

File No. 240154898P1

IN THE ALBERTA COURT OF JUSTICE
CRIMINAL DIVISION

Between:

HIS MAJESTY THE KING

and

GFM PRECIOUS METALS LTD./1158728 ALBERTA LTD.



AGREED STATEMENT OF FACTS

1. On Information 240154898P1, GFM PRECIOUS METALS LTD. and 1158728 ALBERTA LTD. ("115") stands charged that:

Count 1: On or between January 4, 2021 and March 16, 2022, both dates inclusive, at or near the city of Edmonton in the Province of Alberta did commence or continue any activity, to wit: the operation of a storage site for waste, other than hazardous waste, that is designated as an activity in respect of which notice must be given to the Director without giving notice to the Director, in the form and manner required by the regulations, that that person is carrying on or intends to carry on the activity, contrary to section 88 of the Environmental Protection and Enhancement Act and did thereby commit an offence contrary to section 227(j) of the Environmental Protection and Enhancement Act evidence of the offence having first come to the attention of the Director on March 1, 2022.

2. 115 is an Alberta corporation located in Edmonton, Alberta. It operates under the trade name, GFM Environmental Services. Its operations focus primarily on the disposal of biomedical and healthcare waste. The company also accepts smaller quantities of Hazardous Waste, Hazardous Recyclables, and pesticides from clients for disposal.

3. On March 1, 2022, Alberta Environment received a report that 115 had been receiving biomedical waste for over a year and a half and was not disposing of materials properly.

4. On March 10 and 11, 2022, an Environmental Protection Officer attended the 115 facility located at 16909 110 Avenue, Edmonton, to complete an inspection of the facility.
5. He learned that the company had been receiving biomedical waste from Alberta and other places in over Western Canada, and had been storing it for up to two years at another location, the Make Space Storage yard located at 12235 149 Street, Edmonton, in approximately sixteen sea cans.
6. On March 10, the Officer was able to access five of the sea cans and observed significant amounts of biomedical waste including bags, bins and boxes as well as spent chemotherapy materials, and old steroid vials.
7. The sea cans measured 40 feet long. Many of the sea cans were not closed properly and there was no signage displayed anywhere advising of their contents.
8. Upon inspection of the 115 facility, he also observed the inadequate storage of Hazardous Waste and Hazardous Recyclables including dental amalgam, used X-Ray Fixer/Developer and X-Ray Photographic Solution Waste. 115 was also storing smaller amounts of pesticides. The Officer observed a number of pesticides stored loosely in an uncovered yellow garbage can, including a container labelled 2% Liquid Strychnine Concentrate. 115 was also storing formalin (a solution containing less than 2% formaldehyde) collected from veterinary clinics in the facility as well as "lab packs" – a collection of smaller quantities of Hazardous Wastes from places like high school or college chemistry labs – for disposal.
9. On March 11, the inspector re-inspected the Make Space Storage yard and observed and photographed the sea cans, believed to be mostly filled with non-Hazardous biomedical waste. Many of the sea cans had biohazardous waste containers within them, some labeled as "cytotoxic" hazard from chemotherapy treatment. There were sharps containers that had needles visible. The officer also observed a bucket labeled as mercury waste – dental amalgam, which is a Hazardous Recyclable.

10. The company was unable to provide a list of what waste was being stored in the sea cans, other than to say it was mostly biomedical waste. The officer also observed there was no signage, no suitable emergency response equipment present and no qualified staff on site. He returned again on March 16, 2022 to conduct a further inspection.

11. On March 16, in addition to his observations, the Officer took samples from a number of locations at both the 115 facility and the Make Space Storage site including samples from a container of used X-Ray fixer/developer, x-ray/photogenic solution waste, and a bucket which was seized from the Make Space Storage site containing dental amalgam mercury waste. Upon analysis by ALS Laboratories, it was determined that samples of the x-ray fixer/developer and x-ray/photographic solution contained elevated levels of boron, silver, and zinc, confirming them to be Hazardous Recyclables. In addition, they were stored inadequately and many of the bottles of x-ray fixer/developer and x-ray solution waste were stacked onto shelves and were leaking onto the shelves and the floor.

12. The matter was referred to the Environmental Investigations section and through information requests, interviews and the review of numerous manifests, it was determined that 115 had stored Hazardous Waste and Hazardous Recyclables in an inadequate manner and for a period exceeding 365 days without having an approval from Alberta Environment to do so.

13. The storage of the biomedical waste in the sea cans at the Make Space Storage Site had been done without notification to the Director as required.

14. After relocating their operations to a new facility in 2020, 115 discovered that the new facility did not have the requisite power to run the boiler that was necessary to operate the autoclave that was used dispose of the biomedical waste. In addition, while their autoclave was non-operational, for a number of months the Swan Hill Treatment Centre was not accepting waste for disposal. Despite this, 115 continued to receive and

store biomedical waste, ultimately accumulating sixteen sea cans worth of the waste without notifying the Director.

15. After the discovery of these offences, 115 cooperated with investigators and worked to dispose of the Hazardous Recyclables, Hazardous Waste, and biomedical waste. As of July 16, 2024, the last of the biomedical waste was disposed of by 115

16. 115's client-base is made up of small-quantity generators, such as veterinary office, dental clinics, tattoo parlours, and educational institutions. At the time of these offices, approximately 7.5% to 10% of its business was done with customers outside of Alberta. However, 115 has now stopped accepting Hazardous Waste ~~and Recyclables~~ from outside of Alberta.

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17. 115 has 8 employees, including the sole director and shareholder, James Humen, and works with several contractors.

Agreements

18. The parties agree:

- (a) 115 will plead guilty to Count 1 on Information **240154898P1** as described in paragraph 1 of this Agreed Statement of Facts. All remaining charges shall be withdrawn as against 115 and GFM Precious Metals Ltd., upon the Court sentencing 115.
- (b) 115 agrees that it will be sentenced on all facts forming part of the circumstances of the offences that could constitute the basis for separate charges pursuant to s. 725(1)(c) of the *Criminal Code of Canada*.
- (c) The facts set out in this Agreed Statement of Facts are fully admitted and acknowledged by 115. The parties will be at liberty to make further submissions about those facts to the Court.
- (d) The parties will jointly submit that 115 should receive a fine of \$13,000, inclusive of victim fine surcharge.

- (e) This Agreed Statement of Facts may be filed and relied upon even if signed in counterpart or by facsimile copies of the signatures of any person or both.

CONSENTED TO WITH RESPECT TO FORM AND SUBSTANCE THIS 20th day of August, 2024



Lindsay Tate
Counsel for the Alberta Crown Prosecution
Service, Appeals and Specialized
Prosecutions Branch.



James Humen, Director of GFM Precious
Metals Ltd. and 1158728 Alberta Ltd.



Gil Miciak
Counsel for GFM Precious Metals Ltd.
and 1158728 Alberta Ltd.