



Report Date: April 3, 2024

File: UA182995

Report Number: 221467

GFL Environmental Inc.

34613 Vye Rd, Abbotsford, BC V2S 8J7

Dear GFL Environmental Inc.,

**Re: Warning Letter**

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On March 5, 2024, the Ministry of Environment and Climate Change Strategy (Ministry) Environmental Protection Officer Taryn Angus (Officer Angus) conducted an office review inspection of GFL Environmental Inc.'s (GFL) municipal solid waste management operation located at 34613 Vye Road, Abbotsford, BC (Facility). The inspection was conducted as a follow-up to the Inspection Report (IR) 182995 issued on March 15, 2022, resulting in a Warning and to verify compliance with the *Environmental Management Act* (EMA). Information for this inspection was provided by Jeff Styles (Environmental and Regulatory Manager, GFL).

By discharging waste under EMA without a valid authorization GFL commits an offence under the 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];...*

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 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.*

The Ministry requests that GFL immediately implement the necessary changes or modifications to correct the non-compliance(s) listed below. Further, the Ministry requests that GFL notify this office in writing, by email or letter within 30 days of the receipt 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 the response to the Ministry's Compliance Mailbox at: [EnvironmentalCompliance@gov.bc.ca](mailto: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 EMA, section 6(3) as outlined below.

## Inspection Details:

The inspection period for this report is from February 1, 2022, to March 5, 2023 (inspection period) and includes a review of the following:

- "2023-04-18 Warning Response Letter" Information Provided by GFL to the Ministry on April 18, 2023 (April 18, 2023 Warning Response Letter)
- "2024-01-09 Information Request" Information Provided by GFL to the Ministry on January 9, 2024 (January 9, 2024 Information Request).
- "2024-02-01 Analytical Results Request" Water Quality Analytical Results Information Provided by GFL to the Ministry on February 1, 2024 (February 1, 2024 Analytical Results Request).
- "2024-02-05 Analytical Results" Water Quality Analytical Results Provided by GFL to the Ministry on February 5, 2024 (February 5, 2024 Water Quality Analytical Results).

# Compliance Assessment

Below are the requirements that were assessed for compliance during this inspection, as well as the associated details/findings and any actions required.

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## Requirement Description:

### *Environmental Management Act*

6 (3): Subject to subsection (5), a person must not introduce or cause or allow to be introduced into the environment, waste produced by a prescribed activity or operation.

## Details/Findings:

The Facility collects, handles, stores, and disposes of municipal solid waste, construction and demolition waste, clean wood, organic soils, drywall, recyclable materials, and waste oil. Since the previous IR 182995, the Environmental and Regulatory Manager informed Officer Angus that the Facility had taken measures to prevent the unauthorized discharge of effluent into the environment. In the April 18, 2023 Warning Response Letter, the Environmental and Regulatory Manager informed Officer Angus that GFL contacted the Ministry for an authorization. The Ministry informed the Environmental and Regulatory Manager that "transfer stations are not usually permitted under the waste discharge regulation, but rather designed so that there is not a discharge." Provided the information from the Ministry, GFL did not pursue a waste discharge authorization but instead focused on Facility improvements, which include the following:

- Retaining a Qualified Environmental Professional (QEP).
- Installing and maintaining a Storm Drain Defender and oil containment booms within the catch basins.
- Relocating and containing the waste oil recycling station.
- Contracting bi-monthly services for vacuum trucks to clean out catch basins.
- Weekly Facility inspections.
- Reconfiguration of the Facility to accept waste material within a covered area.
- Reduction in uncovered waste materials from 5,000 tonnes to approximately 40 tonnes.

In the January 9, 2024, Information Request, the Environmental and Regulatory Manager informed Officer Angus that the uncovered waste materials consisted of construction and demolition waste. Officer Angus reviewed the photos of the Facility provided by the Environmental and Regulatory Manager and verified that the amount of waste material being stored outside and without cover has significantly reduced; however, the construction and demolition waste continue to be stored uncovered (Photos 1 and 2). In addition, Officer Angus observed significant asphalt cracking at the Facility, rendering the Facility's surface permeable (Photo 3).

During the previous IR 182995, the Environmental and Regulatory Manager informed Officer Angus that the Facility discharges effluent into the environment from the southeast to a fish-bearing ditch network that enters Lonzo Creek. In the February 1, 2024, Analytical Results Request, Officer Angus was provided with a Site Plan and supplementary information provided by the QEP, who also determined that during high flows, effluent is discharged from the Facility to the northeast, discharging to ground through a detention swale before going through an oil-water separator (Figure 1). Officer Angus reviewed the water quality data provided by the Environmental and Regulatory Manager for the January 9 and 24th, 2024, sampling events and compared the results to both the BC Water Quality Guidelines (BCWQG) and the Canadian Council of Ministers of the Environment Guidelines (CCME) for Aquatic-Life (Freshwater) for long-term concentrations (Table 1). Officer Angus determined that the characteristics of the effluent being discharged to the environment from the southeast side of the Facility exceeded the following parameters: Nitrite, Ammonia, Chromium (VI), Chromium (III), Arsenic, Boron, Cobalt, Copper, Iron, Manganese, Toluene, Xylene, Anthracene, Benzo(a)pyrene, Fluoranthene, Naphthalene, Phenanthrene, and Pyrene.

Municipal solid waste management is captured as a prescribed operation within Schedule 1 of the Waste Discharge Regulation Item 25 and is defined as "activities and operations for the management, treatment or discharge of refuse that (a) originates from residential, commercial, institutional, demolition, land clearing or construction sources, or (b) is included in a waste management plan." GFL generated effluent and introduced effluent into the environment from a prescribed operation. The effluent is discharged from the Facility to the environment from the southeast to a fish-bearing ditch network that enters Lonzo Creek and from the northeast, discharging to ground through a detention swale before going through an oil-water separator. In addition, the effluent is also discharged directly to the ground through significant cracks on the paved surface. Therefore, GFL is determined to be out of compliance with section 6(3) of EMA.

## Compliance:

Out

## Actions to be taken:

Cease the unauthorized discharge of waste to the environment.

Compliance History:

- 2022-03-15 IR 182995 Warning Unauthorized 6(2): Environmental Management Act 6 (2)

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 2, Category B, Warning Unauthorized 6(3)**.

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](http://www.gov.bc.ca/environmentalcompliance)

Non-Compliance Decision Matrix information:

[www.gov.bc.ca/environment/how-compliance-is-assessed](http://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

**Attachments:**

- 1) Photo 1. View of the uncovered construction and demolition waste.
- 2) Photo 2. View of the uncovered construction and demolition waste.
- 3) Photo 3. View of the significant asphalt cracking.
- 4) Figure 1. Site Drainage Map.
- 5) Table 1. GFL Storm Drain Effluent Quality Results from Samples Collected by their QEP on January 9 and 24, 2024.

**Deliver via:**

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

**Ministry of Environment  
and Climate Change  
Strategy**

Compliance and  
Environmental  
Enforcement Branch

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](http://www.gov.bc.ca/env)

**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.



Photo 1. View of the uncovered construction and demolition waste. Denoted by the yellow circle.



Photo 2. View of the uncovered construction and demolition waste. Denoted by the yellow circle.



Photo 3. View of the significant asphalt cracking.



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Figure 1. Site Drainage Map.



Table 1. GFL Storm Drain Effluent Quality Results from Samples Collected by their QEP on January 9 and 24, 2024.

Parameter	BCWQG and CCME Aquatic Life – Freshwater Long-term Concentration.	Units	CB#7 on January 9, 2024	CB#9 on January 9, 2024	CB#7 on January 24, 2024	CB#9 on January 24, 2024
Fecal Coliform	N/A	CFU/100 mL	34,000	6,500	260,000	1,500
Nitrite	0.02	mg/L	1	0.03	<100	<1.0
Ammonia	1.21	mg/L	24.4	18.7	24.5	0.184
Chromium (VI)	1	µg/L	1.2	8.3	6.6	<1.0
Chromium (III)	8.9	µg/L	23	<0.5	6	<0.5
Total Suspended Solids	N/A	mg/L	640	178	450	113
Biochemical Oxygen Demand	N/A	mg/L	1,000	93	1,290	17
Arsenic	5 (total)	µg/L	12	11	26	1.4
Boron	1.20 (total)	mg/L	4.9	0.12	3.4	0.017
Cobalt	0.004 (total)	mg/L	0.0054	0.0130	0.03	0.0012
Copper	0.2 (total)	µg/L	14	130	180	11
Iron	1.0 (total)	mg/L	200	23	45	2.5
Manganese	1.0 (total)	mg/L	15	0.57	2	0.059
Benzene	40	µg/L	<0.5	<0.5	<0.5	<0.5
Ethylbenzene	0.20	mg/L	0.0007	<0.0005	0.006	<0.005
Toluene	0.5	µg/L	4.0	<0.5	4.9	<0.5
Xylene	0.03	µg/L	3.7	<0.5	3.5	<0.5
EPH (C10-C19)	N/A	µg/L	900	1,900	2,400	<200
EPH (C19-C32)	N/A	µg/L	5,500	28,900	10,400	1,700
HEPHw	N/A	µg/L	5,490	28,900	10,400	1,700
LEPHw	N/A	µg/L	890	1,900	2,400	<200
Anthracene	0.012	µg/L	1.1	<0.1	0.4	<0.1
Benzo(a)pyrene	0.015	µg/L	0.37	0.03	0.17	<0.01
Fluoranthene	0.04	µg/L	4.6	0.4	1.7	0.1
Naphthalene	1	µg/L	1.8	<0.1	1.0	<0.1
Phenanthrene	0.40	µg/L	6.2	0.2	1.8	<0.1
Pyrene	0.025	µg/L	4.12	0.34	1.28	0.13