



Report Date: December 5, 2022

File: 196560

Report Number: 199678

REGISTERED MAIL

Fraser Valley Renewables Ltd.
2200 West Railway Street
Abbotsford BC
V2S 2E2

Dear Fraser Valley Renewables Ltd.,

Re: Warning Letter, Unauthorized Discharge, 810 Iverson Road, Lindell Beach, BC V2R 4X5, No Entry

On November 17, 2022, Ministry of Environment, Environmental Protection Division staff conducted an inspection of your facility, located at 810 Iverson Road, Lindell Beach, BC V2R 4X5. The inspection determined that Fraser Valley Renewables Ltd. is out of compliance with the *Environmental Management Act*, Part 2 Prohibitions and Authorizations, Section 6(3) waste disposal. This Warning Letter lists the compliance verification information below.

By discharging waste under Environmental Management Act without a valid authorization Fraser Valley Renewables Ltd. 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 Fraser Valley Renewables Ltd.. 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 Fraser Valley Renewables Ltd. immediately implement the necessary changes or modifications to correct the non-compliance(s) listed above with the *Environmental Management Act*. Further, I request that Fraser Valley Renewables Ltd. 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 Fraser Valley Renewables Ltd. and will be taken into account in the event of future violations.

Fraser Valley Renewables Ltd. failed to comply with the *Environmental Management Act*, section 6(3) as outlined below.

**Ministry of Environment
and Climate Change
Strategy**

Compliance and
Environmental
Enforcement Branch

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

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Inspection Details:

On November 17, 2022, Ministry of Environment and Climate Change Strategy (Ministry) Environmental Protection Officer Katie Howett (Officer) conducted an onsite inspection of Fraser Valley Renewables Ltd. (FVR) land application on farm property (Site) located at 810 Iverson Road, Lindell Beach, BC to verify compliance with the Environmental Management Act (EMA). This inspection was initiated in response to additional information provided to the Ministry since Inspection Reports (IR) 196560 and 198530 were issued on September 29 and October 31, 2022, respectively. This inspection also includes additional information requested by the Officer after the November 17, 2022 onsite inspection. Currently, FVR does not have any EMA authorization at the Site to apply managed organic matter, conduct composting operations or discharge waste into the environment. Present during the inspection was Simon Thorogood (Business Development Manager, Fraser Valley Renewables), Bruce Vander Wyk (Landowner of 810 Iverson) and Paula Blanchard (ALC Compliance and Enforcement Officer, Agricultural Land Commission).

The inspection includes a review of the following documents:

- Re: 2022-11-18 Summary of onsite discussion and steps forward at 810 Iverson Road, November 28, 2022, sent via email, but Terrawest (Classification Email)

As summarized in IR 198530, dated October 31, 2022, the Officer reviewed all information available at that time and determined that the material stored and land applied at the Site was classified as “waste” under EMA.

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

Requirement Description:	Environmental Management Act, 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.
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<p>Details/Findings:</p>	<p>IMPERMEABLE COVER: On October 28, the Ministry requested that FVR cover the piles of material at the Site to ensure the piles are not subject to precipitation and that the storage area is maintained to prevent runoff and solids from escaping. FVR confirmed on October 30 that they would prepare and cover the piles in a timely manner. During the November 17, onsite inspection, the Officer observed the field where material had been land applied and where unscreened material was piled. The Officer observed that the material at the Site was not covered with an impermeable cover and remained exposed to the environment. On November 28, FVR confirmed that they had sourced and purchased the impermeable covers and will begin deploying on November 28 and 29 and expect the covering to take approximately one week.</p> <p>“NUTRIENT SOURCE”, OR “WASTE”: On November 3, the Ministry responded to FVR’s proposed options moving forward after receiving IR198530 on October 31. Based on information available at that time, a potential option was identified as an alternative to the requirement to remove waste from the Site. This option is that the Code of Practice for Agricultural Environmental Management (CoPAEM) considers digestates from anaerobic digestion as a “nutrient source” as per its definition (c.1). As the material at the Site originates from a facility that involves anaerobic digestion, this material might possibly meet that definition. This option could enable first the piling/removal, covering and storage of the applied material and then processing to remove foreign matter. This material could then be applied to land in 2023 if done in accordance with all relevant requirements of the CoPAEM. After the November 3 Ministry response, FVR committed to confirm with the source facility whether the material at the Site meets the definition of nutrient source in the CoPAEM.</p> <p>On November 28, Terrawest replied to the Officer’s information request from the onsite inspection. Terrawest informed the Officer that the source facility confirmed that 78% of the material underwent an anaerobic digestion process, which would be considered a “nutrient source” as defined under CoPAEM, and 22% of the material went directly to a composting process. The source facility confirmed that 100% of the material underwent a composting process for appropriate pathogen and vector controls under the Organic Matter Recycling Regulation (OMRR). In order for the material to meet the definition of a “nutrient source”, 100% of the material would have to have gone through an anaerobic digestion process. As only 78% of the material went through this process, FVR cannot differentiate between material that has gone through this process or not, and thus the material cannot be deemed a “nutrient source” under CoPAEM. It should be noted that the definition of “nutrient source” in CoPAEM also includes (f) any materials produced in accordance with OMRR; however, as stated in IR198530, the material received at the Site was not produced in accordance with OMRR due to the foreign matter and C:N ratio exceedances.</p> <p>The source facility confirmed that it expected FVR, the receiver of the material at the Site, to perform additional screening to separate the organic fraction and waste.</p> <p>During the onsite inspection, the Officer observed both the field where the material was applied to land and the piled material. The land applied material included minimal foreign matter; however, at the request of the Officer, lab results documented that the screened material did not meet the <1% foreign matter. The piles of unscreened material were observed to have a visible amount of foreign matter (Photo 1) and the Site had foreign matter scattered throughout the area surrounding the piles and along the Site boundary.</p> <p>The Officer has determined that FVR has stored and land applied waste to land without an authorization under EMA. The management of storing and land applying waste in this matter is considered "soil enhancement using wastes" and is a Schedule 2 activity under the Waste Discharge Regulation. The Waste Discharge Regulation defines "soil enhancement using wastes" as meaning "activities and operations applying organic or inorganic wastes to land as a soil conditioner or ground cover". The intent of this activity is that it is not simply a mechanism for waste disposal, but that the waste application should have some benefit to the soil as a soil conditioner. As discussed onsite with Mr. Thorogood, the intent for the material was to be brought to the Site, screened and land applied to enhance the soil production.</p> <p>Currently, FVR does not have any authorization under EMA to land apply waste to the Site or compost or further process under OMRR or CoPAEM. Further, the Ministry has determined that the material at the Site does not meet the definition of “nutrient source” under CoPAEM and cannot be used at the Site. Therefore, FVR is out of compliance with Section 6(3) of EMA for causing or allowing waste produced by a prescribed activity or operation to be introduced to the environment.</p>
<p>Compliance:</p>	<p>Out</p>

Actions to be taken:	<p>Currently there is no authorization under EMA, OMRR or CoPAEM for the material to be there or for further onsite processing of the material.</p> <p>Provide the Ministry a timeline of anticipated next steps to come into compliance with EMA as requested in the Warning letter above within 30 days of receiving this letter.</p>
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<p>Compliance History:</p> <p>Other 196560 2022-10-26 IR 198530 Warning Unauthorized 6(3): Environmental Management Act 6 (3) Other 196560 2022-09-22 IR 196560 Advisory: Environmental Management Act 6 (3), Organic Matter Recycling Regulation (18/2002) (EMA) 15 (1)(a); 22 (1)(a)</p> <p>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).</p> <p>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</p>

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,

Katie Howett
Environmental Protection Officer

cc: Sajid Barlas, Section Head for South Authorizations, Ministry of Environment and Climate Change Strategy
Avtar Sundher, Director of Operations, Agricultural Land Commission

<p>Attachments:</p> <p>1) Photo 1: Material stored prior to screening</p>
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Deliver via:			
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		Mail:	<input type="checkbox"/>

**Ministry of Environment
and Climate Change
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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.

Nov 17, 2022 at 11:05:29 AM



Photo 1: Material stored prior to screening