

ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT

BEING CHAPTER E-12 R.S.A. 2000 (the "Act")

ENFORCEMENT ORDER NO. EO-2019/01-SSR

Bremner Engineering and Construction Ltd.
c/o Registered Office
116 Boulder Crescent
Canmore, Alberta
T1W 1L2

("BECL")

and

Mr. Richard Bremner
Box 8270
Canmore, Alberta
T1W 2V1

(collectively the "Parties")

WHEREAS Richard Bremner is the sole director and shareholder of BECL, a corporation registered in Alberta, and is the directing mind and principal of BECL;

WHEREAS the lands legally described as SW-19-24-09-W5 and Plan 9112067 Lot 2 on the NW-18-24-09-W5, in the Municipal District of Bighorn in the Province of Alberta (collectively the "Lands"), are "public lands" within the meaning of the *Public Lands Act*, R.S.A 2000 Chapter P-40;

WHEREAS on January 24, 1991, surface material lease SML900046 ("SML900046"), a formal disposition under the *Public Lands Act*, was issued to Jamer Sand and Gravel Inc. ("JSGI") for a term of 10 years commencing on November 1, 1990, for the right to work and remove sand and gravel and manufacturing clay out of the surface of the Lands;

WHEREAS effective as of July 11, 1994, JSGI assigned all rights and interests in SML900046 to BECL;

WHEREAS SML900046 expired on October 31, 2000;

WHEREAS on October 20, 2015, Alberta Environment and Parks ("AEP") Lands Officers conducted a site inspection of the Lands and found a pit onsite that contained material that was grey in colour;

WHEREAS on August 9, 2016, AEP Lands Officers conducted a site inspection of the Lands and found evidence of fluid releases from heavy equipment;

WHEREAS on September 7, 2016, AEP Lands Officers conducted a site inspection of the Lands and found evidence of a sludge-like substance worked into the surface of a pit road on the Lands;

WHEREAS on June 11, 2018, Yvon Desharnais of BECL provided a written statement to AEP confirming that Badger Daylighting Ltd. ("Badger") had dumped hydro vac slurry waste on the Lands;

WHEREAS on June 28, 2018, Richard Bremner provided a written statement to AEP confirming that Badger had dumped hydro vac slurry waste from emergency water main repairs in the Town of Canmore (the "Waste") into the pits observed by the lands officers on the Lands;

WHEREAS as part of the written statement Richard Bremner provided a map to AEP identifying the location of a small pit BECL had excavated on the Lands to contain the Waste (the "Hydro Vac Dump Site"), a copy of which is attached as Appendix A;

WHEREAS on July 25, 2018, an AEP Lands Officer obtained an aerial image, a copy of which is attached as Appendix B, showing four identified areas of possible contamination on the Lands based on observations made in the previous site inspections identified above;

WHEREAS on December 13, 2018, BECL confirmed via written statement to AEP that BECL had instructed Badger to dispose of the Waste on the Lands. BECL accompanied Badger in most cases, and had shown Badger where to dump the Waste, which was within the Hydro Vac Dump Site;

WHEREAS on December 13, 2018, BECL confirmed via written statement to AEP that Badger did not pay BECL to use the Lands for disposal of the Waste, and that Badger was working for BECL on a call-in, hourly charge basis;

WHEREAS the *Waste Control Regulation* (A.R. 192/96, as amended), under the *Environmental Protection and Enhancement Act* (the "Act") regulates various types of waste;

WHEREAS the Waste is a "waste" within the meaning of section 1(II) of the *Waste Control Regulation*;

WHEREAS the Waste was "disposed of" on the Lands within the meaning of s.168(b) of the *Act*;

WHEREAS section 176 of the *Act* prohibits the disposal of waste except at a waste management facility that is subject of the appropriate approval, registration, or notice or in accordance with a written authorization of the Director;

WHEREAS section 61 of the *Act* prohibits any person from commencing or continuing any activity that is designated by the regulations as requiring an approval or registration;

WHEREAS AEP has not issued an approval or authorization to either of the Parties for the disposal of the Waste at or on the Lands pursuant to sections 61 or 176 of the *Act*;

WHEREAS BECL and Richard Bremner directed the disposal of the Waste on the Lands and are responsible for the waste disposal activities;

WHEREAS Craig Knaus, Compliance Manager, South Saskatchewan Region, has been appointed a Director for the purposes of issuing enforcement orders under the *Act* (the "Director");

WHEREAS the Director is of the opinion that the Parties have contravened section 61 and section 176 of the *Act* by disposing the Waste at a place other than a waste management facility authorized under the *Act* and for the unauthorized disposal of waste onto the Lands;

WHEREAS the Director is of the opinion that remedial work is required to investigate, delineate and remediate the unauthorized disposal of waste onto the Lands;

THEREFORE, I, Craig Knaus, the Director, pursuant to section 210 of the *Environmental Protection and Enhancement Act*, DO HEREBY ORDER THAT:

Sampling and Delineation

1. The Parties shall by July 31, 2019, submit to the Director for approval a written sampling and delineation plan that meets the requirements of section 2 to assess contamination on the Lands, including:
 - a. the areas identified in the attached Appendix A and Appendix B; and
 - b. any other areas on or adjacent to the Lands that contamination may have migrated to

(collectively the "Affected Areas").
2. The sampling and delineation plan shall:
 - a. be prepared and signed by a qualified environmental professional with the appropriate knowledge, experience and professional designations in the *Professional Responsibilities in Completion and Assurance of Reclamation and Remediation Work in Alberta Joint Practice Standard* (July 2012), to characterize all of the substances found to contain concentrations in excess of the Alberta Tier 1 Soil and Groundwater Remediation Guidelines (the "Tier 1 Guidelines").
 - b. include, at a minimum, all of the following:

- i. a detailed assessment and sampling plan for the complete characterization of the substances found to contain concentrations in excess of Tier 1 Guidelines associated with the Affected Areas, including sampling for, at a minimum, all of the following:
 - a) Soil;
 - b) Subsoil
 - c) Bedrock;
 - d) Surface water
 - e) Groundwater;
 - ii. a detailed plan for the complete delineation of the vertical and lateral extent of the substances found to contain concentrations in excess of Tier 1 Guidelines associated with the Affected Areas, which shall include, at a minimum, all of the following analytical parameters for soil, surface water and groundwater:
 - a) BTEX;
 - b) PHC Fractions F1-F4;
 - c) PAHs;
 - d) Regulated Metals;
 - e) Total Dissolved Solids;
 - f) Chloride;
 - g) Detailed Salinity;
 - h) pH; and
 - i) particle size; and
 - iii. a schedule of implementation of the sampling and delineation plan with a completion date no later than August 31, 2019, or as otherwise approved by the Director;
3. The Parties shall implement the work set out in the sampling and delineation plan in accordance with the schedule of implementation that is approved by the Director.
 4. Prior to implementing any sampling, delineation or other work to comply with this Order, the Parties shall obtain a temporary field authorization (TFA) under the *Public Lands Act*.
 5. The Parties shall by September 30, 2019, submit a report prepared and signed by a qualified environmental professional with the appropriate knowledge, experience and professional designations in the *Professional Responsibilities in Completion and Assurance of Reclamation and Remediation Work in Alberta Joint Practice Standard* (July 2012), of the sampling and delineation activities undertaken to comply with this Order, which shall include, at minimum, the following:
 - a. a description of the work that was undertaken in relation to the sampling and delineation plan;

- f. a schedule of implementation to implement the Remediation Plan, with a commencement date for the remedial work of no later than November 29, 2019, or as otherwise approved by the Director.
9. The Parties shall implement the work set out in the Remediation Plan in accordance with the schedule of implementation that is approved by the Director.
10. Within 30 days of completion of the the work set out in the Remediation Plan, the Parties shall submit to the Director:
 - a. a final written report prepared and signed by a qualified professional describing the remediation work completed to comply with this Order; and
 - b. the tipping receipts from the approved waste management facility that received all excavated materials under clause 8(e) of this Order.

DATED at the City of Calgary in the Province of Alberta, this 13th day of may, 2019.



Craig Knäus
Compliance Manager (the Director)
South Saskatchewan Region

Section 91 of the *Environmental Protection and Enhancement Act* may provide a right of appeal against this decision to the Alberta Environmental Appeals Board. There may be a strict time limit for filing such an appeal. A copy of section 91 is enclosed. For further information, please contact the Board Secretary at #306 Peace Hills Trust Tower, 10011 - 109 Street, Edmonton, Alberta, T5J 3S8; telephone (780) 427-6207; fax (780) 427-4693.

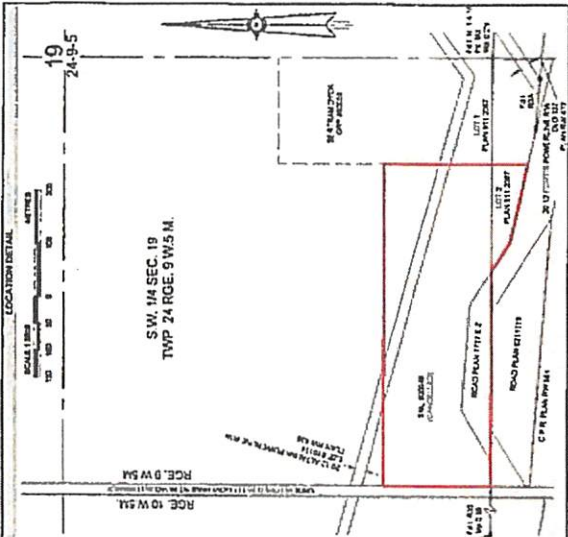
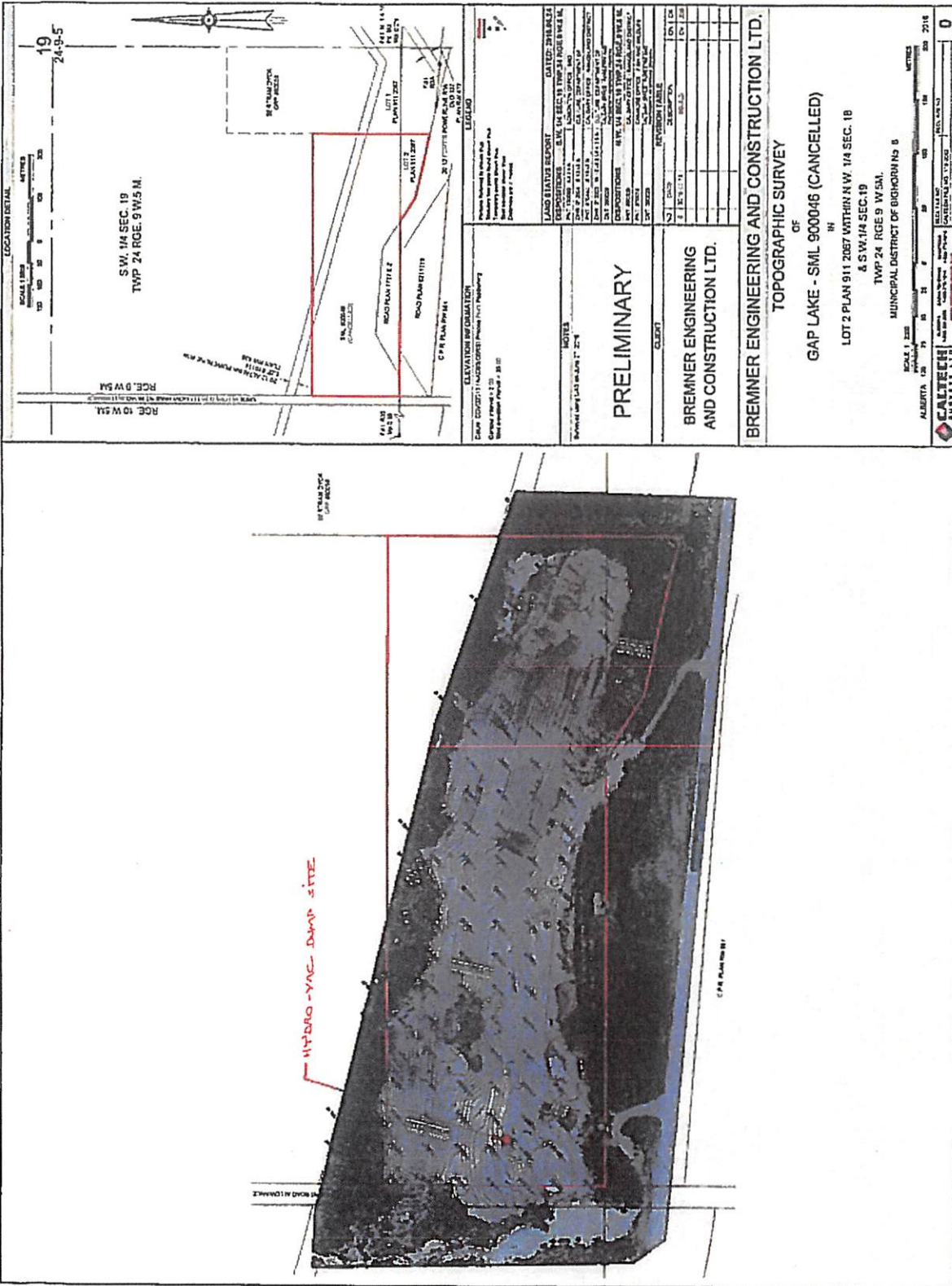
Notwithstanding the above requirements, the Party (ies) shall obtain all necessary approvals in complying with this order.

Take notice that this environmental protection order is a remedial tool only, and in no way precludes any enforcement proceedings being taken regarding this matter under this Act or any other legislation.

- b. a summary of the analytical results of the samples taken and any other work conducted;
- c. an interpretation of the analytical results for the substances found to contain concentrations in excess of Tier 1 Guidelines on the Affected Areas;
- d. the borehole logs for the samples taken;
- e. a site diagram with sampling locations indicated; and
- f. the certificate of analysis for all samples taken, issued by an ISO 9001 accredited laboratory in Alberta.

Remediation

6. BECL shall by October 31, 2019, submit a written remediation plan (the "Remediation Plan") to the Director that meets the requirements of sections 7 and 8, to assess the remediation of any identified substances found to contain concentrations in excess of Tier 1 Guidelines on the Affected Areas.
7. The Remediation Plan shall be prepared and signed by a qualified environmental professional holding one of the designations in the *Professional Responsibilities in Completion and Assurance of Reclamation and Remediation Work in Alberta Joint Practice Standard* (July 2012).
8. The Remediation Plan shall include, at a minimum, all of the following:
 - a. a proposal outlining:
 - i. the remediation of all substances found to contain concentrations in excess of Tier 1 Guidelines in, on or under the Affected Areas, including all soil, bedrock, surface water and groundwater, and
 - ii. a proposal for monitoring to ensure that the remedial work for the Affected Areas has been successful;
 - b. a detailed description of the work that will be undertaken for the Affected Areas to meet the Alberta Tier 1 criteria, as applicable, including the proposed remedial methods;
 - c. a description of the type of equipment, methods, and materials that will be used in implementing the Remediation Plan;
 - d. a plan for monitoring the success of the implementation of the Remediation Plan;
 - e. the name and location of the proposed waste management facility to dispose of all excavated materials; and



ELEVATION INFORMATION

Client: 9000046 - 1420000000 - Private Plot Redesign
 Project: 9000046 - 1420000000 - Private Plot Redesign
 Date: 10/11/2016
 Scale: 1:1000
 Author: [Name]

LAND STATUS REPORT

CANCELLED: 2016/06/24

EXPOSURES S.W. 1/4 SEC. 19 TWP. 24 RGE. 9 W. 5 M.

OWNER [Name]

DATE [Date]

COMMENTS [Text]

NOTES

1. [Text]

2. [Text]

CLIENT

BREMNER ENGINEERING AND CONSTRUCTION LTD.

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TOPOGRAPHIC SURVEY

GAP LAKE - SML 9000046 (CANCELLED)

IN

LOT 2 PLAN 911 2067 WITHIN N.W. 1/4 SEC. 19 & S.W. 1/4 SEC. 19 TWP 24 RGE 9 W. 5 M. MUNICIPAL DISTRICT OF BIGHORN No 8

SCALE: 1:1000

DATE: 2016

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Appendix A
SML9000046

Appendix B

SML900046

