



Environmental Appeal Board

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Decision: 2017-EMA-014(a), 15(b) – 019(b) & 2018-EMA-002(a)
Group Appeal File No.: 2017-EMA-G06

IN THE MATTER OF ENVIRONMENTAL MANAGEMENT ACT S.B.C. 2003, c. 53

Victoria, B.C.

BETWEEN:

**MARGARET MCDONALD,
AYREBORN AUDIO VIDEO et al**

APPELLANTS

AND:

DISTRICT DIRECTOR

RESPONDENT

AND:

WEIR CANADA INC.

THIRD PARTY

CONSENT ORDER

BOARD:

Chairperson:
Member:
Member:

Brenda Edwards
Darrell Le Houillier
Reid White

APPEARANCES:

Appearing on their own behalf:

Margaret McDonald, Frank Mueggenburg,
Ayreborn Audio Video, Brookswood
Fernridge Community Assoc., Marilyn
Henderson, IronGait Ventures Inc.

Counsel for the Respondent:

Gregory J. Nash
Alexander Little
Susan Rutherford

Counsel for the Third Party:

Ralph Cuervo-Lorens

WHEREAS the Respondent on November 9, 2017 (amended on November 9, 2017) issued permit GVA-1081 to the Third Party in respect of an industrial facility located at 18933 34A Ave. in the City of Surrey under the authority of Section 31 of the *Environmental Management Act*, SBC 2003, c.53 and the GVRD *Air Quality Management Bylaw No. 1082*, 2008 (“**Permit**”);

AND WHEREAS the Permit authorized the Third Party to discharge certain contaminants to the air from its facility subject to the terms and conditions contained therein;

AND WHEREAS Appellants jointly appealed the Respondent’s decision to issue and to amend the Permit to this Board;

AND WHEREAS the Appellants and the Third Party on December 7, 2018 agreed to form a joint Technical Committee and to implement a Community and Technical Engagement Plan, filed as Exhibit #36;

AND WHEREAS the Third Party has completed the investigation work and implemented the recommendations of the Community and Technical Engagement Plan to the satisfaction of the Appellants;

AND WHEREAS the Technical Committee on October 3, 2019 issued its final report which report has been provided to all parties;

AND WHEREAS the parties have come to an agreement to resolve, on consent, all of the issues in the within appeal on the terms set out below;

NOW THEREFORE on the application of the parties this Board orders in full resolution of the within appeal and by the consent of the Respondent and the Third Party without a hearing, the following:

1. Commencing no later than 45 days from the date of this Order, the Third Party will implement reasonable soil and storm water monitoring in connection with discharges to the air from its facility and provide copies of the results to the Appellants on a timely basis. Such monitoring shall cease at the earliest of: a) sampling results on two consecutive monitoring events showing no material adverse change in soil and storm water conditions from those documented in the October 3, 2019 final report of the Technical Committee; or b) expiry of the Permit.
2. The Third Party will file, within 45 days of the date of this Order, with the Respondent a permit amendment application incorporating into the Permit the soil and storm water monitoring referred to in paragraph 1 herein.
3. The Third Party within 45 days of the date of this Order will provide the soil quality investigation results obtained as part of the Community and Technical Engagement Plan work to the BC Ministry of Environment and Climate Change and to the City of Surrey for their review and consideration.
4. Pursuant to section 17 of the *Administrative Tribunals Act*, SBC 2004, c. 45, the within appeal assigned EAB Group Appeal File No. 2017-EMA-G06 (comprising Files No. 2017-EMA-014 to 019 inclusive) is hereby dismissed.

**THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND
CONSENT TO EACH OF ITS TERMS AS OF FEBRUARY 6, 2020:**

“Frank Mueggenburg”

Frank Mueggenburg, Appellant

“Margaret McDonald”

Margaret McDonald, Appellant

“Marilyn Henderson”

Marilyn Henderson, Appellant

“Amy Morose”

for Brookwood Fernridge Community Association, Appellant

“Brian Ayreborn”

for Ayreborn Audio Video, Appellant

“Diane Orringe”

Diane Orringe for IronGait Ventures Inc, Appellant

“Gregory J. Nash”

Lawyer for the Respondent

“Ralph C. Lorens”

Lawyer for the Third Party

“Brenda Edwards”

Brenda Edwards
Panel Chair, Environmental Appeal Board

“Darrell Le Houillier”

Darrell Le Houillier
Member, Environmental Appeal Board

“Reid White”

Reid White
Member, Environmental Appeal Board