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Canada

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July 19, 2013

Christopher Coates
Chief Administrative Officer
District of Highlands
1980 Millstream Road
Victoria, BC
V6B 6H1

Dear Mr. Coates:

Thank you for your letter dated June 18, 2013, requesting the Federal Government provide an independent third-party assessment of the Highwest Engineered Disposal Facility in the District of Highlands.

At the outset, I would like to express our thanks for the opportunity to meet your Mayor and Council on June 3, 2013, to brief you on the sediment remediation project underway in the Esquimalt Graving Dock water lot. Having heard your concerns about the Highwest landfill facility in your community, I would like to confirm that under the terms of the contract governing this remediation project, the owner and operator of the facility, Tervita Corporation, is required to comply with all provincial regulations regarding the handling and disposal of the dredged sediment from the remediation site. Specifically, the contract requires the dredged sediment to be disposed of at an existing facility in Canada for which a valid and subsisting permit, certificate, approval, or any other form of authorization has been issued by a province or territory with jurisdiction to regulate such disposal facilities.

In the lead up to the contract award, Public Works Government Services Canada (PWGSC) verified that both British Columbia Ministry of Environment (BCMOE) and the Capital Regional District agreed the acceptance of the contaminated soils from the remediation site is consistent with the BCMOE approved Waste Management Plan, the Operational Certificate and the Contaminated Sites Regulation Section 42 Declaration. The facility also accepts waste materials from other projects and clients, and is operated under a comprehensive provincial environmental protection regime.

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In light of the Department's due diligence, PWGSC has determined that the Highwest landfill facility is authorized by the BCMOE to accept the dredged sediment from the Esquimalt Graving Dock water lot remediation.

In considering your request for an independent third-party assessment of the Highwest landfill facility, we acknowledge that the regulation of landfill sites, including setting standards and establishing guidelines and protocols, falls within the exclusive jurisdiction of the provincial legislatures under s. 92 of the *Constitution Act*. Consequently, the federal government is not in a position to question or challenge either the standards or the approval process established by British Columbia for regulating landfill sites. The District may wish to request the assistance of the provincial government to conduct an independent assessment of the facility. In addition to the jurisdiction issue, the province may have greater expertise in this area.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'MP', is positioned above the typed name.

Marilea Pirie
Director General
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