



Reference: 178038

Rob Hutchins, Chair  
and Council representatives  
Cowichan Valley Regional District  
175 Ingram Street  
Duncan BC V9L 1N8

Dear Chair Hutchins and Council representatives:

I am writing to follow up on our meeting of September 25, 2012, at the Union of British Columbia Municipalities (UBCM) 2012 convention and your letters of September 25, October 2, and October 10, 2012, regarding the Regional District's ongoing interest and concerns about soil importation and deposit at locations within the jurisdiction, as well as the Ministry's associated consideration and processing of applications for waste discharge authorization and relocation of soil under the provincial *Environmental Management Act*.

I am pleased to hear that the meetings we have had this year, including at UBCM, and the work ministry staff have undertaken with the Cowichan Valley Regional District (CVRD) have been positively received and have succeeded in creating a collaborative approach on these important issues. The recent tour of soil deposit sites was very informative and has helped me become better acquainted with the issues at hand.

In the CVRD's letter dated September 25, 2012, the Regional District requests that the Ministry "push the pause button" on approvals of contaminated soil deposition and facilities in the CVRD and makes reference to the relocation of 1450 truckloads of contaminated soils from CFB Esquimalt to the central Cowichan Valley. Let me begin by clarifying that the Ministry's recent co-signing of a soil relocation agreement was for the movement of industrial quality soil from Esquimalt to Duncan, soil that would be acceptable for deposit at a wide range of industrial-use properties across the province. The Ministry does not co-sign soil relocation agreements if the deposit of soil at a receiving site will cause that site to become contaminated above provincial standards.

Original: <i>file</i>	Copies to: <i>Chair</i>
Event: <i>WJ</i>	<i>DR</i>
Committee(s):	
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With regard to the CVRD's request for a "pause" on the administration of South Island Aggregates' application for a waste discharge authorization, the Ministry is obligated to accept, consult upon and consider the application before making a decision to issue or not issue the requested authorization. By way of update on the status of the South Island Aggregates application process, the Nanaimo regional office continues to review the application, including stakeholder submissions and technical reports, and it is unlikely that a decision on the application will be made before the end of the year.

I would like to take this opportunity to provide you with an update on the status of three of the commitments made during our May 8, 2012, meeting in Victoria.

1. Testing of sites to determine if imported soil is contaminated

As you may recall, the Ministry commenced enquiries over a year ago regarding a number of the sites of interest and, since May of this year, has continued to follow up in an effort to determine the availability of pre-existing information regarding fill soil origin and quality. We have received a range of responses to our enquiries but, in general, there remain questions to be answered. This work is now being supplemented by carrying out a site-specific soil sampling and analysis program, commencing the week of October 22, 2012. Staff have already undertaken site reconnaissance visits and are finalizing the fieldwork plans.

2. Spot checks of trucks hauling soil via the Malahat highway for deposit in South Shawnigan

Ministry staff are presently finalizing plans for this work and, after initially identifying limitations in our ability to pull over trucks for interview and inspection/sampling purposes, we have recently liaised with Commercial Vehicle Safety and Enforcement who have indicated their willingness to provide the necessary assistance for spot checks. This work will incorporate associated compliance verification work at soil source and receiving locations. The Ministry's Conservation Officer Service has been providing input and will also partner in the implementation of this commitment.

3. Monitoring of Shawnigan Creek

Since I committed to this follow up item in May 2012, ministry staff have researched available information regarding the quality of the receiving environment in the Shawnigan Creek watershed. We have learned of the work that the Shawnigan Watershed Roundtable is undertaking in collaboration with Fisheries and Oceans Canada and are developing a monitoring plan with environmental quality specialists in the Ministry's Nanaimo regional office.

Thank you again for working collaboratively with staff from the Ministry of Environment so that we may continue to better understand the CVRD's concerns regarding soil deposition and waste management facilities. A key aspect of our work together is for us to collectively better understand the current regulatory frameworks (both provincial and local) governing these activities so that we can seek opportunities and avenues for improvement.

Sincerely,

A handwritten signature in cursive script, appearing to read "Terry Lake".

Terry Lake  
Minister of Environment

cc: Jim Standen, Assistant Deputy Minister, Environmental Protection Division, Ministry of Environment  
Randy Alexander, Regional Manager - Vancouver Island Region, Environmental Protection Regional Operations Branch, Ministry of Environment  
Alan McCammon, Manager, Brownfields and Remediation Assurance, Environmental Management Branch, Ministry of Environment  
Warren Jones, Chief Administrative Officer, Cowichan Valley Regional District

