



Making a difference...together

CORE AREA WASTEWATER TREATMENT PROJECT BOARD
Notice of Meeting on **Thursday, December 15, 2016 @ 9:00 a.m.**
Meeting Room 488, 4th floor, 625 Fisgard Street, Victoria, BC

Jane Bird (Chair)
David Howe

Don Fairbairn (Vice Chair)
Bob Lapham

Jim Burke
Colin Smith

Brenda Eaton

AGENDA

1. Approval of Agenda and Statement of No Conflict
2. Approval of the November 15, 2016 Minutes
3. Report of the Chair
4. Presentations/Delegations
 - 4.1. Mr. Jacques Sirois, Item 6.2, Presentation
5. Project Board Business
 - 5.1. Approval of Due Diligence Committee – Terms of Reference
6. Correspondence – November 2016
 - 6.1. Colwood News Release
 - 6.2. November Correspondence – Batched
7. Set 2017 Meeting Schedule – First Quarter
8. New Business
9. **Motion to close the meeting in accordance with the *Community Charter, Part 4, Division 3, 90(1)(a)* personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; **(e)** the acquisition, disposition or expropriate of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality; and **(m)** a matter that, under another enactment, is such that the public may be excluded from the meeting.**
10. Adjournment

To ensure quorum, advise Denise Dionne 250.360.3129 if you are unable to attend.



Making a difference...together

**Minutes of a Meeting of the Core Area Wastewater Treatment Project Board
Held Tuesday, November 15, 2016 in Meeting Room 488, 625 Fisgard Street, Victoria, BC**

Present: Members: J. Bird (Chair), D. Fairbairn (Vice Chair), J. Burke (10:22 a.m.), B. Eaton, D. Howe, R. Lapham, C. Smith (10:30)
CRD Staff: L. Hutcheson, Interim Project Manager; K. Quale, Communications Coordinator, Corporate Communications; B. Reems, Corporate Officer, Legislative & Information Services; D. Dionne, Senior Administrative Assistant, Legislative & Information Services (recorder)

The meeting was called to order at 10:05 a.m.

1. Approval of Agenda and Statement of No Conflict

The members stated they did not have a conflict of interest with any of the agenda items.

MOVED by D. Howe, **SECONDED** by B. Lapham,
That the agenda be approved as circulated.

CARRIED

2. Approval of the October 25, 2016 Minutes

MOVED by B. Lapham, **SECONDED** by D. Fairbairn,
That the minutes of the meeting held October 25, 2016 be approved.

CARRIED

3. Report of the Chair

The Chair reported on the following items:

- She met with various Project stakeholder groups including Saanich, Victoria, Esquimalt, Department of National Defence and Harbour Authority representatives last week.
- Also last week she presented at City of Victoria Council and a presentation is planned for Saanich Council on December 5, 2016.

An information newsletter package is being prepared to be issued to Project stakeholders, other interested parties and to be posted to the website for public information.

She also advised that the Project Board continues its efforts to assemble a project team by the end of the year and noted that Elizabeth Scott has been hired as Deputy Project Director starting November 22, 2016.

4. Presentations/Delegations

There were none.

5. Document Control/Flow & Procedures

B. Reems spoke to the report and policy attachment noting that Capital Regional District (CRD) staff met with KPMG representatives regarding document control and maintaining continuity with CRD systems already in place. The objective of this policy is that it be adopted for the interim, to ensure legislative structure with the Project. The Policy can be amended if necessary.

Staff were directed to proceed with drafting job requirements for a Document Control Clerk for the Project.

B. Reems noted that Administrative and Legislative control is different from Document Control and needs to be identified on the Project Organization Chart as such.

J. Burke joined the meeting (10:22 a.m.)

MOVED by B. Eaton, **SECONDED** by B. Lapham,
That the Core Area Wastewater Treatment Project Board adopt the Document Control Policy attached as Appendix A for the Core Area Wastewater Treatment Project. Subject to further refinement to meet Project objectives.

CARRIED**6. October Budget Update**

L. Hutcheson spoke to the report noting that Appendix A reflects the remaining budget, from the Business Case Development, as at October 31, 2016.

C. Smith joined the meeting (10:30 a.m.)

She also noted that Appendix B reflects an amended budget to provide funds to the end of November.

Discussion ensued and the following further amendments to the budget in Appendix B were requested:

- Revise Project budget to reflect funds to December 31, 2016
- Increase the following items in the budget:
 - Project Oversight increase by \$40,000
 - Communications increase by \$50,000
 - Feasibility and Costing Analysis increase by \$250,000
 - Partnerships BC increase by \$300,000

MOVED by B. Eaton, **SECONDED** by C. Smith,
That the Core Area Wastewater Treatment Project Board receive this budget update for information and approve subject to amendments made during the meeting.

CARRIED**7. Correspondence – October 2016**

MOVED by C. Smith, **SECONDED** by B. Lapham,
That the October 2016 correspondence be received for information.

CARRIED

8. New Business

There was no new business.

- MOVED** by J. Burke, **SECONDED** by D. Fairbairn,
- 9. Motion to close the meeting in accordance with the *Community Charter, Part 4, Division 3, 90(1)(a)* personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; **(m)** a matter that, under another enactment, is such that the public may be excluded from the meeting; and **90(2)(b)** the consideration of information received and held in confidence relating to negotiations between the regional district and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.**

CARRIED

The Project Board moved into closed session at 10:45 a.m. on November 15, 2016.

The Project Board rose from its closed session at 12:21 p.m. on December 2, 2016 without report.

10. Adjournment

MOVED by J. Burke, **SECONDED** by D. Fairbairn,
That the meeting be adjourned at 10:46 a.m. on November 15, 2016

CARRIED

CHAIR

RECORDER



Making a difference...together

**REPORT TO CORE AREA WASTEWATER TREATMENT PROJECT BOARD
MEETING OF THURSDAY, DECEMBER 15, 2016**

SUBJECT **Due Diligence Committee – Terms of Reference**

ISSUE

A Due Diligence Committee is intended to be established to review aspects of the competitive selection process for the Residuals Treatment Facility. Terms of Reference for the Due Diligence Committee are proposed herein for the Project Board's review and approval.

BACKGROUND

It is intended that a Due Diligence Committee (DDC) will report to the Project Board regarding aspects of the competitive selection process for the Residual Solids Treatment Facility.

The DDC review is intended to provide feedback to the Project Board on the implementation of the evaluation processes for the Request for Qualifications (RFQ) and the Request for Proposals (RFP) for the Residual Solids Treatment Facility. It is expected that the DDC will conduct its work at arm's length from the Project Team and the Project Board.

The DDC is expected to comprise three members, with each member anticipated to carry out their work over a period of approximately 60 hours (the actual number of hours required may be lower or higher depending on how the evaluation processes proceed).

The proposed membership of the DDC will be brought to a future Project Board meeting for approval. To ensure an independent review, members of the DDC will be required to be independent from the Project Board and the Respondents and Proponents to the competitive selection process.

Proposed Terms of Reference for the DDC are attached as Appendix A.

ALTERNATIVES

Alternative 1

That the proposed Terms of Reference for the Due Diligence Committee, attached as Appendix A, be approved.

Alternative 2

That the proposed Terms of Reference for the Due Diligence Committee, attached as Appendix A, be referred back to the project team for revision.

CONCLUSION

A Due Diligence Committee is intended to be established to review aspects of the competitive selection process for the Residuals Treatment Facility. The Terms of Reference, attached as

Core Area Wastewater Treatment Project Board – December 15, 2016
Due Diligence Committee – Terms of Reference

Appendix A, are proposed to be adopted for the Due Diligence Committee. The proposed membership of the Due Diligence Committee will be brought to a future Project Board meeting for approval.

RECOMMENDATION

That the proposed Terms of Reference for the Due Diligence Committee, attached as Appendix A, be approved.



Elizabeth Scott, Deputy Program Director
Core Area Wastewater Treatment Project

ES:dd

Attachment: Appendix A – Due Diligence Committee – Terms of Reference

Due Diligence Committee Terms of Reference

1. Accountability

The Due Diligence Committee (DDC) reports to the Core Area Wastewater Treatment Project Board, and provides suggestions and comments to be considered by the Project Team.

2. Project

The Due Diligence Committee's scope of work (identified below) is specific to the competitive selection process for the Residuals Treatment Facility (the Project).

3. Scope of Work

The Due Diligence Committee is responsible for reviewing aspects of the competitive selection process for the Project. The Due Diligence Committee will review work produced by the Project Team (including the evaluation committee) prior to and during the evaluation of the submissions received in response to the Request for Qualifications (RFQ) and Request for Proposals (RFP), in accordance with these terms of reference.

Prior to the evaluation periods for the RFQ and RFP, the areas of the Due Diligence Committee's review will be:

- The evaluation criteria;
- The submission requirements; and
- The applicability of the evaluation criteria to the submission requirements.

During these reviews, the Due Diligence Committee should also identify potential problems, inconsistencies, errors of logic or discrepancies in the evaluation documentation.

During the evaluation periods, the areas of review will be:

- Whether the evaluation team and committee members consistently applied the evaluation criteria and the documented evaluation process in their evaluation of the submissions; and
- Whether the evaluation of submissions was conducted in a consistent manner that is defensible both against the evaluation criteria (i.e. "vertically") and across the submissions (i.e. "horizontally").

Due Diligence Committee Terms of Reference

In their evaluation period reviews of the work, the Due Diligence Committee will apply reasonable judgment in their assessment as to whether the evaluation teams and evaluation committee performed:

- i) The appropriate level of rigor in their analysis of the submissions; and
- ii) Applied the process, including the evaluation criteria, specified in the RFQ or RFP, as applicable.

Members of the Due Diligence Committee will have access to all information necessary to undertake the above, and will be invited to attend all evaluation team and committee meetings. Attendance at meetings will be at the Due Diligence Committee's discretion.

The Due Diligence Committee is intended to operate at arm's length from the competitive selection process and will not be involved in the day-to-day work of the Project Team. Based on their review, Due Diligence Committee may make suggestions and comments to the Project Team (including the evaluation committee) and Project Board; however, the DDC suggestions and comments are not binding and discretion can be applied in considering any recommendations of the DDC.

The Due Diligence Committee will provide two short written reports to the Project Board summarizing their review and the findings of their review; one at the conclusion of the evaluation of the RFQ submissions and the second at the conclusion of the evaluation of the RFP submissions.

From: Denise Dionne
To: [Kristin Quayle](mailto:Kristin.Quayle)
Subject: FW: Colwood News Release: Colwood looks to postpone wastewater treatment groundwater study
Date: Wednesday, November 16, 2016 1:37:00 PM
Attachments: [image003.jpg](#)

From: Sandra Russell [<mailto:srussell@colwood.ca>]
Sent: Wednesday, November 16, 2016 12:49 PM
To: Sandra Russell <srussell@colwood.ca>
Subject: Colwood News Release: Colwood looks to postpone wastewater treatment groundwater study

NEWS RELEASE

FOR IMMEDIATE RELEASE
November 16, 2016

Colwood looks to postpone wastewater treatment groundwater study

Colwood, BC - Over the past several years, the City of Colwood has been vocal about wastewater treatment plans in an effort to ensure that Colwood taxpayers would not be hit with a disproportionate charge for the service, particularly considering that only about 30% of Colwood homes are currently connected to sewers.

The City was willing to provide land for its own sewage treatment facility as a way to ensure it would be the right size and technology to be most cost effective for residents. Part of the cost effectiveness was to be achieved by discharging treated effluent into the ground, rather than to an ocean outfall.

The concept of having several of these smaller facilities in various municipalities was explored by the Capital Regional District (CRD) Board, but in the end was rejected in favour of a single, large, centralized wastewater treatment plant at McLoughlin Point in Esquimalt.

The final plan includes a provision for a future wastewater treatment facility in Colwood when the McLoughlin Plant reaches capacity, but is not expected to be required until at least 2040.

To prepare for a future plant in Colwood, the Project Board for Core Area Wastewater Treatment recommended that \$2M be set aside to complete the environmental impact assessment to determine the viability of discharging treated effluent into the ground in Colwood.

Colwood Council understands that there would be risks in investing in an extensive environmental impact assessment for a project that may not be required for 20 to 40 years. Changes in technology, ecological conditions, consumer habits and political leadership may significantly change the region's

approach to wastewater treatment in that time.

While the study would be paid for by the CRD and not the City, the funding would still come from taxpayer dollars. In addition, a significant amount of staff time would need to be dedicated to the project, limiting the City's ability to follow through on other priorities.

"We did our best to steer the wastewater treatment plan in a better direction," said Mayor Carol Hamilton. "At this point it doesn't make sense to continue to put more effort, more money, more resources into a study that will sit on a shelf for 20 years. It would not be a prudent use of taxpayer dollars."

Therefore, at their meeting on November 14, 2016, Colwood Council voted unanimously to request that the Project Board postpone the environmental impact assessment until the McLouglin Point wastewater treatment plant is within an estimated 5 years of capacity. They will also ask that the funds to carry out the study be set aside in a reserve fund.

Groundwater data that has been gathered to date provides Colwood with considerable value. The City has a much better understanding of Colwood's geology and watersheds as a result of this work, which will support any future facility, as well as rainwater management planning.

-30-

Media Contact:

Sandra Russell, Communications Manager (778-677-5345)

Find this release online at www.colwood.ca/news-events/news.

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Subscribe for email updates at www.colwood.ca/subscribe.

November 17, 2016

File: 0620-20
Core Area Liquid Waste Management Plan
Amendment No. 11

The Honourable Mary Polak
Minister of Environment
PO Box 9047 Stn Prov Govt
Room 247, Parliament Buildings
Victoria, BC V8W 9E2

Dear Minister Polak:

RE: CONDITIONAL APPROVAL OF CAPITAL REGIONAL DISTRICT ("CRD") CORE AREA LIQUID WASTE MANAGEMENT PLAN ("CALWMP") AMENDMENT NO. 11

Thank you for your letter of September 30, 2016 granting conditional approval of Amendment No. 11 of the CALWMP (the "**Conditional Approval**"). I am writing on behalf of the CRD and Core Area Wastewater Treatment Project Board to respectfully request that you clarify two aspects of the Conditional Approval. Clarifying these aspects of the Conditional Approval at the outset of the CALWMP implementation phase will reduce uncertainty and help the project proceed efficiently.

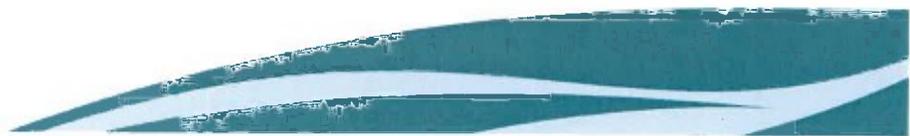
1. Wastewater Treatment Plant Flow Capacity

The Conditional Approval states: "For flows that are greater than 2 times ADWF but not more than 4 times ADWF, primary treatment will be guaranteed. Construction of the wastewater treatment plant will be completed by December 31, 2020."

We request that the reference to the plant guaranteeing primary treatment for flows of "not more than 4 times ADWF" be replaced with "not more than 3 times ADWF for the Clover Point catchment."

The CRD'S CALWMP Amendment 11 application and the submitted Business Case committed to pump only up to 3 times ADWF from Clover Point to McLoughlin Point. Section 6 of the Amendment 11 application proposed these commitments:

"2(b) A pump station at Clover Point in the City of Victoria having capacity to pump up to three times the average dry weather flow (ADWF) to McLoughlin Point in the Township of Esquimalt for at least primary treatment;



2(d) A 108 MLD ADWF wastewater treatment plant at McLoughlin Point that will provide primary treatment for wet weather flows up to four times ADWF for the Macaulay catchment and three times ADWF from the Clover catchment and tertiary treatment for flows up to two times ADWF;"

The commitment to pump up to 3 times ADWF from Clover Point to McLoughlin Point for primary treatment was originally proposed in Amendment No. 8 of the CALWMP and approved on August 25, 2010 by the Minister of Environment, the Honourable Barry Penner.

To guarantee primary treatment for flows up to 4 times ADWF for the Clover Point catchment, the CRD would have to add substantial capacity to the planned conveyance system and treatment plant at a significant cost. The CRD and the Project Board believe this additional capacity is not warranted and the commitment to capacity to 3 times ADWF outlined in the CRD's CALWMP Amendment 11 application and Business Case is reasonable and sufficient, for the reasons detailed in those documents.

2. Integrated Resource Management

The Conditional Approval states: "As a condition of my approval and in accordance with Section 24 (5) of the Environmental Management Act, I require a definitive plan for the beneficial reuse of biosolids to be submitted to the Minister on or before December 31, 2017."

We understand that the December 31, 2017 deadline requires the CRD to submit a plan outlining a solution for the beneficial reuse of biosolids. We request that the deadline to submit the plan to the Minister be extended from December 31, 2017 to June 30, 2019.

The focus of the Core Area Wastewater Treatment Project ("**CAWTP**") is to treat wastewater and residual solids. The CRD will undertake a separate public process, with the participation of municipalities and First Nations, to review its regional waste management policy and develop a definitive plan for the beneficial reuse of biosolids and integrated resource management.

The CRD commits that the definitive plan will not incorporate multi-year storage of biosolids in a biocell. Biosolids may be stored to the extent necessary to implement the definitive plan and manage short term variations in biosolids demand.

The definitive plan's implementation will not change the CAWTP's scope and schedule because the definitive plan will be a separately funded and scoped program. If it will assist you, the CRD can submit a plan by May 31, 2017 outlining the procedural steps and schedule it will implement to achieve the definitive plan by June 30, 2019.

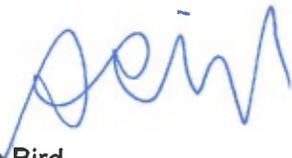
The CRD has briefed your Ministry staff on these two aspects of the Conditional Approval. We appreciate the Ministry staff's cooperation and assistance on this project, and the offer to share the ministry's jurisdictional review of how other similar-sized and larger municipalities reuse biosolids.



The Honourable Mary Polak - November 17, 2016
CONDITIONAL APPROVAL OF CORE AREA LIQUID WASTE MANAGEMENT PLAN
AMENDMENT NO. 11

If you or your ministry staff have questions about the clarifications requested, please contact me or Larisa Hutcheson, Interim Project Director, CAWTP at [250.360.3085](tel:250.360.3085) or lhutcheson@crd.bc.ca.

Yours truly,



Jane Bird
Chair, Core Area Wastewater Treatment Project Board

PP

cc: Honourable Peter Fassbender, Minister of Community, Sport and Cultural Development
Barbara Desjardins, Chair, CRD Board
CRD Board of Directors
Robert Lapham, Chief Administrative Officer, CRD
Larisa Hutcheson, Interim Project Director, Core Area Wastewater Treatment Project





Reference: 305517

November 18, 2016

Jane Bird
Chair, Core Area Wastewater Treatment Project Board
Capital Regional District
PO Box 1000, 625 Fisgard Street
Victoria BC V8W 2S6

Dear Ms. Bird:

Thank you for your letter of November 17, 2016, regarding my conditional approval of Amendment No. 11 to the Core Area Liquid Waste Management Plan (CALWMP). As requested in your letter, I will clarify my conditional approval of Amendment No. 11 to the CALWMP and have also considered your request to modify my condition for Integrated Resource Management.

To address your concerns, I am revising my September 30, 2016, Conditional Approval of Amendment No. 11. This revised Conditional Approval of Amendment No.11 supersedes my September 30, 2016, decision.

To clarify, Amendment No. 11 includes, but is not limited to, the following:

1. A single 108 megalitre/day wastewater treatment plant located at McLoughlin Point within the Township of Esquimalt capable of tertiary treatment for flows up to 2 times Average Dry Weather Flow (ADWF) for the Core Area up to 2040. For flows that are greater than 2 times ADWF but not more than 3 times ADWF for the Clover Point catchment and up to 4 times ADWF for the Macaulay catchment, primary treatment will be guaranteed. Construction of the wastewater treatment plant will be completed by December 31, 2020.
2. Commitment to advance studies for a wastewater treatment proposal in Colwood, including up to \$2 million to complete the required technical studies and environmental impact assessments.
3. Conveyance of sewage sludge to the Hartland landfill for processing into Class A biosolids, as defined under the Organic Matter Recycling Regulation, for beneficial use and optimization for potential opportunities for integrated resource management.

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As a condition of my approval and in accordance with Section 24 (5) of the *Environmental Management Act*, I require the Capital Regional District (CRD) develop a definitive plan for the beneficial reuse of biosolids that does not incorporate multi-year storage of biosolids within a biocell. The Ministry of Environment understands that the plan may need to include short-term storage and/or management options as part of implementing the beneficial reuse plan, but the CRD is strongly encouraged to minimize the need for this. Further, I am amending the deadline for submission of the plan from December 31, 2017, to June 30, 2019, under the condition that the CRD submit, by May 31, 2017, a plan that outlines the procedural steps and schedule it will implement to achieve the definitive plan.

The CRD must ensure that the definitive plan for beneficial reuse of biosolids is supported by an assessment of the full spectrum of beneficial uses and integrated resource management options available for the proposed Class A biosolids produced at the Hartland Landfill, and incorporates a jurisdictional review of how similar-sized and larger municipalities within British Columbia, North America and further abroad, successfully and beneficially reuse biosolids. Ministry staff will assist as necessary and can share the ministry's jurisdictional review of how other similar-sized and larger municipalities reuse biosolids.

The beneficial reuse option selected for treated biosolids must meet the requirements for beneficial use specified in the Canadian Council of Ministers of the Environment *Canada-Wide Approach for the Management of Wastewater Biosolids* (October 11, 2012) and be based on scientific evidence. This definitive plan for the beneficial reuse of biosolids will replace the current proposal to use a biocell for storage.

Please continue to work with staff in the Environmental Protection Division of the Ministry of Environment to ensure that the proposed wastewater treatment facility is registered under the Municipal Wastewater Regulation prior to operation of the plant. Please also inform ministry staff of all beneficial uses of biosolids being considered, in order to ensure all necessary forms of authorization are obtained in advance of discharge.

Additionally, the CRD should continue to engage First Nations and the public on all aspects of the CALWMP.

Be advised that the ministry intends to publically post any reports or other documents received by the CRD on the ministry website related to this conditional approval, the CALWMP and this activity regulated under the *Environmental Management Act*.

...3

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Approval of Amendment No.11 to the CALWMP does not authorize entry upon, crossing over or use for any purpose of private or Crown lands or works, unless and except as authorized by the owner of such lands or works. The responsibility for obtaining such authority shall rest with the local government. This amendment is approved pursuant to the provisions of the *Environmental Management Act*, which asserts it is an offence to discharge waste without proper authorization. It is also the regional district's responsibility to ensure that all activities conducted under this plan amendment are carried out with regard to the rights of third parties and comply with other applicable legislation that may be in force.

Sincerely,



Mary Polak
Minister

cc: Honourable Peter Fassbender, Minister of Community, Sport and Cultural Development
AJ Downie, Director, Environmental Protection Division, Ministry of Environment
Robert Lapham, Chief Administrative Officer, Capital Regional District
Larisa Hutcheson, Interim Project Director, Core Area Wastewater Treatment Project,
Capital Regional District
Sharon Singh, Associate, Bennett Jones Vancouver

Via email to BirdJA@bennettjones.com

November 22, 2016

Jane Bird
Chair, Core Area Wastewater Treatment Project Board
Box 1000, 625 Fisgard Street
Victoria, BC V8W 2S6

Dear Ms. Bird:

RE: Comprehensive Process and Milestones for Proposed Wastewater Treatment Plant

Please be advised that the Council of the Township of Esquimalt at its Regular Meeting of November 21, 2016, made the following resolution:

"That Council directs the CAO to enter into discussions with the CRD Project Board to develop a comprehensive process that addresses concurrent CRD Project Board initiated Development Permit application and Township initiated Rezoning application together with negotiated amenity and other relevant agreements. The comprehensive process will be based on the following major milestones:

<i>November 21, 2016</i>	<i>Council consideration of comprehensive process and timeline</i>
<i>Dec, 2016 – Jan, 2017</i>	<i>Township advances Rezoning</i>
<i>December 20, 2016</i>	<i>DP Application submitted by CRD/Project Board/HRP</i>
<i>January 11, 2017</i>	<i>Design Review Committee (DP)</i>
<i>January 12, 2017</i>	<i>CRD Project Board - evening public open house</i>
<i>January 14, 2017 house</i>	<i>CRD Project Board - afternoon public open</i>
<i>January 17, 2017</i>	<i>Advisory Planning Commission (Rezoning)</i>
<i>February 6, 2017</i>	<i>Council consideration of first and second reading Zoning Amendment Bylaw</i>
<i>February 20, 2017</i>	<i>Council Public Hearing for Zoning Amendment Bylaw (including all related amenity and other relevant agreements)</i>

February 27, 2017

*Council Consideration of Adoption of Zoning
Amendment Bylaw*

*Consideration of Issuance of Development
Permit*

Council agrees in principle to the above timeline which targets completion by end of February, 2017 with all parties acting reasonably. Council acknowledges that there may be additional events scheduled to occur within the timeline for public consultation."

The Township looks forward to further collaboration on this project.

Yours truly,



Laurie Hurst, CPA, CGA
Chief Administrative Officer

District of Saanich
Legislative Services
770 Vernon Ave.
Victoria BC V8X 2W7

t. 250-475-1775
f. 250-475-5440
saanich.ca



LEGISLATIVE SERVICES

File: 1410-04

October 27, 2016

Larisa Hutcheson, Interim Project Director
Core Area Wastewater Treatment Project Board
625 Fisgard St
Victoria BC V8W 1R7



Dear Ms. Hutcheson,

This letter will confirm that Council, at their meeting on October 24, 2016, considered a report from Councillor Haynes dated October 13, 2016 (copy attached), and resolved as follows:

"That Council request staff to invite the Core Area Wastewater Treatment Project Board (CAWTPB) to present at a future Committee of the Whole meeting on the plans for the Hartland Landfill Facility, bio-solids, pipeline, and any other pertinent information with the intent to allow the public to hear the details, and that CRD Director Mike Hicks be advised of the date of the presentation".

Please contact my office at the appropriate phase of the project planning process to arrange a presentation to Council.

A handwritten signature in blue ink, appearing to read "Donna Dupas".

Donna Dupas,
Legislative Manager

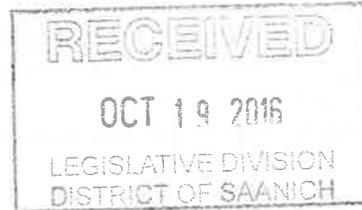
dh

cc: Mayor Atwell and Councillors
Paul Thorkelsson, CAO
Carrie MacPhee, Director of Legislative Services
CRD Director, Mike Hicks



Report

To: Mayor and Councillors
From: Councillor Fred Haynes
Date: October 13, 2016
Subject: **Presentation on the Plans for the Hartland Landfill Facility
 (Notice of Motion Introduced October 3, 2016)**



Mayor
Councillors
Administrator

Council
Administrator
Media

I would like to provide the following considerations in support of the motion coming to Council on October 24, 2016 regarding the Core Area Wastewater Treatment Project Board (CAWTPB) presenting at a future Committee of the Whole meeting describing the plans for the Hartland Landfill Facility, biosolids, pipeline, and any other pertinent information with the intent to allow the public to hear the details.

While this is a project of the Capital Regional District (CRD), and while it is clearly going ahead, the use of Hartland brings significant long lasting physical and fiscal impacts to the residents of Saanich. Walking the streets of Prospect Lake and Hartland, where I live, I have had direct contacts from residents on this issue. Our residents have observed that the CAWTPB have presented at two Committee of the Whole meetings in Esquimalt at the invitation of Esquimalt Council.

On this basis, I believe Saanich residents expect to be kept informed. This motion, if supported, is intended to provide a clear mechanism to enable the delivery of information from the CAWTPB and/or CRD Staff in a format within Saanich. It also clarifies that Council recognizes the value of this information for our residents, and is prepared to initiate a Saanich based format for this.

As we can recall, the community information and consultation strategy around the Seaterra project caused residents around Hartland and Prospect Lake to feel aggrieved by the information process. The consternations around this process also enabled a turn by our residents towards other information that was incomplete, misleading or poorly understood. This further added to the public concerns.

Providing the CAWTPB with the public format of a Committee of the Whole meeting in Saanich to update our residents and Council of the plans for the Hartland facility and how this may impact its neighbours will help inform an accurate and responsive public engagement.

The intent is not to have Saanich Council alter the clear processes and decisions established at the CRD and the CAWTPB for the liquid waste project. The intent is to enable an opportunity for Saanich residents to hear firsthand the details of the plans for Hartland and any other direct impacts in Saanich.

Presentation on the Plans for the Hartland Landfill Facility

RECOMMENDATION:

That:

- a) staff be requested to invite the Core Area Wastewater Treatment Project Board to present at a future Committee of the Whole meeting on the plans for the Hartland Landfill Facility, bio-solids, pipeline, and any other pertinent information with the intent to allow the public to hear the details; and
- b) the residents of Willis Point be advised of the date of the presentation.

A handwritten signature in black ink, appearing to read "F. Haynes", with a horizontal line drawn underneath it.

Councillor Fred Haynes

From: [Jacques Sirois](#)
To: [cawtpb](#)
Subject: Brief presentation on Victoria Harbour Migratory Bird Sanctuary (1923) and NatureHood (2015).
Date: Tuesday, November 15, 2016 5:27:17 PM
Attachments: [GWI_2016_SpeakerSeriesDecember.Final2b.pdf](#)
[ATT00001.htm](#)

Dear Jane Bird,

I accept your kind invitation for Dec. 13, 10 AM on Fisgard.

I want to briefly (5-10 min.) introduce the NatureHood that surrounds McLoughlin Point.

Your project presents a perfect opportunity to showcase it. Seriously.

The talk below, Dec. 8, may interest you and some of your board members.

Yours truly,

J. Sirois, chair

Friends of Victoria Harbour Migratory Bird Sanctuary (1923) and NatureHood (2105)



THE
ROBERT
BATEMAN
CENTRE



ITEM 6.2
info@batemancentre.org
batemancentre.org
250.940.3626

info@gorgewaterway.ca
gorgewaterway.ca
250.360.3299

The GWI & the Robert Bateman Centre present a **free public talk**



From Brant to biodivercity:

*The “resurrection” of Victoria
Harbour Bird Sanctuary —
the oldest Migratory Bird
Sanctuary in Pacific Canada.*

Speaker: Jacques Sirois, local bird specialist, Friends of
Victoria Harbour Migratory Bird Sanctuary

Date: Thursday, December 8, 2016

Time: 7:00 pm

Location: Robert Bateman Centre, SteamShip Terminal,
470 Belleville St. Victoria

Refreshments will be served!

For more information: info@gorgewaterway.ca or call
250.360.3299.

Images by: Stuart Clarke

Proudly supported by the 

From: [Jacques Sirois](#)
To: [cawtpb](#)
Subject: Re: Brief presentation on Victoria Harbour Migratory Bird Sanctuary (1923) and NatureHood (2015).
Date: Thursday, November 17, 2016 6:16:38 AM

Thank you Kristin - Dec. 15 is fine. The filled form coming shortly. Jacques Sirois

On Nov 16, 2016, at 8:38 AM, cawtpb <cawtpb@crd.bc.ca> wrote:

Thank you for your response Jacques,

I just learned that the Core Area Wastewater Treatment Project Board's next meeting has been moved from December 13th to December 15th at 9am. Please remember, to fill out the form at the link below in order to address the Project Board:

<https://www.crd.bc.ca/about/how-we-are-governed/addressing-the-board/addressing-the-crd-board-committees>

Thank you,

Kristin Quayle, MA | Corporate Communications
Capital Regional District | 250.360.3623 | kquayle@crd.bc.ca

<[image001.png](#)> <[image002.png](#)> <[image003.png](#)>

From: Jacques Sirois [<mailto:jjs@telus.net>]
Sent: Tuesday, November 15, 2016 5:27 PM
To: cawtpb <cawtpb@crd.bc.ca>
Subject: Brief presentation on Victoria Harbour Migratory Bird Sanctuary (1923) and NatureHood (2015).

Dear Jane Bird,

I accept your kind invitation for Dec. 13, 10 AM on Fisgard.

I want to briefly (5-10 min.) introduce the NatureHood that surrounds McLoughlin Point.

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The talk below, Dec. 8, may interest you and some of your board members.

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J. Sirois, chair

Friends of Victoria Harbour Migratory Bird Sanctuary (1923) and NatureHood
(2105)

This message is intended only for the use of the individual or entity named above, and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If you are not the intended recipient or their employee or agent responsible for receiving the message on their behalf your receipt of this message is in error and not meant to waive privilege in this message. Please notify us immediately, and delete the message and any attachments without reading the attachments. Any dissemination, distribution or copying of this communication by anyone other than the intended recipient is strictly prohibited. Thank you. Please consider the environment before printing this email.

From: [RICK GONDER](#)
To: [cawtpb](#)
Subject: Re: CAWTPB Barging questions
Date: Monday, November 14, 2016 8:52:02 AM

Thanks. Appreciate the follow up.

Rick Gonder
(250) 744-8610

On Nov 14, 2016, at 8:46 AM, cawtpb <cawtpb@crd.bc.ca> wrote:

Dear Mr. Gonder,

Thank you for your questions regarding barging between Rock Bay and McLoughlin Point during the construction of the Wastewater Treatment Plant.

You raise several good points. I will forward your letter to the technical team to ensure that they are addressed.

Thank you for your input.

Sincerely,
Jane Bird

From: RICK GONDER [<mailto:rick21142@shaw.ca>]
Sent: Monday, October 17, 2016 4:09 PM
To: cawtpb <cawtpb@crd.bc.ca>
Subject: Re: Confirmation Email

Thanks for that. Id be interested to hear feedback.

Rick Gonder
2615 Cranmore Rd
Victoria BC
Canada, V8R2A1
(250) 744-8610
rick21142@shaw.ca

On Oct 17, 2016, at 3:59 PM, cawtpb <cawtpb@crd.bc.ca> wrote:

Hello Mr. Gonder,

Your message has been received and it along with other correspondence directed towards the Project Board is included for review by the project board as part of the agenda for tomorrows meeting.

Kristin Quayle, MA | Corporate Communications
Capital Regional District | 250.360.3623 | kquayle@crd.bc.ca

[<image001.png>](#) [<image002.png>](#) [<image003.png>](#)

From: RICK GONDER [<mailto:rick21142@shaw.ca>]
Sent: Sunday, October 16, 2016 8:27 PM
To: Webdesk <Webdesk@crd.bc.ca>
Subject: Re: Confirmation Email

Hello
Over one month ago, I sent you the message included below. I assume my questions were discussed at the Committee level and would appreciate a response.
Thanks

From: "Rick Gonder" <rick21142@shaw.ca>
To: "Rick Gonder" <rick21142@shaw.ca>
Sent: Wednesday, September 14, 2016 6:54:56 PM
Subject: Fwd: Confirmation Email

Rick Gonder
2615 Cranmore Rd
Victoria BC
Canada, V8R2A1
(250) 744-8610
rick21142@shaw.ca

Begin forwarded message:

From: <WebDesk@crd.bc.ca>
Date: September 9, 2016 at 1:28:19 PM PDT
To: <Rick21142@shaw.ca>
Subject: Confirmation Email

Thank you for contacting the CRD. For your reference, the following is a copy of the email you submitted.

This is an automated response.

.....

Your Name:

Rick Gonder

Your Email Address:

Rick21142@shaw.ca

Message:

Two CRD Directors encourage us to ask questions and have provided this email as the place to ask the questions. I'm an Oak Bay resident and have the following questions re barge transits between Rock Bay and Mcglochan Point during the construction phase.

- 1: Are you aware there is no barge terminal at either location?
- 2: Are you aware that due to tides and depth, tug transits in Rock Bay may be restricted?
- 3: Have you taken into consideration that Rock Bay was subject to a multi year remediation and your proposed use may be subject to approval from Transport Canada, Fisheries and First Nations?
- 4: Have you taken into consideration that extreme weather in the outer harbour may make it difficult for tugs & barges to transit to and from the construction site?
- 5: Are you aware that two tugs are required for all barge transits in the harbour?

Thanks in advance for answering my questions.

Submitted at: 9/9/2016 1:28:19 PM

Submitted via: <https://www.crd.bc.ca/contact-us?r=wwproject-board>

User Agent: Mozilla/5.0 (iPhone; CPU iPhone OS 9_3_5 like Mac OS X) AppleWebKit/601.1.46 (KHTML, like Gecko) Version/9.0 Mobile/13G36 Safari/601.1

User Host Address: 24.69.84.41

This message is intended only for the use of the individual or entity named above, and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If you are not the intended recipient or their employee or agent responsible for receiving the message on their behalf your receipt of this message is in error and not meant to waive privilege in this message. Please notify us immediately, and delete the message and any attachments without reading the attachments. Any dissemination, distribution or copying of this communication by anyone other than the intended recipient is strictly prohibited. Thank you. Please consider the environment before printing this email.

From: judywhytock@hotmail.com
To: [Eastside](#)
Subject: Contact Us - Submission
Date: Friday, November 18, 2016 2:30:07 PM

The following message was received through the form at 'https://www.crd.bc.ca/contact-us?r=east-side'. Neither the name nor the e-mail address can be confirmed as accurate.

.....

Your Name:
judith whytock

Your Email Address:
judywhytock@hotmail.com

Message:

When calculating contract jobs for the sewage project, the CRD Project Board should always keep in mind as a rough guide, how much should this project cost if it was calculated out by the hour, eg. If 300 workers were making \$50.00 each for 40 hours a week, for 52 weeks a years, for 5 years, how much would this cost?

If these 300 workers were hired this would give a real boost to the economy.

If they were paid by the hour, like Temp Office workers, when the stop working, they would stop being paid.

With contract jobs, the contractors seem to want a large blanket sum that has little to do with reality. The CRD should use hourly rates to at least check contractor estimates, as a rough guide, to bring the estimates back to reality.

Submitted at: 11/18/2016 2:30:04 PM
Submitted via: <https://www.crd.bc.ca/contact-us?r=east-side>
User Agent: Mozilla/5.0 (Windows NT 10.0; WOW64; Trident/7.0; Touch; rv:11.0) like Gecko
User Host Address: 154.20.45.182

From: [Robert Lapham](#)
To: [Jane Bird](#); [Don Fairbairn](#); [Larisa Hutcheson](#); [Kristin Quayle](#)
Subject: Fwd: Clover Point Pumping Station
Date: Tuesday, November 15, 2016 10:11:16 AM

FYI

Sent from my iPhone

Begin forwarded message:

From: Reuben Scholtens <rscholtens@maple.ca>
Date: November 14, 2016 at 12:07:19 PM PST
To: "rlapham@crd.bc.ca" <rlapham@crd.bc.ca>
Cc: Andrew Ambrozy <aambrozy@maple.ca>
Subject: Clover Point Pumping Station

Good afternoon Robert,

I understand that you have dealt with my colleague, Andrew Ambrozy, from our Kelowna office on the aforementioned project in the past. We understand that this project in some form or fashion will be revived and I'm wondering if you could shed some light on that for us, or if you could direct us to any documents on the subject which already exists.

Andrew and I have meetings in your area the week of December 5th and I'm wondering if you'd be available to join us for a coffee and a brief discussion on this?

Look forward to hearing from you soon.

Reuben Scholtens

Director, Infrastructure Development

Maple Reinders Group

4167971059

[\[http://www.maple.ca/email_logo_bsme2011.gif\]](http://www.maple.ca/email_logo_bsme2011.gif)

This communication is intended for the sole use of the person(s) to whom it is addressed and may contain information

that is privileged, confidential or subject to copyright. Any unauthorized use, disclosure or copying of this communication is

strictly prohibited. If you have received this communication in error, please contact the sender immediately.

Any communication received in error should be deleted and all copies destroyed.

From: Kristin Quayle
To: "rscholtens@maple.ca"
Subject: Clover Point Pumping Station
Date: Wednesday, November 30, 2016 1:20:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Hello Mr. Scholtens,

The Core Area Wastewater Treatment Project is indeed back on and part of that includes the Clover Point Pumping Station. The currently plan is outlined here:

<https://www.crd.bc.ca/project/wastewater-planning/current-plan>

A project management team is currently being assembled for the Core Area Wastewater Treatment Project. This team will begin working on the necessary procurement pieces including an RFP for the Clover Point Pumping Station. This RFP will provide you with the details you required.

I hope this helps to answer some of your questions.

Kristin Quayle, MA | Corporate Communications
Capital Regional District | 250.360.3623 | kquayle@crd.bc.ca



From: Reuben Scholtens <rscholtens@maple.ca>
Date: November 14, 2016 at 12:07:19 PM PST
To: "rlapham@crd.bc.ca" <rlapham@crd.bc.ca>
Cc: Andrew Ambrozy <aambrozy@maple.ca>
Subject: Clover Point Pumping Station

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Andrew and I have meetings in your area the week of December 5th and I'm wondering if you'd be available to join us for a coffee and a brief discussion on this?

Look forward to hearing from you soon.

Reuben Scholtens
Director, Infrastructure Development
Maple Reinders Group

From: [Kristin Quayle](#)
To: [cawtpb](#)
Subject: RE: Contact Us - Submission
Date: Tuesday, November 22, 2016 10:44:52 AM

From: raeganelford@hotmail.com [<mailto:raeganelford@hotmail.com>]
Sent: Sunday, October 23, 2016 8:09 AM
To: crdreception <crdreception@crd.bc.ca>
Subject: Contact Us - Submission

The following message was received through the form at 'https://www.crd.bc.ca/contact-us?r=crd-reception'. Neither the name nor the e-mail address can be confirmed as accurate.

.....

Your Name:
Raegan Elford Chair of ERA

Your Email Address:
raeganelford@hotmail.com

Message:
Good morning

I need some help locating a few individuals from the CRD Due Diligence Panel

Due Diligence Panel

- 1. R. Scott Hanna
- 2. Troy D. Vassos
- 3. David Winters

I would like to set up a meeting with these experts. Options 26th October @2 pm, 28th October @ 0900 or 4th November @ any time that is convenient for Scott Hanna / Troy Vassos / David Winters

Sincerely;

Raegan Elford

Chair of the Esquimalt Residents Association

Submitted at: 10/23/2016 8:09:14 AM
Submitted via: <https://www.crd.bc.ca/contact-us?r=crd-reception>
User Agent: Mozilla/5.0 (Linux; Android 6.0; LG-H812 Build/MRA58K) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/53.0.2785.124 Mobile Safari/537.36
User Host Address: 70.66.161.88

From: raeganelford@hotmail.com
To: [cawtpb](#)
Subject: Contact Us - Submission
Date: Tuesday, November 22, 2016 10:14:13 AM

The following message was received through the form at 'https://www.crd.bc.ca/contact-us?r=wwproject-board'. Neither the name nor the e-mail address can be confirmed as accurate.

.....

Your Name:
Raegan Elford Chair of ERA

Your Email Address:
raeganelford@hotmail.com

Message:
Ms. Jane Bird

On the 23rd of October 2016, I reached out to each of the Due Diligence Panel Experts and also through CRD with the expectation that if the 3 dates that I suggested for an open meeting did NOT work, that I would receive alternate dates.

To date the only response that I have received is from "one" of the 3 DDP experts. He states that he is unable to meet with the Residents of Esquimalt, DND's Environmental Assessment Team or our local Scientists.

To my knowledge CRD has neither forwarded my request to you nor responded to me.

I look forward to receiving a scheduled date where the DDP are able to answer ALL questions freely without any limitations or redirection to outside sources.

Most sincerely;

Raegan Elford, CD

Submitted at: 11/22/2016 10:14:11 AM
Submitted via: <https://www.crd.bc.ca/contact-us?r=wwproject-board>
User Agent: Mozilla/5.0 (Linux; Android 6.0; LG-H812 Build/MRA58K) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/54.0.2840.85 Mobile Safari/537.36
User Host Address: 70.66.161.88



Making a difference...together

Capital Regional District
625 Fisgard Street, PO Box 1000
Victoria, BC, Canada V8W 2S6

T: 250.360.3000
F: 250.360.3234
www.crd.bc.ca

ITEM 6.2



November 30, 2016

Delivered via email
Raegan Elford
Esquimalt Residents Association
Esquimalt, BC

Dear Mr. Elford:

RE: Meeting with the Esquimalt Residents Association

Thank you for your email. I understand that you would like to meet with the three-member due diligence panel established to review the methodology and conclusions of the Core Area Wastewater Treatment Project Board ("**Project Board**").

The panel completed its deliverables under its terms of reference in September 2016 which ended the panel's engagement with the Capital Regional District ("**CRD**"). As the panel is no longer under contract with the CRD, it is unavailable to meet with you. The panel's final report is available on CRD's website.

We take this opportunity to highlight upcoming public engagement opportunities, which we will advertise more broadly soon. If you have a list of individuals interested in receiving notices regarding upcoming engagements, please let us know.

Open Houses

As part of the development permit application for the McLoughlin Point wastewater treatment plant, the Project Board and Harbour Resource Partners, the contractor for the construction of the plant, will hold public open houses on January 12 and 14, 2017.

We invite the Esquimalt Residents Association to participate in these soon to be advertised open houses.

Stakeholder & Community Engagement Program

The Project Board is assembling a project management team, hiring additional resources, and developing a stakeholder and community engagement program for the Wastewater Treatment Project's next phase. The stakeholder engagement and community engagement program will be launched early next year.



In the interim, the Project Board has prepared the enclosed Project Information Update and answers to frequently asked questions. The documents are available on the CRD website. Please feel free to distribute these documents as appropriate.

We would also be pleased to meet with you. Please contact my colleague, Sharon Singh, on singhs@bennettjones.com or 604-891-5148 to schedule a mutually convenient time.

Yours truly,



Jane Bird
Chair, Core Area Wastewater Treatment Project Board



From: cawtpb
To: ["R. Elford"](#)
Subject: RE: Contact Us - Submission
Date: Monday, December 05, 2016 9:02:00 AM
Attachments: [Executed Cover LT to R Elford - Dec 2 2016.pdf](#)
[Executed LT to R Elford - December 2 2016.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)

Sincerest apologies Ms. Elford,

Please find attached a cover letter as well as the corrected letter from Ms. Bird Chair of the Core Area Wastewater Treatment Project Board.

Kristin Quayle, MA | Corporate Communications
Capital Regional District | 250.360.3623 | kquayle@crd.bc.ca



From: R. Elford [mailto:RaeganElford@hotmail.com]
Sent: Thursday, December 01, 2016 5:34 PM
To: cawtpb <cawtpb@crd.bc.ca>
Cc: R. Elford <raeganelford@hotmail.com>
Subject: Re: Contact Us - Submission

Please have Ms. Bird correct her letter to me
it is quite presumptuous to assume anyone's gender and given that she and I have already met I am quite offended
that a female would dare call another female a man.

Females have been actively serving within our Canadian Armed Forces for quite some time.

Also my email request is dated the 23 October 2016 and it was not responded to until 1 December 2016.

Ms. Raegan Elford, CD

----- Original message-----

From: cawtpb
Date: Thu, Dec 1, 2016 1:59 PM
To: raeganelford@hotmail.com;
Cc:
Subject: RE: Contact Us - Submission

Hello Mr. Elford,

Please find attached letter from Ms. Bird Chair of the Core Area Wastewater Treatment Project Board.

Thank you,

Kristin Quayle, MA | Corporate Communications
Capital Regional District | 250.360.3623 | kquayle@crd.bc.ca



From: raeganelford@hotmail.com [<mailto:raeganelford@hotmail.com>]
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To: cawtpb <cawtpb@crd.bc.ca>
Subject: Contact Us - Submission

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Your Name:
Raegan Elford Chair of ERA

Your Email Address:
raeganelford@hotmail.com

Message:
Ms. Jane Bird

On the 23rd of October 2016, I reached out to each of the Due Diligence Panel Experts and also through CRD with the expectation that if the 3 dates that I suggested for an open meeting did NOT work, that I would receive alternate dates.

To date the only response that I have received is from "one" of the 3 DDP experts. He states that he is unable to meet with the Residents of Esquimalt, DND's Environmental Assessment Team or our local Scientists.

To my knowledge CRD has neither forwarded my request to you nor responded to me.

I look forward to receiving a scheduled date where the DDP are able to answer ALL questions freely without any limitations or redirection to outside sources.

Most sincerely;

Raegan Elford, CD

Submitted at: 11/22/2016 10:14:11 AM
Submitted via: <https://www.crd.bc.ca/contact-us?r=wwproject-board>
User Agent: Mozilla/5.0 (Linux; Android 6.0; LG-H812 Build/MRA58K) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/54.0.2840.85 Mobile Safari/537.36
User Host Address: 70.66.161.88

December 2, 2016

Delivered via email
Raegan Elford
Esquimalt Residents Association
Esquimalt, BC

Dear Ms. Elford,

Thank you for your email. I sincerely apologise for the oversight and for the offense I may have caused. I attach a corrected letter, and hope you will accept my efforts to correct the mistake.

I look forward to meeting you and once again apologise for the oversight. Please contact my colleague, Sharon Singh, singhs@bennettjones.com or 604.891.5148, to arrange a mutually convenient time.

Yours truly,



Jane Bird
Chair, Core Area Wastewater Treatment Project Board

Enclosure.



Making a difference...together

Capital Regional District
625 Fisgard Street, PO Box 1000
Victoria, BC, Canada V8W 2S6

T: 250.360.3000
F: 250.360.3234
www.crd.bc.ca

ITEM 6.2



November 30, 2016

Raegan Elford
Esquimalt Residents Association
Esquimalt BC

Dear Ms. Elford:

RE: Meeting with the Esquimalt Residents Association

Thank you for your email. I understand that you would like to meet with the three-member due diligence panel established to review the methodology and conclusions of the Core Area Wastewater Treatment Project Board ("**Project Board**").

The panel completed its deliverables under its terms of reference in September 2016 which ended the panel's engagement with the Capital Regional District ("**CRD**"). As the panel is no longer under contract with the CRD, it is unavailable to meet with you. The panel's final report is available on CRD's website.

We take this opportunity to highlight upcoming public engagement opportunities, which we will advertise more broadly soon. If you have a list of individuals interested in receiving notices regarding upcoming engagements, please let us know.

Open Houses

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We invite the Esquimalt Residents Association to participate in these soon to be advertised open houses.

Stakeholder & Community Engagement Program

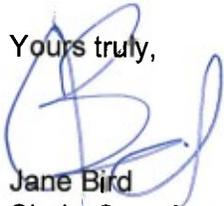
The Project Board is assembling a project management team, hiring additional resources, and developing a stakeholder and community engagement program for the Wastewater Treatment Project's next phase. The stakeholder engagement and community engagement program will be launched early next year.

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Yours truly,



Jane Bird

Chair, Core Area Wastewater Treatment Project Board

Signed 12/02/2016



From: [R. Elford](#)
To: [cawtpb](#)
Cc: [R. Elford](#)
Subject: Re: Attention To Detail 3DDP Experts meeting request
Date: Monday, December 05, 2016 1:32:27 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Ms. Quale

Then why does my letter negate the title "Chair of the Esquimalt Residents Association"?

Ms. Raegan Elford, CD
Chair of the Esquimalt Residents Association

----- Original message-----

From: cawtpb
Date: Mon, Dec 5, 2016 10:55 AM
To: R. Elford;
Cc:
Subject: RE: Attention To Detail 3DDP Experts meeting request

Thank you for your email Ms. Elford,

It would be appropriate to address a letter intended for Ms. Bird to the Chair of the Core Area Wastewater Treatment Project Board. As stated in the previous letters, if you would like to set up a meeting with Ms Bird please contact Sharon Singh, singhs@bennettjones.com or 604.891.5148, to arrange a time.

Kristin Quayle, MA | Corporate Communications
Capital Regional District | 250.360.3623 | kquayle@crd.bc.ca



From: R. Elford [mailto:RaeganElford@hotmail.com]
Sent: Monday, December 05, 2016 10:00 AM
To: cawtpb <cawtpb@crd.bc.ca>
Cc: R. Elford <raeganelford@hotmail.com>
Subject: Re: Attention To Detail 3DDP Experts meeting request

Ms. Kristin Quale

I do NOT accept corrections dated 30 November 2016 with a messy ink annotation eluding that it was signed on the 2 December 2016.

This is a legal document, if you would like to annotate your error wrt my gender within the letter making reference to your response dated 30 November 2016 and the letter is dated the day it is signed I will accept this.

Again I say I have already met Ms. Bird.

Further I suggest that a contract is drafted because we have every right as the community residents about to receive a gift such as a sewage treatment plant, to question individuals who claim to be experts. Unless there is information that was NOT included in the DDP experts summaries that the Project Board does not want the residents of Esquimalt to be aware of; I see no reason for this to be delayed any longer.

If someone was drafting a letter to Ms. Bird, would they address it to the Chair of the Project Board?

Raegan Elford, CD
Chair of the Esquimalt Residents Association

----- Original message-----

From: cawtpb
Date: Mon, Dec 5, 2016 9:02 AM
To: R. Elford;
Cc:
Subject:RE: Contact Us - Submission

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Capital Regional District | 250.360.3623 | kquayle@crd.bc.ca



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Capital Regional District | 250.360.3623 | kquayle@crd.bc.ca



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Sent: Tuesday, November 22, 2016 10:14 AM
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Your Email Address:
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Most sincerely;

Raegan Elford, CD

Submitted at: 11/22/2016 10:14:11 AM

Submitted via: <https://www.crd.bc.ca/contact-us?r=wwproject-board>

User Agent: Mozilla/5.0 (Linux; Android 6.0; LG-H812 Build/MRA58K) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/54.0.2840.85 Mobile Safari/537.36

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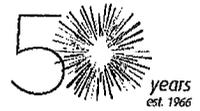


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ITEM 6.2



December 2, 2016

Delivered via email

Marg Gardiner
President, James Bay Neighbourhood Association

Dear Ms. Gardiner:

RE: Capital Regional District's Core Area Wastewater Treatment Project (the "Project")

I chair the Core Area Wastewater Treatment Project Board (the "**Project Board**"). I write on behalf of the Project Board to request a meeting with the James Bay Neighbourhood Association Board ("**JBNA**") to discuss the Project.

At this meeting, we would appreciate receiving JBNA's input into the Project's construction communication protocols. The meeting also provides an opportunity for the Project Board to hear and address any areas of concern JBNA may have. Your input will be valuable as the Project moves into its next phase.

The Project Board is assembling a project management team, hiring additional resources, and developing a stakeholder and community engagement program for the Project's construction phase. The stakeholder engagement and community engagement program will be launched early next year.

In the interim, we are meeting with important stakeholders such as the JBNA. We have also prepared the attached Project Information Update and answers to frequently asked questions. The documents are available on the Capital Regional District's website. Please feel free to distribute these documents as appropriate.

Please contact my colleague, Sharon Singh, on singhs@bennettjones.com or 604-891-5148 to schedule a mutually convenient time to meet with the JBNA Board.

Yours truly,

Jane Bird
Chair, Core Area Wastewater Treatment Project Board

From: [Don Goodman](#)
To: [cawtpb](#)
Subject: Investment in sewage
Date: Thursday, November 24, 2016 2:55:51 PM

Please advise re contact person re financing this project. Are you people looking for global financing opportunities?

I have contacts interested in working on these projects.

Please contact me

Yours

Don goodman

604-786-8518

Sent from my iPad

From: cawtpb
To: ["Don Goodman"](#)
Subject: RE: Investment in sewage
Date: Thursday, November 24, 2016 3:29:00 PM

Dear Mr. Goodman,

Thank you for your email. The project is primarily being funded by the federal, provincial and regional governments. There will be private short term financing for the construction of the sewage treatment plant and private long term financing for the residuals treatment facility. The successful proponent for the residuals treatment facility will arrange their own financing.

Kristin Quayle, MA | Corporate Communications
Capital Regional District | 250.360.3623 | kquayle@crd.bc.ca

-----Original Message-----

From: Don Goodman [<mailto:drgoodman@dccnet.com>]
Sent: Thursday, November 24, 2016 2:56 PM
To: cawtpb <cawtpb@crd.bc.ca>
Subject: Investment in sewage

Please advise re contact person re financing this project. Are you people looking for global financing opportunities?

I have contacts interested in working on these projects.

Please contact me

Yours

Don goodman
604-786-8518

Sent from my iPad



ITEM 6.2
21 NOV 2016

To: Mayor Desjardins of Esquimalt, Chair CRD Board:

Congratulations on your election as Chair. I noticed in the report of your election (Oak Bay News, 16 Nov 2016), that you congratulated the Board for bringing "some conclusion to the sewage treatment problem," I noticed some elasticity in your use of the word "some" and I remembered how, initially, you were able to lead Esquimalt to reject the McLoughlin site.

It seems - see the Focus report enclosed - that your reservations all the site were correct but not for the reasons then stated either by you as Mayor, or by CRD as a whole.

As you will see the disclosures in the report are very disquieting. Its main points are:

* The McLoughlin site is too small and that very soon - by 2018 - measures to make its capacity effective for Victoria's enlargement will have to be taken. And that soon thereafter a new sewage plant will have to be added. And that an additional plant is not possible on the site.

So, the "sewage treatment problem" is by no means concluded.

* That the above facts were known and shared by the engineers involved and by CRD. BUT they were not shared with the public.

* Even though, apparently, a referendum on the project & its costs are not required in waste management matters, an effective consultation with the public is required. It appears no such consultation took place since withholding of salient facts does not permit an effective consultation.

P-T-O

In fact, the Focus report raises distressing questions as to the lack of access by the public of facts, unknown to its members, but known within the CRD apparatus. Focus itself asks if the lack of disclosure should lead to a legal examination and asks its readership if they would support such a course.

I would support it - if I am satisfied that the report is accurate. Since it is amply documented I am inclined to believe it is.

You will note from the observations I have written on the Focus article that I finally ask the question as to motive. I conclude that it would be the engineering firms who do the work and since it is known that Stantec is much involved from the original consultation, and that some Stantec people left Stantec to join the CRD, I named ~~them~~ Stantec as likely to profit & therefore motivated. But why did CRD agree?

It also puzzled me, from the beginning, that in the face of much & continuing scientific evidence against the project, that CRD seemed to continuously support it. I still recall the frustration I felt ~~that~~ in the Public Meetings chaired by Councillor Brownoff that when questions were attempted on why at all, the Chair would not allow them, and insisted the Meetings were only about the sitings of various components of the project. Our municipal officers simply kow towed to the project mandate and did not ask the questions & demand the reasons as to why.



yours sincerely.

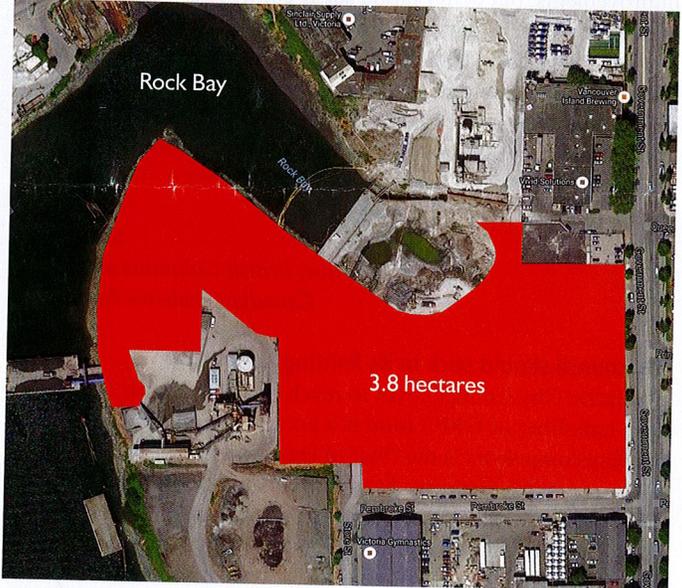


NB → The CRD hid McLoughlin Point's fatal flaw

DAVID BROADLAND

The choice of the controversial site over Rock Bay will lead to hundreds of millions in costs that could have been avoided.

of the sizes →



The relative sizes of the McLoughlin Point site (left) and the Rock Bay site. Rock Bay is 2.7 times larger than McLoughlin. Stantec told the CRD in 2013 that Victoria's sewage treatment needs could exceed the capacity of a plant at McLoughlin by 2018. CRD staff failed to inform the public of that limitation.

NB →

Unpublicized warnings from the engineering company Stantec to the Seaterra Commission in 2013 show there's a big difference between what the public has been told and what CRD bureaucrats and their corporate proxies know about a wastewater treatment plant at McLoughlin Point. Simply put, a plant squeezed onto the tiny McLoughlin site is going to present regional taxpayers and the environment with big problems. Soon.

Within a few years of the plant's commissioning, costly new treatment capacity will have to be built elsewhere to avoid the expense and environmental impacts resulting from the heavy use of chemicals that will be needed to keep the plant operating to federal regulation standards. Senior CRD bureaucrats aware of these circumstances failed to disclose to the public McLoughlin's serious limitations during a 2-year-long reconsideration of the site's suitability.

As a result of these circumstances, and the CRD's recent move to start planning for a second wastewater facility in Colwood, Victoria taxpayers will likely be facing a bill for three widely separated treatment plants at an additional cost of hundreds of millions of dollars above what it would have cost to construct a single expandable plant at the relatively spacious Rock Bay site.

3x cost

Below I will describe a number of issues that arise from the diminutive physical size of the McLoughlin Point property, which a peer review had warned the CRD in 2009 was "extremely small" for a sewage treatment plant. It would appear that issues vital to the public's understanding of this project have been deliberately hidden from both elected officials and the public. At the end of this article I will examine the question of whether the withholding of this information may have created an avenue for a court challenge of the project.

Let's start here: In September 2013, Stantec engineers responded to what they called "pointed questions" about the capacity of a proposed wastewater treatment plant at McLoughlin Point to handle expected liquid flows and organic loads.

The engineers' written response to these questions, submitted by the Seaterra Commission then overseeing the project, included the distinct possibility that the plant's design capacity could be exceeded by the time the plant was expected to become operational in 2018. But, if that happened, the engineers told the commission, "CEP operation would most likely be implemented to maintain adequate capacity until 2040."

Focus was given a tip that led to the Stantec memo. A search of CRD records indicates Stantec's September 2013 warning was never shared by CRD staff with elected officials in a public meeting.

By "CEP operation" the engineers meant "chemically-enhanced primary treatment," (CEPT) a costly and increasingly contentious add-on to primary treatment that is sometimes employed to reduce the level of phosphorous and/or nitrogen being discharged to waters that are particularly sensitive to eutrophication, such as lakes. During CEPT operation, three different chemicals are injected into the influent as it flows through a wastewater plant, increasing the rate at which solids are removed. = big sludge

But those chemicals end up in the sludge produced by sewage treatment and create a big problem: The sludge can't be incinerated, used as fertilizer, or recycled in any useful way. UBC engineering professor Dr Don Mavinic, an expert on sewage treatment, told Focus in 2014: "This is a huge problem in Ontario right now. It's become very contentious. Very few landfills will accept the sludge now. Most incinerators won't

Permanent Hills of Poop → Huge problem with above sludge: Few landfills or incinerators will accept it. See Ontario's problems. Becomes Victoria's November/December 2016 • FOCUS

“AT AN INCREASED GROWTH RATE of 2.1 percent, the plant capacity is reached much sooner by the year 2018... To cope with the high growth rate scenario, [chemically enhanced primary treatment] operation would most likely be implemented to maintain adequate capacity until 2040.”

—Stantec engineers in an unpublicized 2013 memo on McLoughlin Point's critical capacity limitation

touch it. Ontario has ended up with this chemical soup that has to be stored somewhere because you can't do anything with it.”

In Victoria's case, DFO scientists have determined that eutrophication isn't a concern. But CEPT is also used in plants that have reached the upper limit of their design capacity. The aging Lions Gate treatment plant in North Vancouver—slated for replacement by 2020—began using CEPT in 2014 as it bumped up against its capacity limit. That a new plant at McLoughlin Point would need to implement CEPT soon after it had been constructed in order “to maintain adequate capacity,” as Stantec acknowledged in 2013, is extraordinary.

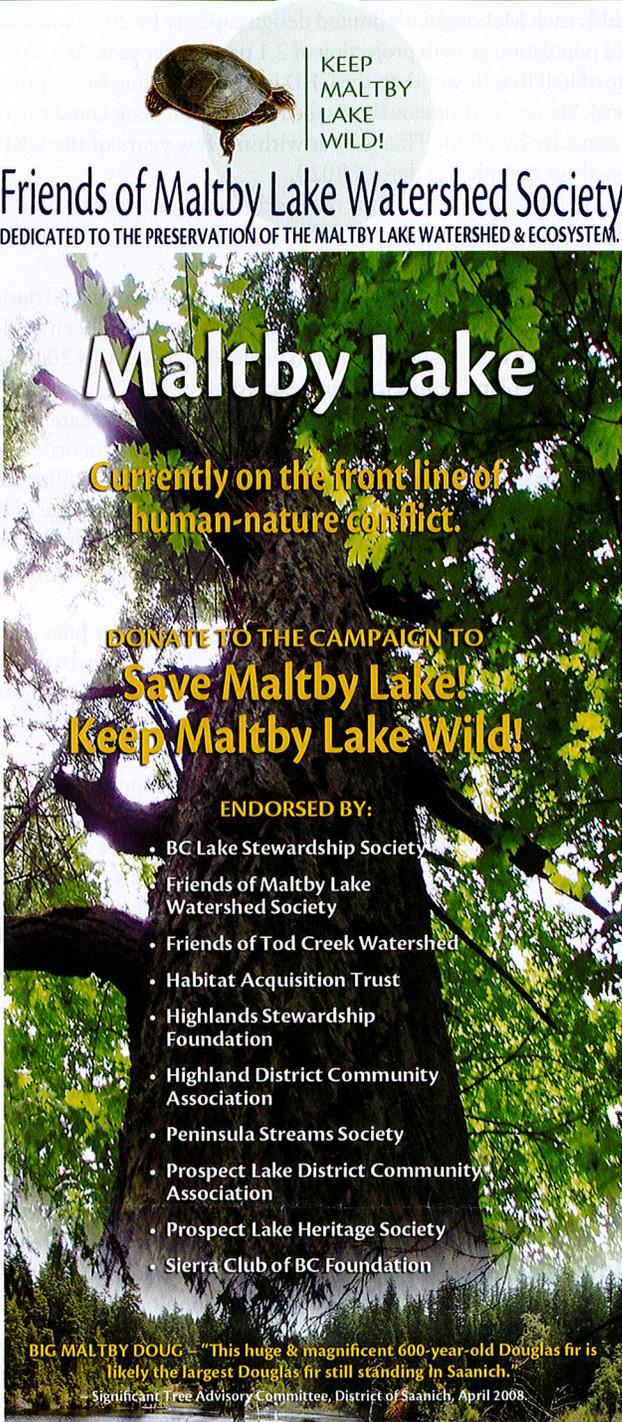
In the recent 18-month-long consideration of optional sites, McLoughlin wasn't on the table. As a result, questions about the site's suitability lay dormant and Victorians were never informed that the excess capacity of a treatment plant there could be used up as early as 2018.

Prompted by a letter to CRD directors from this reporter, the issue of McLoughlin Point's limited capacity was raised at a CRD Board meeting on September 14. At that meeting, elected officials voted to proceed with the McLoughlin treatment plant. But before that vote, CRD directors were given an opportunity to question members of a “Project Board.” The Project Board's Chair, Jane Bird, and Vice Chair Don Fairbairn—both Vancouver residents who have no previous experience directly related to sewage treatment—took questions about the Project Board's choice of McLoughlin Point over other options.

CRD Director Colin Plant asked whether the McLoughlin plant would have sufficient excess capacity. Fairbairn told Plant, “We have the highest level of confidence that under a low, medium, high population growth scenario, this plant will have adequate capacity for a minimum of 20 years...It can be very difficult for a non-technical person, such as myself, to understand. That's why we do have to rely upon the expert opinions of firms like Stantec, as well as on the years of expertise with your staff.” *OR! OR!*

Fairbairn's response ignored the advice Stantec had given the Seaterra Commission in 2013. Its expert opinion then was: “At an increased growth rate of 2.1 percent, the plant capacity is reached much sooner by the year 2018... To cope with the high growth rate scenario, CEP operation would most likely be implemented to maintain adequate capacity until 2040.” Now Fairbairn was claiming Stantec's expert opinion was that, under any population growth scenario, capacity would last “for a minimum of 20 years.”

For clarity, the organic loading capacity of the plant referred to by Stantec in 2013—35,000 kilograms per day—was exactly the same as the plant Fairbairn was referring to. Various documents authored by Stantec and other consultants show the critical limiting design factor for a McLoughlin plant is organic loading—referred to by wastewater engineers as biochemical oxygen demand—not hydraulic flow. Stantec's 2013 projection that peak organic loading in Victoria's sewers



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could reach McLoughlin's limited design capacity by 2018 was based on a population growth projection of 2.1 percent per year. At a growth rate of half that (lower than the CRD is currently using for its projections), Stantec's arithmetic shows the McLoughlin plant could run out of capacity by 2023. That date is within a few years of the CRD's hoped-for completion date of 2020.

Bird and Fairbairn did not respond to requests from *Focus* for information. The CRD refused to answer questions related to McLoughlin's capacity limitations.

CRD directors *have* been told that CEPT would be employed during significant "wet weather events," but they have never been told—in public—that its regular use could be needed as early as 2018 as a result of the plant's capacity being exceeded.

Yet Mavinic's 2014 concern that CEPT chemicals create sludge that "you can't do anything with" seems to have been incorporated in the Project Board's two recommended options for dealing with McLoughlin's sludge. Both options included perpetual storage of the sludge in "biocell reactors," which would be, essentially, permanent hills of toxic poop composting beside Willis Point Road, waiting for someone to figure out what to do with them.

Residents in the area worried about the impact of the piles on air and groundwater quality will have to hope that a safe way to dispose of the sludge will be found one day. The Project Board only suggested they could be "mined" for a "beneficial use" once such a use had been discovered.

The evidence indicates, then, that three vitally important pieces of information about a plant at McLoughlin Point were hidden by CRD staff from both elected officials and the public while the community evaluated other site locations: Its very limited excess capacity; the consequent need for ongoing use of CEPT soon after it is completed; and how CEPT limits what can be done with the sludge produced by the plant. Obscuring of these facts continues.

THERE ARE TWO OTHER CONCERNS arising from McLoughlin's limited capacity that have also been kept out of view by the CRD: First, how McLoughlin's small size limited what treatment technology could be used there; and second, the huge additional cost that will result from the need to provide additional capacity using a system of decentralized treatment plants. Let's look at the former first.

The same 2009 peer review that judged McLoughlin to be "extremely small" questioned the CRD's initial choice of membrane bioreactor (MBR) technology for secondary treatment and suggested the CRD assess biological aerated filter (BAF) technology as well. That's the secondary treatment process the CRD eventually chose and, in 2013, the Seaterra Commission, in its "pointed questions" start-up phase, asked for an explanation of that choice.

Stantec engineer Dr Bob Dawson's reply to the Seaterra Commission described the physical process involved in a BAF plant, and he made a number of observations. Dawson wrote, "BAFs are relatively recent proprietary systems developed in Europe over the last 15 to 20 years and have been gradually introduced into North America over the last 10 years—a similar development timeline as membrane processes."

But if the technology was so new—Wikipedia calls it an "emerging technology"—then why would the CRD risk using it in Victoria? That's covered by a second observation made by Dawson: "[BAF] is particularly applicable for locations where there is limited space for construction of a plant..." In other words, McLoughlin Point's tiny size dictated the use of a highly compact form of treatment for which there was a very short track record.



Proposal for storing raw undigested sludge beside Willis Point Road using "biocells." The Project Board suggests it could be "mined" at some future date.

So what is the experience with BAF in Europe, where it has been used for five or ten years longer than in North America? Here's what AECOM engineers who were making a comparison of wastewater treatment technology options for Jersey, one of the Channel Islands, in 2014, said about BAF: "Biological Aerated Filters are not recommended for consideration due to the associated high capital and operational costs. Generally, BAF technology produces effluents with very low suspended solid concentrations. However, after back-wash cycles, this can deteriorate resulting in poorer quality effluent, which will reduce the effectiveness of the UV disinfection plant."

AECOM, by the way, is the global wastewater engineering company that's one of three partners in Harbour Resource Partners. That's the consortium that won the contract to build a BAF plant at McLoughlin Point in 2014, a contract recently resurrected by the Project Board.

So, because of McLoughlin Point's tiny size, Victoria is getting an apparently problematic treatment technology that, compared to more proven technologies, has higher capital and operating costs.

Stantec's explanation of BAF technology to the Seaterra Commission included information about the filter bed media utilized by the process. Stantec's memo contained a photograph of expanded polystyrene beads, the filter media used, for example, in one of the few other BAF plants in Canada at Kingston's Ravensview treatment plant. Polystyrene beads are a soft, friable plastic and since the polystyrene filter bed would be eroded over time by the effluent passing through it—especially if it contains fine, gritty precipitate introduced by CEPT—one can easily imagine a BAF plant being a perpetual source of microplastics flowing into the Strait of Juan de Fuca. When asked by *Focus* what filter-bed medium would be used at McLoughlin, Stantec replied, "The filter media for the BAF has not been selected yet as design is not complete." The contract, however, has been awarded and the CRD would have no real control over what filter bed media is used.

A search of CRD records indicates Stantec's August 2013 explanation of BAF technology to the Seaterra Commission was never shared by CRD staff with elected officials at an open, public meeting.

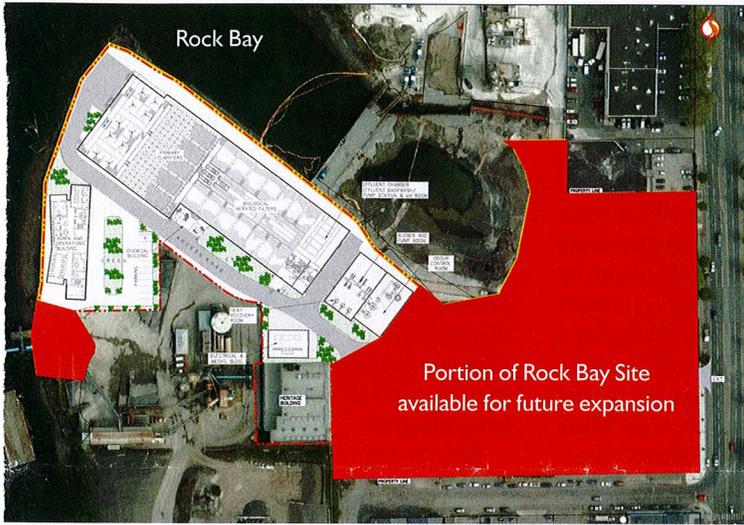
NOW LET'S LOOK AT how McLoughlin's small size will lead to a system of decentralized treatment plants and huge additional costs. Stantec's 2013 warning to the Seaterra Commission about the site's limited capacity to accommodate future population growth in the

Sludge NB

1 and 2 and 3

Two more 4 and 5

NB



Stantec's positioning at Rock Bay of a treatment plant the same size as that proposed for McLoughlin Point. The red areas would have allowed for expansion.

region offered a mitigating strategy—the ongoing use of CEPT. But there's another solution that would avoid the use of CEPT—building a second treatment plant at a different location. That strategy is actually incorporated in the CRD's current Liquid Waste Management Plan. CRD staff have said, in several reports, that a second plant should be built in the West Shore because that's "where most of the growth is occurring." I'll show later that this prognostication is demonstrably incorrect, but first consider how the strategy of building a second plant at a different location completely contradicts what the CRD has been saying all along about economy of scale.

If a second plant location could be avoided, wouldn't taxpayers stand to save many millions—perhaps hundreds of millions—of dollars on capital, operating and borrowing costs? That had always been the position of CRD staff and pro-McLoughlin politicians when they were dismissing the idea of distributed treatment plants as being uneconomical compared to a single plant at McLoughlin. Indeed, the Project Board's final report states that splitting McLoughlin's capacity between two plants would increase the capital cost by \$245 million. So, by the Project Board's own reckoning, decentralization would have increased capital costs by 32 percent. That, in turn, would result in higher borrowing costs. Presumably, operating costs would be higher as well.

Paradoxically, then, although the Project Board's report confirms there is a very high cost that comes with a decentralized system, its choice of McLoughlin Point guarantees that Victoria will get a decentralized system—and the higher costs.

Once McLoughlin's capacity has been reached, what would an additional plant cost? The Urban Systems-Carollo options analyses, done earlier this year as part of the 18-month-long consideration of optional sites, estimated that by 2030 an additional \$250 to \$310 million would need to be spent for additional capacity. That estimate didn't include additional conveyancing costs, which would likely add another \$100 million. So with McLoughlin Point as the first step in a decentralized system, the experts are predicting additional costs of \$350 to \$410 million by 2030.

It's noteworthy that an outlook to 2030, as was included in the Urban Systems-Carollo analyses, doesn't appear anywhere in the Project Board's final report, and isn't reflected in its estimates of cost per household.

What's readily apparent from the engineers' estimates of the high cost of decentralization and the high cost of additional capacity is that

a single expandable treatment plant could save the community hundreds of millions of dollars in capital costs compared to two widely-separated treatment plants located at McLoughlin Point and in Colwood or Langford. To save those hundreds of millions, though, a site larger than McLoughlin Point would have needed to be available.

As we know, such a site is available—at Rock Bay. Yet the Project Board's comparison of McLoughlin with Rock Bay gave not one iota of value to Rock Bay's ability to accommodate expansion far into the future. This, too, is extraordinary.

Why?

The Rock Bay site is 2.7 times larger than McLoughlin. Stantec's rudimentary positioning of a treatment plant at Rock Bay for the Project Board's report (see image to left) shows just how much of the Rock Bay site was left unused. That room for expansion would have completely eliminated the costly and environmentally-problematic reliance on CEPT "to maintain adequate capacity." That advantage, too, was given zero value by the Project Board.

It's also possible that Rock Bay is large enough to accommodate a form of treatment that has lower capital and operating costs than BAF. The Project Board's comparison of McLoughlin Point with Rock Bay used essentially the same BAF plant on both locations. That must have made for an easy comparison of cost (they should be close to equal), but did Stantec consider a technology with lower capital and operating costs for the much larger site at Rock Bay? It claims, without providing any evidence, that Rock Bay wasn't large enough to accommodate conventional activated sludge technology. But the new Lions Gate plant in North Vancouver will be sited on a smaller parcel of land than Rock Bay, will be able to process a greater liquid load than the McLoughlin plant, has enough room for on-site anaerobic digesters—and uses lower-cost activated sludge treatment. It's expected to be expandable to meet the needs of the North Shore well past 2100.

While Fairbairn advised Plant to rely on "the expert opinions of firms like Stantec," the expert opinions of Stantec have had a habit of selectively disappearing into the bowels of the CRD. Is there a memo somewhere in those depths explaining why Stantec never looked very hard at options other than a BAF plant at McLoughlin Point?

LET'S BACK UP TO CONSIDER THE CRD'S PLAN to build a second treatment plant in either Colwood or Langford. If you think this is unlikely, or not particularly imminent, consider this: When CRD directors voted to go ahead with a treatment plant at McLoughlin Point, they also committed to spend \$2 million on initial planning for a second treatment plant in Colwood. Why would the Project Board have made this recommendation if, as Fairbairn put it, "under a low, medium, high population growth scenario, [McLoughlin] will have adequate capacity for a minimum of 20 years...?"

The Project Board, CRD staff and Stantec know that building a plant at McLoughlin Point with limited capacity for future growth means the development of a plan for a second plant needs to start immediately, and that's what the CRD is doing. The extra business is obviously good for Stantec, but why would the CRD prefer that course instead of choosing Rock Bay, where hundreds of millions of taxpayers' dollars could be saved by avoiding a decentralized system?

The Project Board claimed a plant at Rock Bay would cost \$155 million more than one at McLoughlin. Much of that difference is in the higher cost of land at Rock Bay. The Project Board said the cost difference was "material," meaning significant, but it didn't give any material value to the highly valuable room for expansion at Rock

When in a questionable, you ask "Who Benefits," the answer always comes up STANTEC. It sets to build as likely plants

Bay. No, the relatively small difference in capital cost doesn't explain the Project Board's choice of McLoughlin over Rock Bay.

If Rock Bay had won out over McLoughlin, that could have been construed as a professional and political defeat for all those CRD staff and elected officials who have insisted that the \$80 million spent on planning and 10 years of talking had correctly identified McLoughlin as the best location. With careers in the balance, McLoughlin was the emotional favourite.

Other than that, though, there doesn't appear to be any real justification for the choice. In fact, when the question of why the CRD would choose to put a second plant in Colwood is examined carefully, it becomes clear that a *third plant*—likely located in Victoria—will be needed in about 20 years.

Even though Colwood and Langford contribute little more than seven percent of the current wastewater load, the CRD plans to put a second plant there anyway. Why? The CRD's rationale is based on an out-of-date belief that "most of the growth is occurring" there. But over the last six years this belief has proven to be a delusion. The CRD's own figures show that the increase in the number of people living in the "Core" municipalities has been almost twice that of Langford and Colwood combined.

Moreover, when all sewage-generating development is considered—residential, commercial, institutional and industrial—the wrong-headedness of the CRD's strategy is even more evident. Over the past 6 years, based on the value of building permits issued in each municipality, the core has seen 2.5 times as much growth in long-term wastewater-producing development as Langford and Colwood. The vast majority of that growth is occurring in Victoria and Saanich. Witness the numerous construction cranes in the Downtown core right now. There is nothing like this happening in Langford and Colwood.

This recent reversal in the focus and form of development, from the suburbs to urban cores, from low density to high density, is taking place elsewhere in North America, including in cities like Vancouver and Toronto. Inevitable changes in public policy around energy, housing and transportation in response to the threat of climate change and ocean acidification will accelerate this phenomenon.

As a result of the CRD's miscalculation of where most growth will occur, putting a limited-capacity plant at McLoughlin and planning for a second plant in the West Shore will put taxpayers in jeopardy of having to pay for three plants. There's two reasons for that.

First, a second plant on the West Shore won't be able to serve future growth in Saanich and Victoria without a hugely-expensive reconstruction of the sewer trunks. That's never going to happen.

Secondly, after a plant is built in Colwood or Langford, the small portion (about seven percent) of McLoughlin's capacity that would be freed up would soon be gobbled up by growth in Victoria and Saanich. So, 20 years from now, Victorians will be looking for a third treatment site—one that will have to be located in either Victoria or Saanich, where most of the region's growth is occurring. Where will it go? Clover Point is a likely candidate.

If the cost of decentralization—going from one to two plants—is about 30 percent of the project cost, as the Project Board's numbers indicate, what would be the additional cost of building three plants instead of one? Forty percent? Fifty percent?

A far more logical, less expensive alternative would have been to put one central plant at Rock Bay—followed by incremental expansion of capacity there as required. The remediated contaminated site at Rock Bay was identified during extensive public consultation as the location for treatment most preferred by the public. Its First Nations owners were eager to sell. The site is already surrounded by industrial operations that provide essential building materials for constructing a city—gravel, concrete, asphalt and beer—businesses that are unlikely to go away in the future. The location was also supported by the mayors of Victoria and Esquimalt.

In spite of all those strong positives, the previously rejected McLoughlin site magically became the recommended option—even though it wasn't even part of the recent 18-month-long consideration of options. But wait...by not being on the table, the CRD avoided examination of any of McLoughlin's strong negatives (see above).

THE CRD HAS HIDDEN from the public many significant aspects of this project: McLoughlin's limited capacity, the need for the use of CEPT, the way in which CEPT would restrict what could be done with the sewage sludge, the known problems with BAF technology, the need for—and cost of—additional capacity, including the certainty of a second plant and the likelihood of a third plant. Yet the provincial *Environmental Management Act* allows the CRD to proceed with its flawed plan without the need for elector consent through a referendum. In ordinary circumstances, such issues as I've

outlined here would have been hashed out in public by opposing sides in a referendum.

A citizen's right to be asked by a municipal government for permission to borrow large sums of money to provide that citizen a service is a basic right in Canada. The *Environmental Management Act* takes that right away in the case of implementing a Liquid Waste Management Plan. But the Province's published guidelines promise that electors will be "adequately" consulted. Given the circumstances I've described above, there is grave doubt that consultation has been adequate.

With the failure of Victoria's political representatives to address these issues—they, too, have been kept largely in the dark—do Victoria electors have any avenue through the courts?

I outlined these issues to Victoria lawyer John Alexander, a litigation partner with the law firm Cox Taylor. I noted the *EMA*'s promise of adequate consultation and asked Alexander if there was any avenue for a judicial review of the Province's expected approval of the CRD's McLoughlin-based Liquid Waste Management Plan (LWMP).

Alexander replied, "From a legal perspective, the question would be stated: Does the Province's published non-statutory consultation requirement create a legitimate expectation that an Order imposing a LWMP would not be made without consultation?"

Alexander pointed to a 1990 Supreme Court of Canada ruling which states, in part, "[the doctrine of legitimate expectations] is simply an extension of the rules of natural justice and procedural fairness. It affords a party affected by the decision of the public official an opportunity to make representations in circumstances in which there otherwise would be no such opportunity. The court supplies the omission where, based on the conduct of the public official, a party has been led to believe that his or her rights would not be affected without consultation."

"In other words," Alexander wrote, "the court sets aside the decision on the basis that [it was] as if some required procedural step was not properly taken."

Focus readers interested in supporting a legal challenge of the Province's approval of the CRD's plan for McLoughlin Point can express that support by contacting us at 250-388-7231 or focuspublish@shaw.ca. If a legal challenge is organized by Victoria electors, *Focus* will connect you with the organizers of that challenge.

David Broadland is the publisher of *Focus Magazine*.