies in, or (iii) other response from you regarding, the Drainage & Mitigation Plan. Accordingly, RSR has continued to work diligently with PGL to further develop that plan. RSR has now received approval from its Board of Directors to fund and proceed with the implementation of the plan and is on track to finalizing and submitting the plan to FLNRORD for approval very shortly.

The Drainage & Mitigation Plan is a comprehensive response to not only further ensure that the circumstances of the December 12, 2019 event will not be repeated, but goes beyond that to address any potential residual concerns related to historical activities at RSR's Mitchell Island site. Some of the work contemplated by the Drainage & Mitigation Plan is already complete, some is underway and the rest will be undertaken as soon as the plan receives approval from FLNRORD. It is obvious that the circumstances have changed since December 2019 such that, not only is there no reasonable basis to conclude that the December 12, 2019 event is "likely" to recur, but given the work done to date by RSR in response to that event, we believe that it is only reasonable to conclude that such an event is very "unlikely" to occur.

Please also explain why the proposed PPO identifies Harbinder Dhillon as a person who has or is performing an activity or operation in a manner that is likely to cause the release of a substance that will cause pollution. Mr. Dhillon is an employee of RSR, but we are not aware of any reasonable basis by which you might conclude that he is responsible for any specific activity or operation that is relevant for the purposes of section 81 of the *Environmental Management Act* (the "EMA"). Particulars of the basis of your conclusion that it is appropriate to make this assertion with respect to Mr. Dhillon are needed in order to allow RSR, and Mr. Dhillon, a fair opportunity to respond.

We know that the Ministry of Environment & Climate Change Strategy (the "MOE") adopts an expansive interpretation of the term "pollution" under the EMA. However, it is relevant to note that Environment Canada's analysis of samples taken during the December 12, 2019 event passed its LC50 test. The proposed PPO does not provide any reasonable basis for concluding that any particular activity or operation by RSR will result in the discharge to the environment of substances that will "substantially alter or impair the usefulness of the environment." Please advise as to the basis for your conclusion in this respect so that RSR will be in a position to understand and respond to the conclusion.

We do not understand the need for, or the objective of, the proposed PPO at this time. As noted, a number of the requirements in the proposed PPO are addressed in the Drainage & Mitigation Plan. We are not aware of any deficiencies in the plan which has been developed with the assistance and advice of PGL, a "Qualified Professional". In our view, it will serve no useful purpose to change course at this stage and divert resources to responding to the requirements of the proposed PPO. Indeed, to do so will be counterproductive.

Given the foregoing, it is our view that there do not exist reasonable grounds to support a conclusion that an activity or operation is being performed by a person in a manner that is likely to release to the

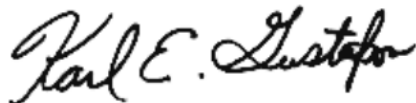


environment a substance from the RSR site that will cause pollution. Accordingly, we submit that the director has no legal authority under section 81 of the EMA to issue the proposed PPO.

We are aware that your initial communication to RSR regarding this matter was prompted by a complaint made by Warren Mills, Environmental Coordinator with the City of Richmond. Prior to that, it appeared that Environment Canada was content to deal with the December 12, 2019 event by issuing a warning letter and that the MOE was also satisfied with that action. We do know that Mr. Mills wanted more. Before making his complaint, Mr. Mills had been making demands of RSR to undertake testing and analytical work beyond his jurisdiction and without legal authority. As well, part of the work he had been insisting upon involved sampling in an area where the conditions were such as to pose risks to the safety of persons. Naturally, RSR declined to accede to his demands. We believe that Mr. Mills' complaint was motivated by a desire to exert authority in matters over which he and the City of Richmond have no legal jurisdiction. In the circumstances, and with the absence of the required factual basis under section 81 of the EMA, we are concerned that the proposed PPO may be an abuse of statutory authority. In the interests of administrative fairness, we ask that you please provide full particulars of the complaint so that RSR is in a position to understand and answer its allegations.

Considering all of the foregoing, we respectfully ask that you reconsider the propriety of issuing the proposed PPO. However, if you wish pursue a PPO and elect to provide the additional information requested above, we ask for an extension of the time afforded to RSR to prepare its response.

Yours truly,



Karl Gustafson, Q.C.\*

\*Law Corporation

cc:

Daniel P. Bings  
Compliance Operations Manager  
BC Ministry of Environment & Climate Change Strategy  
Suite 200 – 10470 152nd Street, Surrey, BC, V3R 0Y3  
Dan.Bings@gov.bc.ca

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June 30, 2021

Order Number: 110800

Via email: [skynoch@richmondsteel.ca](mailto:skynoch@richmondsteel.ca) and [HDhillon@richmondsteel.ca](mailto:HDhillon@richmondsteel.ca)

Richmond Steel Recycling Limited  
11760 Mitchell Road  
Richmond, BC V6V 1V8

Harbinder Dhillon  
President  
Richmond Steel Recycling Limited  
11760 Mitchell Road  
Richmond, BC V6V 1V8

Attention: Steven Kynoch and Harbinder Dhillon

## **Pollution Prevention Order – Richmond Steel Recycling Ltd.**

This Order is being issued under Section 81 of the *Environmental Management Act*, SBC 2003, C. 53. I am satisfied on reasonable grounds that an activity at Richmond Steel Recycling Ltd. located at 11760 Mitchell Road, Richmond, British Columbia is being performed by a person in a manner that is likely to release effluent that will cause pollution. Specifically, the Richmond Steel Recycling Ltd. (Richmond Steel) facility is located on the described land parcel:

Lot 8 Except Part Plan 49844 District Lot 459 Group 1 New Westminster District  
Plan 47113

### GROUNDNS FOR ISSUANCE

I am satisfied that Harbinder Dhillon and Richmond Steel Recycling Limited are persons who:

- previously had or now has possession, charge or control of the substance
- previously did anything, or who is now doing anything, which may cause the release of the substance; or
- previously owned or occupied, or now owns or occupies, the land on which the substance is located.

The substance likely to be released in a manner that will cause pollution is effluent from a facility classified in the Waste Discharge Regulation Schedule I as a "Commercial Waste Management or Waste Disposal Industry" and/or "Hazardous Waste Management" and in Schedule II as a "Vehicle Dismantling and Recycling Industry".

As per their Environmental Management Plan (2021), Richmond Steel Recycling (RSR), "*a joint venture between Sims Metal Management and Nucor Corporation, has been operating since the early 1970s, [with] the primary onsite operations including metal recycling, wet vehicle handling*

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and recycling, mobile car crushing, industrial bin services, building demolishing, and maritime salvage” (EM Plan, 2021). All stormwater on the site is directed to the bioswale area and ditch which flows directly into the Fraser River (D&M Plan, 2021).

On December 12, 2019, Environment and Climate Change Canada Enforcement Staff (ECCC staff) “witnessed a pool of sediment-laden water with a grey sheen on its surface... directly adjacent to the Fraser River...” and “witnessed sediment-laden water with a grey sheen flowing from the aforementioned pool of water towards the Fraser River and discharging directly into the Fraser River from the foreshore of the property”. ECCC staff further “witnessed a grey sheen spreading across the surface of the Fraser River, originating at the flow of water discharging from foreshore of the property” (ECCC Warning Letter).

ECCC staff collected samples “from the aforementioned flow of water into the Fraser River and from a treatment ditch on the East side of the property”, flowing into the Fraser River. These samples were analysed at the Environment and Climate Change Canada, Pacific & Yukon Laboratory for Environmental Testing and ECCC shared the results with the Ministry of Environment and Climate Change Strategy. The results showed levels of aluminum, copper, zinc, polychlorinated biphenyl (Arochlor-1242), naphthalene, benz(a)anthracenes, and pyrene to be above British Columbia Water Quality Guidelines, as listed in the summary table below (Table 1):

Table 1: Summary Table of ECCC samples collected on December 12, 2019. (Grey highlights indicate values either below BCWQG or between phototoxic and non-phototoxic). Source: 2020-01-28 V19L036\_1 Detailed ECCC Results

| Parameter                 | ECCC Results<br>Bioswale  | ECCC Results<br>Shore/Dock   | BCWQG  |
|---------------------------|---|--|--|
| COD                       | 506 mg/L  | 472 mg/L   |  |
| TSS                       | 271 mg/L  | 2170 mg/L  |  |
| Aluminum (dissolved)      | 0.11 mg/L   | 0.12 mg/L  | 0.1 Acute mg/L<br>0.05 Chronic mg/L  |
| Copper dissolved (mg/L)   | 0.45 mg/L<br>(pH 7.3, Hardness 130, DOC 10*)<br>*mid-range estimate for DOC | 0.010 mg/L<br>(pH 7.9, Hardness 150, DOC 10*)<br>*mid-range estimate for DOC | 0.0179 Acute mg/L<br>0.00298 Chronic mg/L<br><br>0.0348 Acute mg/L<br>0.00594 Chronic mg/L |
| Zinc, total (mg/L)        | 2.46 mg/L   | 14.6 mg/L  | 0.063 Acute mg/L<br>0.0375 Chronic mg/L  |
| PCB, total (µg/L)         | 10.1 µg/L = 10100 ng/L  | 20.8 µg/L = 20800 ng/L   | 0.1 ng/L Acute<br>(HWR = 0.005 mg/L = 5000ng/L)  |
| Naphthalene (ug/L)        | 4.97 µg/L   | 0.52 µg/L  | 1 µg/L   |
| Benz(a)anthracenes (ug/L) | 0.44 µg/L   | 0.49 µg/L  | 0.1 µg/L Chronic   |
| Fluoranthene              | 0.65 µg/L   | 1.12 µg/L  | 0.2 µg/L Phototoxic<br>4 µg/L Non-phototoxic   |
| Pyrene                    | 0.70 µg/L   | 1.14 µg/L  | 0.02 µg/L Chronic  |

In response to ECCC’s findings, “RSR retained Pottinger Gaherty Environmental Consultants Ltd. (PGL) to develop a Stormwater Management and Mitigation Plan (the Stormwater Plan) [that] included undertaking additional investigation of site conditions to help inform RSR’s decisions as to the steps required to manage stormwater effectively” (Update Letter, March 15, 2021).

In May 2021, RSR submitted updated Drainage and Mitigation and Environmental Management Plans. Neither documents include sampling specifics or analytical results and neither documents propose an on-going sampling, monitoring, and reporting schedule (D&M Plan, 2021 and EM Plan, 2021).

On July 2, 2020, Ministry of Environment and Climate Change Strategy staff (Ministry staff), conducted an inspection of the RSR facility and assessed compliance with the Hazardous Waste Regulation s. 17(1)(b) as not-determined because facility staff were unable to locate sample records. Richmond Steel staff later reported in a July 15, 2020 email that they “*did not find any reports or records of a storm water sampling program*”. The inspection report concludes that “*there were no sample records*”.

On April 26, 2021, Ministry staff again requested the sampling records to demonstrate compliance with HWR s. 17 (1) (b) and again, no records were provided. In direct response to the issue of HWR s. 17(1)b records, RSR stated in a May 7, 2021 email – Compliance Advisory Table that “*Richmond Steel Recycling is not a Hazardous Waste Storage facility*”, but do acknowledge in that same email that “*Sch. 1.2 does apply to the discharge*” (email, May 7, 2021)

On March 23<sup>rd</sup>, 2021 in an update letter to the City of Richmond, Mr. Keith Gagne, P.Eng, of PGL Environmental Consultants suggests that potential pollution is ubiquitous throughout the site and is on-going “*PCBs were non-detect (N.D.) in the soil samples; however, surface water throughout the Site exceeded BC Water Quality Guidelines. RSR was unable to isolate the PCB impacts to one area. it appears that the low levels of PCBs are likely related to ongoing activities, regardless of the controls RSR has or might reasonably put in place to prevent PCB materials from entering the Site.*”

Based on this information, I am satisfied on reasonable grounds that this activity/operation is being performed in a manner that is likely to release a substance that will cause pollution.

#### ORDER

Pursuant to Section 81 of the *Environmental Management Act* [SBC 2003] Chapter 53, Richmond Steel Recycling Ltd. is hereby ordered to comply with the required actions listed in the table below and to provide information to the Director indicating the completion of each action.

| Item | Required Action  | Required by midnight on:  |
|------|--|---------------------------|
| 1.   | Retain a Qualified Professional to develop a Waste Characterization Plan (Plan). This Plan must include details of how and when Richmond Steel Recycling will: <ul style="list-style-type: none"> <li>a) Identify Contaminants of Potential Concern (COPC), including but not limited to metals, PCBs, PAHs – alkylated and non-alkylated, TSS, pH, hardness, COD in effluent throughout the site and in the oil/water separator discharge,</li> <li>b) Identify the source of COPC entering effluent and the activities on site responsible for the source,</li> <li>c) Obtain laboratory analysis to support the assessments above and compare the results to both the British Columbia Water Quality Guidelines and the Hazardous Waste Regulation Schedule 1.2 criteria.</li> <li>d) Propose an environmental monitoring program capable of detecting potential discharge of contaminants as the site continues to operate.</li> </ul> | Immediately upon issuance |

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| Item | Required Action   | Required by midnight on:         |
|------|---|----------------------------------|
| 2.   | Submit the Plan for approval to the Director.   | Within 4 weeks of issuance.      |
| 3.   | Implement the approved Plan within two weeks of receiving Director's Approval.  |                                  |
| 4.   | Submit a report detailing the findings from the Plan. The report must include: <ul style="list-style-type: none"> <li>a) Laboratory analysis raw and summary data described in the Waste Characterization Plan,</li> <li>b) Interpretation of the analysis described in the Plan and the conclusions reached,</li> <li>c) Rationale explaining how the location, sampling method and frequency, and results support the conclusions reached,</li> <li>d) Recommendations for mitigation measures that would prevent any further escape of contaminants, and</li> <li>e) Certification by a Qualified Professional.</li> </ul>   | Within 4 to 6 months of issuance |
| 5.   | Submit the following documents to the Ministry:<br>The report(s), data and/or information, including location and results of all samples of any media taken in order to develop the first and any subsequent versions of the Stormwater Drainage and Mitigation Plan (including Drainage and Mitigation Plan Development Strategy, 2020 and 2021) commissioned from PGL Consultants or any other consultants, by Richmond Steel in response to the detection of PCB contamination by Environment Canada in December 2019. These include, but are not limited to: <ul style="list-style-type: none"> <li>• results of all analysis completed on soil sampling in unpaved areas (soil sampled by advancing soil pits),</li> <li>• results of all analysis on sediment samples that were collected from the ditch and the Fraser River where the ditch enters the river,</li> <li>• results of all analysis on surface water samples collected throughout the Site,</li> <li>• results on auto-shredder residual samples, and</li> <li>• sampling plan and method(s), results, interpretation, and a rationale for conclusions reached.</li> </ul> | Within 2 – 3 weeks of issuance   |
| 6.   | Submit the following additional documents to the Ministry: <ul style="list-style-type: none"> <li>a) Reports, results and assessments that RSR, their consultants, agents, or counsel have or have requested <i>"for water sampling from time to time as part of their legal advice to [RSR]"</i> for specific projects or general site operations/maintenance/development.</li> <li>b) Laboratory analysis demonstrating that any discharge of effluent to the environment, to storm sewers or to a municipal or industrial effluent treatment works which results from the operation of the storage facility meets the effluent criteria prescribed in Schedule 1.2 of the BC Hazardous Waste Regulation for the period June 2019 to June 2021 and on the 1<sup>st</sup> of every month starting on July 1, 2021</li> </ul>   | Within 2 – 3 weeks of issuance   |

| Item | Required Action  | Required by midnight on:                            |
|------|--|---|
|      | and ending on January 1, 2022. Please submit the data, interpretation and conclusion to <a href="mailto:environmentalcompliance@gov.bc.ca">environmentalcompliance@gov.bc.ca</a> .<br><br>c) Records of the oil/water separator maintenance and cleaning schedule and manifests detailing the management of the residual wastes associated with this activity.<br><br>d) Records documenting work already completed on the clean-up of the ditch/bio-swale (including but not limited to analytical results, photographs, professional interpretations and reports). |   |
| 7.   | The qualified professional(s) performing any of the following in response to this order: performing work, authoring reports, authoring the Waste Characterization Plan and Report and/or providing opinions must complete and submit the attached Declaration of Competency and Conflict of Interest Disclosure Statement forms.   | First QP submission of past, current or future work |

For the purposes of this Order, the following definition applies:

"Qualified Professional" means an applied scientist or technologist specializing in a particular applied science or technology, including agrology, biology, chemistry, engineering, geology or hydrogeology, who (a) is registered in British Columbia with the professional organization responsible for his or her area of expertise, acting under that professional association's code of ethics and subject to disciplinary action by that association, and (b) through suitable education, experience, accreditation and knowledge, may be reasonably relied on to provide advice within his or her area of expertise as it relates to this order, or (c) is approved by the Director.

#### DUTY TO COMPLY

The requirements above must be completed on or before the associated "Required By" date. Failure to comply with the requirements of this order is a contravention of the *Environmental Management Act* [SBC 2003, c.53] 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 a director...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."

#### RIGHT TO APPEAL

This decision may be appealed to the Environmental Appeal Board in accordance with Part 8 of the *Environmental Management Act*. An appeal must be delivered within 30 days from the date notice of this order is given. For further information, please contact the Environmental Appeal Board at (250) 387-3464.

#### NOTIFICATION OF PUBLICATION

The Party is 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 party 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 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.

This order will also appear in the Ministry of Environment's Quarterly Environmental Enforcement Summary and Environmental Violations Database.

#### MINISTRY CONTACT

If you have any questions, please contact the undersigned at 250-398-4545 and [Dan.Bings@gov.bc.ca](mailto:Dan.Bings@gov.bc.ca) or Environmental Protection Officer Oana Enick at 236-468-2231 and [Oana.Enick@gov.bc.ca](mailto:Oana.Enick@gov.bc.ca).

Regards,

Daniel P. Bings  
Compliance Operations Manager

Attachments:

QP declaration of competency form  
QP conflict of interest disclosure statement



cc:

Alan W. McCammon, MSc, PGeo  
Manager, Remediation Assurance and Brownfields  
BC Ministry of Environment & Climate Change Strategy  
Suite 200 – 10470 152<sup>nd</sup> Street, Surrey, BC, V3R 0Y3  
[Alan.Mccammon@gov.bc.ca](mailto:Alan.Mccammon@gov.bc.ca)

Catherine Allard  
Senior Authorizations Officer  
South Coast Regional Office  
Ministry of Forests, Lands & Natural Resources Operations and Rural Development  
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Gregory Lee  
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Enforcement Branch  
Environment and Climate Change Canada  
Pacific and Yukon Region  
201-401 Burrard Street, Vancouver, BC, V6C 3S5  
[Gregory.lee3@canada.ca](mailto:Gregory.lee3@canada.ca)

Warren Mills  
Environmental Coordinator  
6911 No. 3 Road, Richmond, BC V6Y 2C1  
[wmills@richmond.ca](mailto:wmills@richmond.ca)



### Conflict of Interest Disclosure Statement

A qualified professional <sup>1</sup> providing services to either the Ministry of Environment and Climate Change Strategy ("ministry"), or to a regulated person for the purpose of obtaining an authorization from the ministry, or pursuant to a requirement imposed under the *Environmental Management Act*, the *Integrated Pest Management Act* or the *Park Act* has a real or perceived conflict of interest when the qualified professional, or their relatives, close associates or personal friends have a financial or other interest in the outcome of the work being performed.

A real or perceived conflict of interest occurs when a qualified professional has

- a) an ownership interest in the regulated person's business;
- b) an opportunity to influence a decision that leads to financial benefits from the regulated person or their business other than a standard fee for service (e.g. bonuses, stock options, other profit sharing arrangements);
- c) a personal or professional interest in a specific outcome;
- d) the promise of a long term or ongoing business relationship with the regulated person;
- e) a spouse or other family member who will benefit from a specific outcome; or
- f) any other interest that could be perceived as a threat to the independence or objectivity of the qualified professional in performing a duty or function.

Qualified professionals who fulfill regulatory requirements on behalf of regulated persons seeking authorization under ministry legislation must take care in the conduct of their work that potential conflicts of interest within their control are avoided or mitigated. Precise rules in conflict of interest are not possible and professionals must rely on guidance of their professional associations, their common sense, conscience and sense of personal integrity.

This conflict of interest disclosure statement is collected under section 26(c) of the *Freedom of Information and Protection of Privacy Act* for the purposes of increasing government transparency and ensuring professional ethics and accountability. By signing and submitting this statement you consent to its publication and its disclosure outside of Canada. This consent is valid from the date submitted and cannot be revoked. If you have any questions about the collection, use or disclosure of your personal information please contact the Ministry of Environment and Climate Change Headquarters Office at 1-800-663-7867.

<sup>1</sup>Qualified Professional, in relation to a duty or function under ministry legislation, means an individual who

- a) is registered in British Columbia with a professional association, is acting under that organization's code of ethics, and is subject to disciplinary action by that association, and
- b) through suitable education, experience, accreditation and knowledge, may reasonably be relied on to provide advice within his or her area of expertise, which area of expertise is applicable to the duty or function.



### **Declaration**

I, Print First and Last Name as a member of Print Name of Professional Association declare

**Select one of the following:**

- ☐ Absence from conflict of interest

Other than the standard fee I will receive for my professional services, I have no financial or other interest in the outcome of this application/project/work/etc.

I further declare that should a conflict of interest arise in the future during the course of this work, I will fully disclose the circumstances in writing and without delay to Insert Ministry Contact Name, erring on the side of caution.

- ☐ Real or perceived conflict of interest

Description and nature of conflict(s):

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I will maintain my objectivity, conducting my work in accordance with my Code of Ethics and standards of practice.

In addition, I will take the following steps to mitigate the real or perceived conflict(s) I have disclosed, to ensure the public interest remains paramount:

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Further, I acknowledge that this disclosure may be interpreted as a threat to my independence and will be considered by the statutory decision maker accordingly.

Signature:

**X** \_\_\_\_\_

Print name: \_\_\_\_\_

Date: \_\_\_\_\_

Witnessed by:

**X** \_\_\_\_\_

Print name: \_\_\_\_\_



### Declaration of Competency

The Ministry of Environment and Climate Change Strategy relies on the work, advice, recommendations and in some cases decision making of qualified professionals<sup>1</sup>, under government's professional reliance regime. With this comes an assumption that professionals who undertake work in relation to ministry legislation, regulations and codes of practice have the knowledge, experience and objectivity necessary to fulfill this role.

This declaration of competency is collected for the purposes of increasing government transparency and ensuring professional ethics and accountability. It will be disclosed to the public.

1. Name of Qualified Professional \_\_\_\_\_

Title \_\_\_\_\_

2. Are you a registered member of a professional association in B.C.? ☐ Yes ☐ No

Name of Association: \_\_\_\_\_

3. Brief description of professional services:

\_\_\_\_\_  
\_\_\_\_\_

### Declaration

I declare that I am a qualified professional with the required knowledge, skills and experience to provide expert information, advice and/or recommendations in relation to the specific work described above.

Signature:

**X** \_\_\_\_\_

Print Name: \_\_\_\_\_

Date signed: \_\_\_\_\_

Witnessed by:

**X** \_\_\_\_\_

Print Name: \_\_\_\_\_

<sup>1</sup> *Qualified Professional, in relation to a duty or function under ministry legislation, means an individual who*

- a) is registered in British Columbia with a professional association, is acting under that organization's code of ethics, and is subject to disciplinary action by that association, and*
- b) through suitable education, experience, accreditation and knowledge, may reasonably be relied on to provide advice within his or her area of expertise, which area of expertise is applicable to the duty or function.*



RICHMOND STEEL RECYCLING LTD.  
11760 MITCHELL ROAD, RICHMOND,  
BC V6V 1V8  
TEL: 604-324-4656 FAX: 604-324-8617  
TOLL FREE: 1-800-354-4676  
Facebook | Twitter | LinkedIn

July 16, 2021

Ms. O. Enick Environmental Protection  
Officer Ministry of Environment & Climate  
Change Strategy Compliance and  
Enforcement Suite 200 – 10470 152nd Street  
Surrey, British Columbia  
V3R 1Q7

Dear Ms. Enick;

### **Proposed Pollution Prevention Order Number 110800**

We acknowledge receipt of your email dated June 30, 2021 and the accompanying draft Pollution Prevention Order Number 110800 (the “**PPO**”). I must say that, considering all the circumstances, we at Richmond Steel Recycling Ltd. (“**RSR**”), our legal counsel, McMillan LLP, and our environmental advisors, Pottinger Gaherty Environmental Consultants Ltd. (“**PGL**”), are shocked by what we all perceive to be an unwarranted and extraordinarily aggressive approach to this matter. The PPO mischaracterizes what has transpired and omits critical information. This causes us to wonder whether your proposed action is founded on misinformation from a complainant who is pursuing a political agenda. In any case, we appreciate this opportunity to correct the record.

#### **1. Grounds**

The PPO states, in effect, that Mr. Bings is satisfied that Harbinder Dhillon and RSR are persons who previously did anything, or who are now doing anything, which may cause the release of the substance, namely effluent. However, the PPO provides no information whatsoever as to specifically what Mr. Dhillon or RSR are alleged to have done or to be doing now to actually cause the release of effluent. By letter dated July 7, 2021 (the “**McMillan Letter**”), our legal counsel, Karl Gustafson, Q.C. of McMillan LLP, asked for particulars of these allegations. In your email response to Mr. Gustafson dated July 14, 2021, you have refused to provide any additional information needed for us understand and respond to the allegations in the PPO.

Legal authority to issue the PPO rests on the requirements of Section 81 of the *Environmental Management Act* (“**EMA**”) being satisfied. That means, that a director must be satisfied on “reasonable grounds” that some activity was done or is being performed in a manner that is “likely” to release a substance (in this case “effluent”) that will cause “pollution”.

In general terms, we can say that the concept of “reasonable grounds” requires more than a mere possibility or suspicion. More specifically, we do not believe there are reasonable grounds to determine that any activity that was or is being performed that is “likely” to result in the release of stormwater. It is obvious that stormwater runoff will occur, but not as the result of any

activity on the part of RSR. In addition, we do not believe there are any reasonable grounds to determine that stormwater is “effluent” or that it will “cause pollution”.

The PPO refers to a statement from Keith Gagne of Pottinger Gaherty Environmental Consultants Ltd. (“PGL”) to the effect that PCBs were non-detect in the soil samples, but that surface water at our facility exceeded BC Water Quality Guidelines. We ask that you consider that surface water on the site is directed to existing water treatment works. Those water treatment works have since been overhauled and, importantly, RSR plans to install an additional new water treatment facility as part of its Drainage & Mitigation Plan that is discussed in more detail in paragraph 5 below. Regardless, there are no grounds to reasonably determine that surface water that does not meet BC Water Quality Guidelines is likely to be released, after treatment, and “pollution”. In this respect, please see our comments in paragraph 3 below.

We ask, what are the grounds upon which Mr. Bings can reasonably conclude that an activity conducted, currently or in the past, by RSR or any particular employee of RSR is likely to result in the release of a substance that will cause pollution? Our legal counsel has advised that the requirements of Section 81 of the EMA have not been met and, accordingly, the director lacks the legal authority to issue the PPO.

## **2. Irregular Disturbance**

RSR is not engaged in any conduct or activity at this time that is likely to result in the release of effluent. We acknowledge that on December 12, 2019 Environment Canada staff attended at our Mitchell Island recycling facility in Richmond, BC (the “Site”) and witnessed stormwater runoff flowing directly from what is known as the “dock” area at the Site directly into the Fraser River. This event occurred in the midst of a period of extremely heavy rainfall and we are not aware of it having happened previously. The Site is designed to cause stormwater to flow into treatment works on the Site. Regardless, there are not reasonable grounds to conclude that:

- (a) an activity at RSR may have been performed in December 2019, or previously, is “likely” to result in the release in the future of a substance that will cause “pollution”;
- (b) an activity is continuing currently at the Site such that it is “likely” to result in the release of effluent;
- (c) an activity at RSR may have been performed in December 2019, or previously, “likely” to result in the release in the future of any contaminant of the sort witnessed by Environment Canada on December 12, 2019; or
- (d) there is any reasonable prospect that there will be any recurrence of the circumstances observed on December 12, 2019 or that effluent or a pollution-causing substance will otherwise be released in the future.

To the contrary, all indications are that the proximate cause of the contamination observed on December 12, 2019 was an irregular disturbance or upset condition and that was not the result of any particular activity or operation conducted by RSR.

Given the foregoing, we are of the view that there is no legal basis under section 81 of the EMA to authorize the issuance of the PPO. We refer to the McMillan Letter that provides additional

detail regarding the legal issues. We also note again that the additional information requested in that letter has not been provided and, indeed, that there has been no reply to that letter.

### **3. Stormwater Runoff is not a Substance that will cause “Pollution”**

Section 81 of the EMA requires that there must be reasonable grounds to conclude that there be activities that are “likely” to result in the release of a substance that will cause “pollution”. In this respect, the PPO is misleading and omits important and relevant factual information. We note the following:

- (a) the stormwater runoff sampled during the December 12, 2019 rainfall event passed Environment Canada’s LC50 test (i.e. there was no evidence of high fish toxicity);
- (b) the December 12, 2019 event appears to have been transitory, one-time event;
- (c) RSR took action promptly after the December 12, 2019 event, and even before Environment Canada issued its warning letter, to prevent stormwater from by-passing the water treatment works on the Site;
- (d) the impacted area was relatively small and there has been no recurrence of the conditions observed in the December 12, 2019 event and, in particular, the corrective action taken by RSR has been effective in preventing stormwater from flowing directly from the Site into the Fraser River;
- (e) a stockpile of waste soil (a product of the improvements then being made by RSR to its stormwater management system) had been situated near the “dock” area pending removal to a suitable landfill and it is possible that the extremely heavy rainfall may have washed some of that soil into the runoff;
- (f) the stockpiled soil was promptly removed and disposed of in an appropriate landfill;
- (g) RSR has taken steps to clean and optimize the performance of its stormwater treatment works, namely the oil/water separators and grit chamber;
- (h) stormwater is not “effluent”; and
- (i) RSR’s operations at the Site do not otherwise generate “effluent”.

We are advised that stormwater runoff is not regulated under the EMA as “effluent”. Stormwater runoff is ubiquitous and it would be wholly impractical for the Ministry of Environment & Climate Change Strategy (the “MOE”) to endeavour to regulate stormwater discharged from commercial, industrial and other properties throughout British Columbia. RSR has taken steps to properly manage stormwater drainage. The D&M Plan (defined below) includes additional actions to improve RSR’s stormwater management and treatment capabilities. Given the foregoing, it is our view that there is no reasonable basis to conclude that there is any activity on the Site being conducted in a manner that is “likely to cause the release of a substance that will cause pollution”.

“Pollution” means the presence in the environment of substances or contaminants that “substantially alter or impair the usefulness of the environment”. We are of the view that the stormwater sampled on December 12, 2019 did not cause “pollution”.

The mere fact that surface water sampled on the Site did not meet BC Water Quality Guidelines does not constitute the release of a substance that is likely to cause “pollution”. The guidelines

are not synonymous with “pollution” as defined. In our view, there is no reasonable basis to conclude that the manner in which RSR has or is conducting its operations at the Site is likely to cause “pollution”.

#### **4. Abuse of Authority**

As noted above, the December 12, 2019 event was a transitory and irregular event. The circumstances surrounding that event did not attract any apparent concern on the part of the MOE. Your initial communication to RSR regarding this matter took place well over a year after the fact. We are aware that you were prompted by a recent ‘complaint’ from Warren Mills, Environmental Coordinator with the City of Richmond. Prior to that, it appeared that Environment Canada was content to deal with the December 12, 2019 event by issuing a warning letter and that the MOE had been satisfied with that action. We do know that Mr. Mills wanted more.

Before making his complaint, Mr. Mills had been making demands of RSR to undertake testing and analytical work based on pure speculation and for purposes beyond his jurisdiction and without legal authority. As well, part of the work he had been insisting upon involved sampling in an area where the conditions were such as to pose risks to the safety of persons. We declined to accede to his demands.

We believe that Mr. Mills’ ‘complaint’ is baseless and unjustified and was motivated by a desire to exert authority in matters over which he and the City of Richmond have no legal jurisdiction and in a manner not authorized by law. In the circumstances, and in the absence of the required factual basis under Section 81 of the EMA, our legal counsel has advised that the proposed PPO may be an abuse of statutory authority. The PPO is being used for a collateral purpose and represents an unlawful attempt to regulate RSR’s business.

#### **5. PPO is not Justified from a Practical Perspective**

Apart from the concerns noted above, a PPO is not required or appropriate in the circumstances. We believe that the PPO will be counter-productive and will serve no practical purpose. Please note the following:

- (1) As noted above, even before the December 12, 2019 event, RSR was in the process of upgrading its stormwater management and treatment works.
- (2) Following the December 12, 2019 event, RSR engaged PGL, a “Qualified Professional” to advise with respect to the adequacy of its planned improvements to its stormwater management and treatment works.
- (3) PGL has made a number of recommendations regarding RSR’s operational systems, stormwater management system, and stormwater treatment works. With assistance and advice from PGL, RSR is in the final stages of developing a comprehensive “Drainage & Mitigation Plan (the “**D& M Plan**”) to address questions related to stormwater management. Details of the D&M Plan have been provided to your office and, regrettably, we have received no comment or feedback regarding the D&M Plan.
- (4) Key elements of the D&M Plan are to



- a. Investigate and eliminate sources of potential contamination from being received at the site in a manner that is not controlled and in compliance with applicable regulatory standards (some aspects of this element have already been implemented).
  - b. Install a water treatment facility using technology developed by Stormtec Filtration Inc.
  - c. Remove potentially contaminated soils from the ditch and bioswale areas thereby eliminating any potential migration of contamination possibly linked to historic activities.
  - d. Install a retention pond such that the quality and characteristics of stormwater runoff can be assessed before discharge to the Fraser River.
- (5) RSR has implemented a process change in process to eliminate a potential source of PCBs. RSR receives materials from BCH that contain trace amounts of PCBs. These materials have been treated by BCH to remove PCB contaminants, but nevertheless contain trace quantities of PCBs. RSR recognized that it is possible that its processing of these materials from BCH may have caused or contributed to PCB contamination historically and, consequently, has ceased to process those materials at the Site.
  - (6) Additional maintenance work was been carried out to improve the functioning of the grit chamber and the oil/water separators.
  - (7) Work on cleaning and upgrading the ditch and bioswale works is been planned, but RSR was advised that the work could not proceed without regulatory approval.
  - (8) RSR has developed plans to reduce the quantity of ASR stockpiled on the Site pending disposal in solid waste landfills licensed to receive ASR. In addition, RSR plans to cover its ASR stockpiles to eliminate contact with rainfall and to direct 'non-contact' runoff water to the municipal stormwater system thereby reducing the load on the stormwater treatment facilities contemplated in the D&M Plan.
  - (9) It is expected that the D&M Plan will be finalized and submitted for approval by FLNRORD by mid-July.
  - (10) Key components of the work contemplated by the D&M Plan cannot proceed without FLNRORD approval but RSR is committed to undertaking that work as soon as it is authorized to do so.
  - (11) In addition to addressing the efficacy of RSR's management of stormwater, the D&M Plan will address potential soils and sediment contamination from historic activity.
  - (12) Overall, the D&M Plan, and other steps already taken by RSR, will ensure that there is no activity on the Site that is likely, to the extent reasonably possible, to cause the release of a substance that will cause pollution and to address potential contamination associated from historic activity.

In my view, RSR has demonstrated clearly by the actions it took voluntarily and diligently in response to the December 12, 2019 event that it does not need to be pressured into taking appropriate action to address stormwater management or other concerns regarding potential pollution. RSR reacted to the December 12, 2019 event in an entirely appropriate way and I suggest you would be hard-pressed to find a party who has been more responsive and responsible in its approach to the issue. Many of the actions required by the PPO are already completed or are underway. Additional improvements contemplated by the D&M Plan will proceed as soon as regulatory approval is obtained.

If the PPO is issued, RSR may be forced to change course and potentially abandon the D&M Plan. I suggest such an outcome would be extremely unfortunate and counter-productive. We would prefer to work cooperatively with the MOE to achieve our shared goal of full and ongoing compliance with the requirements of the EMA. We were surprised and disappointed not to have received any feedback on the D&M Plan from your office. We believe the D&M Plan will address substantially all the issues underlying the draft PPO and would like to know if the Ministry believes otherwise.

For all the reasons set out above and in the McMillan Letter, we ask that you reconsider the issuance of the PPO and, instead, work with us to facilitate the finalization and approval of the D&M Plan.

Yours truly,

Harbinder Dhillon

Harbinder Dhillon  
President

## FW: Pollution Abatement Order #111135 dated April 28, 2022

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From: Enick, Oana V ENV:EX<sup>s.15</sup>  
To: Mills, Warren <WMills@richmond.ca>  
Sent: May 11, 2022 at 2:06:07 PM Pacific Daylight Time  
Attachments: 38870416\_1.pdf, image003.jpg, image004.jpg, image005.jpg, image002.png, image001.gif  
Here you go



Oana Enick, MET, RPBio | Environmental Protection Officer

Compliance and Environmental Enforcement | BC Ministry of Environment and Climate Change Strategy  
Ste. 200 – 10470 – 152<sup>nd</sup> Street. | Surrey, BC | V3R 1Q7 | Tel: 236-468-2231

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@ComplianceBC To report a spill call the Provincial Emergency Program at 1-800-663-3456

More information about Environmental Compliance and how it is assessed can be found [here](#).

---

**From:** Karl Gustafson <Karl.Gustafson@mcmillan.ca>  
**Sent:** May 10, 2022 4:28 PM  
**To:** Bings, Dan P ENV:EX <Dan.Bings@gov.bc.ca>  
**Cc:** Enick, Oana V ENV:EX <Oana.Enick@gov.bc.ca>; Lee, Gregory (ECCC) <Gregory.Lee@ec.gc.ca>; Allard, Catherine FLNR:EX <Catherine.Allard@gov.bc.ca>; Barlas, Sajid A ENV:EX <Sajid.Barlas@gov.bc.ca>; Wmills@rhichmond.ca; Harbinder Dhillon <HDhillon@richmondsteel.ca>; Steven Kynoch <SKynoch@richmondsteel.ca>  
**Subject:** Pollution Abatement Order #111135 dated April 28, 2022

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Dear Mr. Bings;

Please see the attached letter addressed to your attention in relation to the Pollution Abatement Order referenced above.

Regards,

Karl

**mcmillan**

**Karl E Gustafson, Q.C.**

Counsel  
d 604.691.7427  
[karl.gustafson@mcmillan.ca](mailto:karl.gustafson@mcmillan.ca)

Assistant: Karen Lam | 236.826.3051 | [karen.lam@mcmillan.ca](mailto:karen.lam@mcmillan.ca)

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Reply to the Attention of: Karl Gustafson, Q.C.  
Direct Line: 604.691.7427  
Email Address: karl.gustafson@mcmillan.ca  
Our File No.:  
Date: May 10, 2022

## EMAIL

### Without Prejudice

Ministry of Environment and Climate Change Strategy  
Compliance and Environmental Enforcement  
2<sup>nd</sup> Floor, 10470 152 Street  
Surrey, British Columbia  
V3R 0Y3

Attention: Daniel P. Bings, Compliance Operations Manager

Dear Sirs/Mesdames;

**Re: Pollution Abatement Order #111135 dated April 28, 2022 (the "Order") issued to Richmond Steel Recycling Ltd. ("RSR")**

As you know, we are counsel for RSR. We write with reference to the Order.

In reviewing the Order, we have identified at least one requirement (Item #1) that RSR would not be able, as a practical matter, to comply with immediately and others for which clarification is required in order to understand whether, when and how RSR will be able to comply. While we believe RSR has grounds on which to appeal the Order on its merits (and to obtain a stay), RSR hopes to avoid the cost and delay for all concerned in an appeal hearing and to focus instead on completing the remediation and mitigative projects already underway and planned that will make it possible for RSR to comply with the Order and to consistently maintain that compliance.

To that end, we ask that the Director agree to an extension of the deadlines imposed under the Order as set out below.

For context, and in the event the Director was not aware of the following when the Order was issued, please note the following:

- Following the installation of a Stormtec water treatment plant on the site on February 14, 2022, RSR has made steady and significant improvements in treating stormwater to the point that, by the end of April, it was achieving treatment results that complied with BC WQG in all respects except for PCB removal and BOD levels.

- With respect to PCB removal and BOD levels, based on laboratory reports provided to Stormtec to inform its decisions regarding adjustments to the operation of the water treatment plant, Stormtec advised that by March 23, 2022 the water treatment plant had achieved 98.6% removal of PCBs and 23.7% reduction of BOD from influent water.
- Further adjustments to the water treatment plant are in process which, when coupled with RSR's other remedial work and pre-treatment facilities, are expected to achieve and consistently maintain full compliance with all BC WQGs parameters.
- In conjunction with the commissioning of the water treatment plant, RSR ceased to discharge storm water to the bioswale with the result that water levels in the bioswale/ditch have been substantially reduced and discharges of untreated stormwater from the ditch are either no longer in evidence or are negligible.
- A sump pump has been installed in the bioswale to recycle to the water treatment plant any stormwater that naturally accumulates in the bioswale and to prevent its migration to the ditch.
- In the coming drier summer months, and particularly with the foregoing measures in place, RSR believes that there is virtually no reasonable prospect for untreated stormwater in the bioswale/ditch to be discharged to the river.

At this time, we believe that RSR has done all it reasonably can to prevent the discharge of waste to the river. Regardless of whether those measures are sufficient, RSR intends to proceed with the additional remedial and mitigative measures already contemplated in the 'Drainage and Mitigation Plan' developed by Pottinger Gaherty Environmental Consultants Ltd. ("PGL") to ensure that it complies and maintains compliance with the requirement that there be no discharge of waste to the river. However, as RSR has previously reported, certain of the key measures (e.g. removal of impacted sediments from the bioswale/ditch, damming outflow from the ditch to ensure there is no possibility of future discharge of untreated stormwater, and installation of a detention pond to control stormwater and regulate influent to the water treatment plant) cannot proceed at this time without RSR violating current outstanding directives from the DFO and FLNRORD. Similarly, some of these measures (e.g. installation of the detention pond and covering stockpiles of ASR) also cannot proceed without approvals under City of Richmond by-laws.

With the foregoing in mind, we ask that the Director grant an extension of the deadlines in the Order on the following terms:

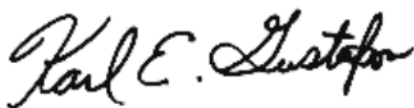
1. an extension of the first deadline with respect to Order Item #1 to July 31, 2022, or to such other date as is reasonable to allow RSR to complete the planned remedial and mitigative work in the bioswale/ditch in a manner that complies with applicable federal, provincial and municipal laws (the "**Extension Period**"), and an extension of the other deadlines in the Order to such other dates as are reasonable to allow RSR to obtain clarification of the requirements and assess and submit comments on the feasibility of compliance, and
2. the extensions being conditional upon and subject to RSR at all times during the Extension Period:
  - a. continuing to pursue an authorization from FLNRORD to carry out remedial and mitigative work in the bioswale/ditch including the installation of a dam or barrier at the end of the ditch;

- b. continuing the program of monthly sampling and analysis of the discharge from the water treatment plant in accordance with the parameters set out in the Order;
- c. sampling discharge from (i) the water treatment plant, and (ii) if there is a 'significant rain event' that results in a visible discharge of untreated stormwater from the ditch sufficient to allow sampling, sampling of that discharge within 8 business hours;
- d. recording the quantity of treated stormwater discharged on a daily basis from the water treatment plant;
- e. submitting a monthly report regarding all analytical results provided to it for water samples collected each month by the 10<sup>th</sup> day of the following month and, with respect to any analytical results not available to RSR by that date, submitting those results forthwith following receipt;
- f. including in the monthly report reasonable details of the status of RSR's applications for all authorizations, permits and approvals as required to carry out planned remedial and mitigative work pursuant to the Drainage & Mitigation Plan, including in particular, the installation of the proposed detention pond and cover for the ASR stockpile described above, and
- g. proceeding with the implementation of remediation and mitigative measures as contemplated in the Drainage & Mitigation Plan promptly upon receipt of the required legal approvals, permits and authorizations.

We also ask that you consent to requesting the Environmental Appeal Board to initiate its Facilitated Settlement process. We believe that the process will provide an opportunity to bring together representatives of your office with representatives of RSR, the DFO, FLNRORD and the City of Richmond to discuss and endeavour to resolve their respective concerns in a coordinated and cooperative way.

We ask that you please reply to this request by no later than Tuesday, May 17, 2022. In the meantime, if you wish to discuss this request or require any additional information, please do not hesitate to contact the writer.

Yours truly,



Karl Gustafson, Q.C.\*

\*Law Corporation

CC Recipients:

Oana Enick – [Oana.Enick@gov.bc.ca](mailto:Oana.Enick@gov.bc.ca)

Catherine Allard – [Catherine.Allard@gov.bc.ca](mailto:Catherine.Allard@gov.bc.ca)

Gregory Lee – [Gregory.lee3@canada.ca](mailto:Gregory.lee3@canada.ca)

Warren Mills – [Wmills@richmond.ca](mailto:Wmills@richmond.ca)

Sajid Barlas, P. Eng. – [Sajid.Barlas@gov.bc.ca](mailto:Sajid.Barlas@gov.bc.ca)

## 2021-04-15 17787 Complaint NRIS pcbs in stormwater

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From: ENV Environmental Complaints ENV:EX <EnvironmentalComplaints@gov.bc.ca>  
To: Enick, Oana V ENV:EX <Oana.Enick@gov.bc.ca>  
Cc: Bings, Dan P ENV:EX <Dan.Bings@gov.bc.ca>  
Sent: April 15, 2021 1:39:55 PM PDT  
Attachments: image003.png, image005.png, image009.jpg, image010.jpg, image007.jpg, image004.png, image001.jpg, image002.gif

Hi Oana,

Complaint assigned to you. I'm unable to enter it in NRIS at the moment because I'm getting an error in the permit section. I'll assign it in NRIS once that's fixed.

Filed here:

P:\WANS\SHARE\ROB\25400-70 HWR\17787 Contech Mitchell Island HWR\09 Compliance

Best,

Kathryn Poole | a/Compliance Coordinator

Compliance and Environmental Enforcement | BC Ministry of Environment and Climate Change Strategy

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**From:** Environmental Compliance ENV:EX <environmentalcompliance@gov.bc.ca>  
**Sent:** April 14, 2021 3:58 PM  
**To:** ENV Environmental Complaints ENV:EX <EnvironmentalComplaints@gov.bc.ca>  
**Subject:** 17787 Complaint NRIS pcbs in stormwater



Kathryn Poole | a/Compliance Coordinator

Compliance and Environmental Enforcement | BC Ministry of Environment and Climate Change Strategy

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To report a spill call the Provincial Emergency Program at 1-800-663-3456

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**From:** Mills, Warren <WMills@richmond.ca>  
**Sent:** April 14, 2021 3:41 PM  
**To:** Environmental Compliance ENV:EX <environmentalcompliance@gov.bc.ca>  
**Subject:** FW: Site 3727 Richmond Steel

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Good afternoon,

Re: 11760 Mitchell Rd, Richmond, BC V6V 1V8

At this site, PCB contaminated with storm water has been identified by ECCC on permeable grounds near the Fraser River. This PCB contaminated stormwater has entered the Fraser River via the overland flow, and the operator has provided a remediation plan to address this issue. To date, the operator and their environmental consultant has not investigated groundwater at the site. There is a high likelihood that PCB contamination is present in groundwater and entering the Fraser River via groundwater migration.

The provincial land remediation branch has determined this would fall under Environmental Compliance's jurisdiction. Can you please call me to discuss?

**Warren Mills, B.Sc., E.P., P.Ag.**

**Environmental Coordinator**

6911 No. 3 Road, Richmond, BC V6Y 2C1

T: 604-247-4694 | C: 778-836-2739 | E: [wmills@richmond.ca](mailto:wmills@richmond.ca)

[www.richmond.ca](http://www.richmond.ca)

---

**From:** Delaney, Colleen ENV:EX <[Colleen.Delaney@gov.bc.ca](mailto:Colleen.Delaney@gov.bc.ca)>

**Sent:** January 27, 2021 1:46 PM

**To:** Mills, Warren <[WMills@richmond.ca](mailto:WMills@richmond.ca)>

**Subject:** RE: Site 3727 Richmond Steel

**City of Richmond Security Warning:** This email was sent from an external source outside the City. Please do not click or open attachments unless you recognize the source of this email and the content is safe.

Hello Warren,

I have no further update beyond having been notified that Richmond Steel is under the jurisdiction of the Regional Operations Branch (ROB), since it is an operating site. I believe that David O'Malley in ROB [David.OMalley@gov.bc.ca](mailto:David.OMalley@gov.bc.ca) may be the more appropriate ENV representative for this meeting.

Regards,

Colleen

---

**From:** Mills, Warren <[WMills@richmond.ca](mailto:WMills@richmond.ca)>

**Sent:** January 27, 2021 12:17 PM

**To:** Delaney, Colleen ENV:EX <[Colleen.Delaney@gov.bc.ca](mailto:Colleen.Delaney@gov.bc.ca)>

**Subject:** RE: Site 3727 Richmond Steel

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Hi Colleen,

Any update on this file? We are meeting with Environment Canada, Richmond Steel and their environmental consultant from PGL, next week to discuss the PCBs in stormwater.

Is a representative from MENV available to attend via webex on Thursday at 10am?

**Warren Mills, B.Sc., E.P., P.Ag.**

**Environmental Coordinator**

6911 No. 3 Road, Richmond, BC V6Y 2C1

T: 604-247-4694 | C: 778-836-2739 | E: [wmills@richmond.ca](mailto:wmills@richmond.ca)

[www.richmond.ca](http://www.richmond.ca)

---

**From:** Mills, Warren

**Sent:** November 24, 2020 1:58 PM

**To:** 'Delaney, Colleen ENV:EX' <[Colleen.Delaney@gov.bc.ca](mailto:Colleen.Delaney@gov.bc.ca)>

**Subject:** RE: Site 3727 Richmond Steel

Thanks Colleen.

---

**Warren Mills, B.Sc., E.P., P.Ag.**

**Environmental Coordinator**

6911 No. 3 Road, Richmond, BC V6Y 2C1





---

**From:** Delaney, Colleen ENV:EX [<mailto:Colleen.Delaney@gov.bc.ca>]  
**Sent:** Tuesday, 24 November 2020 13:57  
**To:** Mills, Warren  
**Subject:** RE: Site 3727 Richmond Steel

Hi Warren,  
Your original email was forwarded to the Land Remediation Management Team for discussion and a response. I have followed up with them on this and will notify you when I know more.  
Regards,  
Colleen

---

**From:** Mills, Warren <[WMills@richmond.ca](mailto:WMills@richmond.ca)>  
**Sent:** November 24, 2020 1:10 PM  
**To:** Delaney, Colleen ENV:EX <[Colleen.Delaney@gov.bc.ca](mailto:Colleen.Delaney@gov.bc.ca)>  
**Subject:** RE: Site 3727 Richmond Steel

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Hi Colleen,

I am just following up on this email.

---

**Warren Mills, B.Sc., E.P., P.Ag.**  
Environmental Coordinator  
6911 No. 3 Road, Richmond, BC V6Y 2C1  
T: 604-247-4694 | C: 778-836-2739 | E: [wmills@richmond.ca](mailto:wmills@richmond.ca)  
[www.richmond.ca](http://www.richmond.ca)



---

**From:** Mills, Warren  
**Sent:** Wednesday, 30 September 2020 15:25  
**To:** 'Delaney, Colleen ENV:EX'  
**Cc:** 'gregory.lee3@canada.ca'; O'Malley, David P ENV:EX; McCammon, Alan W ENV:EX  
**Subject:** RE: Site 3727 Richmond Steel

Good afternoon Colleen,

We last spoke of this project back in July 2020. Since then we have worked with Richmond Steel to address their identified PCB contamination. They have started an investigation and verified that PCB-contaminated storm water is migrating offsite across leased crown land, and eventually discharging to the Fraser River. They have concluded that a Notice of Likely offsite Migration is not required for surface water. This opinion is stated in a letter from their CSAP, included as Appendix B in the attached Remediation plan.

Is this the correct interpretation of the EMA, and the CSR? If so, is there another way this site would be captured in the contaminated sites process, potentially as a high risk site?

---

**Warren Mills, B.Sc., E.P., P.Ag.**

Environmental Coordinator

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---

**From:** Delaney, Colleen ENV:EX [<mailto:Colleen.Delaney@gov.bc.ca>]

**Sent:** Tuesday, 21 July 2020 12:36

**To:** Mills, Warren

**Cc:** 'gregory.lee3@canada.ca'; O'Malley, David P ENV:EX; McCammon, Alan W ENV:EX

**Subject:** RE: Site 3727 Richmond Steel

Hello Warren,

Land Remediation has not received anything further for this site. Neither a Notification of Off-site Migration or a Notification of Independent Remediation has been filed.

Gregory, has Richmond Steel indicated what they plan to do yet?

Kind regards,

Colleen

---

**From:** Mills, Warren <[WMills@richmond.ca](mailto:WMills@richmond.ca)>

**Sent:** July 20, 2020 3:39 PM

**To:** Delaney, Colleen ENV:EX <[Colleen.Delaney@gov.bc.ca](mailto:Colleen.Delaney@gov.bc.ca)>

**Cc:** 'gregory.lee3@canada.ca' <[gregory.lee3@canada.ca](mailto:gregory.lee3@canada.ca)>; O'Malley, David P ENV:EX <[David.OMalley@gov.bc.ca](mailto:David.OMalley@gov.bc.ca)>;

McCammon, Alan W ENV:EX <[Alan.Mccammon@gov.bc.ca](mailto:Alan.Mccammon@gov.bc.ca)>

**Subject:** RE: Site 3727 Richmond Steel

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Hi Colleen,

I am following up on this file. Since our last meeting, the applicant was notified of ECCC's investigation that concluded that substances have migrated from the site to a neighboring site.

Do you know at what stage of the CSR process this file is at?

---

**Warren Mills, B.Sc., E.P., P.Ag.**

Environmental Coordinator

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---

**From:** Delaney, Colleen ENV:EX [<mailto:Colleen.Delaney@gov.bc.ca>]

**Sent:** Friday, 14 February 2020 11:57

**To:** Mills, Warren  
**Cc:** 'gregory.lee3@canada.ca'; O'Malley, David P ENV:EX; McCammon, Alan W ENV:EX  
**Subject:** RE: Site 3727 Richmond Steel

Hi Warren,

Thank you for your email. It was great to be involved in the conversation yesterday.

Yes, as I said in the meeting, the responsible person does have the duty to notify the affected property owners and the ENV once they have carried out site investigation "that discloses that one or more substances has migrated or is likely to have migrated to a neighbouring site and is or is likely causing contamination of the neighbouring site". This duty, as you've identified below, is under section 60.1 (2) of the CSR. However, the ENV has no knowledge if such investigation has been carried out by the responsible person; therefore, ENV has no authority to enforce this provision.

As per Protocol 12 - Site Risk Classification, Reclassification and reporting, a responsible person also has the duty to submit a Site Risk Classification Report (SRCR) to the director, along with the submission of a NOM. To classify a site under this protocol and complete the required SRCR, an on-site investigation would be necessary. Risk classifications apply to toxicological risks associated with substances listed in the Contaminated Sites Regulation.

To clarify, I am not arguing that this is not a contaminated site or a hazardous site. What I tried to relay during the meeting was that our site profile process and the duty to submit a NOM are not currently the relevant tools that will allow the Land Remediation Section to take compliance and enforcement action against the responsible person.

Regards,  
Colleen

**Colleen Delaney, P.Ag.**  
Contaminated Sites Officer  
Land Remediation Section  
BC Ministry of Environment & Climate Change Strategy  
Phone: 236-478-1407

The information or advice provided in this email is for guidance only and does not limit, and should not be construed as limiting, a director's exercise of discretion under the *Environmental Management Act*.

---

**Warren Mills, B.Sc., E.P., P.Ag.**  
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---

**From:** Mills, Warren  
**Sent:** Friday, 14 February 2020 08:40  
**To:** 'Delaney, Colleen ENV:EX'  
**Subject:** RE: High Risk Site AG 6 Release (Site 21988) 6540-6700 No. 3 Road, Richmond

Hi Colleen,

I was just looking at the relevant sections in the EMA, CSR, and HW regulations. I am of the opinion that the site should fall into the realm of the BC CSR, based on the following sections, in spite of the fact that there is no standard for PCBs in water.

In the CSR:

**Notification of neighbouring site owners after site investigations**

## 60.1

(1) A responsible person who carries out a site investigation that discloses that one or more substances has migrated or is likely to have migrated to a neighbouring site and is or is likely causing contamination of the neighbouring site must provide written notification described in subsection (2).

(2) The responsible person for the investigated site must provide written notification to the person or persons who own the neighbouring site and a copy of the notification to the director, within 15 days after the responsible person becomes aware of the migration or likely migration of each substance to the neighbouring site, giving

- (a) the name and address of the person or persons who own the investigated site,
- (b) the name, address and telephone number of the person to contact regarding the investigation, and
- (c) a general description of the nature of the migration or likely migration of each substance.

[en. B.C. Reg. 17/2002, s. 14; am. B.C. Regs. 322/2004 and 324/2004, s. 62.]

### In the EMA:

**"contaminated site"** means an area of the land in which the soil or any groundwater lying beneath it, or the water or the underlying sediment, contains

- (a) a hazardous waste, or
- (b) another prescribed substance

in quantities or concentrations exceeding prescribed risk based or numerical criteria or standards or conditions;

**"contamination"** means the presence in soil, sediment, water or groundwater of

- (a) a hazardous waste, or
- (b) a substance prescribed for the purposes of paragraph (b) of the definition of "contaminated site"

### In the Haz Waste Regulations

"hazardous waste" means

- (a) dangerous goods if they
  - (i) are no longer used for their original purpose, and

(ii)meet the criteria for Class 2, 3, 4, 5, 6, 8 or 9 of the federal dangerous goods regulations,

including those that are recycled, treated, abandoned, stored or disposed of, intended for recycling, treatment or disposal or in storage or transit before recycling, treatment or disposal,

(b)PCB wastes,

(b.1)biomedical wastes,

(c)wastes containing dioxin,

Feel free to give me a call to discuss.

---

**Warren Mills, B.Sc., E.P., P.Ag.**

**Environmental Coordinator**

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## 2021-04-15 Richmond Steel PCB file Background Info - 11760 MITCHELL ROAD, RICHMOND, BC

From: Mills, Warren <WMills@richmond.ca>  
To: Enick, Oana V ENV:EX <Oana.Enick@gov.bc.ca>  
Sent: April 15, 2021 4:50:44 PM PDT  
Attachments: RE: Richmond Steel Drainage and Mitigation Plan Update, FA Warning Letter\_Richmond Steel Recycling Limited\_20200430\_Signed.pdf, r-2160-10-03-Drainage and Mitigation-v1.pdf, image001.png, l-2160-10-03-PGL Update-v1.pdf, r-2160-10-03-Drainage and Mitigation-v1.pdf, RSR Update Letter to Environment Canada Warning Letter 20210315.pdf

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Thanks for your help Oana,

Here is some background.

- December 12, 2019. Environment Canada, City of Richmond, and Ministry of Environment did an inspection at the site.
- January 28th, 2020 Environment Canada got results showing that PCBs are in stormwater outflow that passed through leased crown land, to the Fraser River.
- April 30, 2020, Environment Canada sent a Warning letter (attached)
- September 2020, PGL prepares a storm water Drainage and Mitigation plan that includes the plan to investigate soil and groundwater.

| Task   | Duration        | Start        | Finish         |
|--|-----------------|--------------|----------------|
| Task 1 – Investigating PCB Sources   | Three months    | Started      | January 2021   |
| Task 2 – Source Control  | Ongoing         | October 2021 | Ongoing        |
| Task 3 – Surface Water Management  | Up to one year  | Started      | September 2021 |
| Task 4 – Treatment Area and Ditch Improvements (depending on FLNRORD approval) | Up to two years | October 2020 | October 2022   |
| Task 5 – Upgrades to Stormwater Management Practices                           | Up to one year  | October 2020 | October 2021   |

I questioned whether a Notice of Offsite Migration would be required because the storm water is leaving site, to the Fraser River and the leased crown land. The PGL CSAP, and MENV agreed that the CSR provisions for notification of offsite migration would not be triggered in this case. PGL CSAP opinion is attached to the Drainage and Mitigation plan. The Land authorization branch has been unresponsive to my requests for assistance in this file.

- March 15, 2021 Richmond Steel provides a 2nd response to the Warning letter to ECCC (attached) I don't have the first response letter.
- March 23, 2021, Richmond steel provides an update to the Stormwater Drainage and Mitigation plan that removes the soil and groundwater investigation, and reports that offsite sediment analysis was unsuccessful due to health and safety issues. No progress on applying for an FLNRORD approval for the "treatment area and Ditch". Surface water throughout the site still exceeded PCB standards in areas of permeable soils. (attached)
- April 7, 2021 -My comments to the update. (attached)

There are no identified regulatory triggers for a groundwater investigation at this time. Only storm water has been investigated, and this doesn't trigger an investigation. There are no triggers in the Site ID process, nor will there be any for the foreseeable future.

I would like to compel the site operator to investigate groundwater and sediment between the site, and the Fraser River to determine if PCBs are migrating offsite via these media. If present, this would trigger the a notice of offsite migration and a Site Risk Classification report.

Warren Mills, B.Sc., E.P., P.Ag.

**Environmental Coordinator**

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[www.richmond.ca](http://www.richmond.ca)

## RE: Richmond Steel Drainage and Mitigation Plan Update

---

From: Keith Gagne <kgagne@pggroup.com>  
To: Mills, Warren <WMills@richmond.ca>  
Cc: Karl Gustafson <karl.gustafson@mcmillan.ca>, Steven Kynoch <SKynoch@richmondsteel.ca>, Sebastien Rosner <Sebastien.Rosner@simsmm.com>, Sarah Greene <sgreene@pggroup.com>, Lee3, Gregory (EC) <gregory.lee3@canada.ca>, Patterson2, Samantha (EC) <samantha.patterson2@canada.ca>  
Sent: April 15, 2021 9:59:04 AM PDT  
Attachments: image008.png, image010.png, image012.png, image013.png, image014.png, image011.png, image009.png, image006.png, image007.png

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Warren

My apologies.

Let me get back to you on this early next week.

Keith

**Keith Gagne, B.A.Sc., P.Eng.** — Senior Consultant

**PGL Environmental Consultants**

T: 604.895.7618 | C: 778.231.5310 | [pggroup.com](mailto:pggroup.com)



---

**From:** Mills, Warren <WMills@richmond.ca>

**Sent:** April 15, 2021 9:26 AM

**To:** Keith Gagne <kgagne@pggroup.com>

**Cc:** 'Karl Gustafson' <karl.gustafson@mcmillan.ca>; 'Steven Kynoch' <SKynoch@richmondsteel.ca>; 'Sebastien Rosner' <Sebastien.Rosner@simsmm.com>; Sarah Greene <sgreene@pggroup.com>; 'Lee3, Gregory (EC)' <gregory.lee3@canada.ca>; 'Patterson2, Samantha (EC)' <samantha.patterson2@canada.ca>

**Subject:** RE: Richmond Steel Drainage and Mitigation Plan Update

**Importance:** High

**WARNING:** Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

I am following up on this issue. Can I get a response to the below questions by April 20th?

**Warren Mills, B.Sc., E.P., P.Ag.**

**Environmental Coordinator**

6911 No. 3 Road, Richmond, BC V6Y 2C1

T: 604-247-4694 | C: 778-836-2739 | E: [wmills@richmond.ca](mailto:wmills@richmond.ca)

[www.richmond.ca](http://www.richmond.ca)

---

**From:** Mills, Warren



Sent: April 7, 2021 2:14 PM

To: 'Keith Gagne' <[kgagne@pggroup.com](mailto:kgagne@pggroup.com)>

Cc: Karl Gustafson <[karl.gustafson@mcmillan.ca](mailto:karl.gustafson@mcmillan.ca)>; Steven Kynoch <[SKynoch@richmondsteel.ca](mailto:SKynoch@richmondsteel.ca)>; Sebastien Rosner <[Sebastien.Rosner@simsmm.com](mailto:Sebastien.Rosner@simsmm.com)>; Sarah Greene <[sgreene@pggroup.com](mailto:sgreene@pggroup.com)>; 'Lee3, Gregory (EC)' <[gregory.lee3@canada.ca](mailto:gregory.lee3@canada.ca)>; Patterson2, Samantha (EC) <[samantha.patterson2@canada.ca](mailto:samantha.patterson2@canada.ca)>

Subject: RE: Richmond Steel Drainage and Mitigation Plan Update

Good afternoon Keith,

A couple questions:

- As PCBs have been identified throughout the site in onsite stormwater, is there any plan to ensure that the stormwater does not contaminate the groundwater through pervious services?

- The investigation of groundwater has been removed from the approved remediation plan. Has the pathway of PCBs travelling from onsite stormwater to the Fraser River via groundwater flow been investigated and concluded to be incomplete by PGL?

-At our last meeting we discussed obtaining sediment and stormwater samples near the outfall point. When will these results be available?

-When will the Water Act Approval be applied for?

**Warren Mills, B.Sc., E.P., P.Ag.**

**Environmental Coordinator**

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[www.richmond.ca](http://www.richmond.ca)

---

**From:** Keith Gagne <[kgagne@pggroup.com](mailto:kgagne@pggroup.com)>

**Sent:** March 24, 2021 10:06 AM

**To:** Mills, Warren <[WMills@richmond.ca](mailto:WMills@richmond.ca)>

**Cc:** Karl Gustafson <[karl.gustafson@mcmillan.ca](mailto:karl.gustafson@mcmillan.ca)>; Steven Kynoch <[SKynoch@richmondsteel.ca](mailto:SKynoch@richmondsteel.ca)>; Sebastien Rosner <[Sebastien.Rosner@simsmm.com](mailto:Sebastien.Rosner@simsmm.com)>; Sarah Greene <[sgreene@pggroup.com](mailto:sgreene@pggroup.com)>

**Subject:** Richmond Steel Drainage and Mitigation Plan Update

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Warren

Attached please find the Richmond Steel Drainage and Mitigation Plan requested.

Any questions please call.

Keith

Keith Gagne, B.A.Sc., P.Eng. | Senior Consultant

T: 604.895.7618 C: 778.231.5310





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## WRITTEN WARNING

### *FISHERIES ACT*

File: 8530-2019-12-09-1431

PROTECTED B  
ENFORCEMENT

April 30, 2020

#### **Registered with acknowledgement of receipt**

The purpose of this warning is to inform:

Richmond Steel Recycling Limited  
Floor 25 - 700 West Georgia Street  
Vancouver, BC V7Y1B3

c/o Harbinder Dhillon  
President  
Richmond Steel Recycling Limited  
Floor 25 - 700 West Georgia Street  
Vancouver, BC V7Y1B3

Harbinder Dhillon  
President  
Richmond Steel Recycling Limited  
Floor 25 - 700 West Georgia Street  
Vancouver, BC V7Y1B3

That information obtained under inspection by the undersigned fishery officer designated by the Minister of Environment under the *Fisheries Act*, gives me reasonable grounds to believe that Richmond Steel Recycling Limited and its responsible officials were in contravention of section 36(3) made pursuant to the *Fisheries Act*.

#### **ALLEGED FACTS**

As a result of an on-site inspection, I, Gregory Lee, the undersigned fishery officer determined the following alleged facts:

Canada

1. That on December 12, 2019, I conducted an on-site inspection at Richmond Steel Recycling Limited located at 11760 Mitchell Rd, Richmond, BC V6V 1V8, hereinafter referred to as "the property".
2. That on December 12, 2019 I witnessed a pool of sediment-laden water with a grey sheen on its surface, in an unpaved area on the South-East side of the property directly adjacent to the Fraser River. I witnessed sediment-laden water with a grey sheen flowing from the aforementioned pool of water toward the Fraser River, and discharging directly into the Fraser River from the foreshore of the property.
3. That on December 12, 2019 I witnessed a grey sheen spreading across the surface of the Fraser River, originating at the flow of water discharging from foreshore of the property.
4. That on December 12, 2019 samples were collected for analysis from the aforementioned flow of water into the Fraser River, and from a treatment ditch on the East side of the property which flows into the Fraser River. those samples were submitted for analysis to the Environment and Climate Change Canada, Pacific & Yukon Laboratory for Environmental Testing (PYLET).
5. That on January 28, 2020 I received the completed analysis results for those samples. The analysis results for the aforementioned flow of water into the Fraser River indicated a concentration of 20.8ug/L of AROCLOR-1242, a variant of poly-chlorinated biphenyls (PCB's). The analysis results for the water in the treatment ditch which flows into the Fraser River indicated a concentration of 10.1ug/L of PCB AROCLOR-1242.
6. That based on expert opinions provided to me by Regulatory Toxicologists at Environment Canada's Atlantic, and Pacific and Yukon Laboratories for Environmental Testing (ALET and PYLET), polychlorinated biphenyls are considered to be deleterious to fish as defined by the *Fisheries Act*.
7. That the Fraser River, which is part of the Pacific Ocean, is "water frequented by fish" as defined by the *Fisheries Act* and part of the Fisheries and Oceans Canada Fisheries Management Area 29 – Lower Mainland, Sunshine Coast, Fraser River. [Http://www.pac.dfo-mpo.gc.ca/fm-gp/rec/tidal-maree/a-s29-eng.html](http://www.pac.dfo-mpo.gc.ca/fm-gp/rec/tidal-maree/a-s29-eng.html).
8. That based on a BC Online corporate summary; Richmond Steel Recycling Limited is registered at the address: 25<sup>th</sup> Floor, 700 West Georgia Street, Vancouver, BC V7Y 1B3.
9. That Richmond Steel Recycling Limited, and its responsible officials, owns and has care and control of the aforementioned substance(s).

## **THE LAW**

### ***Fisheries Act***

#### **Deposit of Deleterious Substance Prohibited**

- 36(3) Subject to subsection (4), no person shall deposit or permit the deposit of a deleterious substance of any type in water frequented by fish or in any place under any conditions where the deleterious substance or any other deleterious substance that results from the deposit of the deleterious substance may enter any such water.

### **Duty to notify – deleterious substance**

- 38(5) If there occurs a deposit of a deleterious substance in water frequented by fish that is not authorized under this Act, or if there is a serious and imminent danger of such an occurrence, and detriment to fish habitat or fish or to the use by humans of fish results or may reasonably be expected to result from the occurrence, then every person shall without delay notify an inspector, a fishery officer or an authority prescribed by the regulations if the person at any material time.

### **Duty to take corrective measures**

- 38(6) Any person described in paragraph (4)(a) or (b) or (5)(a) or (b) shall, as soon as feasible, take all reasonable measures consistent with public safety and with the conservation and protection of fish and fish habitat to prevent the occurrence or to counteract, mitigate or remedy any adverse effects that result from the occurrence or might reasonably be expected to result from it

### **Offence and punishment**

- 40(2) Every person who contravenes subsection 36(1) or (3) is guilty of an offence and liable

(a) on conviction on indictment,

(i) in the case of an individual,

- (A) for a first offence, to a fine of not less than \$15,000 and not more than \$1,000,000, and  
(B) for a second or subsequent offence, to a fine of not less than \$30,000 and not more than \$2,000,000, or to imprisonment for a term not exceeding three years, or to both,

(ii) in the case of a person, other than an individual or a corporation referred to in subparagraph (iii),

- (A) for a first offence, to a fine of not less than \$500,000 and not more than \$6,000,000, and  
(B) for a second or subsequent offence, to a fine of not less than \$1,000,000 and not more than \$12,000,000, and

(iii) in the case of a corporation that the court has determined to be a small revenue corporation,

- (A) for a first offence, to a fine of not less than \$75,000 and not more than \$4,000,000, and  
(B) for a second or subsequent offence, to a fine of not less than \$150,000 and not more than \$8,000,000; or

(b) on summary conviction,

(i) in the case of an individual,

- (A) for a first offence, to a fine of not less than \$5,000 and not more than \$300,000, and  
(B) for a second or subsequent offence, to a fine of not less than \$10,000 and not more than \$600,000, or to imprisonment for a term not exceeding six months, or to both,

(ii) in the case of a person, other than an individual or a corporation referred to in subparagraph (iii),

- (A) for a first offence, to a fine of not less than \$100,000 and not more than \$4,000,000, and  
(B) for a second or subsequent offence, to a fine of not less than \$200,000 and not more than \$8,000,000, and

(iii) in the case of a corporation that the court has determined to be a small revenue corporation,

- (A) for a first offence, to a fine of not less than \$25,000 and not more than \$2,000,000, and  
(B) for a second or subsequent offence, to a fine of not less than \$50,000 and not more than \$4,000,000.

### **Other Offences**

- 40(3) Every person who

- (c) fails to provide notification that he or she is required to provide under subsection 38(4) or (5), or
- (e) fails to take any reasonable measures that he or she is required to take under subsection 38(6) or fails to take those measures in the required manner;

is guilty of an offence punishable on summary conviction and liable, for a first offence, to a fine not exceeding two hundred thousand dollars and, for any subsequent offence, to a fine not exceeding two hundred thousand dollars or to imprisonment for a term not exceeding six months, or to both.

### **Continuing Offence**

78.1 Where any contravention of this Act or the regulations is committed or continued on more than one day, it constitutes a separate offence for each day on which the contravention is committed or continued.

### **Offences by corporate officers, directors or agents**

78.2 Where a corporation commits an offence under this Act, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is a party to and guilty of the offence and is liable on conviction to the punishment provided for the offence, whether or not the corporation has been prosecuted.

### **CONCLUSION**

This warning alleges a contravention of section 36(3) of the *Fisheries Act*. It is intended to bring this matter to your attention in order for you to take the necessary corrective action to ensure compliance with the *Fisheries Act* or to exercise due diligence in the future. This document is not a finding of guilt or civil liability, and is not an administrative adjudication.

This warning and the circumstances to which it refers will form part of Environment and Climate Change Canada's records of Richmond Steel Recycling Limited and its responsible officials, and will be taken into account in future responses to alleged violations and for internal purposes such as setting the frequency of inspections. Environment and Climate Change Canada will consider taking further action if you do not take all necessary corrective steps to comply or if you do not exercise due diligence in the future.

This warning is issued in accordance with the Compliance and Enforcement Policy for the Habitat Protection and Pollution Prevention Provisions of the *Fisheries Act*. The complete text of this policy is available on Environment and Climate Change Canada's website:

<https://www.canada.ca/en/environment-climate-change/services/environmental-enforcement/publications/compliance-enforcement-policy-fisheries-act.html>

The complete text of the *Fisheries Act* available on the Department of Justice website: <http://laws-lois.justice.gc.ca/Search/>

For more information or to respond to the alleged facts contained in this warning, please call or write the undersigned. Your comments will be considered, and where appropriate, a response provided. Any comments you make, as well as Environment and Climate Change Canada's response, will be maintained on file with this warning in Environment and Climate Change Canada's records.

---

Gregory Lee  
Inspector and Fishery Officer  
Environmental Enforcement Directorate  
Enforcement Branch  
Environment and Climate Change Canada  
Pacific and Yukon Region  
201-401 Burrard Street, Vancouver, BC, V6C 3S5  
email: gregory.lee3@canada.ca  
telephone: 604-404-2482

cc.

Susanne Marble  
Operations Manager, Coastal District  
Environmental Enforcement Directorate  
Enforcement Branch  
Environment and Climate Change Canada  
Pacific and Yukon Region  
201-401 Burrard Street, Vancouver, BC V6C 3S5  
Canada

Alan W. McCammon, MSc PGeo  
Manager, Remediation Assurance & Brownfields | Land Remediation  
BC Ministry of Environment & Climate Change Strategy  
#200 - 10470 152nd Street  
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Catherine Allard  
Senior Authorizations Officer (Land)  
South Coast Regional Office  
Ministry of Forests, Lands & Natural Resource Operations and Rural Development  
Suite 200 - 10428 153 St  
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Canada

David O'Malley, M.Sc.  
Environmental Protection Officer  
Compliance Section  
Regional Operations Branch  
Environmental Protection Division, Ministry of Environment & Climate Change  
#200 - 10470 152nd Street  
Surrey, BC V3R 0Y3  
Canada

11760 Mitchell Road  
Richmond, BC

# Drainage and Mitigation Plan Development Strategy



**PREPARED FOR:**

McMillan LLP  
Suite 1500 – 1055 West Georgia Street  
Vancouver, BC V6E 4N7

**PREPARED BY:**

PGL Environmental Consultants  
#1500 – 1185 West Georgia Street  
Vancouver, BC V6E 4E6

PGL File: 2160-10.03 T04

September 2020



solve and simplify



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## 2021-04-21 Richmond Steel Drainage and Mitigation Plan Update

---

From: Mills, Warren <WMills@richmond.ca>  
To: Enick, Oana V ENV:EX <Oana.Enick@gov.bc.ca>  
Sent: April 21, 2021 10:02:01 AM PDT  
Attachments: image017.png, image001.png, image003.png, image004.png, image002.png, image018.png, image015.png, image016.png, image014.png

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Below is the most recent response from site operator QEP.

### Warren Mills, B.Sc., E.P., P.Ag.

#### Environmental Coordinator

6911 No. 3 Road, Richmond, BC V6Y 2C1

T: 604-247-4694 | C: 778-836-2739 | E: [wmills@richmond.ca](mailto:wmills@richmond.ca)

[www.richmond.ca](http://www.richmond.ca)

---

**From:** Keith Gagne <[kgagne@pggroup.com](mailto:kgagne@pggroup.com)>

**Sent:** April 21, 2021 9:55 AM

**To:** Mills, Warren <WMills@richmond.ca>

**Cc:** 'Karl Gustafson' <[karl.gustafson@mcmillan.ca](mailto:karl.gustafson@mcmillan.ca)>; 'Steven Kynoch' <[SKynoch@richmondsteel.ca](mailto:SKynoch@richmondsteel.ca)>; 'Sebastien Rosner' <[Sebastien.Rosner@simsmm.com](mailto:Sebastien.Rosner@simsmm.com)>; 'Lee3, Gregory (EC)' <[gregory.lee3@canada.ca](mailto:gregory.lee3@canada.ca)>; 'Patterson2, Samantha (EC)' <[samantha.patterson2@canada.ca](mailto:samantha.patterson2@canada.ca)>; Sarah Barr <[sbarr@pggroup.com](mailto:sbarr@pggroup.com)>

**Subject:** RE: Richmond Steel Drainage and Mitigation Plan Update

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Warren

Please see below.

Keith

**Keith Gagne, B.A.Sc., P.Eng. – Senior Consultant**

**PGL Environmental Consultants**

T: 604.895.7618 | C: 778.231.5310 | [pggroup.com](http://pggroup.com)



---

**From:** Mills, Warren

**Sent:** April 7, 2021 2:14 PM

**To:** 'Keith Gagne' <[kgagne@pggroup.com](mailto:kgagne@pggroup.com)>

**Cc:** Karl Gustafson <[karl.gustafson@mcmillan.ca](mailto:karl.gustafson@mcmillan.ca)>; Steven Kynoch <[SKynoch@richmondsteel.ca](mailto:SKynoch@richmondsteel.ca)>; Sebastien Rosner <[Sebastien.Rosner@simsmm.com](mailto:Sebastien.Rosner@simsmm.com)>; Sarah Greene <[sgreene@pggroup.com](mailto:sgreene@pggroup.com)>; 'Lee3, Gregory (EC)' <[gregory.lee3@canada.ca](mailto:gregory.lee3@canada.ca)>; Patterson2, Samantha (EC) <[samantha.patterson2@canada.ca](mailto:samantha.patterson2@canada.ca)>

**Subject:** RE: Richmond Steel Drainage and Mitigation Plan Update

Good afternoon Keith,

A couple questions:

- As PCBs have been identified throughout the site in onsite stormwater, is there any plan to ensure that the stormwater does not contaminate the groundwater through pervious services?

The majority of the Site is hard surfaced and it is my understanding that Richmond Steel is plans to hard surface the balance of their site.

- The investigation of groundwater has been removed from the approved remediation plan. Has the pathway of PCBs travelling from onsite stormwater to the Fraser River via groundwater flow been investigated and concluded to be incomplete by PGL?

No groundwater investigation has taken place at that time.

-At our last meeting we discussed obtaining sediment and stormwater samples near the outfall point. When will these results be available?

The ditch has had some of its overgrowth removed to complete the survey for the FLNRONR application. Now that that has been completed and a Health and Safety Plan developed we are planning to sample the week of April 26, 2021.

-When will the Water Act Approval be applied for?

The work has been commissioned by Richmond Steel and work has begun; bird surveys, physical survey plan, vegetation surveys, sediment delineation, compensation areas, etc. have all taken place. We anticipate that the submission will take place in late May/early June, 2021. Some of this work depends on other contractors, such as surveyors and outside engineering groups for the drawings required by FLNRORD. Once we have made the application we will be seeking your support to try and move this through the regulatory process as fast as possible.

**Warren Mills, B.Sc., E.P., P.Ag.**

**Environmental Coordinator**

6911 No. 3 Road, Richmond, BC V6Y 2C1

T: 604-247-4694 | C: 778-836-2739 | E: [wmills@richmond.ca](mailto:wmills@richmond.ca)

[www.richmond.ca](http://www.richmond.ca)

---

**From:** Keith Gagne <[kgagne@pggroup.com](mailto:kgagne@pggroup.com)>

**Sent:** March 24, 2021 10:06 AM

**To:** Mills, Warren <[WMills@richmond.ca](mailto:WMills@richmond.ca)>

**Cc:** Karl Gustafson <[karl.gustafson@mcmillan.ca](mailto:karl.gustafson@mcmillan.ca)>; Steven Kynoch <[SKynoch@richmondsteel.ca](mailto:SKynoch@richmondsteel.ca)>; Sebastien Rosner <[Sebastien.Rosner@simsmm.com](mailto:Sebastien.Rosner@simsmm.com)>; Sarah Greene <[sgreene@pggroup.com](mailto:sgreene@pggroup.com)>

**Subject:** Richmond Steel Drainage and Mitigation Plan Update

**City of Richmond Security Warning:** This email was sent from an external source outside the City. Please do not click or open attachments unless you recognize the source of this email and the content is safe.

Warren

Attached please find the Richmond Steel Drainage and Mitigation Plan requested.

Any questions please call.

Keith

Keith Gagne, B.A.Sc., P.Eng. | Senior Consultant  
T: 604.895.7618 C: 778.231.5310



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If this was received in error, please respond and delete this message.

## Richmond Steel

---

From: Enick, Oana V ENV:EX  
To: gregory.lee3@canada.ca  
Sent: April 26, 2021 3:56:02 PM PDT  
Attachments: image002.jpg, image003.jpg, image004.jpg, image001.png  
Hello Greg:

Thank you for taking the time to chat this afternoon. I appreciate the opportunity to connect on the Richmond Steel file as we move forward.

Please do go ahead with the meeting invite.

Have a great rest of the day, Oana.



Oana Enick, MET, RPBio | Compliance Operations

Compliance and Environmental Enforcement | BC Ministry of Environment and Climate Change Strategy  
Ste. 200 – 10470 – 152<sup>nd</sup> Street. | Surrey, BC | V3R 1Q7 | Tel: 236-468-2231

To report an act of pollution call the RAPP (Report All Poachers and Polluters) line at 1-877-952-7277 or #7277 on TELUS Mobility or report the incident [online](#)

 @ComplianceBC To report a spill call the Provincial Emergency Program at 1-800-663-3456

More information about Environmental Compliance and how it is assessed can be found [here](#).

## **Accepted\_Richmond Steel.msg.ics**

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**Sent:** April 27, 2021 2:12:05 PM PDT

**Received:** April 27, 2021 2:12:00 PM PDT

**File name:** Accepted\_Richmond Steel.msg.ics

**File extension:** ics

**Priority:** Normal (5)

**Address:** (UTC-08:00) Pacific Time (US & Canada)

**Calendar Item Type:** REPLY

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**From:** Enick, Oana V ENV:EX  
**Sent:** April 27, 2021 2:12 PM  
**To:** Lee3, Gregory (EC)  
**Subject:** Accepted: Richmond Steel

Hi Greg:

Thanks for setting this up. You are right – we probably crossed paths on a few other files. Oana.

## RE: Richmond Steel

---

From: Mills, Warren <WMills@richmond.ca>  
To: Lee3, Gregory (EC) <gregory.lee3@canada.ca>, Enick, Oana V ENV:EX <Oana.Enick@gov.bc.ca>  
Sent: May 11, 2021 2:25:02 PM PDT  
Attachments: image001.jpg, image005.jpg, image007.jpg, image006.jpg, image002.png

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I am booked up 930-3 on this May 18.

### Warren Mills, B.Sc., E.P., P.Ag.

Environmental Coordinator

6911 No. 3 Road, Richmond, BC V6Y 2C1

T: 604-247-4694 | C: 778-836-2739 | E: [wmills@richmond.ca](mailto:wmills@richmond.ca)

[www.richmond.ca](http://www.richmond.ca)

-----Original Appointment-----

**From:** Lee3, Gregory (EC) <gregory.lee3@canada.ca>

**Sent:** May 11, 2021 2:02 PM

**To:** 'Enick, Oana V ENV:EX'; Mills, Warren

**Subject:** Richmond Steel

**When:** May 18, 2021 1:00 PM-2:00 PM (UTC-08:00) Pacific Time (US & Canada).

**Where:** Microsoft Teams Meeting

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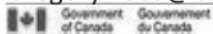
Mind if we have this meeting on the 18<sup>th</sup> instead?

Gregory Lee

Environmental Enforcement Officer

Environment Canada Enforcement Branch

[Gregory.Lee3@Canada.ca](mailto:Gregory.Lee3@Canada.ca) | Cell: 604-404-2482



---

Microsoft Teams meeting

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s.15; s.16

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**From:** Enick, Oana V ENV:EX <[Oana.Enick@gov.bc.ca](mailto:Oana.Enick@gov.bc.ca)>

**Sent:** April 26, 2021 3:56 PM

**To:** Lee3, Gregory (EC) <[gregory.lee3@canada.ca](mailto:gregory.lee3@canada.ca)>



**Subject:** Richmond Steel

Hello Greg:

Thank you for taking the time to chat this afternoon. I appreciate the opportunity to connect on the Richmond Steel file as we move forward.

Please do go ahead with the meeting invite.

Have a great rest of the day, Oana.



**Oana Enick, MET, RPBio | Compliance Operations**

Compliance and Environmental Enforcement | BC Ministry of Environment and Climate Change Strategy  
Ste. 200 – 10470 – 152<sup>nd</sup> Street. | Surrey, BC | V3R 1Q7 | Tel: 236-468-2231

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*To report an act of pollution call the RAPP (Report All Poachers and Polluters) line at 1-877-952-7277 or #7277 on TELUS Mobility or report the incident [online](#)*

 [@ComplianceBC](#) *To report a spill call the Provincial Emergency Program at 1-800-663-3456*

*More information about Environmental Compliance and how it is assessed can be found [here](#).*

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## Pollution Prevention Order 110800 – Richmond Steel Recycling Ltd.

---

From: Environmental Compliance ENV:EX <environmentalcompliance@gov.bc.ca>  
To: skynoch@richmondsteel.ca, HDhillon@richmondsteel.ca  
Cc: Bings, Dan P ENV:EX <Dan.Bings@gov.bc.ca>, Enick, Oana V ENV:EX <Oana.Enick@gov.bc.ca>, Compliance Admin ENV:EX <Compliance.Admin@gov.bc.ca>, Karl.Gustafson@mcmillan.ca, McCammon, Alan W ENV:EX <Alan.Mccammon@gov.bc.ca>, Allard, Catherine FLNR:EX <Catherine.Allard@gov.bc.ca>, Gregory.lee3@canada.ca, WMills@richmond.ca  
Sent: August 5, 2021 11:33:06 AM PDT  
Attachments: Declaration of Competency.pdf, image003.jpg, image005.jpg, image006.jpg, image001.png, 2021-08-05 Pollution Prevention Order 110800 Richmond Steel\_Signed.pdf, Conflict of Interest Disclosure.pdf

Good morning,

On behalf of Daniel P. Bings, Compliance Operations Manager, Regional Operations Branch, Environmental Protection Division, with the Ministry of Environment and Climate Change Strategy, please see attached on the above-noted subject.

***Please acknowledge receipt of this email by replying to this message (please "Reply All").***

***In doing so, you are confirming that you are able to read its contents and open all attachments. If you are not able to open the attachments, please indicate this immediately as this may affect legislated time limits that prescribe your rights and obligations.***

[Pollution Prevention Order 110800](#)

Regards,



Gina Tamm, BBA | Compliance Coordinator

Compliance and Environmental Enforcement | BC Ministry of Environment and Climate Change Strategy

To report an act of pollution call the RAPP (Report All Poachers and Polluters) line at 1-877-952-7277 or #7277 on the TELUS Mobility Network or report the incident [online](#)

To report a spill call the Provincial Emergency Program at 1-800-663-3456

 @ComplianceBC More information about Environmental Compliance and how it is assessed can be found [here](#).



August 5, 2021

Order Number: 110800

Via email: [skynoch@richmondsteel.ca](mailto:skynoch@richmondsteel.ca) and [HDhillon@richmondsteel.ca](mailto:HDhillon@richmondsteel.ca)

Richmond Steel Recycling Limited  
11760 Mitchell Road  
Richmond, BC V6V 1V8

Harbinder Dhillon  
President  
Richmond Steel Recycling Limited  
11760 Mitchell Road  
Richmond, BC V6V 1V8

Attention: Steven Kynoch and Harbinder Dhillon

**Pollution Prevention Order – Richmond Steel Recycling Ltd.**

This Order is being issued under Section 81 of the *Environmental Management Act* (EMA), SBC 2003, C. 53. I am satisfied on reasonable grounds that an activity at Richmond Steel Recycling Ltd. (Richmond Steel) located at 11760 Mitchell Road, Richmond, British Columbia is being performed by a person in a manner that is likely to release effluent that will cause pollution. Specifically, the Richmond Steel facility is located on the described land parcel:

Lot 8 Except Part Plan 49844 District Lot 459 Group 1 New Westminster  
District Plan 47113

GROUND FOR ISSUANCE

I am satisfied that Harbinder Dhillon and Richmond Steel are persons who:

- previously had or now has possession, charge or control of the substance;
- previously did anything, or who is now doing anything, which may cause the release of the substance; or
- previously owned or occupied, or now owns or occupies, the land on which the substance is located.

The substance likely to be released in a manner that will cause pollution is effluent from a facility classified in the Waste Discharge Regulation Schedule I as a “Commercial Waste Management and/or Waste Disposal Industry” and/or “Hazardous Waste Management” and in Schedule II as a “Vehicle Dismantling and Recycling Industry”.

As per their Environmental Management Plan (2021) (EM Plan), Richmond Steel, “a joint venture between Sims Metal Management and Nucor Corporation, has been operating since the early 1970s, [with] the primary onsite operations including metal recycling, wet vehicle handling and recycling, mobile car crushing, industrial bin services, building demolishing, and maritime salvage”. As per their Drainage & Mitigation Plan (2021) (D&M Plan), all stormwater on the site is directed to the bioswale area and ditch which flows directly into the Fraser River.

On December 12, 2019, Environment and Climate Change Canada (ECCC) enforcement staff “witnessed a pool of sediment-laden water with a grey sheen on its surface... directly adjacent to the Fraser River...” and “witnessed sediment-laden water with a grey sheen flowing from the aforementioned pool of water towards the Fraser River and discharging directly into the Fraser River from the foreshore of the property”. ECCC staff further “witnessed a grey sheen spreading across the surface of the Fraser River, originating at the flow of water discharging from foreshore of the property” (ECCC Warning Letter).

ECCC staff collected samples “from the aforementioned flow of water into the Fraser River and from a treatment ditch on the East side of the property”, flowing into the Fraser River. These samples were analysed at the ECCC, Pacific & Yukon Laboratory for Environmental Testing and ECCC shared the results with the Ministry of Environment and Climate Change Strategy (Ministry). The results showed levels of aluminum, copper, zinc, polychlorinated biphenyl (Arochlor-1242), naphthalene, benz(a)anthracenes, and pyrene to be above British Columbia Water Quality Guidelines (BCWQG), as listed in the summary table below (Table 1):

Table 1: Summary Table of ECCC samples collected on December 12, 2019. (Grey highlights indicate values either below BCWQG or between phototoxic and non-phototoxic). Source: 2020-01-28 V19L036\_1 Detailed ECCC Results

| Parameter                 | ECCC Results<br>Bioswale  | ECCC Results<br>Shore/Dock   | BCWQG  |
|---------------------------|---|--|--|
| COD                       | 506 mg/L  | 472 mg/L   |  |
| TSS                       | 271 mg/L  | 2170 mg/L  |  |
| Aluminum (dissolved)      | 0.11 mg/L   | 0.12 mg/L  | 0.1 Acute mg/L<br>0.05 Chronic mg/L  |
| Copper dissolved (mg/L)   | 0.45 mg/L<br>(pH 7.3, Hardness 130,<br>DOC 10*)<br>*mid-range estimate<br>for DOC | 0.010 mg/L<br>(pH 7.9, Hardness<br>150, DOC 10*)<br>*mid-range estimate<br>for DOC | 0.0179 Acute mg/L<br>0.00298 Chronic mg/L<br><br>0.0348 Acute mg/L<br>0.00594 Chronic mg/L |
| Zinc, total (mg/L)        | 2.46 mg/L   | 14.6 mg/L  | 0.063 Acute mg/L<br>0.0375 Chronic mg/L  |
| PCB, total (µg/L)         | 10.1 µg/L = 10100<br>ng/L   | 20.8 µg/L = 20800<br>ng/L  | 0.1 ng/L Acute<br>(HWR = 0.005 mg/L =<br>5000ng/L)   |
| Naphthalene (ug/L)        | 4.97 µg/L   | 0.52 µg/L  | 1 µg/L   |
| Benz(a)anthracenes (ug/L) | 0.44 µg/L   | 0.49 µg/L  | 0.1 µg/L Chronic   |
| Fluoranthene              | 0.65 µg/L   | 1.12 µg/L  | 0.2 µg/L Phototoxic<br>4 µg/L Non-phototoxic   |
| Pyrene                    | 0.70 µg/L   | 1.14 µg/L  | 0.02 µg/L Chronic  |

In response to ECCC’s findings, “*RSR retained Pottinger Gaherty Environmental Consultants Ltd. (PGL) to develop a Stormwater Management and Mitigation Plan (the Stormwater Plan) [that] included undertaking additional investigation of site conditions to help inform RSR’s decisions as to the steps required to manage stormwater effectively*” (Update Letter, March 15, 2021).

In May 2021, Richmond Steel submitted updated D&M and EM Plans. Neither documents include sampling specifics or analytical results and neither documents propose an on-going sampling, monitoring, and reporting schedule (D&M Plan, 2021 and EM Plan, 2021).

On July 2, 2020, Ministry staff conducted an inspection of the Richmond Steel facility and assessed compliance with the Hazardous Waste Regulation (HWR), Section 17(1)(b), as not-determined because facility staff were unable to locate sample records. Richmond Steel staff later reported in a July 15, 2020, email that they “*did not find any reports or records of a storm water sampling program*”. The inspection report concludes that “*there were no sample records*”.

On April 26, 2021, Ministry staff again requested the sampling records to demonstrate compliance with HWR, Section 17(1)(b), and no records were provided. In direct response to the issue of HWR, Section 17(1)(b) records, Richmond Steel stated in a May 7, 2021, email – Compliance Advisory Table that “*Richmond Steel Recycling is not a Hazardous Waste Storage facility*”, but do acknowledge in that same email that ‘*Sch. 1.2 does apply to the discharge*’ (email, May 7, 2021).

On March 23, 2021, in an update letter to the City of Richmond, Mr. Keith Gagne, P.Eng, of PGL Environmental Consultants suggests that potential pollution is ubiquitous throughout the site and is on-going “*PCBs were non-detect (N.D.) in the soil samples; however, surface water throughout the Site exceeded BC Water Quality Guidelines. RSR was unable to isolate the PCB impacts to one area. it appears that the low levels of PCBs are likely related to ongoing activities, regardless of the controls RSR has or might reasonably put in place to prevent PCB materials from entering the Site.*”

Based on this information, I am satisfied on reasonable grounds that this activity/operation is being performed in a manner that is likely to release a substance that will cause pollution.

## ORDER

Pursuant to Section 81 of the *Environmental Management Act* [SBC 2003] Chapter 53, Richmond Steel is hereby ordered to comply with the required actions listed in the table below and to provide information to the Director indicating the completion of each action.

| Item | Required Action   | Required by midnight on: |
|------|---|--------------------------|
| 1.   | Retain a Qualified Professional to develop a Waste Characterization Plan (Plan).<br><br>This Plan must include details of how and when Richmond Steel will: | August 26, 2021          |

| Item | Required Action  | Required by<br>midnight on: |
|------|--|-----------------------------|
|      | <ul style="list-style-type: none"> <li>a) Identify Contaminants of Potential Concern (COPC), including but not limited to metals, PCBs, PAHs – alkylated and non-alkylated, TSS, pH, hardness, COD in effluent throughout the site and in the oil/water separator discharge;</li> <li>b) Identify the source of COPC entering effluent and the activities on site responsible for the source; and</li> <li>c) Obtain laboratory analysis to support the assessments above and compare the results to both the British Columbia Water Quality Guidelines and the Hazardous Waste Regulation Schedule 1.2 criteria.</li> </ul>   |                             |
| 2.   | Submit the Plan for approval to the Director.  | September 16, 2021          |
| 3.   | Implement the Approved Plan within two weeks of receiving Director's Approval.   |                             |
| 4.   | <p>Submit a report detailing the findings from the Plan. The report must include:</p> <ul style="list-style-type: none"> <li>a) Laboratory analysis raw and summary data described in the Waste Characterization Plan;</li> <li>b) Interpretation of the analysis described in the Plan and the conclusions reached;</li> <li>c) Rationale explaining how the location, sampling method and frequency, and results support the conclusions reached;</li> <li>d) Recommendations for mitigation measures that would prevent any further escape of contaminants; and</li> <li>e) Certification by a Qualified Professional.</li> </ul>   | January 12, 2022            |
| 5.   | <p>Submit the following documents to the Ministry:</p> <p>The report(s), data and/or information, including location and results of all samples of any media taken in order to develop the first and any subsequent versions of the Stormwater Drainage and Mitigation Plan (including Drainage and Mitigation Plan Development Strategy, 2020 and 2021) commissioned from PGL Consultants or any other consultants, by Richmond Steel in response to the detection of PCB contamination by Environment Canada in December 2019. These include, but are not limited to:</p> <ul style="list-style-type: none"> <li>a) results of all analysis completed on soil sampling in unpaved areas (soil sampled by advancing soil pits),</li> <li>b) results of all analysis on surface water samples collected throughout the Site,</li> <li>c) results on auto-shredder residual samples, and</li> </ul> | September 2, 2021           |

| Item | Required Action   | Required by midnight on:   |
|------|---|--|
|      | d) sampling plan and method(s), results, interpretation, and a rationale for conclusions reached.   |  |
| 6.   | <p>Submit the following additional documents to the Ministry:</p> <ul style="list-style-type: none"> <li>a) Reports, results and assessments regarding environmental quality status of effluent/stormwater on the site, that Richmond Steel, their consultants or agents, have or have requested.</li> <li>b) Laboratory analysis for the contaminants of concern identified by a qualified professional, interpreted and compared to the British Columbia Water Quality Guidelines and the Hazardous Waste Regulation Schedule 1.2 for the period June 2019 to July 2021.</li> <li>c) Records of the oil/water separator maintenance and cleaning schedule and manifests detailing the management of the residual wastes associated with this activity.</li> <li>d) Records documenting work already completed on the ditch/bio-swale (including but not limited to analytical results, photographs, professional interpretations and reports).</li> </ul> | September 2, 2021  |
| 7.   | <p>Monthly reporting:</p> <p>By the 10<sup>th</sup> of each month, Richmond Steel must provide and update of activities from the month previous. These monthly updates must include a summary of activities completed towards complying with requirements 1 through 6 of the order.</p> <p>This requirement will remain in place until this Order is cancelled by the Director.</p>   | On the 10 <sup>th</sup> day of every month starting on August 10, 2021 |
| 8.   | The qualified professional(s) performing any of the following in response to this order: performing work, authoring reports, authoring the Waste Characterization Plan and Report and/or providing opinions must complete and submit the attached Declaration of Competency and Conflict of Interest Disclosure Statement forms.  | First QP submission of past, current or future work                    |

For the purposes of this Order, the following definition applies:

"Qualified Professional" means an applied scientist or technologist specializing in a particular applied science or technology, including agrology, biology, chemistry, engineering, geology or hydrogeology, who (a) is registered in British Columbia with the professional organization responsible for his or her area of expertise, acting under that professional association's code of ethics and subject to disciplinary action by that association, and (b) through suitable education, experience, accreditation and knowledge, may be reasonably relied on to provide advice within his or her area of expertise as it relates to this order, or (c) is approved by the Director.



## DUTY TO COMPLY

The requirements above must be completed on or before the associated “Required By” date. Failure to comply with the requirements of this order is a contravention of the *Environmental Management Act* [SBC 2003, c.53] 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 a ...director...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.”

## RIGHT TO APPEAL

This decision may be appealed to the Environmental Appeal Board in accordance with Part 8 of the *Environmental Management Act*. An appeal must be delivered within 30 days from the date notice of this order is given. For further information, please contact the Environmental Appeal Board at (250) 387-3464.

## NOTIFICATION OF PUBLICATION

The Party is 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 party 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 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.

This order will also appear in the Ministry of Environment’s Quarterly Environmental Enforcement Summary and Environmental Violations Database.

## MINISTRY CONTACT

If you have any questions, please contact the undersigned at [Dan.Bings@gov.bc.ca](mailto:Dan.Bings@gov.bc.ca) or Environmental Protection Officer Oana Enick at 236-468-2231 and [Oana.Enick@gov.bc.ca](mailto:Oana.Enick@gov.bc.ca).

Regards,



Daniel P. Bings  
for Director, *Environmental Management Act*  
Compliance Operations Manager

### Attachments:

QP declaration of competency form  
QP conflict of interest disclosure statement

### cc:

Alan W. McCammon, MSc, PGeo  
Manager, Remediation Assurance and Brownfields  
BC Ministry of Environment & Climate Change Strategy  
Suite 200 – 10470 152<sup>nd</sup> Street, Surrey, BC, V3R 0Y3  
[Alan.Mccammon@gov.bc.ca](mailto:Alan.Mccammon@gov.bc.ca)

Catherine Allard  
Senior Authorizations Officer, South Coast Regional Office  
Ministry of Forests, Lands & Natural Resources Operations and Rural Development  
Suite 200 – 10428 153 Street, Surrey, BC V3R 1E1  
[Catherine.Allard@gov.bc.ca](mailto:Catherine.Allard@gov.bc.ca)

Gregory Lee  
Inspector and Fishery Officer, Environmental Enforcement Directorate  
Enforcement Branch, Environment and Climate Change Canada  
Pacific and Yukon Region  
201-401 Burrard Street, Vancouver, BC, V6C 3S5  
[Gregory.lee3@canada.ca](mailto:Gregory.lee3@canada.ca)

Warren Mills  
Environmental Coordinator  
6911 No. 3 Road, Richmond, BC V6Y 2C1  
[wmills@richmond.ca](mailto:wmills@richmond.ca)

## 2021-08-10 Amended Pollution Prevention Order 110800

---

From: Environmental Compliance ENV:EX  
To: skynoch@richmondsteel.ca, HDhillon@richmondsteel.ca  
Cc: Bings, Dan P ENV:EX <Dan.Bings@gov.bc.ca>, Enick, Oana V ENV:EX <Oana.Enick@gov.bc.ca>, Compliance Admin ENV:EX <Compliance.Admin@gov.bc.ca>, Karl.Gustafson@mcmillan.ca, McCammon, Alan W ENV:EX <Alan.Mccammon@gov.bc.ca>, Catherine.Allard@gov.bc.ca, Gregory.lee3@canada.ca, WMills@richmond.ca  
Sent: August 10, 2021 11:07:30 AM PDT  
Attachments: image001.png, Conflict of Interest Disclosure.pdf, image002.jpg, image004.jpg, image003.jpg, Declaration of Competency.pdf, 2021-08-10 Pollution Prevention Order 110800 Richmond Steel\_Signed.pdf

Good morning,

On behalf of Daniel P. Bings, Compliance Operations Manager, Regional Operations Branch, Environmental Protection Division, with the Ministry of Environment and Climate Change Strategy, please see attached on the above-noted subject.

***Please acknowledge receipt of this email by replying to this message (please "Reply All").***

*In doing so, you are confirming that you are able to read its contents and open all attachments. If you are not able to open the attachments, please indicate this immediately as this may affect legislated time limits that prescribe your rights and obligations.*

Pollution Prevention Order 110800

Mr. Gustafson,

To address your queries:

- a. Mr. Bings is a delegated Director under the *Environmental Management Act*, and as such is the Statutory Decision Maker (SDM) of this Pollution Prevention Order (PPO);
- b. For all PPO reporting requirements and information please address to [environmentalcompliance@gov.bc.ca](mailto:environmentalcompliance@gov.bc.ca) and cc' both [Dan.Bings@gov.bc.ca](mailto:Dan.Bings@gov.bc.ca) and [Oana.Enick@gov.bc.ca](mailto:Oana.Enick@gov.bc.ca);
- c. As per your concerns, reporting requirement item number 7 of the PPO has been amended from August 10, 2021, to September 10, 2021, as the commencement date for the monthly reporting.

Regards,



Gina Tamm, BBA | Compliance Coordinator

Compliance and Environmental Enforcement | BC Ministry of Environment and Climate Change Strategy

To report an act of pollution call the RAPP (Report All Poachers and Polluters) line at 1-877-952-7277 or #7277 on the TELUS Mobility Network or report the incident [online](#)

To report a spill call the Provincial Emergency Program at 1-800-663-3456

 @ComplianceBC More information about Environmental Compliance and how it is assessed can be found [here](#).

### Conflict of Interest Disclosure Statement

A qualified professional<sup>1</sup> providing services to either the Ministry of Environment and Climate Change Strategy (“ministry”), or to a regulated person for the purpose of obtaining an authorization from the ministry, or pursuant to a requirement imposed under the *Environmental Management Act*, the *Integrated Pest Management Act* or the *Park Act* has a real or perceived conflict of interest when the qualified professional, or their relatives, close associates or personal friends have a financial or other interest in the outcome of the work being performed.

A real or perceived conflict of interest occurs when a qualified professional has

- a) an ownership interest in the regulated person's business;
- b) an opportunity to influence a decision that leads to financial benefits from the regulated person or their business other than a standard fee for service (e.g. bonuses, stock options, other profit sharing arrangements);
- c) a personal or professional interest in a specific outcome;
- d) the promise of a long term or ongoing business relationship with the regulated person, that is contingent upon a specific outcome of work;
- e) a spouse or other family member who will benefit from a specific outcome; or
- f) any other interest that could be perceived as a threat to the independence or objectivity of the qualified professional in performing a duty or function.

Qualified professionals who work under ministry legislation must take care in the conduct of their work that potential conflicts of interest within their control are avoided or mitigated. Precise rules in conflict of interest are not possible and professionals must rely on guidance of their professional associations, their common sense, conscience and sense of personal integrity.

### Declaration

I \_\_\_\_\_, **Print First and Last Name**, as a member of \_\_\_\_\_, **Print Name of Professional Association**  
 declare \_\_\_\_\_

**Select one of the following:**

- ☐
- Absence from conflict of interest

Other than the standard fee I will receive for my professional services, I have no financial or other interest in the outcome of this application/project/work/etc.

I further declare that should a conflict of interest arise in the future during the course of this work, I will fully disclose the circumstances in writing and without delay to Insert Ministry Contact Name, erring on the side of caution.

☐ Real or perceived conflict of interest

Description and nature of conflict(s):

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I will maintain my objectivity, conducting my work in accordance with my Code of Ethics and standards of practice.

In addition, I will take the following steps to mitigate the real or perceived conflict(s) I have disclosed, to ensure the public interest remains paramount:

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Further, I acknowledge that this disclosure may be interpreted as a threat to my independence and will be considered by the statutory decision maker accordingly.

This conflict of interest disclosure statement is collected under section 26(c) of the *Freedom of Information and Protection of Privacy Act* for the purposes of increasing government transparency and ensuring professional ethics and accountability. By signing and submitting this statement you consent to its publication and its disclosure outside of Canada. This consent is valid from the date submitted and cannot be revoked. If you have any questions about the collection, use or disclosure of your personal information please contact the Ministry of Environment and Climate Change Strategy Headquarters Office at 1-800-663-7867.

Signature:

**X** \_\_\_\_\_

Print name: \_\_\_\_\_

Date: \_\_\_\_\_

Witnessed by:

**X** \_\_\_\_\_

Print name: \_\_\_\_\_

<sup>1</sup>Qualified Professional, in relation to a duty or function under ministry legislation, means an individual who

- a) is registered in British Columbia with a professional association, is acting under that organization's code of ethics, and is subject to disciplinary action by that association, and
- b) through suitable education, experience, accreditation and knowledge, may reasonably be relied on to provide advice within his or her area of expertise, which area of expertise is applicable to the duty or function.

### Declaration of Competency

The Ministry of Environment and Climate Change Strategy relies on the work, advice, recommendations and in some cases decision making of qualified professionals<sup>1</sup>, under government's professional reliance regime. With this comes an assumption that professionals who undertake work in relation to ministry legislation, regulations and codes of practice have the knowledge, experience and objectivity necessary to fulfill this role.

1. Name of Qualified Professional \_\_\_\_\_  
Title \_\_\_\_\_

2. Are you a registered member of a professional association in B.C.? ☐ Yes ☐ No

Name of Association: \_\_\_\_\_ Registration # \_\_\_\_\_

3. Brief description of professional services:

\_\_\_\_\_  
\_\_\_\_\_

This declaration of competency is collected under section 26(c) of the *Freedom of Information and Protection of Privacy Act* for the purposes of increasing government transparency and ensuring professional ethics and accountability. By signing and submitting this statement you consent to its publication and its disclosure outside of Canada. This consent is valid from the date submitted and cannot be revoked. If you have any questions about the collection, use or disclosure of your personal information please contact the Ministry of Environment and Climate Change Strategy Headquarters Office at 1-800-663-7867.

### Declaration

I am a qualified professional with the knowledge, skills and experience to provide expert information, advice and/or recommendations in relation to the specific work described above.

Signature:

Witnessed by:

**X** \_\_\_\_\_

**X** \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date signed: \_\_\_\_\_

<sup>1</sup> *Qualified Professional, in relation to a duty or function under ministry legislation, means an individual who*

- a) *is registered in British Columbia with a professional association, is acting under that organization's code of ethics, and is subject to disciplinary action by that association, and*
- b) *through suitable education, experience, accreditation and knowledge, may reasonably be relied on to provide advice within his or her area of expertise, which area of expertise is applicable to the duty or function.*



August 10, 2021

Order Number: 110800

Via email: [skynoch@richmondsteel.ca](mailto:skynoch@richmondsteel.ca) and [HDhillon@richmondsteel.ca](mailto:HDhillon@richmondsteel.ca)

Richmond Steel Recycling Limited  
11760 Mitchell Road  
Richmond, BC V6V 1V8

Harbinder Dhillon  
President  
Richmond Steel Recycling Limited  
11760 Mitchell Road  
Richmond, BC V6V 1V8

Attention: Steven Kynoch and Harbinder Dhillon

**Pollution Prevention Order – Richmond Steel Recycling Ltd.**

This Order is being issued under Section 81 of the *Environmental Management Act* (EMA), SBC 2003, C. 53. I am satisfied on reasonable grounds that an activity at Richmond Steel Recycling Ltd. (Richmond Steel) located at 11760 Mitchell Road, Richmond, British Columbia is being performed by a person in a manner that is likely to release effluent that will cause pollution. Specifically, the Richmond Steel facility is located on the described land parcel:

Lot 8 Except Part Plan 49844 District Lot 459 Group 1 New Westminster  
District Plan 47113

**GROUND FOR ISSUANCE**

I am satisfied that Harbinder Dhillon and Richmond Steel are persons who:

- previously had or now has possession, charge or control of the substance;
- previously did anything, or who is now doing anything, which may cause the release of the substance; or
- previously owned or occupied, or now owns or occupies, the land on which the substance is located.

The substance likely to be released in a manner that will cause pollution is effluent from a facility classified in the Waste Discharge Regulation Schedule I as a “Commercial Waste Management and/or Waste Disposal Industry” and/or “Hazardous Waste Management” and in Schedule II as a “Vehicle Dismantling and Recycling Industry”.

As per their Environmental Management Plan (2021) (EM Plan), Richmond Steel, “a joint venture between Sims Metal Management and Nucor Corporation, has been operating since the early 1970s, [with] the primary onsite operations including metal recycling, wet vehicle handling and recycling, mobile car crushing, industrial bin services, building demolishing, and maritime salvage”. As per their Drainage & Mitigation Plan (2021) (D&M Plan), all stormwater on the site is directed to the bioswale area and ditch which flows directly into the Fraser River.

On December 12, 2019, Environment and Climate Change Canada (ECCC) enforcement staff “witnessed a pool of sediment-laden water with a grey sheen on its surface... directly adjacent to the Fraser River...” and “witnessed sediment-laden water with a grey sheen flowing from the aforementioned pool of water towards the Fraser River and discharging directly into the Fraser River from the foreshore of the property”. ECCC staff further “witnessed a grey sheen spreading across the surface of the Fraser River, originating at the flow of water discharging from foreshore of the property” (ECCC Warning Letter).

ECCC staff collected samples “from the aforementioned flow of water into the Fraser River and from a treatment ditch on the East side of the property”, flowing into the Fraser River. These samples were analysed at the ECCC, Pacific & Yukon Laboratory for Environmental Testing and ECCC shared the results with the Ministry of Environment and Climate Change Strategy (Ministry). The results showed levels of aluminum, copper, zinc, polychlorinated biphenyl (Arochlor-1242), naphthalene, benz(a)anthracenes, and pyrene to be above British Columbia Water Quality Guidelines (BCWQG), as listed in the summary table below (Table 1):

Table 1: Summary Table of ECCC samples collected on December 12, 2019. (Grey highlights indicate values either below BCWQG or between phototoxic and non-phototoxic). Source: 2020-01-28 V19L036\_1 Detailed ECCC Results

| Parameter                 | ECCC Results<br>Bioswale  | ECCC Results<br>Shore/Dock   | BCWQG  |
|---------------------------|---|--|--|
| COD                       | 506 mg/L  | 472 mg/L   |  |
| TSS                       | 271 mg/L  | 2170 mg/L  |  |
| Aluminum (dissolved)      | 0.11 mg/L   | 0.12 mg/L  | 0.1 Acute mg/L<br>0.05 Chronic mg/L  |
| Copper dissolved (mg/L)   | 0.45 mg/L<br>(pH 7.3, Hardness 130, DOC 10*)<br>*mid-range estimate for DOC | 0.010 mg/L<br>(pH 7.9, Hardness 150, DOC 10*)<br>*mid-range estimate for DOC | 0.0179 Acute mg/L<br>0.00298 Chronic mg/L<br><br>0.0348 Acute mg/L<br>0.00594 Chronic mg/L |
| Zinc, total (mg/L)        | 2.46 mg/L   | 14.6 mg/L  | 0.063 Acute mg/L<br>0.0375 Chronic mg/L  |
| PCB, total (µg/L)         | 10.1 µg/L = 10100 ng/L  | 20.8 µg/L = 20800 ng/L   | 0.1 ng/L Acute<br>(HWR = 0.005 mg/L = 5000ng/L)  |
| Naphthalene (ug/L)        | 4.97 µg/L   | 0.52 µg/L  | 1 µg/L   |
| Benz(a)anthracenes (ug/L) | 0.44 µg/L   | 0.49 µg/L  | 0.1 µg/L Chronic   |
| Fluoranthene              | 0.65 µg/L   | 1.12 µg/L  | 0.2 µg/L Phototoxic<br>4 µg/L Non-phototoxic   |
| Pyrene                    | 0.70 µg/L   | 1.14 µg/L  | 0.02 µg/L Chronic  |



In response to ECCC's findings, "RSR retained Pottinger Gaherty Environmental Consultants Ltd. (PGL) to develop a Stormwater Management and Mitigation Plan (the Stormwater Plan) [that] included undertaking additional investigation of site conditions to help inform RSR's decisions as to the steps required to manage stormwater effectively" (Update Letter, March 15, 2021).

In May 2021, Richmond Steel submitted updated D&M and EM Plans. Neither documents include sampling specifics or analytical results and neither documents propose an on-going sampling, monitoring, and reporting schedule (D&M Plan, 2021 and EM Plan, 2021).

On July 2, 2020, Ministry staff conducted an inspection of the Richmond Steel facility and assessed compliance with the Hazardous Waste Regulation (HWR), Section 17(1)(b), as not-determined because facility staff were unable to locate sample records. Richmond Steel staff later reported in a July 15, 2020, email that they "did not find any reports or records of a storm water sampling program". The inspection report concludes that "there were no sample records".

On April 26, 2021, Ministry staff again requested the sampling records to demonstrate compliance with HWR, Section 17(1)(b), and no records were provided. In direct response to the issue of HWR, Section 17(1)(b) records, Richmond Steel stated in a May 7, 2021, email – Compliance Advisory Table that "Richmond Steel Recycling is not a Hazardous Waste Storage facility", but do acknowledge in that same email that 'Sch. 1.2 does apply to the discharge' (email, May 7, 2021).

On March 23, 2021, in an update letter to the City of Richmond, Mr. Keith Gagne, P.Eng, of PGL Environmental Consultants suggests that potential pollution is ubiquitous throughout the site and is on-going "PCBs were non-detect (N.D.) in the soil samples; however, surface water throughout the Site exceeded BC Water Quality Guidelines. RSR was unable to isolate the PCB impacts to one area. it appears that the low levels of PCBs are likely related to ongoing activities, regardless of the controls RSR has or might reasonably put in place to prevent PCB materials from entering the Site."

Based on this information, I am satisfied on reasonable grounds that this activity/operation is being performed in a manner that is likely to release a substance that will cause pollution.

## ORDER

Pursuant to Section 81 of the *Environmental Management Act* [SBC 2003] Chapter 53, Richmond Steel is hereby ordered to comply with the required actions listed in the table below and to provide information to the Director indicating the completion of each action.

| Item | Required Action   | Required by midnight on: |
|------|---|--------------------------|
| 1.   | Retain a Qualified Professional to develop a Waste Characterization Plan (Plan).<br><br>This Plan must include details of how and when Richmond Steel will: | August 26, 2021          |

| Item | Required Action  | Required by midnight on: |
|------|--|--------------------------|
|      | <ul style="list-style-type: none"> <li>a) Identify Contaminants of Potential Concern (COPC), including but not limited to metals, PCBs, PAHs – alkylated and non-alkylated, TSS, pH, hardness, COD in effluent throughout the site and in the oil/water separator discharge;</li> <li>b) Identify the source of COPC entering effluent and the activities on site responsible for the source; and</li> <li>c) Obtain laboratory analysis to support the assessments above and compare the results to both the British Columbia Water Quality Guidelines and the Hazardous Waste Regulation Schedule 1.2 criteria.</li> </ul>   |                          |
| 2.   | Submit the Plan for approval to the Director.  | September 16, 2021       |
| 3.   | Implement the Approved Plan within two weeks of receiving Director's Approval.   |                          |
| 4.   | <p>Submit a report detailing the findings from the Plan. The report must include:</p> <ul style="list-style-type: none"> <li>a) Laboratory analysis raw and summary data described in the Waste Characterization Plan;</li> <li>b) Interpretation of the analysis described in the Plan and the conclusions reached;</li> <li>c) Rationale explaining how the location, sampling method and frequency, and results support the conclusions reached;</li> <li>d) Recommendations for mitigation measures that would prevent any further escape of contaminants; and</li> <li>e) Certification by a Qualified Professional.</li> </ul>   | January 12, 2022         |
| 5.   | <p>Submit the following documents to the Ministry:</p> <p>The report(s), data and/or information, including location and results of all samples of any media taken in order to develop the first and any subsequent versions of the Stormwater Drainage and Mitigation Plan (including Drainage and Mitigation Plan Development Strategy, 2020 and 2021) commissioned from PGL Consultants or any other consultants, by Richmond Steel in response to the detection of PCB contamination by Environment Canada in December 2019. These include, but are not limited to:</p> <ul style="list-style-type: none"> <li>a) results of all analysis completed on soil sampling in unpaved areas (soil sampled by advancing soil pits),</li> <li>b) results of all analysis on surface water samples collected throughout the Site,</li> <li>c) results on auto-shredder residual samples, and</li> </ul> | September 2, 2021        |

| Item | Required Action   | Required by midnight on:  |
|------|---|---|
|      | d) sampling plan and method(s), results, interpretation, and a rationale for conclusions reached.   |   |
| 6.   | <p>Submit the following additional documents to the Ministry:</p> <ul style="list-style-type: none"> <li>a) Reports, results and assessments regarding environmental quality status of effluent/stormwater on the site, that Richmond Steel, their consultants or agents, have or have requested.</li> <li>b) Laboratory analysis for the contaminants of concern identified by a qualified professional, interpreted and compared to the British Columbia Water Quality Guidelines and the Hazardous Waste Regulation Schedule 1.2 for the period June 2019 to July 2021.</li> <li>c) Records of the oil/water separator maintenance and cleaning schedule and manifests detailing the management of the residual wastes associated with this activity.</li> <li>d) Records documenting work already completed on the ditch/bio-swale (including but not limited to analytical results, photographs, professional interpretations and reports).</li> </ul> | September 2, 2021   |
| 7.   | <p>Monthly reporting:</p> <p>By the 10<sup>th</sup> of each month, Richmond Steel must provide and update of activities from the month previous. These monthly updates must include a summary of activities completed towards complying with requirements 1 through 6 of the order.</p> <p>This requirement will remain in place until this Order is cancelled by the Director.</p>   | On the 10 <sup>th</sup> day of every month starting on September 10, 2021 |
| 8.   | The qualified professional(s) performing any of the following in response to this order: performing work, authoring reports, authoring the Waste Characterization Plan and Report and/or providing opinions must complete and submit the attached Declaration of Competency and Conflict of Interest Disclosure Statement forms.  | First QP submission of past, current or future work                       |

For the purposes of this Order, the following definition applies:

"Qualified Professional" means an applied scientist or technologist specializing in a particular applied science or technology, including agrology, biology, chemistry, engineering, geology or hydrogeology, who (a) is registered in British Columbia with the professional organization responsible for his or her area of expertise, acting under that professional association's code of ethics and subject to disciplinary action by that association, and (b) through suitable education, experience, accreditation and knowledge, may be reasonably relied on to provide advice within his or her area of expertise as it relates to this order, or (c) is approved by the Director.

## DUTY TO COMPLY

The requirements above must be completed on or before the associated “Required By” date. Failure to comply with the requirements of this order is a contravention of the *Environmental Management Act* [SBC 2003, c.53] 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 a ...director...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.”

## RIGHT TO APPEAL

This decision may be appealed to the Environmental Appeal Board in accordance with Part 8 of the *Environmental Management Act*. An appeal must be delivered within 30 days from the date notice of this order is given. For further information, please contact the Environmental Appeal Board at (250) 387-3464.

## NOTIFICATION OF PUBLICATION

The Party is 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 party 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 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.

This order will also appear in the Ministry of Environment’s Quarterly Environmental Enforcement Summary and Environmental Violations Database.

## MINISTRY CONTACT

If you have any questions, please contact the undersigned at [Dan.Bings@gov.bc.ca](mailto:Dan.Bings@gov.bc.ca) or Environmental Protection Officer Oana Enick at 236-468-2231 and [Oana.Enick@gov.bc.ca](mailto:Oana.Enick@gov.bc.ca).

Regards,



Daniel P. Bings  
for Director, *Environmental Management Act*  
Compliance Operations Manager

### Attachments:

QP declaration of competency form  
QP conflict of interest disclosure statement

### cc:

Alan W. McCammon, MSc, PGeo  
Manager, Remediation Assurance and Brownfields  
BC Ministry of Environment & Climate Change Strategy  
Suite 200 – 10470 152<sup>nd</sup> Street, Surrey, BC, V3R 0Y3  
[Alan.Mccammon@gov.bc.ca](mailto:Alan.Mccammon@gov.bc.ca)

Catherine Allard  
Senior Authorizations Officer, South Coast Regional Office  
Ministry of Forests, Lands & Natural Resources Operations and Rural Development  
Suite 200 – 10428 153 Street, Surrey, BC V3R 1E1  
[Catherine.Allard@gov.bc.ca](mailto:Catherine.Allard@gov.bc.ca)

Gregory Lee  
Inspector and Fishery Officer, Environmental Enforcement Directorate  
Enforcement Branch, Environment and Climate Change Canada  
Pacific and Yukon Region  
201-401 Burrard Street, Vancouver, BC, V6C 3S5  
[Gregory.lee3@canada.ca](mailto:Gregory.lee3@canada.ca)

Warren Mills  
Environmental Coordinator  
6911 No. 3 Road, Richmond, BC V6Y 2C1  
[wmills@richmond.ca](mailto:wmills@richmond.ca)

Page 132 of 322 to/à Page 154 of 322

Withheld pursuant to/removed as

NR

## RE: Richmond Steel File

---

From: Mills, Warren <WMills@richmond.ca>  
To: Enick, Oana V ENV:EX <Oana.Enick@gov.bc.ca>  
Sent: September 27, 2021 3:47:24 PM PDT

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Hi Oana,

Your meeting is showing up as 25 hours long. Also, Sept 30<sup>th</sup> is a holiday.

**Warren Mills, B.Sc., E.P., P.Ag.**

**Environmental Coordinator**

6911 No. 3 Road, Richmond, BC V6Y 2C1

T: 604-247-4694 | C: 778-836-2739 | E: [wmills@richmond.ca](mailto:wmills@richmond.ca)

[www.richmond.ca](http://www.richmond.ca)

-----Original Appointment-----

**From:** Enick, Oana V ENV:EX <Oana.Enick@gov.bc.ca>

**Sent:** September 24, 2021 12:14 PM

**To:** Enick, Oana V ENV:EX; Lee, Gregory (ECCC); Shutler, Graeme FLNR:EX; Semproni, Katie FLNR:EX; samantha.patterson2@canada.ca; Mills, Warren

**Subject:** Richmond Steel File

**When:** September 30, 2021 10:30 AM to October 1, 2021 11:30 AM (UTC-08:00) Pacific Time (US & Canada).

**Where:** Microsoft Teams Meeting

**City of Richmond Security Warning:** This email was sent from an external source outside the City. Please do not click or open attachments unless you recognize the source of this email and the content is safe.

To discuss Richmond Steel site on Mitchell Island.

Loose agenda:

1. Introductions and file status from each agency
2. New developments – from each agency
3. Next steps

Please let me know if you have a timing conflict and we need to find an alternate time.

Thanks, Oana.

---

Microsoft Teams meeting

**Join on your computer or mobile app**

[Click here to join the meeting](#)

[Learn More](#) | [Meeting options](#)

## RE: How about Wednesdays? Richmond Steel File

From: Mills, Warren <WMills@richmond.ca>  
To: Enick, Oana V ENV:EX <Oana.Enick@gov.bc.ca>  
Sent: September 28, 2021 4:01:45 PM PDT  
Attachments: image005.jpg, image006.jpg, image007.jpg, image001.png

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

That works.

### Warren Mills, B.Sc., E.P., P.Ag.

Environmental Coordinator

6911 No. 3 Road, Richmond, BC V6Y 2C1

T: 604-247-4694 | C: 778-836-2739 | E: [wmills@richmond.ca](mailto:wmills@richmond.ca)

[www.richmond.ca](http://www.richmond.ca)

---

**From:** Enick, Oana V ENV:EX <Oana.Enick@gov.bc.ca>

**Sent:** September 28, 2021 3:51 PM

**To:** Lee, Gregory (ECCC) <Gregory.Lee@ec.gc.ca>; Mills, Warren <WMills@richmond.ca>; Semproni, Katie FLNR:EX <Katie.Semproni@gov.bc.ca>; samantha.patterson2@canada.ca; Shutler, Graeme FLNR:EX <Graeme.Shutler@gov.bc.ca>

**Subject:** FW: How about Wednesdays? Richmond Steel File

**City of Richmond Security Warning:** This email was sent from an external source outside the City. Please do not click or open attachments unless you recognize the source of this email and the content is safe.

Hello everyone:

Graeme can't meet on Fridays. Since people are often away on Mondays, should we try for Wednesdays at 1:30 pm, starting next week? Please let me know and I will re-send the invitation. Thanks, Oana.



Oana Enick, MET, RPBio | Environmental Protection Officer

Compliance and Environmental Enforcement | BC Ministry of Environment and Climate Change Strategy  
Ste. 200 – 10470 – 152<sup>nd</sup> Street. | Surrey, BC | V3R 1Q7 | Tel: 236-468-2231

To report an act of pollution call the RAPP (Report All Poachers and Polluters) line at 1-877-952-7277 or #7277 on TELUS Mobility or report the incident [online](#)

 @ComplianceBC To report a spill call the Provincial Emergency Program at 1-800-663-3456

More information about Environmental Compliance and how it is assessed can be found [here](#).

-----Original Appointment-----

**From:** Shutler, Graeme FLNR:EX <Graeme.Shutler@gov.bc.ca>

**Sent:** September 28, 2021 12:13 PM

**To:** Enick, Oana V ENV:EX



**Subject:** Declined: Richmond Steel File

**When:** Occurs every 4 week(s) on Friday effective 2021-10-01 until 2022-02-18 from 10:30 AM to 11:30 AM (UTC-08:00) Pacific Time (US & Canada).

**Where:** Microsoft Teams Meeting

Hi Oana

s.22

Not great days for me. Mondays and Wednesday are typically better for me as I have less recurring meetings on those days.

Thanks!

Page 158 of 322 to/à Page 166 of 322

Withheld pursuant to/removed as

NR

## RE: Crown Lands File 2411360 and MoE File UA 173305 - Richmond Steel

---

From: Enick, Oana V ENV:EX  
To: Shutler, Graeme FLNR:EX <Graeme.Shutler@gov.bc.ca>  
Cc: katie.semproni@gov.bc.ca, Lee, Gregory (ECCC) <Gregory.Lee@ec.gc.ca>, samantha.patterson2@canada.ca, wmills@richmond.ca  
Sent: September 24, 2021 12:17:31 PM PDT  
Attachments: image005.jpg, image001.jpg, image002.jpg, image007.jpg, image003.png, 2021-09-01 Pollution Prevention Order 110800 Richmond Steel - Amended.pdf, 2021-09-16 Waste Characterization Plan.pdf

Hi Graeme:

Thank you for taking the time to discuss this file a few days ago.

I will send an invitation to you and Katie as well as EC and City of Richmond staff for recurring meetings once per month so we can keep in contact. Please let me know if others would like to be included (I think you mentioned someone from the Lands section?).

Here is some of the information we have:

- RSR is conducting an *"onsite ditch remediation and restoration project"*. They also detected contamination on crown land (the part of the bio-swale that is leased from the Crown as well as the water front part of the property). They are planning *"in-stream work below the high-water mark"*.
- As you noted, their tenure is expired and they are looking to re-new.
- They are discharging off site without Environmental Management Act authorization and at the moment are not engaged in the process of obtaining one.
- MoE issued a Pollution Prevention Order on Aug 5, 2021. The order was focussed on surface discharges and requested documents they already had and a waste characterization plan (and implementation report). This order is attached for reference.
- RSR is currently complying with the order requirements and included sampling results for soils and sediments along with surface water in their response submission.
- RSR has also submitted their Waste Characterization Plan which includes an *"Environmental Impact Assessment in support of [your] Water Sustainability Act Approval Application"*. This Waste Characterization Plan is attached.
- At this time, the Ministry is only focussed on effluent discharges from the site. Specifically, at this time, no determination of site condition or extent of contamination in any media will be requested by Compliance and Environmental Enforcement's current engagement via the PPO. That responsibility and authority rests with the Land Remediation Section of the Environmental Emergencies and Land Remediation Branch. Information regarding the Ministry's site remediation can be found at <https://www2.gov.bc.ca/gov/content/environment/air-land-water/site-remediation>.

Thanks, Oana.



Oana Enick, MET, RPBio | Environmental Protection Officer

Compliance and Environmental Enforcement | BC Ministry of Environment and Climate Change Strategy  
Ste. 200 – 10470 – 152<sup>nd</sup> Street. | Surrey, BC | V3R 1Q7 | Tel: 236-468-2231

To report an act of pollution call the RAPP (Report All Poachers and Polluters) line at 1-877-952-7277 or #7277 on TELUS Mobility or report the incident [online](#)

 @ComplianceBC To report a spill call the Provincial Emergency Program at 1-800-663-3456

More information about Environmental Compliance and how it is assessed can be found [here](#).

**From:** Shutler, Graeme FLNR:EX <Graeme.Shutler@gov.bc.ca>

**Sent:** September 20, 2021 3:40 PM

**To:** Enick, Oana V ENV:EX <Oana.Enick@gov.bc.ca>  
**Subject:** Crown Lands File 2411360 - Richmond Steel

Hi Oana,

I am reaching out to you about a compliance issue identified in January 2020 with Richmond Steel and Recycling at 11760 Mitchell Road, Richmond. I have included the email sent to you from Warren Mills at the City of Richmond back in April. I have reached out to Warren but have not yet connected with him.

This file was recently re-assigned to me for review and we are in the process of replacing Richmond Steel's Crown land lease. I am inquiring about their status with MoECC - are there any actions / investigations occurring with this site or ongoing concerns related to their 2020 compliance issues?

Thank you for your assistance!



**Graeme Shutler**  
**Authorizations Specialist (Land)**  
236.468.3366  
[Report a Natural Resource Violation](#)



August 5, 2021  
Amended: August 10, 2021  
Amended: September 1, 2021

Order Number: 110800

Via email: [skynoch@richmondsteel.ca](mailto:skynoch@richmondsteel.ca) and [HDhillon@richmondsteel.ca](mailto:HDhillon@richmondsteel.ca)

Richmond Steel Recycling Limited  
11760 Mitchell Road  
Richmond, BC V6V 1V8

Attention: Steven Kynoch, Regional SHECS Manager and Harbinder Dhillon, President

**Pollution Prevention Order – Richmond Steel Recycling Ltd.**

This Order is being issued under Section 81 of the *Environmental Management Act* (EMA), SBC 2003, C. 53. **This Order supersedes the versions issued on August 5, 2021 and last amended on August 10, 2021.** I am satisfied on reasonable grounds that an activity at Richmond Steel Recycling Ltd. (Richmond Steel) located at 11760 Mitchell Road, Richmond, British Columbia is being performed by a person in a manner that is likely to release effluent that will cause pollution. Specifically, the Richmond Steel facility is located on the described land parcel:

Lot 8 Except Part Plan 49844 District Lot 459 Group 1 New Westminster  
District Plan 47113

**GROUND FOR ISSUANCE**

I am satisfied that Richmond Steel is a person who:

- previously had or now has possession, charge or control of the substance;
- previously did anything, or who is now doing anything, which may cause the release of the substance; or
- previously owned or occupied, or now owns or occupies, the land on which the substance is located.

The substance likely to be released in a manner that will cause pollution is effluent from a facility classified in the Waste Discharge Regulation Schedule I as a “Commercial Waste Management and/or Waste Disposal Industry” and/or “Hazardous Waste Management” and in Schedule II as a “Vehicle Dismantling and Recycling Industry”.

As per their Environmental Management Plan (2021) (EM Plan), Richmond Steel, “a joint venture between Sims Metal Management and Nucor Corporation, has been operating since the early 1970s, [with] the primary onsite operations including metal recycling, wet vehicle handling and recycling, mobile car crushing, industrial bin services, building demolishing, and maritime salvage”. As per their Drainage & Mitigation Plan (2021) (D&M Plan), all stormwater on the site is directed to the bioswale area and ditch which flows directly into the Fraser River.

On December 12, 2019, Environment and Climate Change Canada (ECCC) enforcement staff “witnessed a pool of sediment-laden water with a grey sheen on its surface... directly adjacent to the Fraser River...” and “witnessed sediment-laden water with a grey sheen flowing from the aforementioned pool of water towards the Fraser River and discharging directly into the Fraser River from the foreshore of the property”. ECCC staff further “witnessed a grey sheen spreading across the surface of the Fraser River, originating at the flow of water discharging from foreshore of the property” (ECCC Warning Letter).

ECCC staff collected samples “from the aforementioned flow of water into the Fraser River and from a treatment ditch on the East side of the property”, flowing into the Fraser River. These samples were analysed at the ECCC, Pacific & Yukon Laboratory for Environmental Testing and ECCC shared the results with the Ministry of Environment and Climate Change Strategy (Ministry). The results showed levels of aluminum, copper, zinc, polychlorinated biphenyl (Arochlor-1242), naphthalene, benz(a)anthracenes, and pyrene to be above British Columbia Water Quality Guidelines (BCWQG), as listed in the summary table below (Table 1):

Table 1: Summary Table of ECCC samples collected on December 12, 2019. (Grey highlights indicate values either below BCWQG or between phototoxic and non-phototoxic). Source: 2020-01-28 V19L036\_1 Detailed ECCC Results

| Parameter                 | ECCC Results<br>Bioswale  | ECCC Results<br>Shore/Dock   | BCWQG  |
|---------------------------|---|--|--|
| COD                       | 506 mg/L  | 472 mg/L   |  |
| TSS                       | 271 mg/L  | 2170 mg/L  |  |
| Aluminum (dissolved)      | 0.11 mg/L   | 0.12 mg/L  | 0.1 Acute mg/L<br>0.05 Chronic mg/L  |
| Copper dissolved (mg/L)   | 0.45 mg/L<br>(pH 7.3, Hardness 130,<br>DOC 10*)<br>*mid-range estimate<br>for DOC | 0.010 mg/L<br>(pH 7.9, Hardness<br>150, DOC 10*)<br>*mid-range estimate<br>for DOC | 0.0179 Acute mg/L<br>0.00298 Chronic mg/L<br><br>0.0348 Acute mg/L<br>0.00594 Chronic mg/L |
| Zinc, total (mg/L)        | 2.46 mg/L   | 14.6 mg/L  | 0.063 Acute mg/L<br>0.0375 Chronic mg/L  |
| PCB, total (µg/L)         | 10.1 µg/L = 10100<br>ng/L   | 20.8 µg/L = 20800<br>ng/L  | 0.1 ng/L Acute<br>(HWR = 0.005 mg/L =<br>5000ng/L)   |
| Naphthalene (ug/L)        | 4.97 µg/L   | 0.52 µg/L  | 1 µg/L   |
| Benz(a)anthracenes (ug/L) | 0.44 µg/L   | 0.49 µg/L  | 0.1 µg/L Chronic   |
| Fluoranthene              | 0.65 µg/L   | 1.12 µg/L  | 0.2 µg/L Phototoxic<br>4 µg/L Non-phototoxic   |
| Pyrene                    | 0.70 µg/L   | 1.14 µg/L  | 0.02 µg/L Chronic  |

In response to ECCC's findings, "*RSR retained Pottinger Gaherty Environmental Consultants Ltd. (PGL) to develop a Stormwater Management and Mitigation Plan (the Stormwater Plan) [that] included undertaking additional investigation of site conditions to help inform RSR's decisions as to the steps required to manage stormwater effectively*" (Update Letter, March 15, 2021).

In May 2021, Richmond Steel submitted updated D&M and EM Plans. Neither documents include sampling specifics or analytical results and neither documents propose an on-going sampling, monitoring, and reporting schedule (D&M Plan, 2021 and EM Plan, 2021).

On July 2, 2020, Ministry staff conducted an inspection of the Richmond Steel facility and assessed compliance with the Hazardous Waste Regulation (HWR), Section 17(1)(b), as not-determined because facility staff were unable to locate sample records. Richmond Steel staff later reported in a July 15, 2020, email that they "*did not find any reports or records of a storm water sampling program*". The inspection report concludes that "*there were no sample records*".

On April 26, 2021, Ministry staff again requested the sampling records to demonstrate compliance with HWR, Section 17(1)(b), and no records were provided. In direct response to the issue of HWR, Section 17(1)(b) records, Richmond Steel stated in a May 7, 2021, email – Compliance Advisory Table that "*Richmond Steel Recycling is not a Hazardous Waste Storage facility*", but do acknowledge in that same email that "*Sch. 1.2 does apply to the discharge*" (email, May 7, 2021).

On March 23, 2021, in an update letter to the City of Richmond, Mr. Keith Gagne, P.Eng, of PGL Environmental Consultants suggests that potential pollution is ubiquitous throughout the site and is on-going "*PCBs were non-detect (N.D.) in the soil samples; however, surface water throughout the Site exceeded BC Water Quality Guidelines. RSR was unable to isolate the PCB impacts to one area. it appears that the low levels of PCBs are likely related to ongoing activities, regardless of the controls RSR has or might reasonably put in place to prevent PCB materials from entering the Site.*"

Based on this information, I am satisfied on reasonable grounds that this activity/operation is being performed in a manner that is likely to release a substance that will cause pollution.

## ORDER

Pursuant to Section 81 of the *Environmental Management Act* [SBC 2003] Chapter 53, Richmond Steel is hereby ordered to comply with the required actions listed in the table below and to provide information to the Director indicating the completion of each action.

| Item | Required Action   | Required by midnight on: |
|------|---|--------------------------|
| 1.   | Retain a Qualified Professional to develop a Waste Characterization Plan (Plan).<br><br>This Plan must include details of how and when Richmond Steel will: | August 26, 2021          |

| Item | Required Action   | Required by<br>midnight on: |
|------|---|-----------------------------|
|      | <ul style="list-style-type: none"> <li>a) Identify Contaminants of Potential Concern (COPC), including but not limited to metals, PCBs, PAHs – alkylated and non-alkylated, TSS, pH, hardness, COD in effluent throughout the site and in the oil/water separator discharge;</li> <li>b) Identify the source of COPC entering effluent and the activities on site responsible for the source; and</li> <li>c) Obtain laboratory analysis to support the assessments above and compare the results to both the British Columbia Water Quality Guidelines and the Hazardous Waste Regulation Schedule 1.2 criteria.</li> </ul>  |                             |
| 2.   | Submit the Plan for approval to the Director.   | September 16, 2021          |
| 3.   | Implement the Approved Plan within two weeks of receiving Director's Approval.  |                             |
| 4.   | <p>Submit a report detailing the findings from the Plan. The report must include:</p> <ul style="list-style-type: none"> <li>a) Laboratory analysis raw and summary data described in the Waste Characterization Plan;</li> <li>b) Interpretation of the analysis described in the Plan and the conclusions reached;</li> <li>c) Rationale explaining how the location, sampling method and frequency, and results support the conclusions reached;</li> <li>d) Recommendations for mitigation measures that would prevent any further escape of contaminants; and</li> <li>e) Certification by a Qualified Professional.</li> </ul>  | January 12, 2022            |
| 5.   | <p>Submit the following documents to the Ministry:</p> <p>The report(s), data and/or information, including location and results of all samples of any media taken in order to develop the first and any subsequent versions of the Stormwater Drainage and Mitigation Plan (including Drainage and Mitigation Plan Development Strategy, 2020 and 2021) commissioned from PGL Consultants or any other consultants, by Richmond Steel in response to the detection of PCB contamination by Environment Canada in December 2019. These include, but are not limited to:</p> <ul style="list-style-type: none"> <li>a) results of all analysis completed on soil sampling in unpaved areas (soil sampled by advancing soil pits),</li> <li>b) results of all analysis on surface water samples collected throughout the Site,</li> </ul> | September 9, 2021           |



| Item | Required Action   | Required by midnight on:  |
|------|---|---|
|      | <ul style="list-style-type: none"> <li>c) results on auto-shredder residual samples, and</li> <li>d) sampling plan and method(s), results, interpretation, and a rationale for conclusions reached.</li> </ul>  |   |
| 6.   | <p>Submit the following additional documents to the Ministry:</p> <ul style="list-style-type: none"> <li>a) Reports, results and assessments regarding environmental quality status of effluent/stormwater on the site, that Richmond Steel, their consultants or agents, have or have requested.</li> <li>b) Laboratory analysis for the contaminants of concern identified by a qualified professional, interpreted and compared to the British Columbia Water Quality Guidelines and the Hazardous Waste Regulation Schedule 1.2 for the period June 2019 to July 2021.</li> <li>c) Records of the oil/water separator maintenance and cleaning schedule and manifests detailing the management of the residual wastes associated with this activity.</li> <li>d) Records documenting work already completed on the ditch/bio-swale (including but not limited to analytical results, photographs, professional interpretations and reports).</li> </ul> | September 9, 2021   |
| 7.   | <p>Monthly reporting:</p> <p>By the 10<sup>th</sup> of each month, Richmond Steel must provide and update of activities from the month previous. These monthly updates must include a summary of activities completed towards complying with requirements 1 through 6 of the order.</p> <p>This requirement will remain in place until this Order is cancelled by the Director.</p>   | On the 10 <sup>th</sup> day of every month starting on September 10, 2021 |
| 8.   | The qualified professional(s) performing any of the following in response to this order: performing work, authoring reports, authoring the Waste Characterization Plan and Report and/or providing opinions must complete and submit the attached Declaration of Competency and Conflict of Interest Disclosure Statement forms.  | First QP submission of past, current or future work                       |

For the purposes of this Order, the following definition applies:

"Qualified Professional" means an applied scientist or technologist specializing in a particular applied science or technology, including agrology, biology, chemistry, engineering, geology or hydrogeology, who (a) is registered in British Columbia with the professional organization responsible for his or her area of expertise, acting under that professional association's code of ethics and subject to disciplinary action by that association, and (b) through suitable education, experience, accreditation and knowledge, may be reasonably relied on to provide advice within his or her area of expertise as it relates to this order, or (c) is approved by the Director.

### DUTY TO COMPLY

The requirements above must be completed on or before the associated “Required By” date. Failure to comply with the requirements of this order is a contravention of the *Environmental Management Act* [SBC 2003, c.53] 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 a ...director...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.”

### RIGHT TO APPEAL

This decision may be appealed to the Environmental Appeal Board in accordance with Part 8 of the *Environmental Management Act*. An appeal must be delivered within 30 days from the date notice of this order is given. For further information, please contact the Environmental Appeal Board at (250) 387-3464.

### NOTIFICATION OF PUBLICATION

The Party is 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 party 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 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.

This order will also appear in the Ministry of Environment’s Quarterly Environmental Enforcement Summary and Environmental Violations Database.

## MINISTRY CONTACT

If you have any questions, please contact the undersigned at [Dan.Bings@gov.bc.ca](mailto:Dan.Bings@gov.bc.ca) or Environmental Protection Officer Oana Enick at 236-468-2231 and [Oana.Enick@gov.bc.ca](mailto:Oana.Enick@gov.bc.ca).

Regards,



Daniel P. Bings  
for Director, *Environmental Management Act*  
Compliance Operations Manager

### Attachments:

QP declaration of competency form  
QP conflict of interest disclosure statement

cc:

Alan W. McCammon, MSc, PGeo  
Manager, Remediation Assurance and Brownfields  
BC Ministry of Environment & Climate Change Strategy  
Suite 200 – 10470 152<sup>nd</sup> Street, Surrey, BC, V3R 0Y3  
[Alan.Mccammon@gov.bc.ca](mailto:Alan.Mccammon@gov.bc.ca)

Catherine Allard  
Senior Authorizations Officer, South Coast Regional Office  
Ministry of Forests, Lands & Natural Resources Operations and Rural Development  
Suite 200 – 10428 153 Street, Surrey, BC V3R 1E1  
[Catherine.Allard@gov.bc.ca](mailto:Catherine.Allard@gov.bc.ca)

Gregory Lee  
Inspector and Fishery Officer, Environmental Enforcement Directorate  
Enforcement Branch, Environment and Climate Change Canada  
Pacific and Yukon Region  
201-401 Burrard Street, Vancouver, BC, V6C 3S5  
[Gregory.lee3@canada.ca](mailto:Gregory.lee3@canada.ca)

Warren Mills  
Environmental Coordinator  
6911 No. 3 Road, Richmond, BC V6Y 2C1  
[wmills@richmond.ca](mailto:wmills@richmond.ca)

11760 Mitchell Road  
Richmond, BC

# Waste Characterization Plan



**PREPARED FOR:**

McMillan LLP  
Suite 1500 – 1055 West Georgia Street  
Vancouver, BC V6E 4N7

**PREPARED BY:**

PGL Environmental Consultants  
#1500 – 1185 West Georgia Street  
Vancouver, BC V6E 4E6

PGL File: 2160-00.34

September 2021



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Page 177 of 322 to/à Page 227 of 322

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## 2021-11-30 Pollution Prevention Order Amendment

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From: Enick, Oana V ENV:EX  
To: Harbinder Dhillon <HDhillon@richmondsteel.ca>, Steven Kynoch <SKynoch@richmondsteel.ca>, Karl Gustafson <Karl.Gustafson@mcmillan.ca>  
Cc: Compliance Admin ENV:EX <Compliance.Admin@gov.bc.ca>, Lee, Gregory (ECCC) <Gregory.Lee@ec.gc.ca>, wmills@richmond.ca, Allard, Catherine FLNR:EX <Catherine.Allard@gov.bc.ca>, Bings, Dan P ENV:EX <Dan.Bings@gov.bc.ca>  
Sent: November 30, 2021 2:38:32 PM PST  
Attachments: 2021-11-30 Amdt 3 PPO110800.pdf, image001.png, image005.jpg, image006.jpg, image003.jpg, 2021-11-07 Amended Order Appendices Nov 2021.pdf  
Hello:

Please see the attached amended Pollution Prevention Order 110800 and the amended order appendices.

*Please acknowledge receipt of this email by replying to this message (please "reply to all").*

*In doing so, you are confirming that you are able to read its contents and open all attachments.*

*If you are not able to open the attachments, please indicate this immediately as this may affect legislated time limits that prescribe your rights or obligations.*

Regards,



Oana Enick, MET, RPBio | Environmental Protection Officer

Compliance and Environmental Enforcement | BC Ministry of Environment and Climate Change Strategy  
Ste. 200 – 10470 – 152<sup>nd</sup> Street. | Surrey, BC | V3R 1Q7 | Tel: 236-468-2231

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 @ComplianceBC To report a spill call the Provincial Emergency Program at 1-800-663-3456

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August 5, 2021  
Amended: August 10, 2021  
Amended: September 1, 2021  
Amended: November 30, 2021

Order Number: 110800

Via email: [skynoch@richmondsteel.ca](mailto:skynoch@richmondsteel.ca) and [HDhillon@richmondsteel.ca](mailto:HDhillon@richmondsteel.ca)

Richmond Steel Recycling Limited  
11760 Mitchell Road  
Richmond, BC V6V 1V8

Attention: Steven Kynoch, Regional SHECS Manager and Harbinder Dhillon, President

## Pollution Prevention Order – Richmond Steel Recycling Ltd.

This Order is being issued under Section 81 of the *Environmental Management Act* (EMA), SBC 2003, C. 53. **This Order supersedes the versions issued on August 5, 2021, August 10, 2021, and September 1, 2021.** I am satisfied on reasonable grounds that an activity at Richmond Steel Recycling Ltd. (Richmond Steel) located at 11760 Mitchell Road, Richmond, British Columbia (the Site) is being performed by a person in a manner that is likely to release effluent that will cause pollution. Specifically, the Richmond Steel facility is located on the described land parcel:

Lot 8 Except Part Plan 49844 District Lot 459 Group 1 New Westminster  
District Plan 47113

### GROUNDINGS FOR ISSUANCE

I am satisfied that Richmond Steel is a person who:

- previously had or now has possession, charge or control of the substance;
- previously did anything, or who is now doing anything, which may cause the release of the substance; or
- previously owned or occupied, or now owns or occupies, the land on which the substance is located.

The substance likely to be released in a manner that will cause pollution is effluent from a facility classified in the *Waste Discharge Regulation* Schedule I as a “Commercial Waste Management and/or Waste Disposal Industry” and/or “Hazardous Waste Management” and in Schedule II as a “Vehicle Dismantling and Recycling Industry”.

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| Naphthalene (ug/L)        | 4.97 µg/L   | 0.52 µg/L  | 1 µg/L   |
| Benz(a)anthracenes (ug/L) | 0.44 µg/L   | 0.49 µg/L  | 0.1 µg/L Chronic   |
| Fluoranthene              | 0.65 µg/L   | 1.12 µg/L  | 0.2 µg/L Phototoxic<br>4 µg/L Non-phototoxic   |
| Pyrene                    | 0.70 µg/L   | 1.14 µg/L  | 0.02 µg/L Chronic  |



In response to ECCC's findings, "RSR retained Pottinger Gaherty Environmental Consultants Ltd. (PGL) to develop a Stormwater Management and Mitigation Plan (the Stormwater Plan) [that] included undertaking additional investigation of site conditions to help inform RSR's decisions as to the steps required to manage stormwater effectively" (Update Letter, March 15, 2021).

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Between September 1, 2021 and the date of this amendment and consistent with requirements of this Order, RSR has submitted multiple documents. These documents confirm activities and operations at the Site and identify various contaminants of potential concern and their ubiquitous presence on the Site and in the effluent.

Based on this information, I am satisfied on reasonable grounds that this activity/operation is being performed in a manner that is likely to release a substance that will cause pollution. Furthermore, I conclude that an amendment of this Order is required, as follows:

## ORDER

Pursuant to Section 81 of the *Environmental Management Act* [SBC 2003] Chapter 53, Richmond Steel is hereby ordered to comply with the required actions listed in the table below and to provide information to the Director indicating the completion of each action.

| Item   | Required Action  | Required by midnight on:   |                               |                    |  |  |  |                   |
|--|--|--|-------------------------------|--------------------|--|--|--|-------------------|
| 1.   | <p>Implement an effluent monitoring programme which includes the following:</p> <table border="1"> <thead> <tr> <th>Sampling Locations*</th><th>Summary Sampling Parameters**</th><th>Sampling Frequency</th></tr> </thead> <tbody> <tr> <td> <ul style="list-style-type: none"> <li>Ditch</li> <li>Ditch/River</li> </ul> </td><td> <ul style="list-style-type: none"> <li>Petroleum hydrocarbons</li> <li>Polycyclic aromatic hydrocarbons</li> <li>Total and Dissolved Metals</li> <li>Solvents and Glycols</li> <li>Total Suspended Solids</li> <li>PH, Hardness &amp; Conductivity</li> <li>Biological Oxygen Demand</li> <li>Chemical Oxygen Demand</li> <li>Toxicity 96 hr trout LC<sub>50</sub>***</li> <li>Toxicity 96 hr Daphnia LC<sub>50</sub></li> </ul> </td><td> <ul style="list-style-type: none"> <li>Monthly, starting no later than December 10, 2021. and</li> <li>During or Immediately after significant rain events***</li> </ul> </td></tr> </tbody> </table> <p>* Sampling Locations as identified on RSR WCPv3, October 2021 Figure 2 and attached as Order Appendix A.<br/> ** Sampling Parameters as detailed in RSR WCPv3, October 2021 Appendix 1 – Expanded List of PCOCs and attached as Order Appendix B.<br/> ***Immediately following significant rain events:<br/> -significant rain event is defined as a period of precipitation which meets or exceeds the intensity of 25 mm in 24 hrs as reported by Environment Canada at <a href="#">Vancouver Intl A</a> station and<br/> -during or immediately following means within 12 hours of EC recording precipitation equal to or in excess of 25 mm in 24 hrs. (NOTE: EC's rainfall data can be determined on a daily or hourly basis, as needed).</p> | Sampling Locations*  | Summary Sampling Parameters** | Sampling Frequency | <ul style="list-style-type: none"> <li>Ditch</li> <li>Ditch/River</li> </ul> | <ul style="list-style-type: none"> <li>Petroleum hydrocarbons</li> <li>Polycyclic aromatic hydrocarbons</li> <li>Total and Dissolved Metals</li> <li>Solvents and Glycols</li> <li>Total Suspended Solids</li> <li>PH, Hardness &amp; Conductivity</li> <li>Biological Oxygen Demand</li> <li>Chemical Oxygen Demand</li> <li>Toxicity 96 hr trout LC<sub>50</sub>***</li> <li>Toxicity 96 hr Daphnia LC<sub>50</sub></li> </ul> | <ul style="list-style-type: none"> <li>Monthly, starting no later than December 10, 2021. and</li> <li>During or Immediately after significant rain events***</li> </ul> | December 10, 2021 |
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| 2.   | <p>Monthly reporting:</p> <p>By the 10<sup>th</sup> of each month, Richmond Steel must provide an update of activities from the month previous. These monthly updates must include:</p> <ol style="list-style-type: none"> <li>certification from the Qualified Professional regarding testing protocols, interpretation, and update information,</li> <li>a summary of activities completed towards complying with requirement 1 of the order,</li> <li>analytical results for Item 1, interpretation of the results, including comparison to standards in the British Columbia Water Quality Guidelines and the Hazardous Waste Regulation, and rationale for conclusions reached,</li> <li>pertinent photographs, drawings, maps and other documentation, and</li> <li>summary of daily precipitation as recorded at Vancouver Intl A station, demonstrating maximum precipitations within a 24 hour period.</li> </ol> <p>This requirement will remain in place until this Order is cancelled by the Director.</p>   | On the 10 <sup>th</sup> day of every month starting on September 10, 2021.   |                               |                    |  |  |  |                   |

| Item | Required Action   | Required by midnight on:                            |
|------|---|---|
| 3.   | The qualified professional(s) performing any of the following in response to this order: performing work, authoring reports, and/or providing opinions must complete and submit the attached Declaration of Competency and Conflict of Interest Disclosure Statement forms. | First QP submission of past, current or future work |

For the purposes of this Order, the following definition applies:

"Qualified Professional" means an applied scientist or technologist specializing in a particular applied science or technology, including agrology, biology, chemistry, engineering, geology or hydrogeology, who (a) is registered in British Columbia with the professional organization responsible for his or her area of expertise, acting under that professional association's code of ethics and subject to disciplinary action by that association, and (b) through suitable education, experience, accreditation and knowledge, may be reasonably relied on to provide advice within his or her area of expertise as it relates to this order, or (c) is approved by the Director.

### DUTY TO COMPLY

The requirements above must be completed on or before the associated "Required By" date. Failure to comply with the requirements of this order is a contravention of the *Environmental Management Act* [SBC 2003, c.53] 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 a ...director...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."

### RIGHT TO APPEAL

This decision may be appealed to the Environmental Appeal Board in accordance with Part 8 of the *Environmental Management Act*. An appeal must be delivered within 30 days from the date notice of this order is given. For further information, please contact the Environmental Appeal Board at (250) 387-3464.

### NOTIFICATION OF PUBLICATION

The Party is 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 party 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 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.

This order will also appear in the Ministry of Environment's Quarterly Environmental Enforcement Summary and Environmental Violations Database.

### MINISTRY CONTACT

If you have any questions, please contact the undersigned at [Dan.Bings@gov.bc.ca](mailto:Dan.Bings@gov.bc.ca) or Environmental Protection Officer Oana Enick at 236-468-2231 and [Oana.Enick@gov.bc.ca](mailto:Oana.Enick@gov.bc.ca).

Regards,



Daniel P. Bings  
for Director, *Environmental Management Act*  
Compliance Operations Manager

Attachments:  
2021-11-07 Amended Order Appendices Nov 2021

cc:

Alan W. McCammon, MSc, PGeo  
Manager, Remediation Assurance and Brownfields  
BC Ministry of Environment & Climate Change Strategy  
Suite 200 – 10470 152<sup>nd</sup> Street, Surrey, BC, V3R 0Y3  
[Alan.Mccammon@gov.bc.ca](mailto:Alan.Mccammon@gov.bc.ca)

Catherine Allard  
Senior Authorizations Officer, South Coast Regional Office  
Ministry of Forests, Lands & Natural Resources Operations and Rural Development  
Suite 200 – 10428 153 Street, Surrey, BC V3R 1E1  
[Catherine.Allard@gov.bc.ca](mailto:Catherine.Allard@gov.bc.ca)

Gregory Lee  
Inspector and Fishery Officer, Environmental Enforcement Directorate  
Enforcement Branch, Environment and Climate Change Canada  
Pacific and Yukon Region  
201-401 Burrard Street, Vancouver, BC, V6C 3S5  
[Gregory.lee3@canada.ca](mailto:Gregory.lee3@canada.ca)

Warren Mills  
Environmental Coordinator  
6911 No. 3 Road, Richmond, BC V6Y 2C1  
[wmills@richmond.ca](mailto:wmills@richmond.ca)

## 2021-12-13 Pollution Prevention Order Amendment

---

From: Enick, Oana V ENV:EX  
To: Harbinder Dhillon <HDhillon@richmondsteel.ca>, Karl Gustafson <Karl.Gustafson@mcmillan.ca>  
Cc: Compliance Admin ENV:EX <Compliance.Admin@gov.bc.ca>, Lee, Gregory (ECCC) <Gregory.Lee@ec.gc.ca>, wmills@richmond.ca, Allard, Catherine FLNR:EX <Catherine.Allard@gov.bc.ca>, Bings, Dan P ENV:EX <Dan.Bings@gov.bc.ca>  
Sent: December 13, 2021 12:30:17 PM PST  
Attachments: 2021-11-07 Amended Order Appendices Nov 2021.pdf, image003.jpg, image005.jpg, image006.jpg, image001.png, 2021-12-13 Amdt 4 PPO110800.pdf  
Hello:

In response to RSR's latest concern regarding sampling parameters, the Director amended Pollution Prevention Order to refer to sampling parameters in Item 1, for which there are Approved or Working Water Quality Guidelines. Please see the attached amended Pollution Prevention Order 110800 and the amended order appendices (no changes were made to the Appendices).

***Please acknowledge receipt of this email by replying to this message by selecting "Reply All". Please write "received" in the email body as confirmation within 5 business days. In doing so, you are confirming that you are able to read its contents and open all attachments. If you are not able to open the attachments, please indicate this immediately as this may affect legislated time limits that prescribe your rights or obligations.***

Regards,



Oana Enick, MET, RPBio | Environmental Protection Officer

Compliance and Environmental Enforcement | BC Ministry of Environment and Climate Change Strategy  
Ste. 200 – 10470 – 152<sup>nd</sup> Street. | Surrey, BC | V3R 1Q7 | Tel: 236-468-2231

To report an act of pollution call the RAPP (Report All Poachers and Polluters) line at 1-877-952-7277 or #7277 on TELUS Mobility or report the incident [online](#)

 @ComplianceBC To report a spill call the Provincial Emergency Program at 1-800-663-3456

More information about Environmental Compliance and how it is assessed can be found [here](#).

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Withheld pursuant to/removal as

Copyright

## Appendix B: Expanded List of Contaminants of Potential Concern

(as listed in Waste Characterization Plan, October 2021)

### Petroleum Hydrocarbons (PHCs)

|              |         |         |
|--------------|---------|---------|
| LEPH         | HEPH    | VHw6-10 |
| VPH          | benzene | toluene |
| ethylbenzene | xylene  | MTBE    |

### Polycyclic Aromatic Hydrocarbons (PAHs)

|                       |                        |                        |
|-----------------------|------------------------|------------------------|
| acenaphthene          | anthracene             | benz(a)anthracene      |
| benzo(a)pyrene        | benzo(b+j)f uoranthene | benzo(ghi)perylene     |
| benzo(k)fluoranthene  | chrysene               | dibenz(a,h)anthracene  |
| fluoranthene          | fluorene               | indeno(1,2,3-cd)pyrene |
| methylnaphthalene, 1- | methylnaphthalene, 2-  | naphthalene            |
| phenanthrene          | pyrene                 | quinoline              |

### Metals

|          |                      |                     |
|----------|----------------------|---------------------|
| aluminum | antimony             | arsenic             |
| barium   | beryllium            | boron               |
| cadmium  | chromium, hexavalent | chromium, trivalent |
| cobaH    | copper               | iron                |
| lead     | lithium              | manganese           |
| mercury  | molybdenum           | nickel              |
| selenium | silver               | strontium           |
| thallium | tin                  | titanium            |
| tungsten | vanadium             | zinc                |

### Polychlorinated biphenyls (PCBs)

|  |   |  |
|--|---|--|
| arochlor 1016                              | arochlor 1221                                 | arochlor 1232                              |
| arochlor 1242                              | arochlor 1248                                 | arochlor 1254                              |
| arochlor 1260                              | arochlor 1262                                 | arochlor 1268                              |
| decachlorobiphenyl                         | heptachlorobiphenyl, 2,3,3,4,4,5,5- (PCB 189) | hexachlorobiphenyl, 2,3,3,4,4,5- (PCB 156) |
| hexachlorobiphenyl, 2,3,3,4,4,5- (PCB 157) | hexachlorobiphenyl, 2,3,4,4,5,5- (PCB 167)    | hexachlorobiphenyl, 3,3,4,4,5,5- (PCB 169) |
| PCB 080                                    | PCB 118                                       | pentachlorobiphenyl, 2,3,3,4,4- (PCB 105)  |
| pentachlorobiphenyl, 2,3,4,4,5- (PCB 114)  | pentachlorobiphenyl, 2,3,4,4,5- (PCB 123)     | pentachlorobiphenyl, 3,3,4,4,5- (PCB 126)  |
| tetrachlorobiphenyl, 3,3,4,4- (PCB 77)     | tetrachlorobiphenyl, 3,4,4,5- (PCB 81)        |  |



#### Solvents

|                                |  |                              |
|--------------------------------|--|------------------------------|
| carbon tetrachloride           | chloroethane                                   | chloroform                   |
| chloromethane                  | dichloroethane, 1,1-                           | dichloroethane, 1,2-         |
| dichloroethylene, 1,1 -        | dichloroethylene, 1,2-<br>cisdichloroethylene, | 1,2-transdichloromethane     |
| tetrachloroethylene            | tetrachloroethane, 1,1,1,2-                    | tetrachloroethane, 1,1,2,2-  |
| trichloroethane, 1,1,1-        | trichloroethane, 1,1,2-                        | trichloroethylene            |
| vinyl chloride                 | chlorobenzene                                  | dichlorobenzene, 1,3-        |
| dichlorobenzene, 1,2-          | dichlorobenzene, 1,4-                          | hexachlorobenzene            |
| pentachlorobenzene, 1,2,3,4,5- | tetrachlorobenzene, 1,2,3,4-                   | tetrachlorobenzene, 1,2,3,5- |
| tetrachlorobenzene, 1,2,4,5-   | trichlorobenzene, 1,2,3-                       | trichlorobenzene, 1,2,4-     |
| trichlorobenzene, 1,3,5-       | acetone  | acetophenone                 |
| cyclohexanone                  | isophorone                                     | 2-hexanone (MBK)             |
| methyl ethyl ketone (MEK)      | methyl isobutyl ketone (MIBK)                  |                              |

#### Glycols

|                 |                  |
|-----------------|------------------|
| ethylene glycol | propylene glycol |
|-----------------|------------------|

#### Physical Parameters

|                                |              |
|--------------------------------|--------------|
| total suspended solids (TSS)   | pH           |
| hardness                       | conductivity |
| biological oxygen demand (BOD) |              |

#### Toxicity

|   |   |
|---|---|
| daphnia toxicity (96 hrs LC <sub>50</sub> ) | trout toxicity (96 hrs LC <sub>50</sub> ) |
|---|---|



August 5, 2021  
Amended: August 10, 2021  
Amended: September 1, 2021  
Amended: November 30, 2021  
Amended: December 13, 2021

Order Number: 110800

Via email: [skynoch@richmondsteel.ca](mailto:skynoch@richmondsteel.ca) and [HDhillon@richmondsteel.ca](mailto:HDhillon@richmondsteel.ca)

Richmond Steel Recycling Limited  
11760 Mitchell Road  
Richmond, BC V6V 1V8

Attention: Steven Kynoch, Regional SHECS Manager and Harbinder Dhillon, President

## **Pollution Prevention Order – Richmond Steel Recycling Ltd.**

This Order is being issued under Section 81 of the *Environmental Management Act* (EMA), SBC 2003, C. 53. **This Order supersedes the versions issued on August 5, 2021, August 10, 2021, September 1, 2021 and November 13, 2021.** I am satisfied on reasonable grounds that an activity at Richmond Steel Recycling Ltd. (Richmond Steel) located at 11760 Mitchell Road, Richmond, British Columbia (the Site) is being performed by a person in a manner that is likely to release effluent that will cause pollution. Specifically, the Richmond Steel facility is located on the described land parcel:

Lot 8 Except Part Plan 49844 District Lot 459 Group 1 New Westminster  
District Plan 47113

### **GROUND FOR ISSUANCE**

I am satisfied that Richmond Steel is a person who:

- previously had or now has possession, charge or control of the substance;
- previously did anything, or who is now doing anything, which may cause the release of the substance; or
- previously owned or occupied, or now owns or occupies, the land on which the substance is located.

The substance likely to be released in a manner that will cause pollution is effluent from a facility classified in the *Waste Discharge Regulation* Schedule I as a “Commercial Waste Management and/or Waste Disposal Industry” and/or “Hazardous Waste Management” and in Schedule II as a “Vehicle Dismantling and Recycling Industry”.

As per their Environmental Management Plan (2021) (EM Plan), Richmond Steel, “a joint venture between Sims Metal Management and Nucor Corporation, has been operating since the early 1970s, [with] the primary onsite operations including metal recycling, wet vehicle handling and recycling, mobile car crushing, industrial bin services, building demolishing, and maritime salvage”. As per their Drainage & Mitigation Plan (2021) (D&M Plan), all stormwater on the site is directed to the bioswale area and ditch which flows directly into the Fraser River.

On December 12, 2019, Environment and Climate Change Canada (ECCC) enforcement staff “witnessed a pool of sediment-laden water with a grey sheen on its surface... directly adjacent to the Fraser River...” and “witnessed sediment-laden water with a grey sheen flowing from the aforementioned pool of water towards the Fraser River and discharging directly into the Fraser River from the foreshore of the property”. ECCC staff further “witnessed a grey sheen spreading across the surface of the Fraser River, originating at the flow of water discharging from foreshore of the property” (ECCC Warning Letter).

ECCC staff collected samples “from the aforementioned flow of water into the Fraser River and from a treatment ditch on the East side of the property”, flowing into the Fraser River. These samples were analysed at the ECCC, Pacific & Yukon Laboratory for Environmental Testing and ECCC shared the results with the Ministry of Environment and Climate Change Strategy (Ministry). The results showed levels of aluminum, copper, zinc, polychlorinated biphenyl (Arochlor-1242), naphthalene, benz(a)anthracenes, and pyrene to be above British Columbia Water Quality Guidelines (BCWQG), as listed in the summary table below (Table 1):

Table 1: Summary Table of ECCC samples collected on December 12, 2019. (Grey highlights indicate values either below BCWQG or between phototoxic and non-phototoxic). Source: 2020-01-28 V19L036\_1 Detailed ECCC Results

| Parameter                 | ECCC Results<br>Bioswale  | ECCC Results<br>Shore/Dock   | BCWQG  |
|---------------------------|---|--|--|
| COD                       | 506 mg/L  | 472 mg/L   |  |
| TSS                       | 271 mg/L  | 2170 mg/L  |  |
| Aluminum (dissolved)      | 0.11 mg/L   | 0.12 mg/L  | 0.1 Acute mg/L<br>0.05 Chronic mg/L  |
| Copper dissolved (mg/L)   | 0.45 mg/L<br>(pH 7.3, Hardness 130,<br>DOC 10*)<br>*mid-range estimate<br>for DOC | 0.010 mg/L<br>(pH 7.9, Hardness<br>150, DOC 10*)<br>*mid-range estimate<br>for DOC | 0.0179 Acute mg/L<br>0.00298 Chronic mg/L<br><br>0.0348 Acute mg/L<br>0.00594 Chronic mg/L |
| Zinc, total (mg/L)        | 2.46 mg/L   | 14.6 mg/L  | 0.063 Acute mg/L<br>0.0375 Chronic mg/L  |
| PCB, total (µg/L)         | 10.1 µg/L = 10100<br>ng/L   | 20.8 µg/L = 20800<br>ng/L  | 0.1 ng/L Acute<br>(HWR = 0.005 mg/L =<br>5000ng/L)   |
| Naphthalene (ug/L)        | 4.97 µg/L   | 0.52 µg/L  | 1 µg/L   |
| Benz(a)anthracenes (ug/L) | 0.44 µg/L   | 0.49 µg/L  | 0.1 µg/L Chronic   |
| Fluoranthene              | 0.65 µg/L   | 1.12 µg/L  | 0.2 µg/L Phototoxic<br>4 µg/L Non-phototoxic   |
| Pyrene                    | 0.70 µg/L   | 1.14 µg/L  | 0.02 µg/L Chronic  |

In response to ECCC's findings, "*RSR retained Pottinger Gaherty Environmental Consultants Ltd. (PGL) to develop a Stormwater Management and Mitigation Plan (the Stormwater Plan) [that] included undertaking additional investigation of site conditions to help inform RSR's decisions as to the steps required to manage stormwater effectively*" (Update Letter, March 15, 2021).

In May 2021, Richmond Steel submitted updated D&M and EM Plans. Neither documents include sampling specifics or analytical results and neither documents propose an on-going sampling, monitoring, and reporting schedule (D&M Plan, 2021 and EM Plan, 2021).

On July 2, 2020, Ministry staff conducted an inspection of the Richmond Steel facility and assessed compliance with the *Hazardous Waste Regulation* (HWR), Section 17(1)(b), as not-determined because facility staff were unable to locate sample records. Richmond Steel staff later reported in a July 15, 2020, email that they "*did not find any reports or records of a storm water sampling program*". The inspection report concludes that "*there were no sample records*".

On April 26, 2021, Ministry staff again requested the sampling records to demonstrate compliance with HWR, Section 17(1)(b), and no records were provided. In direct response to the issue of HWR, Section 17(1)(b) records, Richmond Steel stated in a May 7, 2021, email – Compliance Advisory Table that "*Richmond Steel Recycling is not a Hazardous Waste Storage facility*" but do acknowledge in that same email that '*Sch. 1.2 does apply to the discharge*' (email, May 7, 2021).

On March 23, 2021, in an update letter to the City of Richmond, Mr. Keith Gagne, P.Eng, of PGL Environmental Consultants suggests that potential pollution is ubiquitous throughout the site and is on-going "*PCBs were non-detect (N.D.) in the soil samples; however, surface water throughout the Site exceeded BC Water Quality Guidelines. RSR was unable to isolate the PCB impacts to one area. It appears that the low levels of PCBs are likely related to ongoing activities, regardless of the controls RSR has or might reasonably put in place to prevent PCB materials from entering the Site.*"

Between September 1, 2021 and the date of this amendment and consistent with requirements of this Order, RSR has submitted multiple documents. These documents confirm activities and operations at the Site and identify various contaminants of potential concern and their ubiquitous presence on the Site and in the effluent.

Based on this information, I am satisfied on reasonable grounds that this activity/operation is being performed in a manner that is likely to release a substance that will cause pollution. Furthermore, I conclude that an amendment of this Order is required, as follows:

## ORDER

Pursuant to Section 81 of the *Environmental Management Act* [SBC 2003] Chapter 53, Richmond Steel is hereby ordered to comply with the required actions listed in the table below and to provide information to the Director indicating the completion of each action.

| Item   | Required Action  | Required by midnight on:   |                               |                    |  |   |  |  |  |  |                   |
|--|--|--|-------------------------------|--------------------|--|---|--|--|--|--|-------------------|
| 1.   | <p>Implement an effluent monitoring programme which includes the following:</p> <table border="1" data-bbox="368 439 1110 1171"> <thead> <tr> <th data-bbox="368 439 624 488">Sampling Locations*</th><th data-bbox="624 439 874 488">Summary Sampling Parameters**</th><th data-bbox="874 439 1110 488">Sampling Frequency</th></tr> </thead> <tbody> <tr> <td data-bbox="368 488 624 689"> <ul style="list-style-type: none"> <li>OW-01 and OW-02</li> <li>Chamber-01 and Chamber-02</li> <li>Each of CB-02 to CB-09, inclusive</li> <li>Separator</li> </ul> </td><td data-bbox="624 488 874 689"> <ul style="list-style-type: none"> <li>Petroleum hydrocarbons</li> <li>Polycyclic aromatic hydrocarbons</li> <li>Total and Dissolved Metals</li> <li>Solvents and Glycols</li> <li>Total Suspended Solids</li> <li>PH, Hardness &amp; Conductivity</li> <li>Biological Oxygen Demand</li> <li>Chemical Oxygen Demand</li> </ul> </td><td data-bbox="874 488 1110 689"> <ul style="list-style-type: none"> <li>Quarterly, starting no later than November 26, 2021.</li> </ul> </td></tr> <tr> <td data-bbox="368 689 624 931"> <ul style="list-style-type: none"> <li>Ditch</li> <li>Ditch/River</li> </ul> </td><td data-bbox="624 689 874 931"> <ul style="list-style-type: none"> <li>Petroleum hydrocarbons</li> <li>Polycyclic aromatic hydrocarbons</li> <li>Total and Dissolved Metals</li> <li>Solvents and Glycols</li> <li>Total Suspended Solids</li> <li>PH, Hardness &amp; Conductivity</li> <li>Biological Oxygen Demand</li> <li>Chemical Oxygen Demand</li> <li>Toxicity 96 hr trout LC<sub>50</sub>***</li> <li>Toxicity 96 hr Daphnia LC<sub>50</sub></li> </ul> </td><td data-bbox="874 689 1110 931"> <ul style="list-style-type: none"> <li>Monthly, starting no later than November 26, 2021. and</li> <li>During or Immediately after significant rain events***</li> </ul> </td></tr> </tbody> </table> <p data-bbox="368 931 1110 976">* Sampling Locations as identified on RSR WCPv3, October 2021 Figure 2 and attached as Order Appendix A.</p> <p data-bbox="368 976 1110 1043">** Sampling Parameters as detailed in RSR WCPv3, October 2021 Appendix 1 – Expanded List of PCOCs and attached as Order Appendix B and for which there are Approved or Working BC Water Quality Guidelines.</p> <p data-bbox="368 1043 1110 1171">***Immediately following significant rain events:<br/> - significant rain event is defined as a period of precipitation which meets or exceeds the intensity of 25 mm in 24 hrs as reported by Environment Canada at <a href="#">Vancouver Intl A</a> station and<br/> - during or immediately following means within 12 hours of EC recording precipitation equal to or in excess of 25 mm in 24 hrs. (NOTE: EC's rainfall data can be determined on a daily or hourly basis, as needed).</p> | Sampling Locations*  | Summary Sampling Parameters** | Sampling Frequency | <ul style="list-style-type: none"> <li>OW-01 and OW-02</li> <li>Chamber-01 and Chamber-02</li> <li>Each of CB-02 to CB-09, inclusive</li> <li>Separator</li> </ul> | <ul style="list-style-type: none"> <li>Petroleum hydrocarbons</li> <li>Polycyclic aromatic hydrocarbons</li> <li>Total and Dissolved Metals</li> <li>Solvents and Glycols</li> <li>Total Suspended Solids</li> <li>PH, Hardness &amp; Conductivity</li> <li>Biological Oxygen Demand</li> <li>Chemical Oxygen Demand</li> </ul> | <ul style="list-style-type: none"> <li>Quarterly, starting no later than November 26, 2021.</li> </ul> | <ul style="list-style-type: none"> <li>Ditch</li> <li>Ditch/River</li> </ul> | <ul style="list-style-type: none"> <li>Petroleum hydrocarbons</li> <li>Polycyclic aromatic hydrocarbons</li> <li>Total and Dissolved Metals</li> <li>Solvents and Glycols</li> <li>Total Suspended Solids</li> <li>PH, Hardness &amp; Conductivity</li> <li>Biological Oxygen Demand</li> <li>Chemical Oxygen Demand</li> <li>Toxicity 96 hr trout LC<sub>50</sub>***</li> <li>Toxicity 96 hr Daphnia LC<sub>50</sub></li> </ul> | <ul style="list-style-type: none"> <li>Monthly, starting no later than November 26, 2021. and</li> <li>During or Immediately after significant rain events***</li> </ul> | December 10, 2021 |
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| 2.   | <p>Monthly reporting:</p> <p>By the 10<sup>th</sup> of each month, Richmond Steel must provide an update of activities from the month previous. These monthly updates must include:</p> <ol style="list-style-type: none"> <li>certification from the Qualified Professional regarding testing protocols, interpretation, and update information,</li> <li>a summary of activities completed towards complying with requirement 1 of the order,</li> <li>analytical results for Item 1, interpretation of the results, including comparison to standards in the British Columbia Water Quality Guidelines and the Hazardous Waste Regulation, and rationale for conclusions reached,</li> <li>pertinent photographs, drawings, maps and other documentation, and</li> <li>summary of daily precipitation as recorded at Vancouver Intl A station, demonstrating maximum precipitations within a 24 hour period.</li> </ol> <p>This requirement will remain in place until this Order is cancelled by the Director.</p>   | On the 10 <sup>th</sup> day of every month starting on September 10, 2021.   |                               |                    |  |   |  |  |  |  |                   |

| Item | Required Action   | Required by midnight on:                            |
|------|---|---|
| 3.   | The qualified professional(s) performing any of the following in response to this order: performing work, authoring reports, and/or providing opinions must complete and submit the attached Declaration of Competency and Conflict of Interest Disclosure Statement forms. | First QP submission of past, current or future work |

For the purposes of this Order, the following definition applies:

"Qualified Professional" means an applied scientist or technologist specializing in a particular applied science or technology, including agrology, biology, chemistry, engineering, geology or hydrogeology, who (a) is registered in British Columbia with the professional organization responsible for his or her area of expertise, acting under that professional association's code of ethics and subject to disciplinary action by that association, and (b) through suitable education, experience, accreditation and knowledge, may be reasonably relied on to provide advice within his or her area of expertise as it relates to this order, or (c) is approved by the Director.

### DUTY TO COMPLY

The requirements above must be completed on or before the associated "Required By" date. Failure to comply with the requirements of this order is a contravention of the *Environmental Management Act* [SBC 2003, c.53] 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 a ...director...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."

### RIGHT TO APPEAL

This decision may be appealed to the Environmental Appeal Board in accordance with Part 8 of the *Environmental Management Act*. An appeal must be delivered within 30 days from the date notice of this order is given. For further information, please contact the Environmental Appeal Board at (250) 387-3464.

## NOTIFICATION OF PUBLICATION

The Party is 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 party 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 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.

This order will also appear in the Ministry of Environment's Quarterly Environmental Enforcement Summary and Environmental Violations Database.

## MINISTRY CONTACT

If you have any questions, please contact the undersigned at [Dan.Bings@gov.bc.ca](mailto:Dan.Bings@gov.bc.ca) or Environmental Protection Officer Oana Enick at 236-468-2231 and [Oana.Enick@gov.bc.ca](mailto:Oana.Enick@gov.bc.ca).

Regards,



Daniel P. Bings  
for Director, *Environmental Management Act*  
Compliance Operations Manager

Attachments:  
2021-11-07 Amended Order Appendices Nov 2021

cc:

Catherine Allard  
Senior Authorizations Officer, South Coast Regional Office  
Ministry of Forests, Lands & Natural Resources Operations and Rural Development  
Suite 200 – 10428 153 Street, Surrey, BC V3R 1E1  
[Catherine.Allard@gov.bc.ca](mailto:Catherine.Allard@gov.bc.ca)

Gregory Lee  
Inspector and Fishery Officer, Environmental Enforcement Directorate  
Enforcement Branch, Environment and Climate Change Canada  
Pacific and Yukon Region  
201-401 Burrard Street, Vancouver, BC, V6C 3S5.  
[Gregory.lee3@canada.ca](mailto:Gregory.lee3@canada.ca)

Warren Mills  
Environmental Coordinator  
6911 No. 3 Road, Richmond, BC V6Y 2C1  
[wmills@richmond.ca](mailto:wmills@richmond.ca)



## RE: 2021-12-13 Pollution Prevention Order Amendment 4 Corrected

From: Enick, Oana V ENV:EX  
To: Karl Gustafson <Karl.Gustafson@mcmillan.ca>, Harbinder Dhillon <HDhillon@richmondsteel.ca>  
Cc: Compliance Admin ENV:EX <Compliance.Admin@gov.bc.ca>, Lee, Gregory (ECCC) <Gregory.Lee@ec.gc.ca>, wmills@richmond.ca, Allard, Catherine FLNR:EX <Catherine.Allard@gov.bc.ca>, Bings, Dan P ENV:EX <Dan.Bings@gov.bc.ca>  
Sent: December 13, 2021 3:27:50 PM PST  
Attachments: image006.jpg, image005.jpg, image007.jpg, image009.jpg, image008.gif, 2021-11-07 Amended Order Appendices Nov 2021.pdf, image004.png, 2021-12-13 Amdt 4 PPO110800 Corrected.pdf

Hello:

Please see attached Corrected Version of PPO 110800 Amendment 4 which corrects a clerical error. Item 1 now reflects the correct table. There are no changes to the Amended Order Appendices Nov 2021 document.

Regards,

***Please acknowledge receipt of this email by replying to this message by selecting "Reply All". Please write "received" in the email body as confirmation within 5 business days. In doing so, you are confirming that you are able to read its contents and open all attachments. If you are not able to open the attachments, please indicate this immediately as this may affect legislated time limits that prescribe your rights or obligations.***



Oana Enick, MET, RPBio | Environmental Protection Officer

Compliance and Environmental Enforcement | BC Ministry of Environment and Climate Change Strategy  
Ste. 200 – 10470 – 152<sup>nd</sup> Street. | Surrey, BC | V3R 1Q7 | Tel: 236-468-2231

To report an act of pollution call the RAPP (Report All Poachers and Polluters) line at 1-877-952-7277 or #7277 on TELUS Mobility or report the incident [online](#)

 @ComplianceBC To report a spill call the Provincial Emergency Program at 1-800-663-3456

More information about Environmental Compliance and how it is assessed can be found [here](#).

---

**From:** Karl Gustafson <Karl.Gustafson@mcmillan.ca>

**Sent:** December 13, 2021 12:42 PM

**To:** Enick, Oana V ENV:EX <Oana.Enick@gov.bc.ca>; Harbinder Dhillon <HDhillon@richmondsteel.ca>

**Cc:** Compliance Admin ENV:EX <Compliance.Admin@gov.bc.ca>; Lee, Gregory (ECCC) <Gregory.Lee@ec.gc.ca>; wmills@richmond.ca; Allard, Catherine FLNR:EX <Catherine.Allard@gov.bc.ca>; Bings, Dan P ENV:EX <Dan.Bings@gov.bc.ca>

**Subject:** RE: 2021-12-13 Pollution Prevention Order Amendment

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Received.

mcmillan

**Karl E Gustafson, Q.C.**

Counsel  
d 604.691.7427  
[karl.gustafson@mcmillan.ca](mailto:karl.gustafson@mcmillan.ca)

Assistant: Karen Lam | 236.826.3051 | [karen.lam@mcmillan.ca](mailto:karen.lam@mcmillan.ca)

Please consider the environment before printing this e-mail.

---

**From:** Enick, Oana V ENV:EX <Oana.Enick@gov.bc.ca>  
**Sent:** Monday, December 13, 2021 12:30 PM  
**To:** Harbinder Dhillon <HDhillon@richmondsteel.ca>; Karl Gustafson <Karl.Gustafson@mcmillan.ca>  
**Cc:** Compliance Admin ENV:EX <Compliance.Admin@gov.bc.ca>; Lee, Gregory (ECCC) <Gregory.Lee@ec.gc.ca>;  
wmills@richmond.ca; Allard, Catherine FLNR:EX <Catherine.Allard@gov.bc.ca>; Bings, Dan P ENV:EX  
<Dan.Bings@gov.bc.ca>  
**Subject:** 2021-12-13 Pollution Prevention Order Amendment

**EXTERNAL EMAIL** Exercise caution before opening links or attachments. **COURRIEL DE L'EXTERNE** Faites preuve de prudence avant de cliquer sur des liens ou des pièces jointes.

Hello:

In response to RSR's latest concern regarding sampling parameters, the Director amended Pollution Prevention Order to refer to sampling parameters in Item 1, for which there are Approved or Working Water Quality Guidelines. Please see the attached amended Pollution Prevention Order 110800 and the amended order appendices (no changes were made to the Appendices).

***Please acknowledge receipt of this email by replying to this message by selecting "Reply All". Please write "received" in the email body as confirmation within 5 business days. In doing so, you are confirming that you are able to read its contents and open all attachments. If you are not able to open the attachments, please indicate this immediately as this may affect legislated time limits that prescribe your rights or obligations.***

Regards,



Oana Enick, MET, RPBio | Environmental Protection Officer

Compliance and Environmental Enforcement | BC Ministry of Environment and Climate Change Strategy  
Ste. 200 – 10470 – 152<sup>nd</sup> Street. | Surrey, BC | V3R 1Q7 | Tel: 236-468-2231

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McMillan s'engage à vous envoyer des communications électroniques appropriées pour vous et votre entreprise. Pour vous abonner et recevoir des communications électroniques de notre part, ou pour vous désabonner et ne plus recevoir de telles communications, veuillez visiter le [centre d'abonnement en ligne de McMillan](#).



August 5, 2021

Amended: August 10, 2021

Amended: September 1, 2021

Amended: November 30, 2021

Amended: December 13, 2021 and December 13, 2021 Corrected

Order Number: 110800

Via email: [skynoch@richmondsteel.ca](mailto:skynoch@richmondsteel.ca) and [HDhillon@richmondsteel.ca](mailto:HDhillon@richmondsteel.ca)

Richmond Steel Recycling Limited

11760 Mitchell Road

Richmond, BC V6V 1V8

Attention: Steven Kynoch, Regional SHECS Manager and Harbinder Dhillon, President

## Pollution Prevention Order – Richmond Steel Recycling Ltd.

This Order is being issued under Section 81 of the *Environmental Management Act* (EMA), SBC 2003, C. 53. **This Order supersedes the versions issued on August 5, 2021, August 10, 2021, September 1, 2021, November 30, 2021 and the uncorrected version issued on December 13, 2021.** I am satisfied on reasonable grounds that an activity at Richmond Steel Recycling Ltd. (Richmond Steel) located at 11760 Mitchell Road, Richmond, British Columbia (the Site) is being performed by a person in a manner that is likely to release effluent that will cause pollution. Specifically, the Richmond Steel facility is located on the described land parcel:

Lot 8 Except Part Plan 49844 District Lot 459 Group 1 New Westminster  
District Plan 47113

### GROUND FOR ISSUANCE

I am satisfied that Richmond Steel is a person who:

- previously had or now has possession, charge or control of the substance;
- previously did anything, or who is now doing anything, which may cause the release of the substance; or
- previously owned or occupied, or now owns or occupies, the land on which the substance is located.

The substance likely to be released in a manner that will cause pollution is effluent from a facility classified in the *Waste Discharge Regulation* Schedule I as a “Commercial Waste Management and/or Waste Disposal Industry” and/or “Hazardous Waste Management” and in Schedule II as a “Vehicle Dismantling and Recycling Industry”.

As per their Environmental Management Plan (2021) (EM Plan), Richmond Steel, “a joint venture between Sims Metal Management and Nucor Corporation, has been operating since the early 1970s, [with] the primary onsite operations including metal recycling, wet vehicle handling and recycling, mobile car crushing, industrial bin services, building demolishing, and maritime salvage”. As per their Drainage & Mitigation Plan (2021) (D&M Plan), all stormwater on the site is directed to the bioswale area and ditch which flows directly into the Fraser River.

On December 12, 2019, Environment and Climate Change Canada (ECCC) enforcement staff “witnessed a pool of sediment-laden water with a grey sheen on its surface... directly adjacent to the Fraser River...” and “witnessed sediment-laden water with a grey sheen flowing from the aforementioned pool of water towards the Fraser River and discharging directly into the Fraser River from the foreshore of the property”. ECCC staff further “witnessed a grey sheen spreading across the surface of the Fraser River, originating at the flow of water discharging from foreshore of the property” (ECCC Warning Letter).

ECCC staff collected samples “from the aforementioned flow of water into the Fraser River and from a treatment ditch on the East side of the property”, flowing into the Fraser River. These samples were analysed at the ECCC, Pacific & Yukon Laboratory for Environmental Testing and ECCC shared the results with the Ministry of Environment and Climate Change Strategy (Ministry). The results showed levels of aluminum, copper, zinc, polychlorinated biphenyl (Arochlor-1242), naphthalene, benz(a)anthracenes, and pyrene to be above British Columbia Water Quality Guidelines (BCWQG), as listed in the summary table below (Table 1):

Table 1: Summary Table of ECCC samples collected on December 12, 2019. (Grey highlights indicate values either below BCWQG or between phototoxic and non-phototoxic). Source: 2020-01-28 V19L036\_1 Detailed ECCC Results

| Parameter                 | ECCC Results<br>Bioswale  | ECCC Results<br>Shore/Dock   | BCWQG  |
|---------------------------|---|--|--|
| COD                       | 506 mg/L  | 472 mg/L   |  |
| TSS                       | 271 mg/L  | 2170 mg/L  |  |
| Aluminum (dissolved)      | 0.11 mg/L   | 0.12 mg/L  | 0.1 Acute mg/L<br>0.05 Chronic mg/L  |
| Copper dissolved (mg/L)   | 0.45 mg/L<br>(pH 7.3, Hardness 130,<br>DOC 10*)<br>*mid-range estimate<br>for DOC | 0.010 mg/L<br>(pH 7.9, Hardness<br>150, DOC 10*)<br>*mid-range estimate<br>for DOC | 0.0179 Acute mg/L<br>0.00298 Chronic mg/L<br><br>0.0348 Acute mg/L<br>0.00594 Chronic mg/L |
| Zinc, total (mg/L)        | 2.46 mg/L   | 14.6 mg/L  | 0.063 Acute mg/L<br>0.0375 Chronic mg/L  |
| PCB, total (µg/L)         | 10.1 µg/L = 10100<br>ng/L   | 20.8 µg/L = 20800<br>ng/L  | 0.1 ng/L Acute<br>(HWR = 0.005 mg/L =<br>5000ng/L)   |
| Naphthalene (ug/L)        | 4.97 µg/L   | 0.52 µg/L  | 1 µg/L   |
| Benz(a)anthracenes (ug/L) | 0.44 µg/L   | 0.49 µg/L  | 0.1 µg/L Chronic   |
| Fluoranthene              | 0.65 µg/L   | 1.12 µg/L  | 0.2 µg/L Phototoxic<br>4 µg/L Non-phototoxic   |
| Pyrene                    | 0.70 µg/L   | 1.14 µg/L  | 0.02 µg/L Chronic  |

In response to ECCC's findings, "*RSR retained Pottinger Gaherty Environmental Consultants Ltd. (PGL) to develop a Stormwater Management and Mitigation Plan (the Stormwater Plan) [that] included undertaking additional investigation of site conditions to help inform RSR's decisions as to the steps required to manage stormwater effectively*" (Update Letter, March 15, 2021).

In May 2021, Richmond Steel submitted updated D&M and EM Plans. Neither documents include sampling specifics or analytical results and neither documents propose an on-going sampling, monitoring, and reporting schedule (D&M Plan, 2021 and EM Plan, 2021).

On July 2, 2020, Ministry staff conducted an inspection of the Richmond Steel facility and assessed compliance with the *Hazardous Waste Regulation* (HWR), Section 17(1)(b), as not-determined because facility staff were unable to locate sample records. Richmond Steel staff later reported in a July 15, 2020, email that they "*did not find any reports or records of a storm water sampling program*". The inspection report concludes that "*there were no sample records*".

On April 26, 2021, Ministry staff again requested the sampling records to demonstrate compliance with HWR, Section 17(1)(b), and no records were provided. In direct response to the issue of HWR, Section 17(1)(b) records, Richmond Steel stated in a May 7, 2021, email – Compliance Advisory Table that "*Richmond Steel Recycling is not a Hazardous Waste Storage facility*" but do acknowledge in that same email that "*Sch. 1.2 does apply to the discharge*" (email, May 7, 2021).

On March 23, 2021, in an update letter to the City of Richmond, Mr. Keith Gagne, P.Eng, of PGL Environmental Consultants suggests that potential pollution is ubiquitous throughout the site and is on-going "*PCBs were non-detect (N.D.) in the soil samples; however, surface water throughout the Site exceeded BC Water Quality Guidelines. RSR was unable to isolate the PCB impacts to one area. It appears that the low levels of PCBs are likely related to ongoing activities, regardless of the controls RSR has or might reasonably put in place to prevent PCB materials from entering the Site.*"

Between September 1, 2021 and the date of this amendment and consistent with requirements of this Order, RSR has submitted multiple documents. These documents confirm activities and operations at the Site and identify various contaminants of potential concern and their ubiquitous presence on the Site and in the effluent.

Based on this information, I am satisfied on reasonable grounds that this activity/operation is being performed in a manner that is likely to release a substance that will cause pollution. Furthermore, I conclude that an amendment of this Order is required, as follows:

## ORDER

Pursuant to Section 81 of the *Environmental Management Act* [SBC 2003] Chapter 53, Richmond Steel is hereby ordered to comply with the required actions listed in the table below and to provide information to the Director indicating the completion of each action.

| Item   | Required Action   | Required by midnight on:   |                               |                    |  |  |  |                   |
|--|---|--|-------------------------------|--------------------|--|--|--|-------------------|
| 1.   | <p>Implement an effluent monitoring programme which includes the following:</p> <table border="1" data-bbox="295 477 1192 835"> <thead> <tr> <th data-bbox="295 477 608 539">Sampling Locations*</th><th data-bbox="608 477 906 539">Summary Sampling Parameters**</th><th data-bbox="906 477 1192 539">Sampling Frequency</th></tr> </thead> <tbody> <tr> <td data-bbox="295 539 608 835"> <ul style="list-style-type: none"> <li>Ditch</li> <li>Ditch/River</li> </ul> </td><td data-bbox="608 539 906 835"> <ul style="list-style-type: none"> <li>Petroleum hydrocarbons</li> <li>Polycyclic aromatic hydrocarbons</li> <li>Total and Dissolved Metals</li> <li>Solvents and Glycols</li> <li>Total Suspended Solids</li> <li>PH, Hardness &amp; Conductivity</li> <li>Biological Oxygen Demand</li> <li>Chemical Oxygen Demand</li> <li>Toxicity 96 hr trout LC<sub>50</sub>***</li> <li>Toxicity 96 hr Daphnia LC<sub>50</sub></li> </ul> </td><td data-bbox="906 539 1192 835"> <ul style="list-style-type: none"> <li>Monthly, starting no later than November 26, 2021. and</li> <li>During or Immediately after significant rain events***</li> </ul> </td></tr> </tbody> </table> <p>* Sampling Locations as identified on RSR WCPv3, October 2021 Figure 2 and attached as Order Appendix A.</p> <p>** Sampling Parameters as detailed in RSR WCPv3, October 2021 Appendix 1 – Expanded List of PCOCs and attached as Order Appendix B and for which there are Approved or Working BC Water Quality Guidelines.</p> <p>***Immediately following significant rain events:<br/>       -significant rain event is defined as a period of precipitation which meets or exceeds the intensity of 25 mm in 24 hrs as reported by Environment Canada at Vancouver Intl A station and<br/>       -during or immediately following means within 12 hours of EC recording precipitation equal to or in excess of 25 mm in 24 hrs. (NOTE: EC's rainfall data can be determined on a daily or hourly basis, as needed).</p> | Sampling Locations*  | Summary Sampling Parameters** | Sampling Frequency | <ul style="list-style-type: none"> <li>Ditch</li> <li>Ditch/River</li> </ul> | <ul style="list-style-type: none"> <li>Petroleum hydrocarbons</li> <li>Polycyclic aromatic hydrocarbons</li> <li>Total and Dissolved Metals</li> <li>Solvents and Glycols</li> <li>Total Suspended Solids</li> <li>PH, Hardness &amp; Conductivity</li> <li>Biological Oxygen Demand</li> <li>Chemical Oxygen Demand</li> <li>Toxicity 96 hr trout LC<sub>50</sub>***</li> <li>Toxicity 96 hr Daphnia LC<sub>50</sub></li> </ul> | <ul style="list-style-type: none"> <li>Monthly, starting no later than November 26, 2021. and</li> <li>During or Immediately after significant rain events***</li> </ul> | December 10, 2021 |
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## MINISTRY CONTACT

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Regards,



Daniel P. Bings  
for Director, *Environmental Management Act*  
Compliance Operations Manager

Attachments:  
2021-11-07 Amended Order Appendices Nov 2021

cc:

Catherine Allard  
Senior Authorizations Officer, South Coast Regional Office  
Ministry of Forests, Lands & Natural Resources Operations and Rural Development  
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Warren Mills  
Environmental Coordinator  
6911 No. 3 Road, Richmond, BC V6Y 2C1  
[wmills@richmond.ca](mailto:wmills@richmond.ca)

Page 256 of 322 to/à Page 272 of 322

Withheld pursuant to/removed as

NR

## 2022-01-14 Richmond Steel Recycling Pollution Prevention Order 110800 Amendment 5

---

From: Enick, Oana V ENV:EX  
To: Harbinder Dhillon <HDhillon@richmondsteel.ca>, Steven Kynoch <SKynoch@richmondsteel.ca>  
Cc: Karl Gustafson <Karl.Gustafson@mcmillan.ca>, Sebastien.Rosner@simsmm.com, Bings, Dan P ENV:EX <Dan.Bings@gov.bc.ca>, Lee, Gregory (ECCC) <Gregory.Lee@ec.gc.ca>, wmills@richmond.ca, Allard, Catherine FLNR:EX <Catherine.Allard@gov.bc.ca>, Compliance Admin ENV:EX <Compliance.Admin@gov.bc.ca>  
Sent: January 14, 2022 4:45:38 PM PST  
Attachments: 2022-01-14 Amdt 5 PPO110800.pdf, image001.png, image005.jpg, image006.jpg, image003.jpg, 2021-11-07 Amended Order Appendices Nov 2021.pdf  
Hello:

Please find attached Pollution Prevention Order 110800 Amendment 5 and the Order appendices (no changes were made to the appendices), clarifying the requirement to analyse for PCBs.

***Please acknowledge receipt of this email by replying to this message by selecting "Reply All". Please write "received" in the email body as confirmation within 5 business days. In doing so, you are confirming that you are able to read its contents and open all attachments. If you are not able to open the attachments, please indicate this immediately as this may affect legislated time limits that prescribe your rights or obligations.***

Regards,



Oana Enick, MET, RPBio | Environmental Protection Officer

Compliance and Environmental Enforcement | BC Ministry of Environment and Climate Change Strategy  
Ste. 200 – 10470 – 152<sup>nd</sup> Street. | Surrey, BC | V3R 1Q7 | Tel: 236-468-2231

To report an act of pollution call the RAPP (Report All Poachers and Polluters) line at 1-877-952-7277 or #7277 on TELUS Mobility or report the incident [online](#)

 @ComplianceBC To report a spill call the Provincial Emergency Program at 1-800-663-3456  
More information about Environmental Compliance and how it is assessed can be found [here](#).



August 5, 2021

Amended: August 10, 2021, September 1, 2021, November 30, 2021

Amended: December 13, 2021 and December 13, 2021 Corrected

Amended: January 14, 2022

Order Number: 110800

Via email: [skynoch@richmondsteel.ca](mailto:skynoch@richmondsteel.ca) and [HDhillon@richmondsteel.ca](mailto:HDhillon@richmondsteel.ca)

Richmond Steel Recycling Limited  
11760 Mitchell Road  
Richmond, BC V6V 1V8

Attention: Steven Kynoch, Regional SHECS Manager and Harbinder Dhillon, President

## Pollution Prevention Order – Richmond Steel Recycling Ltd.

This Order is being issued under Section 81 of the *Environmental Management Act* (EMA), SBC 2003, C. 53. **This Order supersedes the versions issued on August 5, 2021, August 10, 2021, September 1, 2021, November 30, 2021 and December 13, 2021.** I am satisfied on reasonable grounds that an activity at Richmond Steel Recycling Ltd. (Richmond Steel) located at 11760 Mitchell Road, Richmond, British Columbia (the Site) is being performed by a person in a manner that is likely to release effluent that will cause pollution. Specifically, the Richmond Steel facility is located on the described land parcel:

Lot 8 Except Part Plan 49844 District Lot 459 Group 1 New Westminster  
District Plan 47113

### GROUND FOR ISSUANCE

I am satisfied that Richmond Steel is a person who:

- previously had or now has possession, charge or control of the substance;
- previously did anything, or who is now doing anything, which may cause the release of the substance; or
- previously owned or occupied, or now owns or occupies, the land on which the substance is located.

The substance likely to be released in a manner that will cause pollution is effluent from a facility classified in the *Waste Discharge Regulation* Schedule I as a “Commercial Waste Management and/or Waste Disposal Industry” and/or “Hazardous Waste Management” and in Schedule II as a “Vehicle Dismantling and Recycling Industry”.

As per their Environmental Management Plan (2021) (EM Plan), Richmond Steel, “a joint venture between Sims Metal Management and Nucor Corporation, has been operating since the early 1970s, [with] the primary onsite operations including metal recycling, wet vehicle handling and recycling, mobile car crushing, industrial bin services, building demolishing, and maritime salvage”. As per their Drainage & Mitigation Plan (2021) (D&M Plan), all stormwater on the site is directed to the bioswale area and ditch which flows directly into the Fraser River.

On December 12, 2019, Environment and Climate Change Canada (ECCC) enforcement staff “witnessed a pool of sediment-laden water with a grey sheen on its surface... directly adjacent to the Fraser River...” and “witnessed sediment-laden water with a grey sheen flowing from the aforementioned pool of water towards the Fraser River and discharging directly into the Fraser River from the foreshore of the property”. ECCC staff further “witnessed a grey sheen spreading across the surface of the Fraser River, originating at the flow of water discharging from foreshore of the property” (ECCC Warning Letter).

ECCC staff collected samples “from the aforementioned flow of water into the Fraser River and from a treatment ditch on the East side of the property”, flowing into the Fraser River. These samples were analysed at the ECCC, Pacific & Yukon Laboratory for Environmental Testing and ECCC shared the results with the Ministry of Environment and Climate Change Strategy (Ministry). The results showed levels of aluminum, copper, zinc, polychlorinated biphenyl (Arochlor-1242), naphthalene, benz(a)anthracenes, and pyrene to be above British Columbia Water Quality Guidelines (BCWQG), as listed in the summary table below (Table 1):

Table 1: Summary Table of ECCC samples collected on December 12, 2019. (Grey highlights indicate values either below BCWQG or between phototoxic and non-phototoxic). Source: 2020-01-28 V19L036\_1 Detailed ECCC Results

| Parameter                 | ECCC Results<br>Bioswale  | ECCC Results<br>Shore/Dock   | BCWQG  |
|---------------------------|---|--|--|
| COD                       | 506 mg/L  | 472 mg/L   |  |
| TSS                       | 271 mg/L  | 2170 mg/L  |  |
| Aluminum (dissolved)      | 0.11 mg/L   | 0.12 mg/L  | 0.1 Acute mg/L<br>0.05 Chronic mg/L  |
| Copper dissolved (mg/L)   | 0.45 mg/L<br>(pH 7.3, Hardness 130,<br>DOC 10*)<br>*mid-range estimate<br>for DOC | 0.010 mg/L<br>(pH 7.9, Hardness<br>150, DOC 10*)<br>*mid-range estimate<br>for DOC | 0.0179 Acute mg/L<br>0.00298 Chronic mg/L<br><br>0.0348 Acute mg/L<br>0.00594 Chronic mg/L |
| Zinc, total (mg/L)        | 2.46 mg/L   | 14.6 mg/L  | 0.063 Acute mg/L<br>0.0375 Chronic mg/L  |
| PCB, total (µg/L)         | 10.1 µg/L = 10100<br>ng/L   | 20.8 µg/L = 20800<br>ng/L  | 0.1 ng/L Acute<br>(HWR = 0.005 mg/L =<br>5000ng/L)   |
| Naphthalene (ug/L)        | 4.97 µg/L   | 0.52 µg/L  | 1 µg/L   |
| Benz(a)anthracenes (ug/L) | 0.44 µg/L   | 0.49 µg/L  | 0.1 µg/L Chronic   |
| Fluoranthene              | 0.65 µg/L   | 1.12 µg/L  | 0.2 µg/L Phototoxic<br>4 µg/L Non-phototoxic   |
| Pyrene                    | 0.70 µg/L   | 1.14 µg/L  | 0.02 µg/L Chronic  |

In response to ECCC's findings, "*RSR retained Pottinger Gaherty Environmental Consultants Ltd. (PGL) to develop a Stormwater Management and Mitigation Plan (the Stormwater Plan) [that] included undertaking additional investigation of site conditions to help inform RSR's decisions as to the steps required to manage stormwater effectively*" (Update Letter, March 15, 2021).

In May 2021, Richmond Steel submitted updated D&M and EM Plans. Neither documents include sampling specifics or analytical results and neither documents propose an on-going sampling, monitoring, and reporting schedule (D&M Plan, 2021 and EM Plan, 2021).

On July 2, 2020, Ministry staff conducted an inspection of the Richmond Steel facility and assessed compliance with the *Hazardous Waste Regulation* (HWR), Section 17(1)(b), as not-determined because facility staff were unable to locate sample records. Richmond Steel staff later reported in a July 15, 2020, email that they "*did not find any reports or records of a storm water sampling program*". The inspection report concludes that "*there were no sample records*".

On April 26, 2021, Ministry staff again requested the sampling records to demonstrate compliance with HWR, Section 17(1)(b), and no records were provided. In direct response to the issue of HWR, Section 17(1)(b) records, Richmond Steel stated in a May 7, 2021, email – Compliance Advisory Table that "*Richmond Steel Recycling is not a Hazardous Waste Storage facility*" but do acknowledge in that same email that "*Sch. 1.2 does apply to the discharge*" (email, May 7, 2021).

On March 23, 2021, in an update letter to the City of Richmond, Mr. Keith Gagne, P.Eng, of PGL Environmental Consultants suggests that potential pollution is ubiquitous throughout the site and is on-going "*PCBs were non-detect (N.D.) in the soil samples; however, surface water throughout the Site exceeded BC Water Quality Guidelines. RSR was unable to isolate the PCB impacts to one area. It appears that the low levels of PCBs are likely related to ongoing activities, regardless of the controls RSR has or might reasonably put in place to prevent PCB materials from entering the Site.*"

Between September 1, 2021 and the date of this amendment and consistent with requirements of this Order, RSR has submitted multiple documents. These documents confirm activities and operations at the Site and identify various contaminants of potential concern and their ubiquitous presence on the Site and in the effluent.

Based on this information, I am satisfied on reasonable grounds that this activity/operation is being performed in a manner that is likely to release a substance that will cause pollution. Furthermore, I conclude that an amendment of this Order is required, as follows:

## ORDER

Pursuant to Section 81 of the *Environmental Management Act* [SBC 2003] Chapter 53, Richmond Steel is hereby ordered to comply with the required actions listed in the table below and to provide information to the Director indicating the completion of each action.

| Item   | Required Action  | Required by midnight on:   |                               |                    |  |  |  |                   |
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| 1.   | <p>Implement an effluent monitoring programme which includes the following:</p> <table border="1" data-bbox="325 434 1174 815"> <thead> <tr> <th data-bbox="325 434 624 490">Sampling Locations*</th><th data-bbox="624 434 906 490">Summary Sampling Parameters**</th><th data-bbox="906 434 1174 490">Sampling Frequency</th></tr> </thead> <tbody> <tr> <td data-bbox="325 490 624 815"> <ul style="list-style-type: none"> <li>Ditch</li> <li>Ditch/River</li> </ul> </td><td data-bbox="624 490 906 815"> <ul style="list-style-type: none"> <li>Polychlorinated biphenyls (PCBs)</li> <li>Petroleum hydrocarbons</li> <li>Polycyclic aromatic hydrocarbons</li> <li>Total and Dissolved Metals</li> <li>Solvents and Glycols</li> <li>Total Suspended Solids</li> <li>PH, Hardness &amp; Conductivity</li> <li>Biological Oxygen Demand</li> <li>Chemical Oxygen Demand</li> <li>Toxicity 96 hr trout LC<sub>50</sub>***</li> <li>Toxicity 96 hr Daphnia LC<sub>50</sub></li> </ul> </td><td data-bbox="906 490 1174 815"> <ul style="list-style-type: none"> <li>Monthly, starting no later than November 26, 2021. and</li> <li>During or Immediately after significant rain events***</li> </ul> </td></tr> </tbody> </table> <p>* Sampling Locations as identified on RSR WCPv3, October 2021 Figure 2 and attached as Order Appendix A.</p> <p>** Sampling Parameters as detailed in RSR WCPv3, October 2021 Appendix 1 – Expanded List of PCOCs and attached as Order Appendix B and for which there are Approved or Working BC Water Quality Guidelines, except Polychlorinated biphenyls (PCBs). For PCBs, sampling parameters include PCB sum of total and all Arochlor and PCB congeners listed in the RSR WCPv3, October 2021 Appendix 1 – Expanded List of PCOCs and attached as Order Appendix B.</p> <p>***Immediately following significant rain events:<br/> - significant rain event is defined as a period of precipitation which meets or exceeds the intensity of 25 mm in 24 hrs as reported by Environment Canada at <u>Vancouver Intl A</u> station and<br/> - during or immediately following means within 12 hours of EC recording precipitation equal to or <u>in excess of</u> 25 mm in 24 hrs. (NOTE: EC's rainfall data can be determined on a daily or hourly basis, as needed).</p> | Sampling Locations*  | Summary Sampling Parameters** | Sampling Frequency | <ul style="list-style-type: none"> <li>Ditch</li> <li>Ditch/River</li> </ul> | <ul style="list-style-type: none"> <li>Polychlorinated biphenyls (PCBs)</li> <li>Petroleum hydrocarbons</li> <li>Polycyclic aromatic hydrocarbons</li> <li>Total and Dissolved Metals</li> <li>Solvents and Glycols</li> <li>Total Suspended Solids</li> <li>PH, Hardness &amp; Conductivity</li> <li>Biological Oxygen Demand</li> <li>Chemical Oxygen Demand</li> <li>Toxicity 96 hr trout LC<sub>50</sub>***</li> <li>Toxicity 96 hr Daphnia LC<sub>50</sub></li> </ul> | <ul style="list-style-type: none"> <li>Monthly, starting no later than November 26, 2021. and</li> <li>During or Immediately after significant rain events***</li> </ul> | February 10, 2022 |
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Regards,



Daniel P. Bings  
for Director, *Environmental Management Act*  
Compliance Operations Manager

Attachments:  
2021-11-07 Amended Order Appendices Nov 2021

cc:

Catherine Allard  
Senior Authorizations Officer, South Coast Regional Office  
Ministry of Forests, Lands & Natural Resources Operations and Rural Development  
Suite 200 – 10428 153 Street, Surrey, BC V3R 1E1  
[Catherine.Allard@gov.bc.ca](mailto:Catherine.Allard@gov.bc.ca)

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[wmills@richmond.ca](mailto:wmills@richmond.ca)

Page 281 of 322 to/à Page 289 of 322

Withheld pursuant to/removed as

NR

## 2022-04-28 RSR Pollution Abatement Order 111135

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From: Environmental Compliance ENV:EX <environmentalcompliance@gov.bc.ca>  
To: skynoch@richmondsteel.ca, Harbinder Dhillon <HDhillon@richmondsteel.ca>  
Cc: Bings, Dan P ENV:EX <Dan.Bings@gov.bc.ca>, Enick, Oana V ENV:EX <Oana.Enick@gov.bc.ca>, Allard, Catherine FLNR:EX <Catherine.Allard@gov.bc.ca>, Gregory.lee3@canada.ca, WMills@richmond.ca, Barlas, Sajid A ENV:EX <Sajid.Barlas@gov.bc.ca>  
Sent: April 28, 2022 1:17:26 PM PDT  
Attachments: image001.png, Declaration of Competency.pdf, 2022-04-28 PAO111135.pdf, image002.jpg, image004.jpg, image003.jpg, Conflict of Interest Disclosure.pdf, 2022-04-28 PAO111135.pdf

**ACTION REQUIRED:**

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*In doing so, you are confirming that you are able to read its contents and open all attachments. If you are not able to open the attachments, please indicate this immediately as this may affect legislated time limits that prescribe your rights and obligations.*

---

Good Afternoon,

On behalf of Daniel P. Bings, Compliance Operations Manager, Regional Operations Branch, Environmental Protection Division, with the Ministry of Environment and Climate Change Strategy, please see attached on the above-noted subject.

PAO111135

Regards,



Gina Tamm, BBA | Compliance Coordinator

Compliance and Environmental Enforcement | BC Ministry of Environment and Climate Change Strategy

*To report an act of pollution call the RAPP (Report All Poachers and Polluters) line at 1-877-952-7277 or #7277 on the TELUS Mobility Network or report the incident [online](#)*

*To report a spill call the Provincial Emergency Program at 1-800-663-3456*

 [@ComplianceBC](#) More information about Environmental Compliance and how it is assessed can be found [here](#).



April 28, 2022

Order Number: 111135

Via Email: [skynoch@richmondsteel.ca](mailto:skynoch@richmondsteel.ca) and [HDhillon@richmondsteel.ca](mailto:HDhillon@richmondsteel.ca)

Richmond Steel Recycling Limited  
11760 Mitchell Road  
Richmond, BC V6V 1V8

Attention: Steven Kynoch, Regional SHECS Manager and Harbinder Dhillon, President

## Pollution Abatement Order

This Order is being issued under Section 83 of the *Environmental Management Act* (EMA), SBC 2003, c. 53. I am satisfied on reasonable grounds that pollution is being caused by effluent from the Richmond Steel Recycling Ltd. (RSR) site located at 11760 Mitchell Road, Richmond, British Columbia (Site). Specifically, the Site is located on the described land parcel:

Lot 8 Except Part Plan 49844 District Lot 459 Group 1 New Westminster  
District Plan 47113

### Grounds for Issuance

I am satisfied that RSR is a party who:

- had possession, charge or control of the substance at the time it was introduced or escaped into the environment;
- owns or occupies the land on which the substance is located or on which the substance was located immediately before it was introduced into the environment; or,
- caused or authorized the pollution.

The specific substance being introduced into the environment is effluent from the facility at the Site, classified in the *Waste Discharge Regulation* (WDR) Schedule I as a “Commercial Waste Management and/or Waste Disposal Industry” and in Schedule II as a “Vehicle Dismantling and Recycling Industry” (Facility).

The usefulness of the environment has been substantially altered or impaired due to the presence of significantly high concentrations of contaminants, including but not limited to polychlorinated biphenyls (PCBs), metals and total suspended solids.

Per their Environmental Management Plan (2021) (EM Plan), RSR, “*a joint venture between Sims Metal Management and Nucor Corporation, has been operating since the early 1970s, [with] the primary onsite operations including metal recycling, wet vehicle handling and recycling, mobile car crushing, industrial bin services, building demolishing, and maritime salvage*”. These activities meet the definitions of ‘*commercial waste management or waste disposal industry*’ and ‘*vehicle dismantling and recycling industry*’. According to their Drainage & Mitigation Plan (D&M Plan, 2021), all effluent at the Site is directed to the bioswale area and ditch which flows directly into the Fraser River.

RSR requires an authorization under the EMA to discharge waste into the environment. RSR holds Registration 105725 under the *Vehicle Dismantling and Recycling Regulation* but does not hold a waste discharge authorization under EMA to discharge effluent into the environment from its business defined above as ‘*commercial waste management or waste disposal industry*’.

On December 12, 2019, Environment and Climate Change Canada (ECCC) enforcement staff collected samples from effluent discharged from the Site. The results showed levels of contaminants, including copper, zinc, polychlorinated biphenyl (Arochlor-1242), naphthalene, benz(a)anthracenes, and pyrene<sup>1</sup> to be above British Columbia Water Quality Guidelines (BC WQG) as highlighted in Table 1 and previously communicated to RSR.

[ECCC Warning Letter 2021-04-30]

On August 5, 2021, the Ministry of Environment and Climate Change Strategy (Ministry) issued Pollution Prevention Order 110800, which requested information on effluent characteristics and set ongoing monitoring requirements. RSR submitted records of effluent characteristics based on multiple sampling events in 2020 and 2021. This data is summarized in Table 1 and shows some polycyclic aromatic hydrocarbons (PAHs), PCBs and metals concentrations at least 100 times the BC WQG, with levels of PCB exceeding BC WQG by at least 10000 times<sup>2</sup>.

[PPO 110800, current version 2022-01-10]

On November 4, 2021, the Ministry issued Inspection Report 179418 which determined that RSR was out of compliance with EMA section 6(2). The Ministry directed RSR to “*cease unauthorized discharges to the environment*” and requested them “*to proceed with obtaining a waste discharge authorization under the Environmental Management Act*”.

[IR 179418 2021-11-04]

---

<sup>1</sup> ECCC Warning Letter dated April 30, 2020, and Detailed ECCC Results 2020-01-28 V19L036\_1

<sup>2</sup> Specific details are available in RSR’s submission to the Ministry on September 8, 2021.

Table 1: Summary of selected sampling events and parameter exceeded (Source: IR179418 2021-11-04 and RSR's September 8, 2021 submission)

| Date                        | Sample collector and Sample ID | Parameter exceeded <sup>3</sup><br>bold text indicates exceedance by >10 times   |
|-----------------------------|--------------------------------|--|
| Dec. 12, 2019               | ECCC Bioswale                  | <b>Cu, Zn</b> , Naphthalene, benz(a)anthracene, fluoranthene, <b>pyrene, PCB</b>   |
| Dec. 23, 2019               | PGL Ditch <sup>4</sup>         | <b>Cd, Cr, Cu, Fe, Pb, Mn, Hg, Ni, Zn</b> toluene, benzo(a)pyrene, naphthalene, pyrene, <b>PCB</b>   |
| April 22, 2020 <sup>5</sup> | PGL Ditch                      | <b>Cd, Cr, Cu, Fe, Pb, Mn, Hg, Ni, Zn</b> benzo(a)pyrene, chrysene, fluoranthene, phenanthrene, <b>pyrene</b>  |
| June 11, 2020               | PGL Ditch                      | <b>Cd, Cr, Cu, Fe, Pb, Mn, Hg, Ni, Zn</b> acridine, benzo(a)pyrene, fluoranthene, <b>pyrene, PCB</b>   |
| June 24, 2020               | PGL Ditch                      | <b>Cd, Cr, Cu, Fe, Pb, Mn, Hg, Ni, Zn</b> toluene, acridine, benzo(a)pyrene, fluoranthene, <b>pyrene, PCB</b>  |
| July 8, 2020                | PGL Ditch                      | <b>Cd, Cr, Cu, Fe, Pb, Mn, Ni, Zn</b> toluene, anthracene, benz(a)anthracene, <b>benzo(a)pyrene</b> , chrysene, fluoranthene, phenanthrene, <b>pyrene, PCB</b>       |
| July 22, 2020               | PGL Ditch                      | <b>Cd, Cr, Co, Cu, Fe, Pb, Mn, Ni, Zn</b> Toluene, acridine, anthracene, <b>benz(a)anthracene, benzo(a)pyrene, chrysene, fluoranthene, phenanthrene, pyrene, PCB</b> |
| August 5, 2020              | PGL Ditch                      | <b>Cd, Cr, Cu, Fe, Pb, Mn, Hg, Ni, Zn</b> Toluene, benzo(a)pyrene, fluoranthene, <b>pyrene, PCB</b>  |
| August 19, 2020             | PGL Ditch                      | <b>Cd, Cr, Co, Cu, Fe, Pb, Mn, Ni, Zn</b> Toluene, benzo(a)pyrene, chrysene, fluoranthene, phenanthrene, <b>pyrene, PCB</b>  |
| Dec 12, 2019                | ECCC Shore/Dock                | Al, Cu, <b>Zn, PCB</b>   |
| April 26, 2021              | PGL Ditch/River                | <b>Cd, Cr, Cu, Fe, Pb, Mn, Hg, Ni, Zn</b> benzo(a)pyrene, <b>pyrene, PCB</b>   |
| June 17, 2021               | PGL Ditch/River                | <b>Cd, Cr, Cu, Fe, Pb, Mn, Ni, Zn, PCB</b>   |

On December 10, 2021, and January 13, 2022, additional sampling by RSR's Qualified Professional, PGL Environmental Consultants (PGL), and the Ministry showed that effluent quality criteria continue to exceed BC WQG (Table 2).

On January 13, 2022, Ministry staff conducted a site inspection at RSR and observed effluent discharging into the bio-swale leading directly to the Fraser River. Sampling at the Ditch and Ditch/River sampling points generally confirmed results of samples obtained by PGL on the same date (Table 2).

[2022-03-08 IR 184118]  
[2022-03-12 CoC ASL Analysis]

<sup>3</sup> BC WQG (Aquatic life - freshwater or marine)

<sup>4</sup> At the time, labelled Marsh, later re-labelled Ditch.

<sup>5</sup> PCBs not reported for this sampling event

Table 2: Summary of the latest available sampling events and parameters exceeded; complete results for February monthly sampling pending (Source: RSR Monthly Reports 2022-01-10, 2022-02-10 and 2022-03-10 and Ministry analysis 2022-02-11 VA22A0648\_0\_COA)

| <u>Date</u>       | <u>Sample collector and Sample ID</u> | <u>Parameter exceeded</u> <sup>3</sup><br><b>bold text indicates exceedance by at least &gt;10 times</b>   |
|-------------------|---------------------------------------|--|
| December 10, 2021 | PGL Ditch                             | Sb, As, <b>Cd, Cu, Fe, Pb, Ag, Zn</b><br><b>Toluene</b> , benzo(a)pyrene, fluoranthene, naphthalene, <b>pyrene</b><br>BOD <sup>6</sup> , TSS <sup>6</sup><br>PCB Not Reported  |
| January 13, 2022  | PGL Ditch                             | <b>Cd</b> <sup>7</sup> , <b>Cu</b> , Fe, <b>Pb, Hg</b> <sup>7</sup> , Ni, Zn<br><b>Toluene</b> <sup>7</sup> , methylnaphthalene 2-, benzo(a)pyrene, fluoranthene, naphthalene, <b>pyrene</b><br>BOD, TSS<br><b>PCB</b> |
| February 22, 2022 | PGL Ditch                             | Cd, Cu, Pb, Hg, Ni, <b>Zn</b><br>Pyrene, toluene<br>BOD, TSS<br><b>PCB</b>   |
| December 10, 2021 | PGL Ditch/River                       | Sb, As, <b>Cd, Cu, Fe, Pb, Hg, Zn</b><br><b>Toluene</b> , Acridine, benz(a)anthracene, <b>benzo(a)pyrene</b> , fluoranthene, phenanthrene, <b>pyrene</b><br>BOD, TSS<br>PCB Not Reported                               |
| January 13, 2022  | PGL Ditch/River                       | <b>Cd, Cu, Fe, Pb, Hg</b> <sup>7</sup> , Ni, <b>Zn</b><br><b>Toluene</b> , methylnaphthalene 2-, benzo(a)pyrene, fluoranthene, naphthalene, <b>pyrene</b><br>BOD, TSS<br><b>PCB</b>                                    |
| February 28, 2022 | RSR Ditch/River                       | Cd, Cu, Pb, <b>Zn</b><br>BOD, TSS<br>PCB   |

On March 8, 2022, the Ministry issued Inspection Report 184118 which determined that RSR was out of compliance with EMA section 6(2). The Ministry once again directed RSR to “*cease unauthorized discharges to the environment [and] obtain a waste discharge authorization under the Environmental Management Act*”.

[2022-03-08 IR 184118]

On March 10, 2022, RSR informed the Ministry that they “*commissioned a mobile storm water treatment plant [which has] the function to filter all storm water collected form the site*”. RSR further advised that “*discharges from the treatment plant by-passed the bios wale/ditch [bioswale] and began to be discharged to the Fraser River*”.

[2022-03-10 Pollution Prevention Order – Richmond Steel Recycling Ltd., Monthly Report]

Despite being repeatedly advised to ‘*cease unauthorized discharges*’, RSR continues to discharge effluent to the ditch and into the Fraser River. Regular monitoring of RSR effluent discharge from 2020 to present indicates that the effluent entering Fraser River exceeds BC WQG, in some cases, by multiple orders of magnitude, thereby “*substantially altering or impairing the usefulness of the environment*”.

<sup>6</sup> BC Hazardous Waste criteria

<sup>7</sup> Footnoted parameters are results from the samples obtained by the Ministry.



Based on this information, I am satisfied on reasonable grounds that the substance is causing pollution.

#### ORDER

Pursuant to Section 83 of EMA, RSR is hereby ordered to comply with the required actions listed in the table below and to provide information to the director indicating the completion of each action.

| Item | Required Action  | Required by midnight on:         |
|------|--|----------------------------------|
| 1.   | <b>Cease All Waste Discharges to the Environment:</b> Immediately upon receipt of this order cease all waste discharges to the environment.  |                                  |
| 2.   | <b>Submit to the Director a Discharge Cessation Report (DCR) certified by a Qualified Professional (QP) and including the:</b> <ol style="list-style-type: none"> <li>Date the discharge ceased,</li> <li>Steps taken by RSR to cease discharge,</li> <li>Steps taken by RSR to ensure and document continuing compliance with Item 1,</li> <li>Documentary evidence such as, but not limited to, QP reports and assessments, laboratory analysis, photographs, inspection-of-works logs, SOP amendments, etc., to substantiate compliance with Items 1.</li> </ol>  | 14 days of receipt of this Order |
| 3.   | <b>For effluent* and each Related Waste Stream**, the following must be recorded:</b> <ol style="list-style-type: none"> <li>Effluent or Related Waste Stream type/name/physical state,</li> <li>Date and quantity generated at, stored on, and consigned, removed, or disposed of from the Facility,</li> <li>Storage locations(s) and maximum storage capacity at each location</li> <li>Laboratory analysis for parameters listed in Appendix B, for effluent and each Related Waste Stream generated at, stored on, and consigned, removed, or disposed of from the Facility,</li> <li>Moving documents, including waybills, manifests, bill-of-lading, for effluent or related waste streams consigned, removed, or disposed of from the Facility, etc.</li> </ol> <p>*<b>effluent</b> has the same meaning as in EMA and includes discharges from the water treatment system, pipes or other mitigative works.<br/> <b>**Related Waste Stream means</b> solids/sludges/slurries/liquids generated at or removed from on-site infrastructure or mitigative works.</p> |                                  |

| Item  | Required Action   | Required by midnight on:  |                     |                    |   |  |   |                                   |
|---|---|---|---------------------|--------------------|---|--|---|-----------------------------------|
| 4.  | <p>Effluent monitoring at the DITCH/RIVER sampling location and at any other location that may encounter an effluent or related waste stream discharge:</p> <p>a) Implement the following monitoring programme:</p> <table border="1"> <thead> <tr> <th>Sampling Locations*</th><th>Sampling Parameters</th><th>Sampling Frequency</th></tr> </thead> <tbody> <tr> <td> <ul style="list-style-type: none"> <li>Ditch/River</li> </ul> </td><td> <ul style="list-style-type: none"> <li>as detailed in Order Appendix C (attached) and for which there are Approved or Working BC WQG, except PCBs.</li> <li>For PCBs, sampling parameters include PCB sum of total and all Arochlor and PCB congeners listed in Order Appendix C.</li> </ul> </td><td> <ul style="list-style-type: none"> <li>Monthly***, starting no later than April 15, 2022, and</li> <li>During or Immediately after significant rain events**</li> </ul> </td></tr> </tbody> </table> <p>* Sampling Location as identified on RSR WCPv3, October 2021 Figure 2 and attached as Order Appendix A.<br/> **Immediately following significant rain events:<br/> -significant rain event is defined as a period of precipitation which meets or exceeds the intensity of 25 mm in 24 hrs as reported by Environment Canada at <a href="#">Vancouver Intl A</a> station and<br/> -during or immediately following means within 12 hours of EC recording precipitation equal to or in excess of 25 mm in 24 hrs. (NOTE: EC's rainfall data can be determined on a daily or hourly basis, as needed).<br/> ***a QP-certified daily record of visible flow at DITCH/RIVER sampling point must be submitted for any missed monthly sampling due to a lack of flow at this sampling point.</p> | Sampling Locations*   | Sampling Parameters | Sampling Frequency | <ul style="list-style-type: none"> <li>Ditch/River</li> </ul> | <ul style="list-style-type: none"> <li>as detailed in Order Appendix C (attached) and for which there are Approved or Working BC WQG, except PCBs.</li> <li>For PCBs, sampling parameters include PCB sum of total and all Arochlor and PCB congeners listed in Order Appendix C.</li> </ul> | <ul style="list-style-type: none"> <li>Monthly***, starting no later than April 15, 2022, and</li> <li>During or Immediately after significant rain events**</li> </ul> | Monthly, starting on May 10, 2022 |
| Sampling Locations*   | Sampling Parameters   | Sampling Frequency  |                     |                    |   |  |   |                                   |
| <ul style="list-style-type: none"> <li>Ditch/River</li> </ul> | <ul style="list-style-type: none"> <li>as detailed in Order Appendix C (attached) and for which there are Approved or Working BC WQG, except PCBs.</li> <li>For PCBs, sampling parameters include PCB sum of total and all Arochlor and PCB congeners listed in Order Appendix C.</li> </ul>  | <ul style="list-style-type: none"> <li>Monthly***, starting no later than April 15, 2022, and</li> <li>During or Immediately after significant rain events**</li> </ul> |                     |                    |   |  |   |                                   |
| 5.  | <p><b>Reporting: Monthly Compliance Report (CR), including:</b></p> <p>By the last day of each month, RSR must submit a Compliance Report with the requirements imposed by this Order.</p> <p>This report must be developed and certified by an independent, third-party QP, and include, for the previous month:</p> <ol style="list-style-type: none"> <li>a substantiated assessment of compliance with each requirement of this Order,</li> <li>a summary of activities completed in achieving or maintaining compliance with requirements in Items 1, 2 3 and 4 of this Order,</li> <li>all records for Items 2, 3 and 4, including raw and summary laboratory results, their interpretations and comparison with the BC WQG and the BC <i>Hazardous Waste Regulation</i> Schedule 1.2, Column II.</li> <li>pertinent photographs, drawings, maps, inspection of works logs, waybills and manifests, and other documentation, and</li> <li>summary of daily precipitation as recorded at Vancouver Intl A station.</li> </ol>  | Monthly, on the last day of every month, starting on May 31, 2022   |                     |                    |   |  |   |                                   |

| Item | Required Action  | Required by midnight on: |
|------|--|--------------------------|
|      | This requirement will remain in place until this Order is cancelled by the Director.   |                          |
| 6.   | <b>Qualified Professional Certifications:</b><br><br>The QP(s) performing any of the following in response to this Order: performing work, authoring or certifying reports, and/or providing opinions must complete and submit the attached Declaration of Competency and Conflict of Interest Disclosure Statement forms. | First submission         |

For the purposes of this Order, the following definition applies:

"Qualified Professional" means a professional engineer, who (a) is registered in British Columbia and in good standing with the Association of Professional Engineers and Geoscientists, acting under that professional association's code of ethics and subject to disciplinary action by that association, and (b) through suitable education, experience, accreditation and knowledge, may be reasonably relied on to provide advice within his or her area of expertise as it relates to this order, or (c) is approved by the director.

This order will remain in effect until instructed otherwise in writing by the Director.

#### DUTY TO COMPLY

The requirements above must be completed on or before the associated "Required By" date. Failure to comply with the requirements of this order is a contravention of the *Environmental Management Act* [SBC 2003, c.53] 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 a ...director...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."

### RIGHT TO APPEAL

This decision may be appealed to the Environmental Appeal Board in accordance with Part 8 of the *Environmental Management Act*. An appeal must be delivered within 30 days from the date notice of this order is given. For further information, please contact the Environmental Appeal Board at (250) 387-3464.

### NOTIFICATION OF PUBLICATION

Please be advised that this order may be published on the ministry website in 7 days. The recipient of this order is also notified that the Province intends to publish on the ministry website the entirety of any regulatory document provided that:

- a) The Province will provide written notice to the Responsible Person of its intent to publish the Regulatory Documents at least fourteen [14] days prior to publication,
- b) The Province will not publish any information that could not be disclosed if it were subject to a request under section 5 of 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 this order may also be published in the ministry's Quarterly Environmental Enforcement Summary and Natural Resource Compliance and Enforcement Database.

### MINISTRY CONTACT

If you have any questions, please contact the undersigned at [Dan.Bings@gov.bc.ca](mailto:Dan.Bings@gov.bc.ca) or 250-302-3588, or Environmental Protection Officer Oana Enick at [Oana.Enick@gov.bc.ca](mailto:Oana.Enick@gov.bc.ca) or 236-468-2231.

Yours truly,



Daniel P. Bings  
for Director, *Environmental Management Act*  
Compliance Operations Manager

Attachments:

2022-04-28 PAO111135 Appendices

CC Recipients:

Catherine Allard  
South Authorizations Officer, South Regional Office  
Ministry of Forests, Lands & Natural Resources Operations and Rural Development  
Suite 200 – 10428 153 Street, Surrey, BC V3R 1E1  
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Gregory Lee  
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Enforcement Branch, Environment and Climate Change Canada  
Pacific and Yukon Region  
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Warren Mills  
Environmental Coordinator  
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[Wmills@richmond.ca](mailto:Wmills@richmond.ca)

Sajid Barlas, P. Eng.  
Section Head, Authorizations South  
Regional Operations Branch  
Ministry of Environment and Climate Change Strategy  
[Sajid.Barlas@gov.bc.ca](mailto:Sajid.Barlas@gov.bc.ca)

Page 300 of 322

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### Sampling Parameters for Pollution Abatement Order 111135 Item 3:

### Sampling Parameters for Pollution Abatement Order 111135 Item 4:

## page 301 of 322

|          |            |           |
|----------|------------|-----------|
| cobalt   | copper     | iron      |
| lead     | lithium    | manganese |
| mercury  | molybdenum | nickel    |
| selenium | silver     | strontium |
| thallium | tin        | titanium  |
| tungsten | vanadium   | zinc      |

#### Polychlorinated biphenyls (PCBs)

|  |   |  |
|--|---|--|
| arochlor 1016                              | arochlor 1221                                 | arochlor 1232                              |
| arochlor 1242                              | arochlor 1248                                 | arochlor 1254                              |
| arochlor 1260                              | arochlor 1262                                 | arochlor 1268                              |
| decachlorobiphenyl                         | heptachlorobiphenyl, 2,3,3,4,4,5,5- (PCB 189) | hexachlorobiphenyl, 2,3,3,4,4,5- (PCB 156) |
| hexachlorobiphenyl, 2,3,3,4,4,5- (PCB 157) | hexachlorobiphenyl, 2,3,4,4,5,5- (PCB 167)    | hexachlorobiphenyl, 3,3,4,4,5,5- (PCB 169) |
| PCB 080                                    | PCB 118                                       | pentachlorobiphenyl, 2,3,3,4,4- (PCB 105)  |
| pentachlorobiphenyl, 2,3,4,4,5- (PCB 114)  | pentachlorobiphenyl, 2,3,4,4,5- (PCB 123)     | pentachlorobiphenyl, 3,3,4,4,5- (PCB 126)  |
| tetrachlorobiphenyl, 3,3,4,4- (PCB 77)     | tetrachlorobiphenyl, 3,4,4,5- (PCB 81)        |  |

#### Glycols

|                 |                  |
|-----------------|------------------|
| ethylene glycol | propylene glycol |
|-----------------|------------------|

#### Physical Parameters

|                                |              |
|--------------------------------|--------------|
| total suspended solids (TSS)   | pH           |
| hardness                       | conductivity |
| biological oxygen demand (BOD) |              |

#### Toxicity

|   |  |
|---|--|
| daphnia toxicity (48 hrs LC <sub>50</sub> ) | trout toxicity (96 hrs LC <sub>50</sub> )**<br>**Immediately following significant rain events as defined in the Order |
|---|--|



---

**From:** Steven Kynoch <SKynoch@richmondsteel.ca>  
**Sent:** May 5, 2022 6:03 AM  
**To:** Environmental Compliance ENV:EX; Harbinder Dhillon  
**Cc:** Bings, Dan P ENV:EX; Enick, Oana V ENV:EX; Allard, Catherine FLNR:EX; Gregory.lee3@canada.ca; WMills@richmond.ca; Barlas, Sajid A ENV:EX  
**Subject:** RE: 2022-04-28 PAO 111135

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**Steven Kynoch**  
**EHS Regional Manager**  
skynoch@richmondsteel.ca  
Mobile. 604-833-9750 | Office. 604-394-2039  
11760 Mitchell Rd, Richmond, BC, V6V 1V8

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---

**From:** Environmental Compliance ENV:EX <environmentalcompliance@gov.bc.ca>  
**Sent:** May 4, 2022 8:26 AM  
**To:** Steven Kynoch <skynoch@richmondsteel.ca>; Harbinder Dhillon <HDhillon@richmondsteel.ca>  
**Cc:** Bings, Dan P ENV:EX <Dan.Bings@gov.bc.ca>; Enick, Oana V ENV:EX <Oana.Enick@gov.bc.ca>; Allard, Catherine FLNR:EX <Catherine.Allard@gov.bc.ca>; Gregory.lee3@canada.ca; WMills@richmond.ca; Barlas, Sajid A ENV:EX <Sajid.Barlas@gov.bc.ca>  
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**Gina Tamm, BBA | Compliance Coordinator**

Compliance and Environmental Enforcement | BC Ministry of Environment and Climate Change Strategy

To report an act of pollution call the RAPP (Report All Poachers and Polluters) line at 1-877-952-7277 or #7277 on the TELUS Mobility Network or report the incident [online](#)

To report a spill call the Provincial Emergency Program at 1-800-663-3456

More information about Environmental Compliance and how it is assessed can be found [here](#).

---

**From:** Environmental Compliance ENV:EX

**Sent:** April 28, 2022 2:17 PM

**To:** 'skynoch@richmondsteel.ca' <skynoch@richmondsteel.ca>; 'Harbinder Dhillon' <HDhillon@richmondsteel.ca>

**Cc:** Bings, Dan P ENV:EX <Dan.Bings@gov.bc.ca>; Enick, Oana V ENV:EX <Oana.Enick@gov.bc.ca>; Allard, Catherine FLNR:EX <Catherine.Allard@gov.bc.ca>; 'Gregory.lee3@canada.ca' <Gregory.lee3@canada.ca>; 'WMills@richmond.ca' <WMills@richmond.ca>; Barlas, Sajid A ENV:EX <Sajid.Barlas@gov.bc.ca>

**Subject:** 2022-04-28 PAO 111135

**Importance:** High

**ACTION REQUIRED:**

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Good Afternoon,

On behalf of Daniel P. Bings, Compliance Operations Manager, Regional Operations Branch, Environmental Protection Division, with the Ministry of Environment and Climate Change Strategy, please see attached on the above-noted subject.

PAO111135

Regards,



**Gina Tamm, BBA | Compliance Coordinator**

Compliance and Environmental Enforcement | BC Ministry of Environment and Climate Change Strategy

To report an act of pollution call the RAPP (Report All Poachers and Polluters) line at 1-877-952-7277 or #7277 on the TELUS Mobility Network or report the incident [online](#)

To report a spill call the Provincial Emergency Program at 1-800-663-3456

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## Pollution Abatement Order #111135 dated April 28, 2022

---

From: Karl Gustafson <Karl.Gustafson@mcmillan.ca>  
To: Bings, Dan P ENV:EX <Dan.Bings@gov.bc.ca>  
Cc: Enick, Oana V ENV:EX <Oana.Enick@gov.bc.ca>, Lee, Gregory (ECCC) <Gregory.Lee@ec.gc.ca>, Allard, Catherine FLNR:EX <Catherine.Allard@gov.bc.ca>, Barlas, Sajid A ENV:EX <Sajid.Barlas@gov.bc.ca>, Wmills@richmond.ca, Harbinder Dhillon <HDhillon@richmondsteel.ca>, Steven Kynoch <SKynoch@richmondsteel.ca>  
Sent: May 10, 2022 4:28:06 PM PDT  
Attachments: 38870416\_1.pdf, image001.gif

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Dear Mr. Bings;

Please see the attached letter addressed to your attention in relation to the Pollution Abatement Order referenced above.

Regards,

Karl

**mcmillan**

**Karl E Gustafson, Q.C.**

Counsel  
d 604.691.7427  
karl.gustafson@mcmillan.ca  
Assistant: Karen Lam | 236.826.3051 | karen.lam@mcmillan.ca

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## **Richmond Steel Quick call.msg.ics**

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**Sent:** May 11, 2022 6:20:20 AM PDT

**Received:** May 11, 2022 6:19:00 AM PDT

**File name:** Richmond Steel Quick call.msg.ics

**File extension:** ics

**Priority:** High (1)

**Address:** (UTC-08:00) Pacific Time (US & Canada)

**Calendar Item Type:** REQUEST

Hello all:

Our meetings have expired a couple of months ago, and Greg is moving to other projects (tomorrow!!), so I'd like to have a quick meeting today to catch up and re-start our monthly meetings.

Thanks, Oana.

s.15

## FW: Pollution Abatement Order #111135 dated April 28, 2022

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From: Enick, Oana V ENV:EX  
To: Mills, Warren <WMills@richmond.ca>  
Sent: May 11, 2022 2:06:09 PM PDT  
Attachments: image001.gif, image003.jpg, image004.jpg, image005.jpg, image002.png, 38870416\_1.pdf  
Here you go



Oana Enick, MET, RPBio | Environmental Protection Officer

Compliance and Environmental Enforcement | BC Ministry of Environment and Climate Change Strategy  
Ste. 200 – 10470 – 152<sup>nd</sup> Street. | Surrey, BC | V3R 1Q7 | Tel: 236-468-2231

To report an act of pollution call the RAPP (Report All Poachers and Polluters) line at 1-877-952-7277 or #7277 on TELUS Mobility or report the incident [online](#)

@ComplianceBC To report a spill call the Provincial Emergency Program at 1-800-663-3456

More information about Environmental Compliance and how it is assessed can be found [here](#).

---

**From:** Karl Gustafson <Karl.Gustafson@mcmillan.ca>  
**Sent:** May 10, 2022 4:28 PM  
**To:** Bings, Dan P ENV:EX <Dan.Bings@gov.bc.ca>  
**Cc:** Enick, Oana V ENV:EX <Oana.Enick@gov.bc.ca>; Lee, Gregory (ECCC) <Gregory.Lee@ec.gc.ca>; Allard, Catherine FLNR:EX <Catherine.Allard@gov.bc.ca>; Barlas, Sajid A ENV:EX <Sajid.Barlas@gov.bc.ca>; Wmills@richmond.ca; Harbinder Dhillon <HDhillon@richmondsteel.ca>; Steven Kynoch <SKynoch@richmondsteel.ca>  
**Subject:** Pollution Abatement Order #111135 dated April 28, 2022

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Dear Mr. Bings;

Please see the attached letter addressed to your attention in relation to the Pollution Abatement Order referenced above.

Regards,

Karl

**mcmillan**

**Karl E Gustafson, Q.C.**

Counsel  
d 604.691.7427  
[karl.gustafson@mcmillan.ca](mailto:karl.gustafson@mcmillan.ca)

Assistant: Karen Lam | 236.826.3051 | [karen.lam@mcmillan.ca](mailto:karen.lam@mcmillan.ca)

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Reply to the Attention of: Karl Gustafson, Q.C.  
Direct Line: 604.691.7427  
Email Address: karl.gustafson@mcmillan.ca  
Our File No.:  
Date: May 10, 2022

## EMAIL

### Without Prejudice

Ministry of Environment and Climate Change Strategy  
Compliance and Environmental Enforcement  
2<sup>nd</sup> Floor, 10470 152 Street  
Surrey, British Columbia  
V3R 0Y3

Attention: Daniel P. Bings, Compliance Operations Manager

Dear Sirs/Mesdames;

**Re: Pollution Abatement Order #111135 dated April 28, 2022 (the "Order") issued to Richmond Steel Recycling Ltd. ("RSR")**

As you know, we are counsel for RSR. We write with reference to the Order.

In reviewing the Order, we have identified at least one requirement (Item #1) that RSR would not be able, as a practical matter, to comply with immediately and others for which clarification is required in order to understand whether, when and how RSR will be able to comply. While we believe RSR has grounds on which to appeal the Order on its merits (and to obtain a stay), RSR hopes to avoid the cost and delay for all concerned in an appeal hearing and to focus instead on completing the remediation and mitigative projects already underway and planned that will make it possible for RSR to comply with the Order and to consistently maintain that compliance.

To that end, we ask that the Director agree to an extension of the deadlines imposed under the Order as set out below.

For context, and in the event the Director was not aware of the following when the Order was issued, please note the following:

- Following the installation of a Stormtec water treatment plant on the site on February 14, 2022, RSR has made steady and significant improvements in treating stormwater to the point that, by the end of April, it was achieving treatment results that complied with BC WQG in all respects except for PCB removal and BOD levels.



- With respect to PCB removal and BOD levels, based on laboratory reports provided to Stormtec to inform its decisions regarding adjustments to the operation of the water treatment plant, Stormtec advised that by March 23, 2022 the water treatment plant had achieved 98.6% removal of PCBs and 23.7% reduction of BOD from influent water.
- Further adjustments to the water treatment plant are in process which, when coupled with RSR's other remedial work and pre-treatment facilities, are expected to achieve and consistently maintain full compliance with all BC WQGs parameters.
- In conjunction with the commissioning of the water treatment plant, RSR ceased to discharge storm water to the bioswale with the result that water levels in the bioswale/ditch have been substantially reduced and discharges of untreated stormwater from the ditch are either no longer in evidence or are negligible.
- A sump pump has been installed in the bioswale to recycle to the water treatment plant any stormwater that naturally accumulates in the bioswale and to prevent its migration to the ditch.
- In the coming drier summer months, and particularly with the foregoing measures in place, RSR believes that there is virtually no reasonable prospect for untreated stormwater in the bioswale/ditch to be discharged to the river.

At this time, we believe that RSR has done all it reasonably can to prevent the discharge of waste to the river. Regardless of whether those measures are sufficient, RSR intends to proceed with the additional remedial and mitigative measures already contemplated in the 'Drainage and Mitigation Plan' developed by Pottinger Gaherty Environmental Consultants Ltd. ("PGL") to ensure that it complies and maintains compliance with the requirement that there be no discharge of waste to the river. However, as RSR has previously reported, certain of the key measures (e.g. removal of impacted sediments from the bioswale/ditch, damming outflow from the ditch to ensure there is no possibility of future discharge of untreated stormwater, and installation of a detention pond to control stormwater and regulate influent to the water treatment plant) cannot proceed at this time without RSR violating current outstanding directives from the DFO and FLNRORD. Similarly, some of these measures (e.g. installation of the detention pond and covering stockpiles of ASR) also cannot proceed without approvals under City of Richmond by-laws.

With the foregoing in mind, we ask that the Director grant an extension of the deadlines in the Order on the following terms:

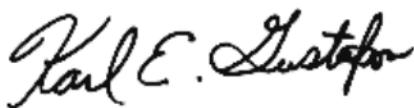
1. an extension of the first deadline with respect to Order Item #1 to July 31, 2022, or to such other date as is reasonable to allow RSR to complete the planned remedial and mitigative work in the bioswale/ditch in a manner that complies with applicable federal, provincial and municipal laws (the "**Extension Period**"), and an extension of the other deadlines in the Order to such other dates as are reasonable to allow RSR to obtain clarification of the requirements and assess and submit comments on the feasibility of compliance, and
2. the extensions being conditional upon and subject to RSR at all times during the Extension Period:
  - a. continuing to pursue an authorization from FLNRORD to carry out remedial and mitigative work in the bioswale/ditch including the installation of a dam or barrier at the end of the ditch;

- b. continuing the program of monthly sampling and analysis of the discharge from the water treatment plant in accordance with the parameters set out in the Order;
- c. sampling discharge from (i) the water treatment plant, and (ii) if there is a 'significant rain event' that results in a visible a discharge of untreated stormwater from the ditch sufficient to allow sampling, sampling of that discharge within 8 business hours;
- d. recording the quantity of treated stormwater discharged on a daily basis from the water treatment plant;
- e. submitting a monthly report regarding all analytical results provided to it for water samples collected each month by the 10<sup>th</sup> day of the following month and, with respect to any analytical results not available to RSR by that date, submitting those results forthwith following receipt;
- f. including in the monthly report reasonable details of the status of RSR's applications for all authorizations, permits and approvals as required to carry out planned remedial and mitigative work pursuant to the Drainage & Mitigation Plan, including in particular, the installation of the proposed detention pond and cover for the ASR stockpile described above, and
- g. proceeding with the implementation of remediation and mitigative measures as contemplated in the Drainage & Mitigation Plan promptly upon receipt of the required legal approvals, permits and authorizations.

We also ask that you consent to requesting the Environmental Appeal Board to initiate its Facilitated Settlement process. We believe that the process will provide an opportunity to bring together representatives of your office with representatives of RSR, the DFO, FLNRORD and the City of Richmond to discuss and endeavour to resolve their respective concerns in a coordinated and cooperative way.

We ask that you please reply to this request by no later than Tuesday, May 17, 2022. In the meantime, if you wish to discuss this request or require any additional information, please do not hesitate to contact the writer.

Yours truly,



Karl Gustafson, Q.C.\*

\*Law Corporation

CC Recipients:

Oana Enick – [Oana.Enick@gov.bc.ca](mailto:Oana.Enick@gov.bc.ca)

Catherine Allard – [Catherine.Allard@gov.bc.ca](mailto:Catherine.Allard@gov.bc.ca)

Gregory Lee – [Gregory.lee3@canada.ca](mailto:Gregory.lee3@canada.ca)

Warren Mills – [Wmills@richmond.ca](mailto:Wmills@richmond.ca)

Sajid Barlas, P. Eng. – [Sajid.Barlas@gov.bc.ca](mailto:Sajid.Barlas@gov.bc.ca)

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Withheld pursuant to/removed as

NR