



Reason for Decision

Environmental Protection Division

South Authorizations

Solid Waste

Date: May 5, 2020

To: FILE 17006

Re: Golden Landfill – Design Operation and Closure Plan Review and Approval

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Decision at Issue

The decision before me as a statutory decision-maker under the *Environmental Management Act* (EMA) is whether to approve, with or without condition(s), a Design, Operation and Closure Plan (DOCP) to the Columbia Shuswap Regional District (CSRD) for the Golden Municipal Solid Waste landfill submitted as per the Operational Certificate 17006 (OC-17006). Although the OC-17006 and the CSRD Solid Waste Management Plan (SWMP) were considered, this decision is solely directed at the DOCP review and approval.

For the reasons set out below, I have decided to approve the DOCP with conditions.

Background

The OC-17006 was first issued on May 5, 2003 and was last amended on August 29, 2012. A letter amendment was issued in 2019 (October 31, 2019) to limit the receipt of contaminated soils to IL-. As stated in the amendment letter, the Statutory Decision Maker (SDM) acknowledged the updating of the DOCP was underway by the CSRD and the ministry was also in the process of reviewing the 2018 Hydrogeology Characterization Report (HCR), suggesting that uncertainties surrounding the landfill operation and potential groundwater contamination were such that a precautionary approach was needed.

Condition 2.1 of the existing OC (copied below) states that the DOCP is subject to review and approval in writing by the Director, hence this reason for decision.

2.1 Design and Operating Plan

The Operational Certificate holder must prepare and maintain a current Design and Operations Plan prepared by a qualified professional. The Plan must be reviewed and updated as needed at least once every five years. The next update must be undertaken and completed in 2013. The Plan must address, but not be limited to, each of the subsections in the Landfill Criteria for Municipal Solid Waste including performance, siting, design, operational, closure and post-closure criteria. The facilities must be developed, operated and closed in accordance with the Plan. Should there be any inconsistency between this Operational Certificate and the Plan, this Operational Certificate must take precedence.

Written authorization from the Director must be obtained prior to implementing any changes to the approved plans. Based on any information obtained in connection with this facility, the Director may require revision of, or addition to, the design, operating and closure plans.

The Golden landfill is included in the regional Solid Waste Management Plan (SWMP) developed by the CSRD. The CSRD SWMP was approved by the Minister of Environment on June 3, 2019. The main reason for this last amendment was to acquire the Mounce property adjacent to the Salmon Arm landfill. The SWMP ministerial approval include the following requirements. The first requirement quote below is directly relevant to the submission of the Landfill Criteria Conformance Review for the Golden Landfill: “By August 24, 2021, the CSRD will submit to the director Landfill Criteria Conformance Reviews, for the following landfills: Golden Landfill with the site-specific authorization Operational Certificate 17006”

On March 27, 2020, the CSRD also applied to amend the OC. The review is currently underway.

Materials Considered

In making my decision, I have considered the following reports and documents.

- Ministry Assessment Report (MAR), dated March 18, 2020, prepared by Brad McCandlish, P.Eng, Senior Environmental Protection Officer, and supporting information;
 - o DOCP for the Golden Landfill, dated January 17, 2020
 - o 5-year monitoring update, dated December 30, 2019

- Landfill Criteria Conformance Review, dated January 8, 2020
- SME memos from Rusto Martinka, dated November 7, 2019 and January 23, 2020
- Correspondence from community members;
- Other correspondence, meeting / conference call notes, and other notes;
- Although the MAR summarizes the key technical documents and correspondence submitted as part of the application, my review was not limited to the materials referenced in the MAR.

Note, the 2019 Annual Report was received on April 27 and was not reviewed by ministry staff at the time of writing this RFD. The report will be part of the review supporting the OC amendment application.

Considerations

Solid Waste Management Planning

Under subsection 25(3) of EMA, regional districts may regulate the management of municipal solid waste (MSW) in their regions. At a regional level, MSW must be managed in accordance with an approved SWMP. At a site level, MSW must be managed in accordance with the approved SWMP and with any requirements or conditions that a director includes in an operational certificate or permit issued for the site (EMA, subsections 25(2)(a) and (b)). As per subsection 28(2) of EMA, “an operational certificate issued under subsection (1) forms part of and must not conflict with the approved waste management plan”.

The Golden landfill has been authorized via the CSRD SWMP (2015). The SWMP states a closure for year 2060.

The CSRD also informed the ministry it was exploring alternatives to landfilling but reporting on this is pending. That said, any major changes to the CSRSD’s solid waste management will be subject to a review of the SWMP.

Landfill Criteria Conformance Review

A key guidance document issued by Ministry for the design, construction, operation and closure of MSW landfills is the 2016 Landfill Criteria (the “Criteria”). The Criteria provide detailed criteria for landfill siting, performance, design, operational, closure, post-closure, financial security, monitoring and reporting. The Criteria is an update of the 1993 Landfill Criteria previously used as guidance for the design and operation of MSW landfills in BC. As indicated in the MAR, even though the Criteria are not legally binding, they are expected to be considered in the design and operation of new

and existing MSW landfills provided that unique and site-specific aspects of a project are considered and that alternative approach(es) are shown to provide equal or better environmental protection. Section 2.2 of the Criteria says that *“If a need for upgrades is identified then the conformance Review shall include an Upgrading Plan with schedule for all proposed upgrades”*.

The Criteria conformance review submitted by the CSRD and prepared by Golder Associates Ltd proposes a very limited upgrading plan and with no schedule or timeline for implementation. The conformance review is also high level and leaves conformance gaps without comments or detailed action/upgrading plans.

Existing landfills are subject to the Criteria but it is acknowledged in Section 2.1.2 that exceptions apply, including siting criteria (Section 3), layout, base, base liner and leachate collection system design standards (Sections 5.2, 5.3, 5.4 and 5.5). These specific exceptions also mean that all other criterion apply to existing landfills.

For this reason, a specific condition is included in the approval letter regarding the Conformance Review upgrading plan.

Community Concerns

Several concerns from the community were shared with the ministry and the CSRD throughout the DOCP review process and I have considered those concerns carefully. Concerns shared cover almost all aspects of the landfill design and operation. Some the concerns suggested that an early closure of the landfill was needed to mitigate impacts or potential future impacts and nuisance to nearby receptors and neighbors. I did not consider an early closure of the landfill as being a reasonable option at this point. The decision for an early closure is also not strictly a decision to be made by the ministry SDM but is rather a significant proposal that may be considered by the CSRD, its board members and ultimately by the Minister of Environment who approved the SWMP.

Approval of the DOCP with conditions and the OC-17006 amendment currently underway will allow the ministry, the CSRD and members of the community to further engage and resolve issues and concerns raised during the DOCP review process. That said, nuisance, wildlife control, surface water and erosion control issues are proposed to be addressed approval conditions of the DOCP approval letter.

Other Considerations

Amendment of OC-17006

The CSRSD filed an amendment for OC-17006 on March 27, 2020 at the request of the ministry. Ministry staff is currently working with the CSRSD to define the information required to support the OC amendment. The anticipated outcomes of this amendment are updated and more enforceable legal requirements to ensure environmental protection. The OC amendment is expected to incorporate aspects of the 2016 Landfill Criteria and adopt a regulatory approach that is better aligned with the BC professional reliance model and the Ministry Professional Accountability Policy (<https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/laws-policies-standards-guidance/environmental-guidance-and-policy/professional-accountability>).

Outstanding issues identified during this review which remain unaddressed in the DOCP conditional approval letter will be reviewed in detail as part of this OC amendment process. As required under the Public Notification Regulation, a notice will be issued to potentially affected parties before a decision is made. Outstanding issues include but are not limited to migration offsite and notification requirements, leachate management, contaminated soils disposal and controls, vegetation buffer, landfill gas monitoring, etc. Those issues will be better addressed in the OC amendment process.

Qualified Professional Reliance Model

As suggested above, the BC professional reliance model and new Ministry Professional Accountability Policy is not well reflected in the existing OC as this approach was developed following the Mount Polley incident in 2014. It is important to note that in the professional reliance model framework, the submissions of plans, including DOCP's for landfills in the province, are typically not subject to statutory decisions. The wording in new authorizations and amendment of landfill authorizations put emphasis on QP reliance, implementation of plans in general as well as on requirements to monitor and report on plan implementation. That said, the director maintains the authority to request additional information and/or impose additional conditions as needed following review of plans.

Need for a Timely Decision

I decided to approve the DOCP with conditions to allow the CSRSD to proceed with budgeting and move ahead with site improvements during in 2020 and 2021. Waiting for the OC amendment process to conclude would likely have resulted in significant delays, leaving the CSRSD in a difficult position whether to proceed or not with improvements.

Ongoing Ministry oversight

It is expected that the ministry will continue to oversee the Golden Landfill operation. The ministry compliance team is expected to conduct follow up compliance inspections in 2020 while the ministry authorization team will continue to actively engage with the CRSD and stakeholders during the OC amendment process. As a result, I anticipate the ministry oversight will continue to be significant on this file and.

Conclusion

Based on the above, I have approved the DOCP for the Golden landfill, with conditions (see letter of approval) and with the understanding that an OC amendment application was submitted by the CSRD on March 27, 2020 and is currently well underway.



Luc Lachance, P.Eng.
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Appendices:

Appendix A – Ministry Assessment Report

Appendix B – 2020-05-04 Golden Landfill Letter of Approval with conditions