

ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT

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

ENFORCEMENT ORDER NO. EO-2012/01-NR

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

and

Peter Greenways
6007 – 76 Avenue
Edmonton, Alberta
T6B 0A7
("Greenways")

(The above are collectively referred to as the "Parties")

WHEREAS the Company is the registered owner of the lands located at 52 Street and 73 Avenue, in the City of Edmonton (Plan 2149MC, Block 2, Lot 3) (the "Lands");

WHEREAS the All-Brite Building (the "Facility") is located on the Lands, the Facility and the Lands have been used for the purpose of the storage of materials relating to metal plating operations;

WHEREAS Peter Greenways is a directing mind of the Company, has charge, management and control of the business operations carried out in the Facility and on the Lands;

WHEREAS on October 5, 2011, the city of Edmonton Drainage Department and the City of Edmonton Fire Department Hazmat Team responded to a call that nickel solution from a tank that had been overturned on the Lands had entered into the storm drain system;

WHEREAS the City of Edmonton reported the release to Alberta Environment and Sustainable Resource Development ("AESRD") and AESRD conducted an inspection of the Facility on October 13, 2011;

WHEREAS when AESRD inspected the Facility on October 13, 2011, they discovered that the Facility contained a variety of materials that may have met the definitions of "hazardous recyclable" and "hazardous wastes" as defined under the *Waste Control Regulation* 192/96;

WHEREAS when AESRD inspected the Facility on October 13, 2011, samples were taken from a number of unlabeled containers, and analysis subsequently showed that the containers contained Cyanide, Nickel, Cadmium and Chromium in concentrations such that they fell within the definitions of "hazardous wastes" in Section 1(v), and "hazardous recyclables" in Section 1(t), and Schedule 1 of the *Waste Control Regulation* 192/96;

WHEREAS the hazardous wastes and hazardous recyclables found in the Facility and on the Lands (collectively, the "Wastes") must be stored in accordance with the requirements of the *Waste Control Regulation*, A.R. 192/96;

WHEREAS the inspection on October 13, 2012, revealed that among other contraventions of the *Waste Control Regulation*, A.R. 192/96, the Wastes were being stored in unlabelled containers; that incompatible Wastes were being stored together; and that there was no or inadequate containment systems to prevent leakage or discharge into sewer systems; that the Facility was not identified as a hazardous waste management facility where hazardous waste was being stored.

WHEREAS the Parties have not stored the Wastes in accordance with Sections 11 and 18 of the *Waste Control Regulation*, A.R. 192/96;

WHEREAS AESRD has requested the Parties on numerous occasions to correct the identified deficiencies in the storage and labelling of the hazardous wastes and hazardous recyclables;

WHEREAS the Parties have not corrected the identified deficiencies and continue to store hazardous waste and hazardous recyclables in contravention of the *Waste Control Regulation*, A.R. 192/96;

WHEREAS the Parties are "persons responsible" for the Wastes pursuant to Section 1(tt) of the Act, as they are either the owners or previous owners of the Wastes, or persons who have or had charge, management or control of the Wastes, including the generation of the Wastes, or are those persons' principals or agents;

WHEREAS Jeff Toering, District Compliance Manager, Northern Region, (the "Manager") has been appointed a Director under the Act for the purposes of issuing enforcement orders and environmental protection orders;

WHEREAS the Manager is of the opinion that the Parties have contravened and continue to be in contravention of Sections 11 and 18 of the *Waste Control Regulation*, A.R. 192/96 for the improper storage of the Wastes on the Lands, including in the Facility;

THEREFORE, I, Jeff Toering, District Compliance Manager, Northern Region, pursuant to Section 210(1) of the Act, DO HEREBY ORDER THAT:

1. The Parties shall immediately cease generating, storing and disposing of hazardous waste and hazardous recyclables at, on or from the Lands and the Facility, in any manner other than provided for in the *Waste Control Regulation*, A.R. 192/96.
2. The Parties shall submit a written inventory (the "Inventory"), prepared by a qualified environmental consultant, to the Manager by 2 weeks from the date the Order is issued, that indicates the quantities of wastes, hazardous wastes and hazardous recyclable wastes (collectively, the "Substances"), stored on the Lands and/or that are stored or contained within the Facility.
3. The Inventory shall identify the type of each Substance (including any other hazardous substance not identified in this Order); indicate the quantity of each of the Substances; how the Substance is stored or contained; an assessment of the integrity of the storage container; and whether the Substance has leaked, spilled or otherwise escaped from the storage container to the ground or to the inside of the Facility.

4. The Parties shall submit a plan (the "Immediate Storage Plan"), prepared by a qualified environmental consultant, to the Manager by **June 08, 2012**, indicating the immediate measures that will be taken to ensure that the Substances are properly stored, and that such storage complies with Sections 11 and 18 of the *Waste Control Regulation*, A.R. 192/96.
5. The Immediate Storage Plan shall include, but not be limited to, the following minimum requirements:
 - a) The technical specifications and quantitative descriptions of all measures to be implemented to ensure that the storage of the Substances identified in the Inventory complies with the *Waste Control Regulation*, A.R. 192/96;
 - b) An explanation of the method by which these measures will be implemented; and
 - c) The proposed implementation schedule for the storage measures.
6. The Parties shall implement the measures in the Immediate Storage Plan pursuant to the schedule of Implementation as approved by the Manager.
7. The Parties shall submit a written plan (the "Disposal Plan"), prepared by a qualified environmental consultant, to the Manager by **June 15, 2012**, describing the steps that will be taken to dispose of the Substances and any other hazardous wastes and hazardous recyclables that are identified in the Inventory.
8. The Disposal Plan shall include the following minimum requirements:
 - a) The name of the company contracted to dispose of the Substances;
 - b) The Alberta Environment and Sustainable Resource Development generator number that will be used to transport the Substances from the Lands by way of a manifest;
 - c) The location the Substances will be shipped to for disposal; and
 - d) The date when the Substances will be picked up and disposed of by the company contracted to dispose of the Substances.
9. The Parties shall implement the Disposal Plan, once approved by the Manager.
10. The Parties shall submit a written plan (the "Investigative Plan"), prepared by a qualified environmental consultant, to the Manager by **June 15, 2012** to investigate any contamination of the Facility.
11. The Investigative Plan shall include the following minimum requirements:
 - a) A proposal for delineating and quantifying any contamination of the soil, surface water and groundwater, on or under the Lands and in the Facility, and to any offsite areas;
 - b) Investigate the Facility including the sumps; and
 - c) A schedule of implementation for the Investigative Plan.
12. The Parties shall implement the work in the Investigative Plan in accordance with the schedule of implementation, as approved by the Manager.
13. The Parties shall submit a report (the "Investigative Report"), prepared by a qualified environmental consultant, within 10 days of the completion of the work in the Investigative Plan.

14. The Investigative Report shall include the following minimum requirements:
 - a) Detailed descriptions of the survey procedures and equipment and the methods used for sampling and analyses of all soils, surface water and groundwater;
 - b) All analytical results and readings taken, correlated to the sampling locations both on the Lands and on any off-site areas;
 - c) Identification of the soil, surface water and groundwater sample locations and depths that require remediation and the below-ground depths to which remediation is required; and
 - d) Remediation, sampling and analytical testing and laboratory methods to be used.
15. If the analytical results in the Investigative Report indicate that the Lands, including the soils, groundwater and/or surface water, contain hazardous wastes or hazardous recyclables, the Investigative Report shall also include the date for submission of a remediation plan (the "Remediation Plan").
16. The Remediation Plan shall be prepared by a qualified environmental consultant and submitted to the Manager in writing and shall include the following minimum requirements:
 - a) The remediation procedures to be implemented;
 - b) Remediation, sampling and analytical testing and laboratory methods to be used; and
 - c) A schedule of implementation for the Remediation Plan.
17. The Parties shall implement the work set out in the Remediation Plan in accordance with the schedule of implementation, as is approved by the Manager.
18. Within 7 days of the completion of the remediation set out in the Remediation Plan, the Parties shall submit a final report to AESRD detailing the remedial work undertaken on the Lands and in the Facility.
19. The Parties shall provide written status reports of all actions taken to comply with this Order, including the Inventory, the Immediate Storage Plan, the Disposal Plan, the Investigative Plan, and the Remediation Plan to the Manager.
20. The written status reports shall describe the work done pursuant to the Order in the previous 7 days and the work planned for the following 7 days. The first report shall be submitted by **June 01 2012**. Subsequent reports will therefore be submitted every 7th day in writing, until
21. otherwise directed by the Manager in writing.

DATED at the City of Edmonton in the Province of Alberta, this 23 day of May, 2012.

Original Signed by: Jeff Toering
District Compliance 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 Party(ies) 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.