



Report Date: March 15, 2022

File: UA182995

Report Number: 182995

GFL Environmental Inc.

34613 Vye Rd
Abbotsford, BC

Dear GFL Environmental Inc.,

Re: Warning Letter, Unauthorized Discharge, 34613 Vye Rd, Abbotsford, BC,

On January 31, 2022, Ministry of Environment and Climate Change Strategy (Ministry) Environmental Protection Officers Taryn Angus and Oana Enick (Officers) conducted an inspection of your facility, located at 34613 Vye Rd, Abbotsford, BC (Facility). The inspection determined that GFL Environmental Inc. (GFL) is out of compliance with the *Environmental Management Act*, Section 6(2) waste disposal. This Warning Letter lists the compliance verification information below.

By discharging waste under *Environmental Management Act* without a valid authorization GFL commits an offence under the *Environmental Management Act (EMA)*. Section 120(3) of *EMA* states as follows:

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

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

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

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

Please submit your response to the Ministry's Compliance Mailbox at: EnvironmentalCompliance@gov.bc.ca.

As a result of this Warning, this authorization will be prioritized for follow-up inspection. The corrective measures will be reviewed by an Officer as part of the next inspection.

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

GFL failed to comply with the *Environmental Management Act*, section 6(2) as outlined below.

**Ministry of Environment
and Climate Change
Strategy**

Compliance
Environmental
Protection Division

Mailing Address:
2nd Fl
10470-152nd St
Surrey BC V3R 0Y3

Telephone: 604 582 5200
Facsimile: 604 930 7119
Website: www.gov.bc.ca/env

Inspection Details:

Information for this inspection was provided by Jeff Styles (Environmental and Regulatory Manager). The Ministry confirmed that GFL does not currently hold a waste discharge authorization under the *Environmental Management Act* (EMA).

The inspection period for this report is from November 10, 2021, to January 31, 2022 (Inspection Period) and includes a review of the following:

- EMAIL 2022-02-11 RE_Information_Request, correspondence from Mr. Styles to Ministry Staff (Email Correspondence).

Below are the clauses assessed for compliance during this inspection, the associated details/findings, and any required actions.

Requirement Description:	<p>Environmental Management Act, Environmental Management Act</p> <p>6 (2): Subject to subsection (5), a person must not introduce or cause or allow waste to be introduced into the environment in the course of conducting a prescribed industry, trade or business.</p>
Details/Findings:	<p>The Environmental and Regulatory Manager informed the Officers that the Facility collects, handles, and stores the following materials (refer to Photos 1 and 2):</p> <ul style="list-style-type: none">- Municipal solid waste;- Construction and demolition waste materials;- Clean wood;- Organic soils (primarily root balls from pots from greenhouses);- Drywall (stored undercover);- Commingled recyclables (including tin, glass, cardboard, plastics) and;- Used oil. <p>The Officers observed waste solids and demolition from commercial and/or municipal waste origin, being collected, handled, and stored at the Facility in various piles.</p> <p>The Environmental and Regulatory Manager informed the Officers that an oil-water separator is located on-site. Leachate and stormwater from the Facility is directed to the separator, which discharges to a fish-bearing ditch network that enters Lonzo Creek. Officers collected effluent samples for laboratory analysis from both a stormwater drain located inside the Facility (refer to Photo 3) and a stormwater drain leaving the Facility. The samples were analyzed for multiple parameters, and the results were compared to both the BC Water Quality Guidelines for Aquatic-Life (Freshwater) for long-term concentrations and the Canadian Council of Ministers of the Environment (CCME) Guidelines (refer to Table 1). Some of the results highlighted below were from the stormwater drain located inside the Facility. The Officer determined that the characteristics of the effluent being discharged to the environment from the stormwater drain exceeded the following parameters: Nitrite: 0.0595 mg/L; Ammonia: 69.1 mg/L; Aluminum: 0.156 mg/L (dissolved); Arsenic: 0.0490 mg/L (total); Boron: 15.4 mg/L (total); Cobalt: 0.0129 mg/L (total); Iron: 33.4 mg/L (total); Manganese: 6.26 mg/L (total); Zinc: 591 µg/L; Toluene: 61.0 µg/L; Xylene: 52.6 µg/L; Anthracene: <0.404 µg/L; Benz(a)anthracene: <0.323 µg/L; Benzo(a)pyrene: 0.157 µg/L; Fluoranthene: 2.20 µg/L; Phenanthrene: 2.00 µg/L and; Pyrene: <1.90 µg/L.</p> <p>The Officers also collected effluent samples for laboratory analysis for acute toxicity from the same stormwater drain located inside the Facility. Rainbow trout 96-h LC50 and <i>Daphnia magna</i> 48-h LC50 tests were performed. The rainbow trout 96-h LC50 test results showed that 33.0% effluent concentration caused mortality in 50% of the test population. The <i>Daphnia magna</i> 48-h LC50 results showed that 43.5% effluent concentration caused mortality in 50% of the test population.</p> <p>Management of waste soils, solids and liquids is captured as a prescribed industry within Schedule 1 of the Waste Discharge Regulation Item 12: "<i>commercial waste management or waste disposal industry</i>". Commercial waste management or waste disposal industry is defined as: "establishments primarily engaged in the commercial collection, handling, storage, treatment, destruction or disposal of waste soil, solids or liquids." Officers observed waste discharges in the form of effluent leaving the Facility. Therefore, GFL is "causing or allowing waste to be introduced into the environment in the course of conducting prescribed industries" and is determined to be out of compliance with section 6 (2) of the <i>Environmental Management Act</i>.</p>

Compliance:	Out
Actions to be taken:	Cease unauthorized discharges to the environment. GFL is requested to proceed with obtaining a waste discharge authorization with the <i>Environmental Management Act</i> . Information on submitting an application for a waste discharge authorization can be found here: https://www2.gov.bc.ca/gov/content/environment/waste-management/waste-discharge .

Compliance History:

This is the first electronic compliance record for this authorization since January 1, 2012.

The Ministry of Environment Compliance and Enforcement Policy and Procedure (C&E Policy) prescribes common requirements and procedures for all Ministry staff to ensure consistent and risk-based assessment and response to non-compliance. Using the Non-Compliance Decision Matrix, the compliance determination for this inspection has been assessed as Level 3, Category A, Warning Unauthorized 6(2).

More information about Environmental Compliance, the Non-Compliance Decision Matrix, and reporting and data submission requirements can be found at the links below:

General compliance information:

www.gov.bc.ca/environmentalcompliance

Non-Compliance Decision Matrix information:

www.gov.bc.ca/environment/how-compliance-is-assessed

Reporting and data submission requirements (to be sent to EnvAuthorizationsReporting@gov.bc.ca):

<https://www2.gov.bc.ca/gov/content/environment/waste-management/waste-discharge-authorization/comply>

Please be advised that this inspection report may be published on the provincial government website within 7 days.

Below are attachments related to this inspection.

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

Yours truly,

Taryn Angus
Environmental Protection Officer

cc:

- Attachments:**
- 1) Photo 1. View of a stockpile at the Facility.
 - 2) Photo 2. View of a stockpile at the Facility.
 - 3) Photo 3. View of the Storm Drain within the GFL Facility.
 - 4) Table 1. Water Quality Results.

Deliver via:

Email: Fax: Mail:

Registered Mail: Hand Delivery:

Ministry of Environment and Climate Change Strategy	Compliance	Mailing Address:	Telephone: 604 582 5200
	Environmental	2nd Fl	Facsimile: 604 930 7119
	Protection Division	10470-152nd St	Website: www.gov.bc.ca/env
		Surrey BC V3R 0Y3	

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

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

If you require a copy of the original permit, please contact the inspector noted on this inspection record.

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

Table 1. GFL Storm Drain Effluent Quality Results from Samples Collected by the Ministry on January 31, 2022.

Parameter	BC Water Quality Guidelines and CCME Guidelines for Aquatic Life – Freshwater Long-term Concentration.	Units	Storm Drain within the Facility	Storm Drain Leaving the Facility
Rainbow trout 96-h LC50 test	LC50	%	33.0% Concentration of Effluent.	N/A
<i>Daphnia magna</i> 48-h LC50 test	LC50	%	43.5% Concentration of Effluent.	Pass
<i>E. Coli</i>	N/A	MPN/100mL	>24,200	>2,420
Fecal Coliform	N/A	MPN/100mL	>24,200	>2,420
Nitrite	0.02	mg/L	<0.0200	0.0595
Total Kjeldahl Nitrogen	N/A	mg/L	105	3.09
Total Nitrogen	N/A	mg/L	107	5.57
Ammonia	1.90	mg/L	69.1	2.31
Total Phosphorus	N/A	mg/L	4.01	0.243
Total Suspended Solids	N/A	mg/L	678	262
Biochemical Oxygen Demand	N/A	mg/L	546	10.9
Chemical Oxygen Demand	N/A	mg/L	1,900	103
Conductivity	N/A	µS/cm	3,680	374
Aluminum	0.05 (dissolved)	mg/L	0.156	0.0049
Arsenic	0.005 (total)	mg/L	0.0490	0.00230
Boron	1.20 (total)	mg/L	15.4	0.086
Cobalt	0.004 (total)	mg/L	0.0129	0.00224
Iron	1.0 (total)	mg/L	33.4	9.87
Manganese	1.0 (total)	mg/L	6.26	0.446
Sodium	N/A (total)	mg/L	308	16.4
Sulfur	N/A (total)	mg/L	274	7.78
Zinc	Hardness Dependent	µg/L	591 Hardness was 992 mg/L guideline is 240.	123 Hardness was 115 mg/L guideline is 15.
Toluene	0.5	µg/L	61.0	<0.50
Xylene	0.03	µg/L	52.6	<0.50
BTEX	N/A	µg/L	143	<1.0
EPH (C10-C19)	N/A	µg/L	1,010	<250
EPH (C19-C32)	N/A	µg/L	9,460	1,040
F2 (C10-C16)	N/A	µg/L	650	<100
F3 (C16-C34)	N/A	µg/L	14,700	1,950
F4 (C34-C50)	N/A	µg/L	4,270	860
HEPHw	N/A	µg/L	9,460	1,040
LEPHw	N/A	µg/L	1,010	<250
Anthracene	0.012	µg/L	<0.404	<0.040
Benz(a)anthracene	0.018	µg/L	<0.323	0.037
Benzo(a)pyrene	0.015	µg/L	0.157	0.0254
Fluoranthene	0.04	µg/L	2.20	0.218
Phenanthrene	0.40	µg/L	2.00	0.208
Pyrene	0.025	µg/L	<1.90	<0.200

Jan 31, 2022 at 11:23:53 AM



Photo 1. View of a stockpile at the Facility.

Jan 31, 2022 at 11:30:20 AM



Photo 2. View of a stockpile at the Facility.



Photo 3. View of the Storm Drain within the GFL Facility.