
APPELLANTS:

- Anne Cameron, THE FUNNY FARM, 5750 Taku Street, Powell River, B.C., V8A 4V7
- Paddy Goggins, 7610 Cranberry Street, Powell River, B.C., V8A 3Z8
- Reach For Unbleached!, E. Jane Luke, Solicitor, 1330-808 Nelson Street, Vancouver, B.C., V6Z 2H2; and Delores Broten, Executive Director, Reach for Unbleached!, Box 39, Whaleown, B.C., V0P 1Z0

RESPONDENT:

- MacMillan Bloedel Limited, Caroline Finlay, Corporate Counsel, 925 West Georgia, Vancouver, B.C., V6C 3L2
- MacMillan Bloedel Limited, Powell River Division, Drew Kilback, Environment and Control Supervisor, 6270 Yew Street, Powell River, B.C., V8A 3Z8

REGIONAL WASTE MANAGER

- Regional Waste Manager, represent by Ray Robb, Assistant Regional Waste Manager, 10470-152 Street, Surrey, B.C., V3R 0R3.

MATTERS UNDER APPEAL

This appeal arises from a decision of the Assistant Regional Waste Manager, dated August 21, 1996, to issue Permit PR 14337. The Appellants appealed the issuance of the Permit and are seeking to overturn the issuance of Permit PR 14337.

Exhibits:

3. Statement, Paddy Goggins, Appellant
4. Statement, Philip Fleischer, Witness
5. Statement, Anne Cameron, Appellant
APPEAL BY THE APPELLANTS

First Ground for Appeal: the permit fails to protect the environment:
- insufficient data to support the benign nature of the waste
- less than adequate testing of the current waste disposal systems
  1. samples were old
manager a minimum of thirty days prior to the placement of green liquor dregs and bottom ash materials in the test plots. Considering the results of the hydrogeological study, the regional waste manager may impose additional requirements.

2. A professional engineer, experienced in road construction, shall conduct a detailed evaluation of the grate ash test plot roadbed (compared to the existing road bed) once the test plot has been prepared. The professional engineer must re-evaluate the road bed once every three months during the first year of the project. The professional engineer shall prepare a report that summarises the road bed evaluations and his opinion on the benefits achieved from using grate ash. The report is to be submitted to the regional waste manager within ninety days of the completion of the grate ash test plot.

3. A professional agrologist shall conduct a study to determine the efficacy of using green liquor dregs as a soil enhancement product. The study should compare a site with green liquor dregs and a site with commercial agricultural lime to a site where no soil additives have been added. In addition, a before and after ecological study to include comparative species transit surveys to determine the community abundance and species identity of soil organisms, such as worms etceteras, and vegetative quality should be conducted.

In addition, I also require:

4. Installation of a berm at the base of the green liquor dregs test plot to prevent applied materials from leaving the test area and

5. Installation of a fence around the green liquor dregs test plot to prevent accidental trespass

Reasons for Decision: The permit identifies the application to land as a beneficial reuse. The respondent has provided no information that either reuse option will be beneficial. The information submitted to support the request for the permit is at best merely sufficient to justify the regional waste manager issuing a permit for a single discharge.

Concerns about surface and ground water locations were identified but not answered. It is my opinion that when a discharge to land is contemplated a study of the local hydrogeological conditions must be done. There were definite pathways to surface water, and no information was given as to the depth to ground water. I am concerned about the groundwater elevations at both sites based on observations I made during the site visits. I do not support the argument “that because a contaminant level is low we should have no concern about the groundwater.” The precautionary principle requires us to protect the groundwater to reduce the potential for the accumulation of any contaminants.

The respondent clearly identified the goal of the project was to support future reuse opportunities for the green liquor dregs and bottom ash materials. The information provided does not support this goal as it does not validate the beneficial reuse options. It is my opinion, based on information presented, that the bottom ash project is establishing a linear landfill. The green liquor dregs project is an overland flow disposal system with the premise that the soils and grasses will absorb contaminants. The high pH associated with the green liquor dregs may have
value in reducing the soil acidity; however, no plans were made to verify this assumption. The respondent must demonstrate that the two waste streams will be beneficial. The bottom ash must have some characteristics that will add durability or value to the road, and the green liquor dregs should increase vegetative growth in the field. The project as presented did not attempt to validate the beneficial reuse options.

The respondent also stated that they would like to commercialize the green liquor dregs. If this is to be a potentially marketable product, the respondent will need on-site information to support the claim that the green liquor dregs support growth and is comparable to other commercially available products, such as agricultural lime.

The green liquor dregs site is steeply sloping. There is a surface water ditch at the bottom of the field. It would be prudent to establish a berm to prevent the green liquor dregs from being washed off the hillside. If a pool of water collects behind the berm, it will provide an opportunity for the respondent to confirm the assumption that the contaminants are immobilised in the soil and grass.

From my observations of the proposed green liquor dregs site, I believe that it is an area that children and adults would walk and play. The permit requires signs; however, a fence should be constructed to minimise trespass in the test plot and to reduce potential concerns for the safety of local residents and their children.

**Third Ground for Appeal: the waste materials contains phthalates, including di(2-ethylhexyl) phthalate (DEHP)**

**Decision:** The third ground for the appeal is denied.

**Reasons for Decision:** DEHP is a universal contaminant associated with plastics. I believe the DEHP finding is a result of contamination. The contamination could have occurred from a wide range of sources, including feedstock contamination to laboratory contamination in the final analytical analysis. I understand the concerns that the appellants identified with respect to DEHP. In making my decision for the “First Ground for Appeal” I required additional testing of the bottom ash. Additional monitoring for DEHP will be conducted. This monitoring should confirm if DEHP is a normal component present in the bottom ash or a transitory contaminant.

**Fourth Ground for Appeal: there was lack of public consultation or public process.**

**Decision:** The fourth ground for the appeal is denied.

**Reasons for Decision:** The respondent complied with the requirements of the Public Notification Regulation and the requirement of the regional waste manager to hold a public meeting.

It is unfortunate that the concerned citizens chose not to participate in the open house. The respondent and their consultants made themselves available to answer questions.
Additional Recommendation:

The regional waste manager shall review all dates contained in the permit and make the necessary adjustments in order that the terms and conditions of the permit can be complied with.

I recommend that the respondent provide copies of the required reports to the appellants and to work with the Powell River public library to have the reports made available to the community. Making the reports available will help eliminate any possible perception that business and government are hiding the truth. Under the Freedom of Information Act, reports that are submitted to the ministry are released to concerned people.

I encourage the respondent to prepare a scientific paper on this project and have it published in a peer reviewed scientific journal. The information collected during the implementing of this pilot project will guide other people that wish to beneficially reuse materials that were once considered to be waste.

I require that the Regional Waste Manager submit a draft copy of the amended permit to myself, for approval of required changes, prior to issuing the amended permit.

Dated this 5 day of August 1997.

[Signature]

D. F. Brown
Deputy Director of Waste Management