



To:	Richmond City Council	Date:	March 20 th , 2002
From:	Mayor Malcolm D. Brodie Chair, General Purposes Committee	File:	6175-06
Re:	STATUS OF ACTION ITEMS RELATING TO THE PROPOSED IMPORTATION OF CONTAMINATED SOIL		

The General Purposes Committee, at its meeting held on March 18th, 2002, considered the attached report, and recommends as follows:

Committee Recommendation

- (1) That a public information session be held at City Hall, in accordance with Option "A" (as set out in Section 7 on page 4 of the report dated March 8, 2002 from the Manager, Emergency & Environmental Programs).*
- (2) That letters be sent to the Minister of the Environment and the Minister of Water, Land and Air Protection, outlining issues pertaining to the importation of contaminated soils to Richmond, and the location of a special waste treatment facility in Richmond, and enclosing copies of the correspondence received from residents on this matter.*

Mayor Malcolm D. Brodie, Chair
General Purposes Committee

Attach.

VARIANCE

Please note that staff recommended the following:

- (1) That a public information session be held at City Hall, in accordance with Option "C" (as set out in Section 7 on page 4 of the report dated March 8, 2002 from the Manager, Emergency & Environmental Programs).
- (2) That letters be sent to the Minister of the Environment and the Minister of Water, Land and Air Protection, outlining issues pertaining to the importation of contaminated soils to Richmond, and the location of a special waste treatment facility in Richmond.

Staff Report

Origin

At their February 25, 2002 meeting, Council approved a number of strategies aimed at lobbying the provincial and federal governments on contaminated soils issues, and further instructed staff to make a request of the site operator. Staff was also instructed to report back on a number of related issues. This report provides an update on all these items and recommends a public information process.

Analysis

An update on each of the action items approved by Council and a report on the items referred to staff is contained in the following sections.

1. Lobby the Province

A draft briefing paper has been prepared, Attachment 1, for Council's consideration. The briefing paper requests further action to address the key issues of treatment standards and transparency in the public review process.

2. Lobby the Federal Government

Attachment 2 is presented as a draft briefing paper to the federal government, which addresses the key issues of the health and environmental impacts associated with this proposal. The briefing paper also outlines a number of suggested amendments to import/export regulations to ensure consistency in standards to ensure that materials are not exported to Canada as a result of lower standards.

3. Make a Request of the Site Operator

City staff met with the site and facility operators -- Stuart Somerville of Ecowaste, and Gregory Campbell of Hazco Environmental Services, on Tuesday, March 5, 2002. The facility operators recognize that despite the fact that they have met and complied with all applicable federal and provincial regulations pertaining to this shipment, there are public sensitivities surrounding this issue. They have both expressed a willingness to work with us. Discussions will continue in this regard. It is important to note that the importation of these soils is *by no means imminent*, and there is sufficient opportunity for these discussions to occur prior to any further action by the operator in relation to accepting this soil shipment.

4. Review by the Advisory Committee on the Environment (ACE)

This matter was addressed with ACE at their February 20, 2002 meeting, with representatives of Ecowaste and Hazco present. ACE indicated their intention to pursue the matter in a thorough fashion and have established a sub-committee to evaluate this issue. No specific timeline was determined for their review, although a preliminary opinion from the sub-committee members is provided in Attachment 3. ACE will review

this issue again at their next meeting. Further, ACE nominated a representative to work with city staff on organizing a public meeting.

5. Zoning Bylaw Option

Council directed the City Solicitor to prepare further information concerning this option. The Solicitor has prepared a closed memorandum on the matter, which has been circulated separately.

6. Feasibility of Prohibiting Import and Export of Contaminated Soil

The federal government regulates the issue of hazardous waste export and import. The City of Richmond has no jurisdiction in this matter, and, in any event, staff would recommend against pursuing a prohibition on waste import/export. There are a number of reasons for this, including:

- Environmental Benefits – Canada exports considerably more special waste materials than it imports. Local examples include the export of treatment plant residuals from the Lulu Island Wastewater Treatment Plant to Oregon, and the export of biomedical waste to the states of Washington, Oregon and Idaho.
- Technological/Economic Benefits - it makes sense to treat special waste materials at facilities that have the most cost-effective and appropriate technology and treatment systems. In some cases, Canada may have more sophisticated systems, and in other cases, the special waste materials may best be treated in other countries.

Staff supports the principles of international Basel Convention, which encourages appropriate measures to ensure the transboundary movement of hazardous wastes is reduced to a minimum. However, a prohibition on transboundary movement of waste would be counter-productive to our own needs as well as to the local economy.

Additional comments concerning the City's ability to prohibit the import and export of contaminated soils is included in the City Solicitor's memorandum, referenced in Item 5, above.

What is most important is to ensure that appropriate steps are taken to ensure health and environmental protection associated with the transportation and treatment systems used. In addition, waste should not be exported/imported as a result of a lower standard in the receiving jurisdiction when compared to the exporting jurisdiction. These key principles form part of the briefing paper to the federal government (Attachment 2).

7. Public Forum

Council instructed staff to report on how and when a public forum could be held, and the structure under which this forum would be conducted. The following options are presented for Council's consideration:

a) Public Information Meeting – Estimated Cost: \$5,000

A public information meeting, as opposed to a public forum, would provide the opportunity for greater structure and to present a balanced approach to the issue. The purpose of the meeting would be to present the facts, and provide the opportunity for a moderated discussion. A facilitator could moderate the meeting. The meeting could be held at a local hotel during the early part of May, and take the following form:

- 6:00 – 7:00 p.m. - Involved parties would provide display boards with background information for the public to view.
- 7:00 – 8:00 p.m. - A panel -- made up of representatives from the city, the provincial/federal governments, a health representative and other stakeholders -- could each make presentations addressing the known factual issues, health/environmental risk, process involved, etc. The intent would be to provide a multiple perspective and present the facts on the issue.
- 8:00 – 9:00 p.m. - The meeting moderator would facilitate a question and answer session, designed to allow questions from attendees, and to stimulate discussion among the panel members.

In addition, a questionnaire could be provided for attendees to complete, in order to allow full opportunity for input. The input received through the public meeting could be incorporated into the briefing papers the City submits to the federal and provincial governments.

b) A Public Forum – Estimated Cost: \$12,000

An experienced and qualified consultant could be retained to organize and conduct the public forum. The forum would be similar to the public information meeting, i.e. held at a local hotel, presentations by a panel, information displays, questionnaires, etc., but would be less controlled and provide for more free-flowing discussion. The consultant would have the necessary expertise to address the issues and would be responsible for moderating the discussion.

c) Information Session – Estimated Cost: \$4,000

An information session only could be held at Richmond City Hall. At this session, display boards with background information would be provided, and staff of the involved agencies/parties could be present to answer questions from attendees.

d) City Web Site – Estimated Cost: staff time only

Factual information could be posted on the City's web site, and include an electronic survey. Pertinent information collected on the survey could be

included in the City's briefing paper submission to the provincial and federal governments.

8. Other Issues

A number of issues have been raised as a result of the proposal to import contaminated soil to Richmond, both during discussions at Committee/Council and in correspondence received from members of the public. These are issues which must be addressed and answered by the appropriate regulating bodies, i.e. the provincial and federal governments.

Staff have attempted to capture these issues in letters directed to the federal government (Attachment 4) and provincial government (Attachment 5). Answers to these questions would assist in the fact-gathering process, as well as help us to prepare for the public process. Staff suggest these letters be sent by the Mayor, on behalf of City Council.

Financial Impact

The cost associated with the various public meeting options is presented in this report.

Conclusion

Proposed briefing papers, aimed at lobbying the federal and provincial governments, are presented with this report. The site operator has expressed a willingness to work with the City to discuss options for addressing the sensitivities surrounding this issue. A more thorough review by the City's Advisory Committee on the Environment is underway, who have provided preliminary comments, included with this report. The City Solicitor has provided separate comments on the Zoning Bylaw, as it pertains to this issue. Information is provided in this report on the import/export issue and options for a public forum. Staff are proposing a public meeting before taking additional action on this matter.



Suzanne Bycraft
Manager, Emergency & Environmental Programs

SJB:

City of Richmond

Mayor Malcolm Brodie



Briefing To

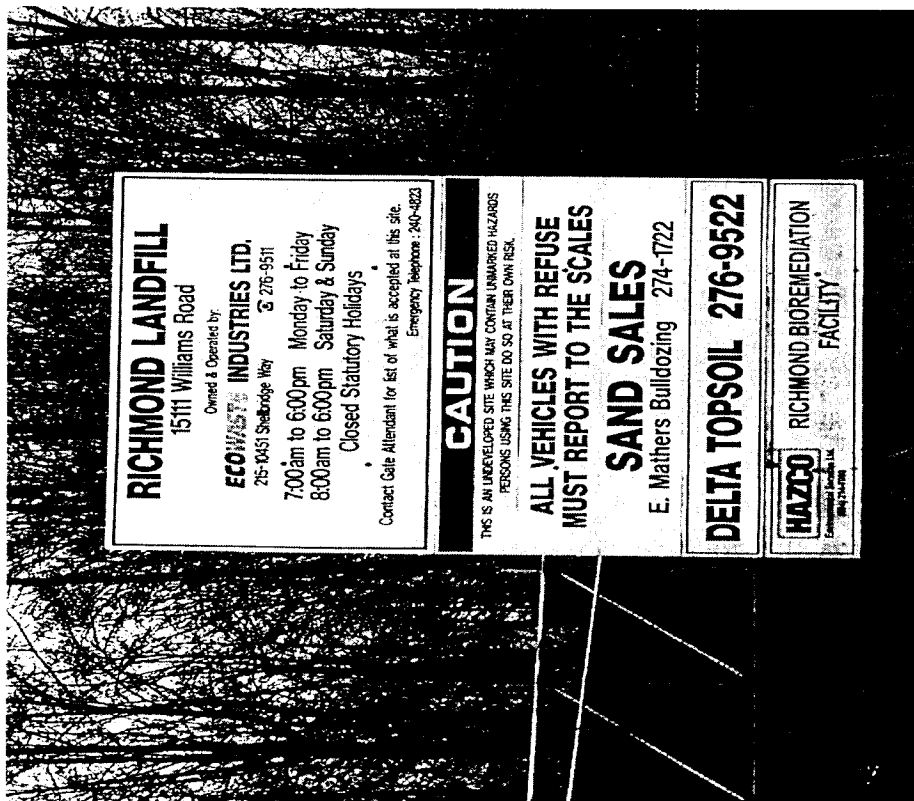
Minister of Water, Land and Air Protection
Honourable Joyce Murray

Importation of Contaminated Soil from the United States to
Richmond, B.C.

To General Purposes
March 18, 2002

Background

1. Federal approval has been granted for the importation of contaminated soil from Oregon to Richmond, B.C.. The soil contains pentachlorophenol and dioxins/furans.
2. Provincial approval has been granted for the treatment and disposal of the contaminated soil in accordance with the Provincial standards and requirements.
3. The soil will be treated by Hazco Environmental Services Ltd. and then landfilled at the Ecowaste Landfill in Richmond.
4. The proposed importation has resulted in significant community concern due to negative perceptions concerning importing contaminated materials from the U.S., confusion on differences between Canadian and U.S. standards and the potential risks to human health and the environment.



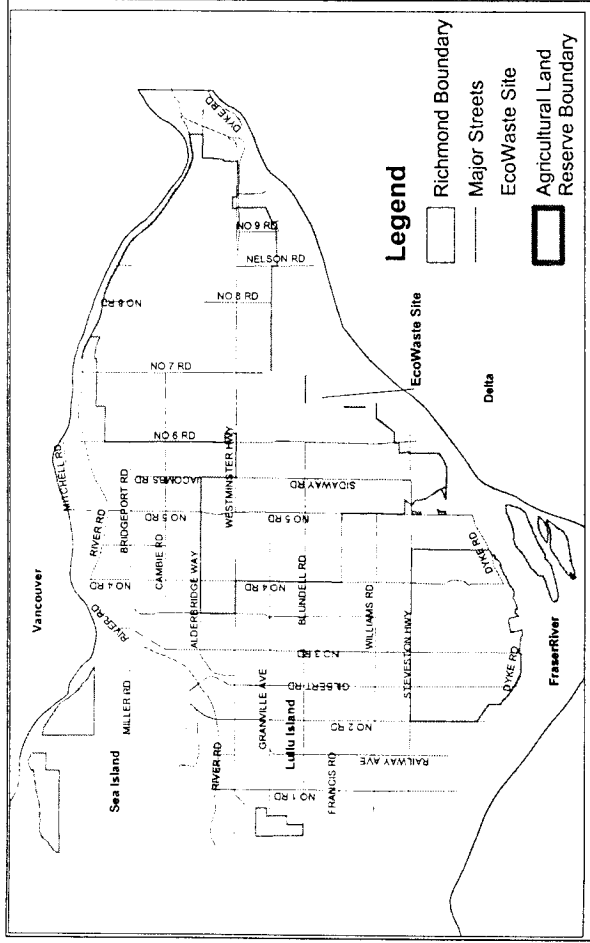
EcoWaste Industries Ltd. at 15111 Williams Road

Issues

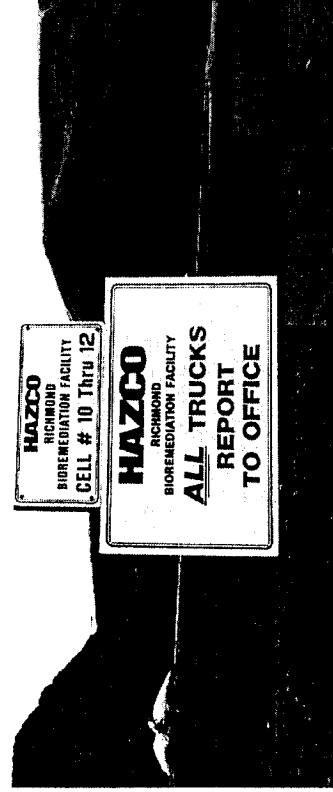
1. Standards

- a) There is concern that the soil is being imported to Canada because B.C. standards for dioxins/furans are less stringent than U.S. standards.
- b) Canadian and U.S. standards need to be compared to effectively concerns that lower B.C. standards are a factor in the decision to transport material to Richmond.
- c) There is concern that current B.C. standards are less stringent than the former City of Richmond soil standards which were based on the draft CSR residential-grade soil¹.

1. The City's former bylaw used the terms "fill" to include all types of soil (i.e., fill and waste soil).



Location of EcoWaste Landfill Site in Relation to the Agricultural Land Reserve and the Fraser River



Hazco Treatment Facility at the EcoWaste Landfill Site

2. Facility Siting

There is concern that B.C. siting guidelines for facilities processing hazardous materials are not sufficiently protective of B.C. communities and local environments. It is unclear why hazardous materials are being sent to a facility that is located in an area with a high groundwater table and unique soil conditions, adjacent to agricultural land, in close proximity to a densely populated urban community, and in close proximity to the Fraser River and its sensitive estuarine environment.

3. Environmental Risk Management

The level of environmental risk associated with the treatment and disposal of this contaminated soil has not been adequately conveyed. Further, by-products of treatment processes may migrate more readily than parent substances. The City is



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Aerial Photo Showing EcoWaste Permitted Landfill Area,
Hazco Treatment Facility and Fraser River Shoreline
Habitat Classifications

unclear on how by-products of treatment processes are managed and monitored.

The City also has concerns on how the various contaminants inter-relate and how the cumulative risk from the mixture of contaminants is managed and monitored.

4.Waste Transport

The City supports treatment of waste in close proximity to the place of origin. The transport of hazardous waste material results in concerns associated with risks to communities en route.

5.Accountability and Transparency

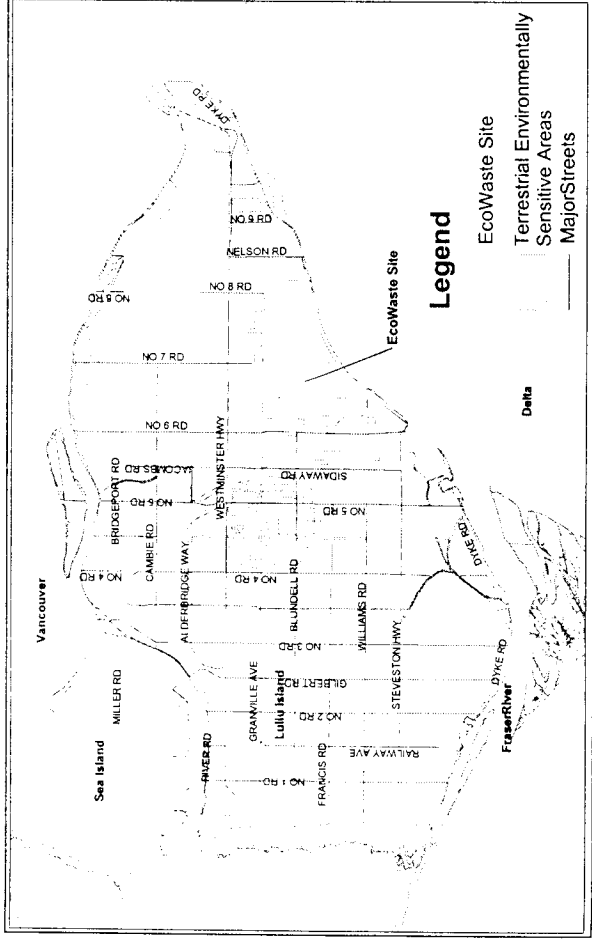
Richmond is unfamiliar with the specific risks presented by the treatment and landfill facility. The City and the community are also not well-informed on how the facilities are managed and monitored.



Adjacent Agricultural Property West of the
EcoWaste Landfill Site

Requested Actions

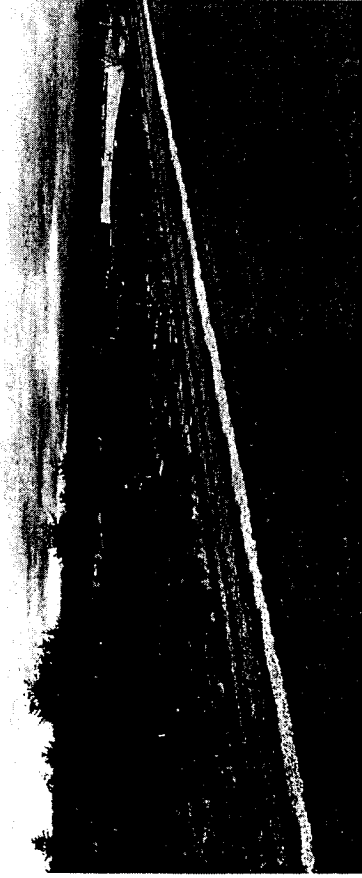
1. That the Minister undertake a review of the contaminated sites regulations to:
 - a) compare B.C. standards to the U.S. standards and the standards in the rest of Canada
 - b) increase transparency in decision-making, better communicate waste management information (risks, management controls, monitoring results, etc.) to the Richmond community and provide opportunities for public input and appeal.
2. That the Provincial Government meets, as soon as possible, with local citizens concerned with the proposed importation, and reassure them that there are no adverse impacts from the impending importation of contaminated soil to the Hazco Environmental site.



Location of EcoWaste Landfill Site in Relation to the City Designated Environmentally Sensitive Areas (ESAs)



Adjacent ESA Canal East of the
EcoWaste Landfill Site



Adjacent Golf Course West of the
EcoWaste Landfill Site

3. That the Provincial Government give consideration to establishing an operating protocol or policy that requires all soil materials for deposition or disposal in Richmond meet residential land use standards, as defined in the Contaminated Sites Regulations.

4. That the Provincial Government work collaboratively with the provinces and the U.S. to ensure policies and regulations throughout all jurisdictions encourage on-site treatment and, where necessary, waste treatment and disposal at the closest and most cost-effective facility available.

City Contact

Chuck Gale, P.Eng.

General Manager, Community Safety Division

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City of Richmond

*To General Purposes
March 18, 2002*

Mayor Malcolm Brodie



Briefing To

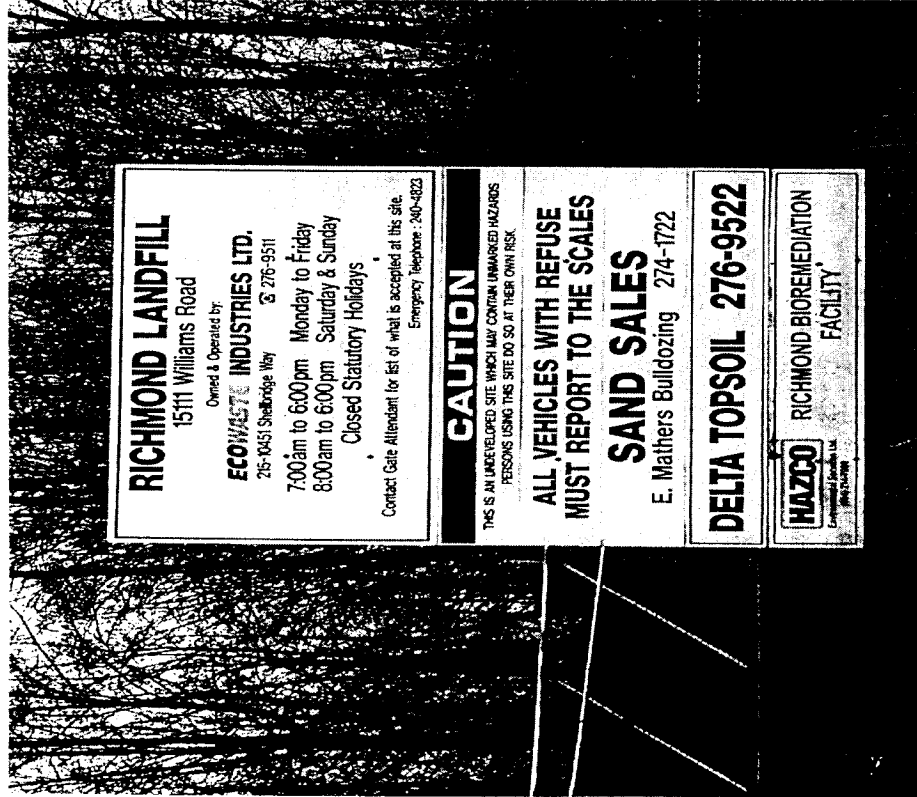
Minister of Environment

Honourable David Anderson

Importation of Contaminated Soil from the United States to
Richmond, B.C.

Background

1. Federal approval has been granted for the importation of contaminated soil from Oregon to Richmond, B.C.. The soil contains pentachlorophenol and dioxins/furans.
2. The soil will be treated by Hazco Environmental Services Ltd. at the Ecowaste Landfill in Richmond. The pentachlorophenol will be treated to reduced levels. The dioxins/furans will not be specifically treated. Following PCP treatment, the soil will be landfilled in the Ecowaste landfill.
3. The proposed import, treatment and disposal activities has received federal and provincial approval.
4. The proposed importation has resulted in significant community concern due to negative perceptions concerning importing contaminated materials from the U.S., confusion on differences between Canadian and U.S. standards and the potential risks to human health and the environment.



EcoWaste Industries Ltd. at 15111 Williams Road

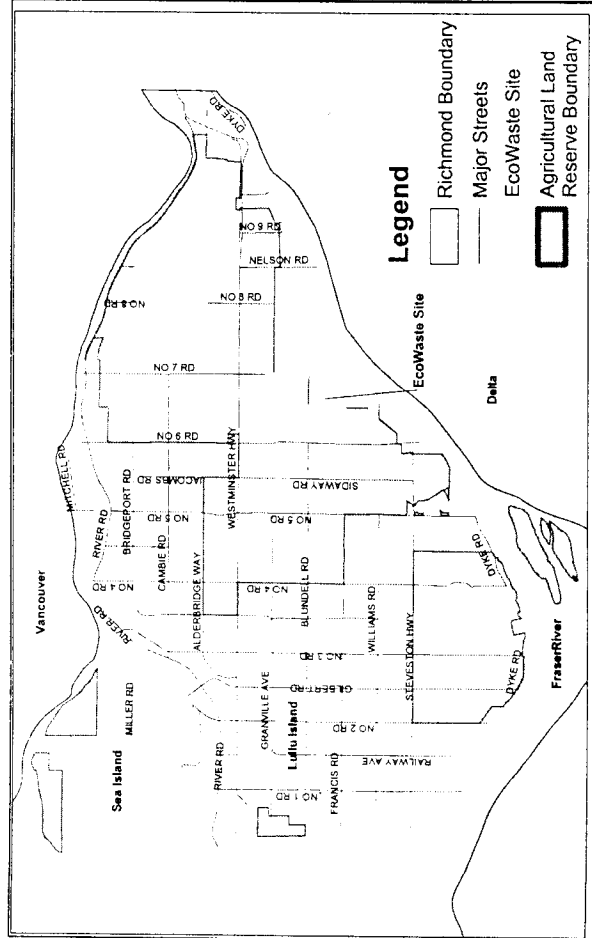
Issues

1. Conformance with Principles of Basil Convention

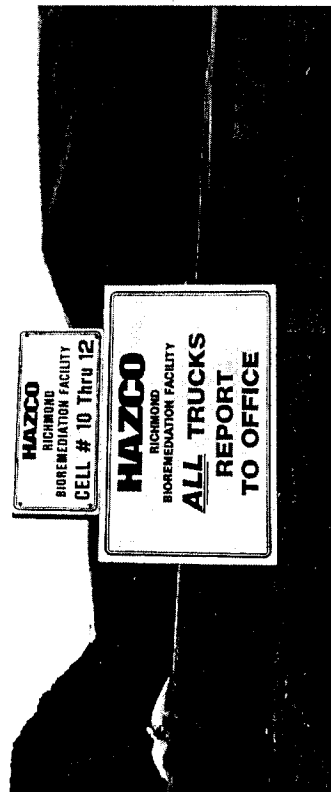
The Basil Convention states that "each Party will take appropriate measures to ensure that the transboundary movement of hazardous wastes... is reduced to the minimum." It is unclear why the material is not being treated in the United States at a facility which is in closer proximity.

2. Less Stringent Canadian Requirements

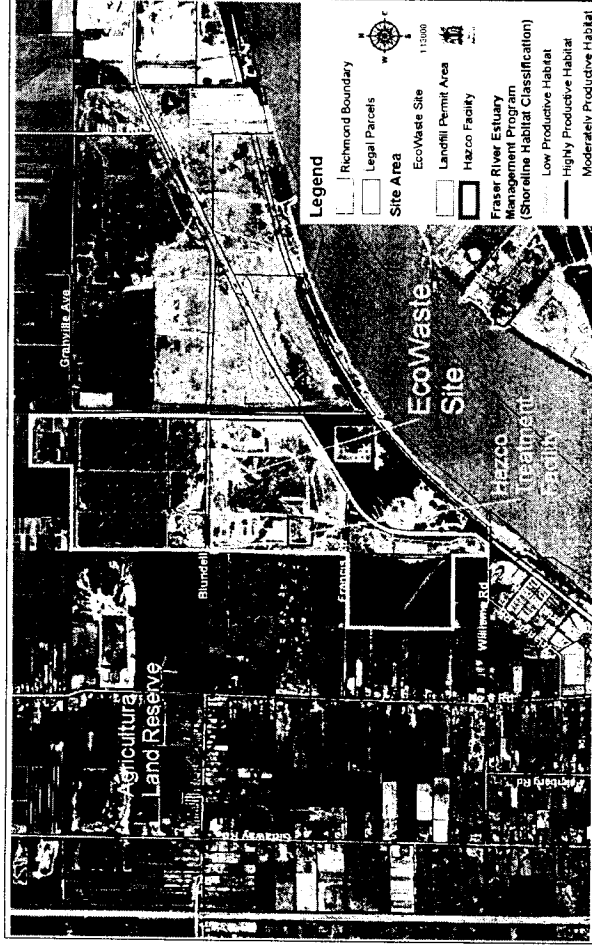
There is concern that the soil is being imported to Canada because our standards and/or other requirements are less stringent. We are concerned that there has been a net increase in the importation of hazardous wastes from the U.S. to Canada (principally to Ontario and Quebec) due to differences in landfilling and liability standards. We believe a difference in standards should not be a reason for importation.



Location of EcoWaste Landfill Site in Relation to the Agricultural Land Reserve and the Fraser River



Hazco Treatment Facility at the EcoWaste Landfill Site



33 Aerial Photo Showing EcoWaste Permitted Landfill Area, Hazco Treatment Facility and Fraser River Shoreline Habitat Classifications

3. Risk to Human Health and the Environment

There is concern that hazardous materials are being sent to a facility located in an area with a high groundwater table and unique soil conditions, adjacent to agricultural land, in close proximity to a densely populated urban community, and in close proximity to the Fraser River.

4. Communications with Impacted Communities

The City of Richmond in not included in the decision to import and there is no process for appeal to convey community concerns to decision makers.

We are also concerned that communities en route be informed of the transport and advised of the management controls in place to prevent adverse impacts.

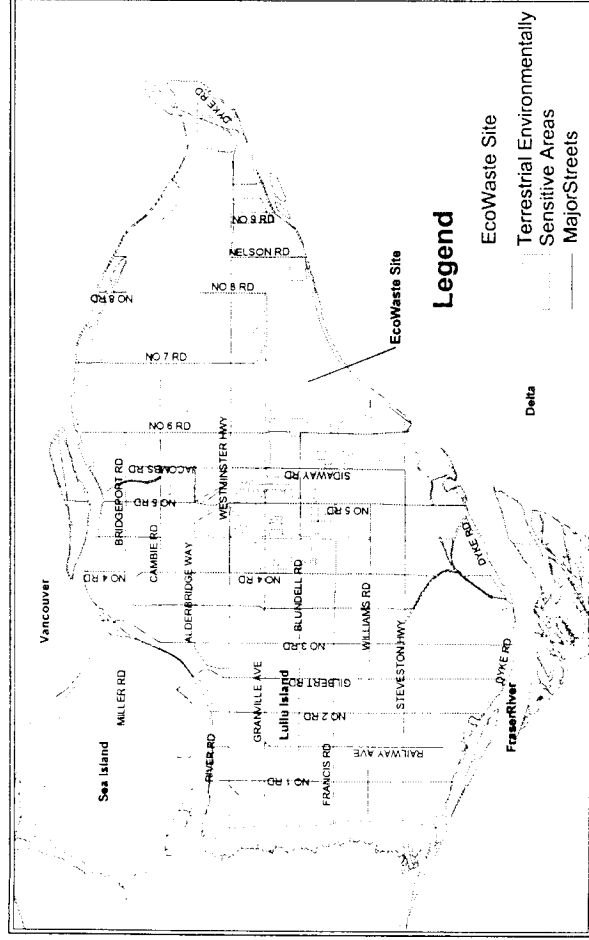
Requested Actions

1. That the Minister review the decision to import the contaminated soil and repeal this decision if any of the following apply:
 - i. there is an unacceptable risk to the Richmond community and/or the environment given our site-specific conditions
 - ii. there is an unfair trade advantage due to lower standards in Canada
2. That the Minister ensure that a Federal Government representative meets with impacted citizens to provide details on any health and/or environmental risks from the importation of any contaminated soil.
3. That in its amendments to the Export and Import of Hazardous Waste Regulations, the federal government:



Adjacent Agricultural Property West of the
EcoWaste Landfill Site

- i. ensures that human health and the environment are being adequately protected by decisions to import or export and demonstrates how this protection is being provided to the Canadian public.
 - ii. ensures consistency across Canada for hazardous waste treatment and disposal
 - iii. prohibits the import or export of any waste material where standards differ between jurisdictions
 - iv. ensures compliance with the Basel Convention principle that transboundary movement of waste be kept to a minimum and demonstrates how this is being done
 - v. incorporates a public notification and appeal process
4. That the Federal Government work collaboratively with the provinces and



Location of EcoWaste Landfill Site in Relation to the City Designated Environmentally Sensitive Areas (ESAs)



Adjacent ESA Canal East of the
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Adjacent Golf Course West
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the U.S. to ensure policies and regulations throughout all jurisdictions encourage on-site treatment and, where necessary, waste treatment and disposal at the closest and most cost-effective facility available.

City Contact

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General Manager, Community Safety Division

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661501

Memorandum

To: Richmond City Council and Staff
From: Advisory Committee on the Environment (ACE),
Contaminated Soils Subcommittee.
Dated: March 4th, 2002.

*To: General Purposes -
March 15, 2002*

Dear Council and Staff:

The comments and questions below represent a preliminary opinion from two ACE members. This will go before the entire Advisory Committee at our March meeting. Council and Staff should satisfy themselves on the following issues:

1. **The fundamental question of whether Richmond is, or should be allowed to become, a defacto toxic waste site must be addressed.** PCB's from B.C. are not being dealt with, let alone US PCB's. Haven't we reached the point where a proper treatment site is established instead of letting older landfill sites (especially in environmentally sensitive areas) slide into that function? – This is particularly important for chlorinated organics.
2. **The methods proposed for treating contaminated soils must adequately decrease the levels of all specified chemical contaminants to acceptable levels.** Adequate sampling must be carried out to ensure that all of the material has been treated to meet specification.
3. **It's not enough just to see the concentration of the chemical contaminants reduced. There will be degradation products arising from treatment of specified contaminants, and these must not themselves pose an environmental threat.** For a chlorinated organic compound, complete destruction would reduce it safely to chloride ion, water and carbon dioxide. This complete process can be complex, energy intensive and expensive, whereas biotreatment is relatively cheap. Incomplete destruction of chlorinated organics would result in at least as many chlorinated organic fragments of the original molecule as there were contaminant molecules, likely more. These fragments not only might have their own toxicity, but would likely be more mobile in ground water due to increased hydrophilicity and/or decreased aromaticity. Smaller fragments could include volatile chlorinated organics such as chloroform, dichloromethane, or methyl chloride, which would be lost to the atmosphere, and then transported elsewhere. Provincial regulations and regulators should take this into account. Council should seek copies of scientific studies showing that the products of the remediation scheme being used are (1) known and (2) safe. These should be obtained by any site operator wishing to remediate and/or dispose of soils contaminated with known "high risk" substances such as

chlorinated hydrocarbons, pentachlorophenol (PCP), and chlorinated dioxins and furans.¹

4. **The method to bring the material to the treatment site, and remove the material from the site must not pose hazards to this community or to other communities en route.** Are communities between Richmond and Oregon aware that over 400 trucks of PCP and dioxin laced soil are going to be coming through their neighbourhoods? Will these trucks be sealed, or open? What about transportation permits across state lines?
5. **Are Provincial Regulations sensitive to geography?** Do they (or should they) differentiate between places in an earthquake zone and on a flood plain such as Richmond, and places on bedrock with appropriate concrete liners? Do they (or should they) differentiate between sites within urban communities and sites in more remote regions? Sites leak. Leaks into the Fraser River are a concern. On several occasions we have reported oily residue seen leaching out from the old No. 7 Road dump site onto the beach area at Triangle Road – an area of high habitat value for salmon - at low tide.
6. **Are Provincial Regulations current enough?** The ability to measure concentrations of specific known carcinogens in complex matrices such as soils has improved tremendously in recent years. More health studies are done every year, including studies which link certain organic contaminants to decreased bird egg shell thickness (leading to increased mortality), and increased incidences of deformations and cancers. These abilities and risk factors should be included in new or revised provincial and/or federal regulations. Regulations should be updated regularly.
7. **There should be a simple test of perceived cleanliness of product that the general public can understand.** E.g., "Richmond/BC companies can take the soil and treat it until (1) it conforms to BC standards AND (2) its contaminants, and their degradation products, are decreased to such a low level that the source is prepared to take the treated material back." If the source is prepared to take the treated material back, then clearly the risk is deemed to have been adequately diminished. If not, then one has to ask why not. In the present case, Oregon must believe the material is a serious problem if they are prepared to send 430 20-ton truckloads of the material all the way to Canada. Our own long-term community and environmental safety must come first over purely commercial considerations.
8. **There should be considerations as to scale and frequency of the operations.** We are concerned as to whether this proposal is a 'trial balloon' to see if community objections are limited and it will expand into a much larger operation. If 8600 tons are lucrative why not 86,000 tons or more p/a?

¹ Site operators wishing to have a graduate student undertake such scientific studies would certainly qualify for assistance such as the Science Council of BC GREAT awards.

9. **There should be consideration given to the potential for other nuisances and risks.** Truck traffic is already a problem in Richmond neighbourhoods. Problems include inadequate roadways, excessive weight (causing subsidence onto ditches), excessive speed, additional noise, fumes, dust, and loss of cargo onto the roads. Richmond already knows that objectionable odour can accompany certain biotreatment processes.
10. **Does the Lower Fraser already have a polychlorinated hydrocarbon problem?** Now that some of the furan/dioxin problems from pulp mills have been reduced the FRAP reports indicate that a significant source of furan pollution is from urban non-point pollution. If there is leaching from the site the pollution problem will be exacerbated. We are not totally convinced about the imperviousness of the peat layer. Byproducts of the treatment process may move more readily than the parent substances. There was mention made of leachate collection system but nothing about concrete barriers surface to prevent underground flow. Quite elaborate barriers have been established at some of the identified toxic waste sites to prevent migration of contaminants back into the river, and plume mapping has been done for sites where containment has been less than 100%. Is the so called peat barrier equally deep in all areas around the treatment facility.
11. **Does the public have a right to know the environmental risks that the community may be taking, now or later?** Richmond only learned of this because of a disgruntled rival waste treatment operator. The community should have the right to know about what waste treatment sites are in the community, the type of materials being treated, the scale of the treatment that is going on, and any planned expansion. The handling of building wastes is not a big concern and has been done safely for a long while. The handling of hydrocarbon wastes such as from gasoline spills is also not of high risk. The extension to known toxic chlorinated organics such as PCP and chlorinated dioxins is a problem of totally different magnitude and, as such, must be addressed with great care. Richmond residents should be able to have some form of intervention or appeal status in a formal process.
12. **What about the options City Staff have outlined.** One of us was impressed with the report we received and would support options 1,2, 4, and 6, and include a public meeting that might act as a forum for citizens to get an understanding of toxic waste production and treatment in Richmond. The other, while impressed with the report, withholds further comment at this time.

Sincerely,

Dr. Adrian P. Wade, C.Chem., MRSC, MCIC
Analytical Chemist

Evelyn Feller

To: General Purposes
March 18, 2002

DRAFT

March 6, 2002
File: 6175-06

Environmental Programs
6911 No. 3 Road
Richmond, BC V6Y 2C1
Info Line: (604) 276-4010
Fax: (604) 276-2758 / 276-4222

The Honourable David Anderson, P.C., M.P.
Minister of the Environment
Environment Canada
Ottawa, Ontario
K1A 0H3

Dear Minister Anderson:

Re: Issues Relating to the Proposed Import of Waste Soil for Treatment and Disposal in Richmond

At their February 25th and March 25th, 2002 meetings, Richmond City Council outlined a number of initiatives relating to the above issue. I include with this letter a copy of the staff reports and Council resolutions for your information.

I am writing to you specifically in relation to City Council Resolution _____ regarding the holding of a public meeting. We are formally requesting Environment Canada's participation in the meeting as outlined in the March 8, 2002 staff report, which we expect could be held in the early part of May, 2002 at a location in Richmond. In order to prepare for the public meeting, we thought it would be helpful to present the following list of issues which have been raised by many members of the public and City Council. Further, we would appreciate receiving your written response to these issues well in advance of the public meeting.

In relation to the proposed shipment from Oregon of 8,600 tonnes of soil which contains pentachlorophenol and dioxins and furans for treatment and disposal at the Ecowaste facility in Richmond, could you please address the following:

1. What are the federal requirements relating to the transportation of this waste soil? How do these regulations ensure that there is no negative environmental impacts resulting from the transport of this waste?
2. How were the potential health impacts associated with this proposal evaluated and considered, and, what were the results?

3. The principles of the Basel Convention appear to support a more localized approach to managing and treating contaminated waste materials. How does this proposed shipment conform to these principles?
4. Are any actions being taken at the federal level to safeguard against the importation of dangerous goods and/or contaminated soils to Canada as a result of a lower treatment/disposal standard than that of the originating jurisdiction?

A number of other issues have been identified which relate to the Province of British Columbia's role in relation to this facility and the proposed shipment. We attach a copy of our letter to Joyce Murray, Minister of Water, Land and Air Protection, for your information.

We believe these are issues which should be addressed in advance of a public meeting. In this regard, we would appreciate your earliest response.

As you are no doubt aware, this proposed shipment of contaminated materials has raised a number of concerns relating to the issue of waste import. While the City of Richmond recognizes the importance of special waste treatment facilities, it is also important that the environmental risks can be publicly demonstrated as safe to people and the environment. Although this matter is outside of our jurisdictional authority, a number of concerns have been expressed to us, given that the facility is within Richmond. Our intention in asking these questions is to assemble factual information which can be presented as part of a public information meeting to allay the public's concerns, and/or provide valuable input to the federal process to ensure a publicly acceptable strategy is applied in administering matters of this type.

I respectfully request that you provide the answers to the questions contained in this letter at the earliest possible time. Please also provide an indication concerning Environment Canada's participation at the public meeting, and your appointed representative we may work with to coordinate this event.

Yours truly,

Malcolm D. Brodie
Mayor

SJB:
Att. 3

To: General Purposes
March 18, 2002

March 5, 2002
File: 6175-06

DRAFT

Environmental Programs
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Joyce Murray
Minister
Ministry of Water, Land and Air Protection
Parliament Buildings
Victoria, B.C. V8V 1X4

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Specific issues and questions which have been raised as a result of the impending importation of contaminated soils for treatment in Richmond are summarized as follows:

1. In relation to the operation of the special waste facility at Ecowaste, how is this facility monitored to ensure protection of the environment on an on-going basis, and what is available to demonstrate this to local area residents? In other words, what environmental risk does this particular shipment pose to the Richmond community?
2. We recognize and understand the liability provisions under the Contaminated Sites Regulations. However, in light of the environmental dynamics in Richmond, could the Ministry establish an

operating protocol or policy that requires all soil materials for deposition or disposal in Richmond meet residential land use standards, as defined in the Contaminated Sites Regulations?

3. In light of Premier Gordon Campbell's comments in the February 24, 2002 edition of the Richmond News (copy attached), what action is being taken to address the perception of some members of the public that British Columbia's standards encourage the importing of contaminated materials from other jurisdictions? Has your Ministry undertaken any further comparisons of standards across Canada, the United States and other countries, such as Europe, for example? If so, what information has this revealed about British Columbia's standards in comparison to others?

The City of Richmond recognizes the importance and necessity of facilities such as the Ecowaste. It is equally important, however, that the environmental impact and risk of these facilities can be publicly demonstrated as safe to people and the environment. Further, we recognize that this matter is entirely within provincial and federal jurisdictions. As the local government, however, our Council has been faced with a number of questions about this matter from our constituents. Our intention in asking these questions is to seek out the facts in order that public assurances can be provided, and that necessary steps can be taken to avoid future concerns of this nature.

In relation to the permitting of this site to accept special waste materials, could you also advise what the legislative requirements are that apply to siting a special waste facility, such as the one at Ecowaste, and how they address local environmental dynamics. Also, how were these requirements met by Ecowaste and, was a bond posted? Was an environmental impact assessment conducted and, if so, what were the results? How was the public process requirement addressed?

City Council will also be requesting the participation of Environment Canada at the public information meeting. We have identified issues relative to their mandate as well, and include a copy of our correspondence to Environment Canada in this regard for your information.

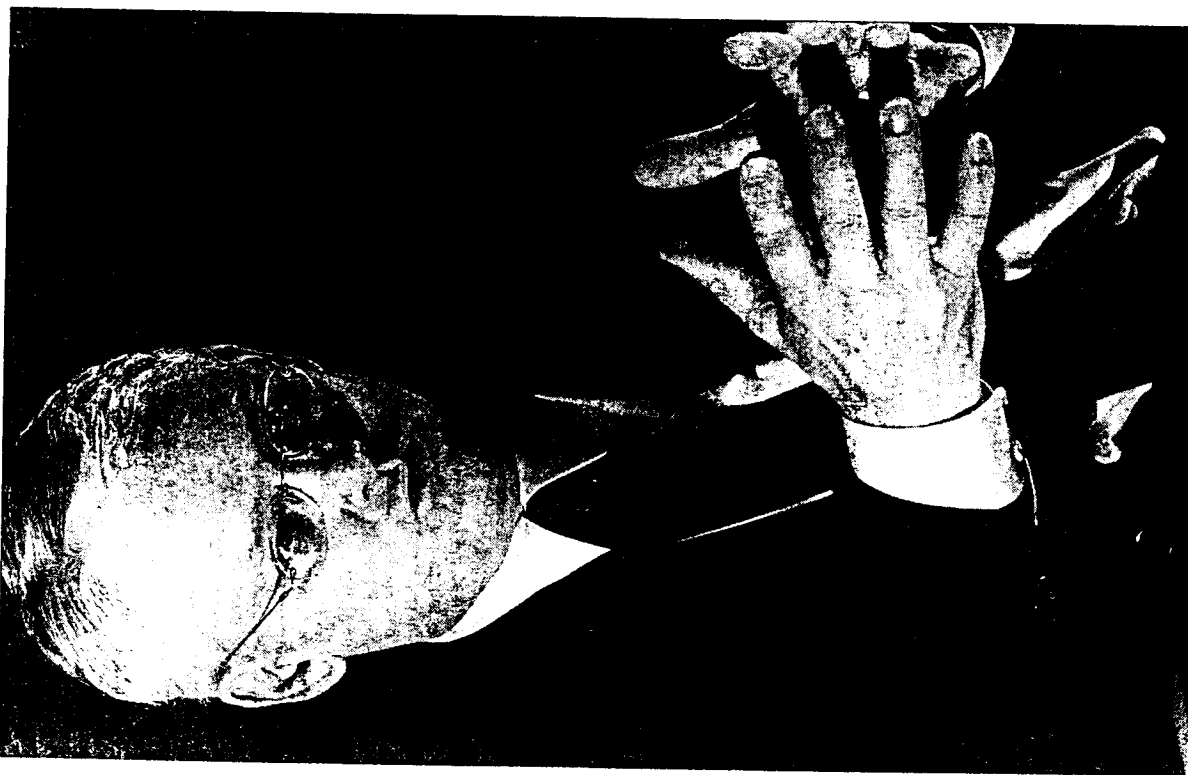
I respectfully request that you provide the answers to the questions contained in this letter at the earliest possible time. Please also provide an indication concerning your ministry's participation at the public meeting, and your appointed representative we may work with to coordinate this event.

Yours truly,

Malcolm D. Brodie
Mayor
Att. 4

Upfront

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On the road again ... B.C. Premier Gordon Campbell was in Richmond to speak at a chamber of commerce breakfast meeting Wednesday. He says his government is working to prevent pollution from being imported to the province.

CONTAMINATED SOIL

Campbell says B.C. will tighten regulations

By TRIM BUREAU
thebureau@richmond-news.com

Richmond could soon be armed with new provincial legislation with which to stem the flow of pollution into the community.

In an interview with the News Wednesday, B.C. Premier Gordon Campbell said importation of contaminated soils into Richmond from the U.S. will be made more difficult by spring.

"Some of the legislation we have isn't, frankly, up to snuff," Campbell said, speaking to existing provincial environmental regulations which have created consternation among local government officials ever since.

Campbell expects new "sensible" and "scientifically based" legislation to be introduced during the spring sitting of the Legislature which will serve to tighten up existing rules and regulations that have rendered the province a toxic dump site.

"The ministry is looking at all (the) issues — the cross-border issues, but also the policy issues we have in British Columbia so we can have a contaminated soil policy that actually works for communities," he said.

Last month, under those existing regulations, the importation of 8,600 tonnes of soil laced with cancer-

was approved for remediation at a dump site in Richmond.

Under existing federal and provincial guidelines, the soil was considered not polluted enough for refusal at the border.

They would have been turned away, however, if their final resting place had been either Ontario or Quebec. Both those jurisdictions have tightened their environmental laws to prevent the importation of such waste from the U.S.

"Some of the legislation we have isn't, frankly, up to snuff."

— B.C. Premier Gordon Campbell

Campbell acknowledged legislation enacted to protect public health and safety could have a detrimental impact on businesses that make money from remediating contaminated waste. But, he added, "The public health interest has got to be pre-eminent."

The city's recent attempt to craft a bylaw prohibiting the importation of contaminated soil was quashed last week by the provincial Ministry of

As such, Richmond was left powerless to do anything except lobby the province and Ottawa to tighten existing regulations.

Richmond Mayor Malcolm Brodie called the hazardous waste issue multi-jurisdictional. If Victoria makes moves to tighten existing regulations, so, too, he said, must Ottawa.

"It's very complex," said Brodie. "It involves everything from science and technology to policy-related questions of exportation, importation and NAFTA."

Councillor Harold Stevens said the city received word this week any further attempt to pass a stand-alone municipal bylaw prohibiting the transfer would be useless.

"We have had a response from the province that if we brought our bylaw back we'd still be open to being sued," he said. "The only way to stem the flow of hazardous waste into B.C., and into Richmond's estuarine environment, is if the province brings in some kind of legislation."

Tighter environmental controls introduced this spring, however, will do little to stop the shipment of contaminated soil destined for this community.

Although it's still sitting in Portland, Ore., the waste has received all necessary approvals facilitating its