

ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT

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

ENFORCEMENT ORDER NO. EO-2012/01-NR

Amendment No. 3

Greenways Inc.
6007 – 76 Avenue
Edmonton, AB
T6B 0A7 (the "Company")

and

Peter Greenways
c/o 6007 – 76 Avenue
Edmonton, AB.
T6B 0A7 ("Greenways")
(the above are collectively referred to as the "Parties")

WHEREAS:

1. The Company is the registered owner of the lands located at 52nd Street and 73rd Avenue in the City of Edmonton (Plan 2149MC, Block 2, Lot 3) ("the Lands").
2. The All-Brite Building (the Facility) is located on the Lands, and the Facility and Lands have been used for the purposes of storage of materials relating to metal-plating operations.
3. Peter Greenways is a directing mind of the Company and directs the business aspects at the Facility.
4. The Director issued an enforcement order (EO) and amendments to the Parties as follows:
 - Enforcement Order No. EO-2012/01-NR on May 23, 2012, ordering compliance with storage requirements as listed in the *Waste Control Regulation* (A.R. 192/96) for hazardous wastes and hazardous recyclables on an interim basis, for disposal of the improperly stored hazardous wastes and hazardous recyclables, and plans to delineate and remediate any contamination of soils, groundwater and surface water on the lands or adjacent off-site areas,
 - Amendment No. 1 to the EO on June 21, 2012, to repeal and replace clauses 2, 10, 11, 20 and 21 in the EO and to extend the dates for completion of clauses 4, 7 and 18, and
 - Amendment No. 2 to the EO on August 22, 2012, to correct a preamble paragraph and to extend the date for completion of the task specified in Clause 10. (Collectively, the EO and amendments will be referred to as the "EO").
5. From 2012 to date, the Parties have not come into full compliance with the EO.
6. AEP has conducted periodic inspections of the Facility and Lands from 2012 to date to evaluate the status of compliance with the EO.
7. Following a May 14th, 2019 inspection of the Facility and Lands, the Director sent a letter to the Parties on July 5th, 2019, identifying deficiencies with the EO requirements and advising the Parties to:
 - Resume biweekly status report submissions to come back into compliance with clauses 2

- and 20 of the EO
 - Immediately repair a damaged groundwater monitoring well casing to prevent foreign surface materials from contaminating the well
 - Remove and dispose of all stockpiled contaminated soil generated during the remedial excavation activities inside the Facility
 - Complete vertical and horizontal delineation where *Alberta Tier 1 Soil and Groundwater Remediation Guidelines* exceedances were found
 - Complete the source assessment at the NW borehole and sump areas between Bay 2 and 6
 - Collect updated groundwater data for the three existing groundwater monitoring wells
 - Install an up-gradient background groundwater monitoring well and sample for salts and metals
 - Install three additional groundwater monitoring wells as originally requested on February 6, 2016 and sample for salts and metals
 - Determine the groundwater flow direction
 - Submit a Remedial Action Plan, signed by a Qualified Professional, for the existing and any new found exceedances of the *Alberta Tier 1 Soil and Groundwater Remediation Guidelines* by October 31, 2019
8. On September 6, 2019, the Parties provided the Director with raw laboratory data of groundwater samples taken at three existing monitoring wells on the Lands, but did not include any analysis or interpretation of the results.
 9. On April 5, 2020, the Director issued a letter to the Parties which identified that none of the requirements of the July 5, 2019 letter had been met in the intervening time, with the exception of the September 6th, 2019 submission of raw sampling data.
 10. Following the April 5th, 2020 letter, the Parties resumed biweekly status reporting, repaired the damaged groundwater monitoring well and disposed of all stockpiled contaminated soil inside the Facility, all of which was confirmed by AEP during an inspection on August 13th, 2020.
 11. On October 22, 2020, the Parties submitted a report to the Director entitled "Summary Report of Remediation to Completion at the Former All-Brite Building" (the Report) summarizing their assessment and remediation activities.
 12. In a letter dated November 27, 2020, the Director advised the Parties that the Report could not be accepted due to a number of identified deficiencies, including that it was not signed off by a Qualified Professional.
 13. The Director is of the opinion that based on the work the Parties have completed to date that Clauses 1 to 13, 15, 16, 19 and 20 of the EO have been either satisfied by the Parties, or are no longer required due to changes in the status of the remedial work completed to date.
 14. The Director is of the opinion that a simplified approach is needed in order for the Parties to complete the remedial work at the site to meet the *Environmental Site Assessment Standard, 2016* (AEP) (the "ESA Standard") as applicable to the Lands, and that will meet the outstanding elements of Clauses 14, 17 and 18 of the EO.
 15. As a result, the Director is of the opinion that a further amendment to the EO is required to update the EO and set out the remaining remedial requirements for the Facility and Lands.
 16. Section 212 of the *Act* states that a Director may amend a term or condition of an enforcement order.

THEREFORE, I, Neil Brad, the Director, pursuant to section 212 of the *Act*, DO HEREBY AMEND Enforcement Order No. EO-2012/01-NR as follows:

1. Clauses 1 to 13, 15, 16, 19 and 20 are repealed as they are no longer needed.
2. Clauses 14, 17 and 18 are repealed and replaced with new Clauses 22-27 as follows:
 22. By **January 29, 2021**, the Parties shall provide to the Director the name of a Qualified Professional who will carry out the requirements of this Order and meets the criteria specified in the ESA Standard.
 23. By **February 26, 2021**, the Parties shall submit a confirmatory sampling plan completed by the Qualified Professional, for a Confirmatory Sampling Program for the Lands, for approval by the Director ("the Confirmatory Sampling Plan").
 24. The Confirmatory Sampling Plan shall describe how the impacted soil and groundwater on the Lands will be assessed in accordance with the ESA Standard and shall include a schedule of implementation for the Confirmatory Sampling Program which shall have a completion date of no later than **May 20, 2021**.
 25. The Parties, through their Qualified Professional, shall implement the Confirmatory Sampling Program in accordance with the approved Confirmatory Sampling Plan, including the schedule of implementation.
 26. **Within 30 days** of the completion of the Confirmatory Sampling Program, the Parties shall submit a report on the outcome of the Program (the "Confirmatory Sampling Report").
 27. The Confirmatory Sampling Report shall be prepared by the Qualified Professional in accordance with the ESA Standard, and shall detail the results of the Confirmatory Sampling Program, including all data and analyses of the data, and identify if further confirmatory sampling is required.

DATED at the City of Edmonton in the Province of Alberta, this 26th day of January 2021.



Neil Brad
Regulatory Assurance Manager
Northern 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 Parties shall obtain all necessary approvals in complying with this order.

Take notice that this enforcement 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.