

file NO. 2089

**ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT**

**BEING CHAPTER E-12 RSA 2000 (the "Act")**

**ENVIRONMENTAL PROTECTION ORDER NO. EPEA-EPO-2016/01-LAR**

Richard Repair Services Ltd.  
("Richard Repair")  
Box 339  
Plamondon, AB  
T0A 2T0

and

Robert Richard  
("Robert Richard")  
Box 223  
Plamondon, AB  
T0A 2T0

(Collectively "the Parties")

**WHEREAS** Richard Repair is the owner of land legally described as within section SE-3-68-16 W4M, in Lac La Biche County, in the Province of Alberta (the "Lands");

**WHEREAS** Robert Richard is the owner, operator, and sole Director and shareholder of Richard Repair;

**WHEREAS** as on August 10, 2015, Alberta Environment and Parks ("AEP") received a complaint from the public regarding waste deposited within the Lands;

**WHEREAS** the fish bearing Plamondon Creek flows from the south to the north through the Lands within 50m of the release;

**WHEREAS** on August 10, 2015, an AEP Environmental Protection Officer (the "Inspector") inspected the alleged impacts to the Lands and noted what appeared to be used motor oil (the "substance") released on the ground within the Lands;

**WHEREAS** on August 17, 2015 the Inspector contacted Robert Richard with respect to the substance. Robert Richard indicated to the Inspector that he agreed to clean up the stored and released substance;

**WHEREAS** on August 21, 2015 the Inspector wrote to Richard Repair requesting confirmation with respect to the identity of the substance and advising that, if this substance is engine oil, that remedial work should be completed in accordance with the *Alberta Tier 1 Soil and Groundwater Remediation Guidelines*;

**WHEREAS** on October 20, 2015 the Inspector carried out a follow up inspection and found no clean-up had been completed and the substance remained on the lands;

**WHEREAS** on October 23, 2015, the Inspector left a telephone message for Robert Richard requesting a written response to the August 21, 2015 letter by the first week of November;

**WHEREAS** on November 16, 2015 the Inspector sent a letter to Richard Repair, including the October 20, 2015 inspection report and a copy of the August 21, 2015 letter, requesting a written response to AEP by December 1, 2015. It was requested that this response identify the released substance, as well as provide information on any remedial action which was taken, or was planned, by the Parties;

**WHEREAS** on December 2, 2015 the Inspector spoke to Robert Richard at which time Robert Richard confirmed the released substance was used motor oil. The Inspector advised that a qualified environmental specialist should be retained by the Parties to produce a remedial plan. At the request of the Inspector, Robert Richard agreed to provide in writing the name of a consultant he would use, as well as a brief remedial plan including timelines, within the next week;

**WHEREAS** AEP has, as of the date of this order, received neither the name of the qualified environmental specialist being retained by the Parties, nor a draft remedial plan from the parties;

**WHEREAS** used motor oil is hazardous waste as defined by s.1 (bb) of EPEA and s.1 (v) and 'Schedule 1' of the "Waste Control Regulation";

**WHEREAS** the released substance is a 'substance' as defined by s.1 (mmm) EPEA;

**WHEREAS** the substance may cause and is causing an adverse effect on the environment, including the impairment of or damage to the environment, human health or property;

**WHEREAS** pursuant to section 1 (tt) of EPEA, Richard Repair is a 'person responsible' for the Substance in that Richard Repair had charge, management and control over the handling, storage and disposal of the substance;

**WHEREAS** pursuant to section 1 (tt) of EPEA, Robert Richard is a 'person responsible' for the substance in that he had charge, management and control over the handling, storage and disposal of the substance;

**WHEREAS** Neil Brad , Regional Compliance Manager, Lower Athabasca (The "Director") has been appointed a Director for the purposes of issuing Environmental Protection Orders under the *Environmental Protection and Enhancement Act*;

**WHEREAS** the Director is of the opinion that a release of a substance into the environment has occurred and is occurring and that the release may cause or is causing, an adverse effect;

**WHEREAS** the release of the substance was not authorized by an Approval or regulations under the Act;

**AND WHEREAS** the Director is of the opinion that the Parties have contravened section 112 (1) of the *Environmental Protection and Enhancement Act*, which is an offence under section 227 (j) of the *Environmental Protection and Enhancement Act* by failing to complete reasonable remedial measures;

**THEREFORE** I, Neil Brad, Director, Lower Athabasca, pursuant to section 113(1) of the *Environmental Protection and Enhancement Act*, DO HEREBY ORDER THAT:

- 1) The Parties shall submit to the Director, for the Director's approval, the name and qualifications of an environmental specialist with experience in preparing a remedial plan (the "Remedial Plan") incorporating *Alberta Tier 1 Soil and Groundwater Remediation Guidelines* on or before FEB 12, 2016. *AB*
- 2) The Parties shall ensure that the Remedial Plan proposed is provided to AEP for review and approval on, or before, FEB 26, 2016. *AB*
- 3) In carrying out the requirements of clause 2, the Parties shall ensure that the Remedial Plan includes, but is not limited to, the following:
  - a) A description of the remedial work including the type of equipment, methods, and materials that will be used in implementing the Remedial Plan;
  - b) A description of volume and location of contaminated soil to be removed, and how this will be determined;
  - c) A description of volume of stored substance;
  - d) A description of the samples that will be collected to verify remedial work, including type, number, locations, timing and analytical parameters;
  - e) A description of the destination and treatment of the contaminated soil and stored substance;
  - f) A description of the source and environmental screening of fill material;
  - g) The Remedial Plan shall include a proposed Schedule of Implementation for the remedial work, which will also be subject to the approval of AEP. This Schedule of Implementation shall have MARCH 25 *AB* 2016, as the completion date;
- 5) Upon approval of the Remedial Plan by AEP, the Parties will implement the work identified in the approved Remedial Plan, as required by the approved Schedule of Implementation.
- 6) The Parties shall, in accordance with the requirements of the approved Schedule of Implementation, submit to the Director written reports confirming that the work identified in the Remedial Plan is being completed.
- 7) The Parties shall ensure that all work executed in the approved Remedial Plan is directly supervised and documented by the environmental specialist.
- 8) The Parties shall ensure that all reports for submission in item 6 are written by the environmental specialist.

DATED at the hamlet of Lac La Biche in the Province of Alberta, this 5 day of FEBRUARY, 2016

**Original Signed by:**

Neil Brad

Regional Compliance Manager  
Lower Athabasca Region  
Designated Director under the Act