



November 29, 2012

File No.:

Ministry of Environment
2080A Labieux Road
NANAIMO BC V9T 6J9

via email: luc.lachance@gov.bc.ca

Attention: Mr. Luc LaChance

Dear Mr. LaChance,

**Re: South Island Aggregates Waste Discharge Permit Application –
Summary of Public Consultations**

On November 28, 2012 a document prepared for South Island Aggregates entitled "Summary of Public Consultations, Applications for Authorization to Discharge Waste at 460 Stebbings Road, Shawnigan Lake BC" (attached) was provided to the CVRD from a member of the public. It was the first time the document had been received by the CVRD.

The purpose of my letter, at this time, is to respond to two conclusions or statements contained in the report. First, on page eight of the report it is stated:

"SIA and Active Earth met with CVRD Board and Staff members on several occasions, both before, and during the consultation period. The first of these meetings was on March 6, 2012 when representatives of Active Earth and SIA met with Area Director Bruce Fraser at the SIA offices to discuss the concept of the proposed facility. At that time Director Fraser expressed his support for the facility and that the CVRD as a whole, recognized the need for such a facility."

The CVRD Board is on record stating facilities for handling contaminated soils are needed and in fact the CVRD Board has offered to work with the Province to find a suitable site for such a purpose within the Regional District. However, to be very clear the CVRD Board is opposed to and has emphatically expressed its opposition to locating a contaminated soils facility at the SIA site on Stebbings Road in Shawnigan Lake. The Board arrived at this position after thoroughly considering the issues and listening to the community which, in the opinion of the Board, is very opposed to the facility siting due primarily to concerns about water and the environment. For the record, it was Director Fraser, Electoral Area Director, Shawnigan Lake that presented and moved the Board resolution opposing the SIA application.

On page nine of the report it is stated that:

"Overall feedback has been provided by less than 10% of the local population (likely less than 5%), even though the application was well-publicized (sic) by both the proponent and an opposition group calling themselves the Shawnigan Creek Protection Society. This indicates a high-degree (sic) of indifference to the proposal by the local population..."

.../2

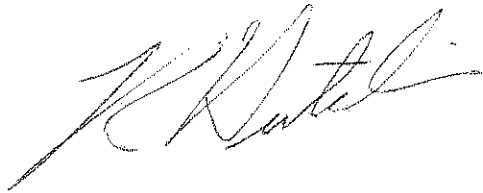
Mr. L. LaChance
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With all due respect to the report's authors the conclusion that the local population is indifferent to the SIA proposal is, in the opinion of the CVRD, inaccurate. Based on the information received by the CVRD Board from the public, the attendance and presentations to the July 12, 2012 CVRD-hosted Public Meeting and the ongoing presentations and feedback to the CVRD Board and Board members, it is evident that the local community is strongly opposed to the SIA proposal. In fact, the conclusion I draw is opposite to that expressed in the report. Concluding that there is a "high-degree (sic) of indifference to the proposal by the local population" is simply wrong in my opinion.

Thank you for the opportunity to clarify the CVRD's perspective on this issue.

Yours truly,

A handwritten signature in black ink, appearing to read "Rob Hutchins". The signature is fluid and cursive, with a long horizontal stroke at the end.

Rob Hutchins
Chair

WJ/ann
Attachment

pc: Board of Directors
South Island Aggregates

File: ADMINISTRATOR/Correspondence/Ministries/to MOE L LaChance Response to SIA Permit Application Summary of Public Consultations November 28 2012

SUMMARY OF PUBLIC CONSULTATIONS

**APPLICATION FOR
AUTHORIZATION TO DISCHARGE WASTE
AT 460 STEBBINGS ROAD,
SHAWNIGAN LAKE, BC**

Submitted To:

**BC MINISTRY OF ENVIRONMENT
ENVIRONMENTAL MANAGEMENT BRANCH**

Prepared For:

SOUTH ISLAND AGGREGATES LTD.

Prepared By:

**Jeff Taylor, P.Eng., CSAP
Principal, Senior Engineer**

Reviewed By:

**Matt Pye, P.Eng.
Principal, Hydrogeologist**

**BC MOE File # PR-105809
AE Project Number: 320
November 2012**

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APPENDICES

- Appendix A Formal Public Notifications
- Appendix B Application Website Content
- Appendix C Application Notification Letters
- Appendix D *SIA Feedback Link - Summary of Questions, Comments and Associated Responses*
- Appendix E Open House - Questions and Associated Responses Communicated via MOE - May 31, 2012
- Appendix F Community Meeting - Presentation, Attendance Record, Questions and Associated Responses - May 8, 2012
- Appendix G Informal Meetings – May 29, 2012
- Appendix H Open House - Feedback, Sign In Sheet and Comment Forms – May 31, 2012
- Appendix I CVRD Public Forum – Presentation and Meeting Minutes – July 12, 2012
- Appendix J Malahat First Nations – Summary Memo, Presentation, and Letter of Support
- Appendix K CVRD Consultations – Presentation
- Appendix L MOE Water Protection Comments and Response
- Appendix M Lowen Hydrogeology Report and Response
- Appendix N VIHA Comments and Response
- Appendix O Geological Survey Report and Response

1.0 Introduction

Active Earth Engineering Ltd. (Active Earth) was retained by South Island Aggregates Ltd. (SIA) to undertake a Technical Assessment and associated Public Consultations as part of an application to the BC Ministry of Environment (MOE) for an Authorization to Discharge Waste. The application is made pursuant to Section 14 of the BC Environmental Management Act (EMA).

The subject property (the "Site") is located at 460 Stebbings Road, in the South Shawnigan Lake Area (Electoral Area B) within the Cowichan Valley Regional District.

The Site is currently operated as a rock quarry under the jurisdiction of the BC Ministry of Mines permit number Q-8-094. An application is being made to modify the mine reclamation plan in the mining permit concurrently with an application for an Authorization to Discharge Waste. The proposed changes/authorization would allow for contaminated soil to be treated and permanently encapsulated on the Site as part of the mine reclamation plan.

This report provides a summary of notifications and consultations, including questions and comments, received as part of the consultation process pursuant to the Public Notification Regulation.

2.0 Background

A Draft Technical Assessment Report was prepared by Active Earth, and submitted on behalf of SIA, in October 2011. In January 20, 2012, the MOE provided initial input and commentary which was subsequently addressed in a letter dated February 22, 2012. A second round of input and comments was received on May 3, 2012, resulting in a second response dated June 21, 2012. Final input was addressed in the final Technical Assessment Report, dated August 2012.

The minimum 30-day Public Consultation period was officially initiated on May 9, 2012 and ended on August 20, 2012. The total period of consultation was therefore 104 days.

3.0 Notifications Summary

3.1 Public Notification

On May 9, 2012, an Environmental Protection Notice was published as follows:

- Posted at the Site;
- BC Gazette; and,
- Published in the Cowichan News Leader.

These Notifications are included as Appendix A.

In addition to the Formal Notifications, a dedicated website was established at http://www.siaurl.ca/public_notification.html. This website included formal notification information, a Technical Analysis related to the Application, Contact Information and a Discussion Forum to solicit feedback and commentary. The website also served as a venue to provide information on planned meetings and information sessions. The website content is summarized in Appendix B.

On July 20, 2012, the following Public Interest and Stewardship Groups were issued formal notification letters (refer to Appendix C):

- Shawnigan Lake Watershed Roundtable
- Shawnigan Lake Watershed Watch Association
- Shawnigan Lake Residents Association

3.2 First Nations Notifications

On April 26, 2012, prior to initiating the Public Consultation period, the BC MOE sent introductory letters to local First Nations including:

- Malahat First Nation
- Stz'uminus First Nation
- Cowichan Tribes
- Halalt First Nation
- Lyackson First Nation
- Penelakut Tribe
- Scia'new First Nation
- Lake Cowichan First Nation

Copies of these letters are included in Appendix C. Neither Active Earth, nor SIA was contacted by any of these groups as a result of these notifications.

3.3 Agency Notifications

On July 20, 2012, the following Agencies were issued formal notification letters (refer to Appendix C):

- Cowichan Valley Regional District
- Ministry of Energy and Mines
- Ministry of Transportation
- Ministry of Health (Local Health Authority)
- Ministry of Forests, Lands and Natural Resources Operations
- Environment Canada

Neither Active Earth, nor SIA was contacted by any of these Agencies as a result of these notifications. However, consultations were held with the CVRD and Ministry of Energy and Mines as documented below.

4.0 Consultations Summary

4.1 *Public Consultations*

Public consultations included formal and informal meetings and discussions, written correspondence, an Open House and a Public Forum. Each interaction provided an opportunity for the public and other stakeholders to ask questions and seek clarifications with respect to the Application. The public was also afforded an opportunity to express their support for / opposition to the Application, both verbally and via written correspondence. This written correspondence was received through a number of means, including:

- Directly through the SIA Website Feedback Link (feedback@activeearth.ca)
- Directly through the SIA Website Online Discussion Forum
- Indirectly via email to the MOE

Specific questions and concerns mostly related to water quality protection measures (both surface water and groundwater) built into the Application. This included short-term concerns such as a sudden failure of surface water treatment facilities, and long-term concerns related to the integrity of the proposed containment system.

Specific written questions and related responses received via the SIA Website Online Discussion Forum are included with Appendix B. Questions, comments and associated responses communicated via the SIA Website Feedback Link are included as Appendix D. Questions received via email to the MOE, along with associated responses, are summarized in Appendix E.

4.1.1 Community Meeting – May 8, 2012

An informal community meeting was hosted at a local coffee shop on May 8, 2012. The meeting included an introduction of the Application by SIA, a power point presentation by Active Earth, and an opportunity for questions, discussion and feedback. The meeting was

attended by the CVRD Regional Director and approximately 30 members of the public (mostly local to Shawnigan Village). The presentation, attendance sheet, and a summary of questions and associated responses, is included as Appendix F.

4.1.2 Application Website

A website was developed specific to the application. In addition to providing technical information, the website was designed to allow for public discussion and submission of questions. Twelve questions and/or comments were received via this venue. All questions were responded to and most comments were acknowledged.

Questions included the following general themes:

- What measures are proposed to ensure no Hazardous Waste is accepted at the proposed facility?
- How is this facility going to benefit the local population?
- Why has this site been chosen for the proposed facility?
- What will be the impacts on local property values?
- What is the appeal process should the application be approved?
- How many employment opportunities will result from the proposed facility?
- Where would contaminated soil come from?

Comments included the following general themes:

- The application appears sound and well thought out. It is a reasonable solution to the ongoing problem of local dumping.
- No contaminated soil should be deposited within the Shawnigan Lake Watershed under any circumstances.
- There should be no more development within the Shawnigan Lake Watershed.

Specific questions and comments provided as part of the website discussion forum are included as Appendix B.

4.1.3 Informal Meetings – May 29, 2012

On May 29, 2012, Active Earth and SIA met with Georgia Collins, the Head of the Shawnigan Lake Watershed Roundtable and Mary-Ann Watson, a local resident and vocal opponent to the Application, at the SIA offices on Stebbings Road. Active Earth and SIA provided each party with a summary of the Application and addressed their questions and concerns. These mainly related to local property values and water quality. Ms. Collins was also provided a guided tour of the SIA facility. Minutes from these two meetings are included as Appendix G.

Representatives from SIA again met with Ms. Collins of the Shawnigan Lake Watershed Roundtable on June 11, 2012 to further discuss the proposed facility design.

4.1.3 Open House – May 31, 2012

An Open House was hosted by SIA on May 31, 2012 at the Shawnigan Lake Community Centre, from 4-9pm. The Open House was attended by SIA, BC MOE and members of the Active Earth design team, and included a poster-board presentation. The objective of this forum was to allow stakeholders to review summarized technical information and discuss the Application with SIA and Active Earth. This type of forum allowed for informal discussions and explanations on a one-on-one basis.

The Open House was attended 203 participants (based on the sign-in sheet). This represents less than 3% of the local population (estimated at 8,000). The meeting was well publicized by SIA as well as local interest groups such as the Shawnigan Creek Protection Society. Local interest groups also posted signs around the community which served to provide further notification of the pending Open House.

A copy of the poster presentation, summary of feedback, the sign in sheet, and the feedback forms, are included as Appendix H. Appendix H also includes a summary of questions (pulled from the feedback forms) and associated responses. Most of these responses were communicated verbally at the Open House.

4.1.4 CVRD Public Meeting

On July 12, 2012, the Cowichan Valley Regional District (CVRD) hosted a Public Meeting at the Kerry Park Arena in Mill Bay. The meeting was attended by MOE, Ministry of Mines and Energy (Mines), the CVRD Board and Area Directors, SIA and Active Earth. According to the CVRD Meeting Minutes (included within Appendix I) approximately 350 people attended this meeting. This represents about 4% of the local population. The meeting minutes were not reviewed for accuracy by SIA or Active Earth.

The meeting was organized and facilitated by the CVRD. It included formal presentations by MOE, Mines, and Active Earth on behalf of SIA (included within Appendix I). Each presentation was followed by questions and answers. At the conclusion of the presentations and question/answer sessions, the attendees were provided the opportunity to provide formal comments which were to be included as part of a submission to the MOE on behalf of the CVRD.

4.2 First Nations Consultations

Representatives from SIA and/or Active Earth met with representatives from both the Malahat First Nation and Cowichan Tribes to discuss the proposed facility and address comments and concerns. Preliminary discussions were held with Chief Harvey Alfonse of the Cowichan Tribes on June 7, 2012. These preliminary discussions introduced the proposed facility on a conceptual level. Chief Alfonse indicated that he had no comment related to the proposed facility.

Subsequently, on July 10, 2012, a meeting was hosted with Chief Michael Harry of the Malahat First Nation at the SIA offices. SIA and Active Earth representatives provided Chief Harry with a Summary Memo and took him through a power point presentation outlining the detailed facility design (both the Memo and Presentation are attached within Appendix J). The presentation was followed by a guided tour of the SIA facility.

The Malahat First Nation has since expressed their support for the proposed facility through written correspondence with the MOE and SIA, and through verbal comments made at the CVRD Public Meeting held on July 12, 2012. The Malahat First Nation letter of support is included with Appendix H.

4.3 Agency Consultations

SIA and Active Earth met with CVRD Board and Staff members on several occasions, both before, and during the consultation period. The first of these meetings was on March 6, 2012 when representatives of Active Earth and SIA met with Area Director Bruce Fraser at the SIA Offices to discuss the concept of the proposed facility. At that time, Director Fraser expressed his support for the facility and that the CVRD as a whole, recognized the need for such a facility.

Following this meeting, Director Fraser arranged for SIA and Active Earth to give a formal presentation to select CVRD staff members at the CVRD offices in Duncan on March 13, 2012. The meeting was attended by Director Fraser, Brian Dennison (Manager of Engineering), Tom Anderson (General Manager, Planning and Development) and Harmony Huffman (Environmental Technologist). A copy of the presentation is included in Appendix K.

Additional, informal meetings and discussions were held with CVRD representatives on April 9, 2012 (Bruce Fraser and CVRD Staff), May 22, 2012 (Bruce Fraser), June 7, 2012 (CVRD Staff) and June 25, 2012 (CVRD Chair – Rob Hutchins).

In addition, SIA representatives met with NDP MLA Bill Routley on June 25, 2012 to discuss the proposed facility. Mr. Routley indicated that he had no comment or input.

5.0 Written Responses to Comments and Reports

Active Earth provided written responses to comments received by various stakeholders following review of the Technical Assessment Report, or portions of the TAR. These

responses are provided as attachments to this Public Consultation summary report as follows:

- Appendix L – MOE Water Protection Comments and Response
- Appendix M – Lowen Hydrogeology Consultants Report and Response
- Appendix N – VIHA Comments and Response
- Appendix O – BC Geological Survey Report and Response

The comments and/or reports are also provided in the above-referenced appendices.

6.0 Summary and Conclusions

Public Consultations were initiated on May 9, 2012 through the publishing and posting of formal Notifications. Consultations were subsequently undertaken with the Public, Interest Groups, government organizations, and First Nations in accordance with the requirements of the Public Notification Regulation. Consultations included informal meetings and discussions, as well as a formal Open House and Public Forum. Opportunities for stakeholder feedback were provided via email, an online discussion forum, feedback forms, and verbally at several venues.

Overall, feedback has been provided by less than 10% of the local population (likely less than 5%), even though the application was well-publicized by both the proponent and an opposition group calling themselves the Shawnigan Creek Protection Society. This indicates a high-degree of indifference to the proposal by the local population. Of those who provided feedback, approximately 80-90% opposed the application while a smaller proportion (10-20%) expressed their support). The primary reason for opposing the application related to concerns regarding potential impacts to water quality. A proportion of those opposed to the application simply opposed any commercial/industrial activities within the Shawnigan Lake Watershed, or the broader Cowichan Valley Regional District.

Key support for the proposal was expressed by the Malahat First Nation, local contractors and developers and some open-minded individuals who viewed the proposed facility as an opportunity to stimulate the local economy, create jobs, and improve the overall environmental condition of the South Island Region.