



Reference: 118392

FEB 09 2010

Geoff Young, Chair
and Directors
Capital Regional District
625 Fisgard St
PO Box 1000
Victoria BC V8W 2S6

CAPITAL REGIONAL DISTRICT	
DATE RECEIVED	
FEB 10 2010	
Board Chair	<input checked="" type="checkbox"/>
CAO	<input checked="" type="checkbox"/>
GM Corp. Svcs.	<input type="checkbox"/>
GM Env. Sustainability	<input type="checkbox"/>
GM Parks/Comm. Svcs.	<input type="checkbox"/>
GM Pl./Prot. Svcs.	<input type="checkbox"/>
Integrated Water Svcs.	<input type="checkbox"/>
D. KALYNCHUK	<input checked="" type="checkbox"/>
S. NORTON	<input checked="" type="checkbox"/>

Dear Chair Young and Directors:

This is further to the acknowledgement letter from my Deputy Minister, Doug Konkin, dated December 23, 2009, in regards to the Capital Regional District (CRD) Core Area Liquid Waste Management Plan (LWMP) Amendment #7, dated December 2009.

The commitments in Amendment #7 to address sewer system inflow and infiltration, sanitary sewer overflows and to eliminate combined sewers in Oak Bay are commendable, as are your initiatives to optimize the beneficial use of reclaimed water and other resources. I consider the elimination of combined sewers to be an important component of the wastewater management strategy.

I understand that a Resource Recovery and Use Plan is being developed to optimize the management and processing of resources and generation of revenue from wastewater. You have committed to submitting the plan to the Ministry of Environment (MoE) by the end of 2010. I note that you are proposing to only use digested biosolids as a fuel for cement kilns, pulp mills or waste to energy facilities. Our provincial regulations provide opportunities for beneficial uses of biosolids, while safeguarding human health and the environment. I strongly encourage you to reconsider the opportunities to beneficially use biosolids as a fertilizer and soil amendment product as options for use. You should also develop an emergency contingency plan to handle biosolids that are surplus to the uses identified.

I recognize that you have made significant progress towards implementing the treatment schedule; however, I note that Amendment #7 does not contain all of the information I requested in my letter of December 14, 2007. Delays in refining the wastewater management plan and gathering the outstanding information must not affect the timing to provide wastewater treatment in accordance with the approved schedule.

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The CRD LWMP Amendment #7 is hereby approved subject to the requirements set out below.

In accordance with Section 24(3) (a) of the *Environmental Management Act*, I hereby direct the CRD to submit to me for approval on or before June 30, 2010, an amendment to the CRD Core Area LWMP which shall include, but not be limited to, the following:

- Identify site(s) for treatment of Westshore wastewater;
- Identify site(s) for biosolids processing;
- The environmental impact studies for the selected sewage treatment facility sites;
- A progress report on marine environmental impact assessment work carried out on the selected new outfall locations;
- The final draft operational certificates for selected sewage treatment facilities;
- An updated public and First Nations consultation summary report; and
- A copy of the business case, submitted by the CRD to the Ministry of Community and Rural Development, including the results of the assessment of public/private partnerships and procurement details.

As you move forward with development and implementation of the LWMP, please continue to work with my colleague, the Honourable Bill Bennett, Minister of Community and Rural Development, and his staff, to provide the provincial business case requirements and to negotiate financing and funding agreements. This work will involve meeting provincial goals and strategies related to sustainable infrastructure and procurement best practices, and investigating priorities and opportunities to phase the project components. I recognize that the outcomes from these discussions may result in a future amendment to the LWMP.

My letter of December 14, 2007 amended the requirement to carry out a field program to assess sediment transport mechanisms at Macaulay Point and Clover Point. This is to advise you that the need or lack of need for the assessment will be evaluated by MoE Regional Environmental Protection staff in consultation with CRD and Environment Canada.

Thank you for the progress you have made so far. Please continue to work with MoE Regional Environmental Protection staff through this next stage of the amendment process and to explore other opportunities for biosolids use. Some specific regulatory requirements that still need to be addressed in greater detail relate to the production and use of reclaimed water and effluent blending requirements at Clover Point.

Approval of Amendment #7 to the LWMP does not authorize entry upon, 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,

A handwritten signature in black ink, appearing to read "Barry Penner". The signature is written in a cursive style with a large, prominent initial "B".

Barry Penner
Minister

pc: Honourable Bill Bennett, Minister of Community and Rural Development
Randy Alexander, Regional Environmental Protection Manager, Ministry of
Environment
Kelly Daniels, Chief Administrative Officer, CRD
Dwayne Kalynchuk, Project Director, Wastewater Treatment, CRD