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**REPORT TO SAANICH PENINSULA WASTEWATER COMMISSION
MEETING OF THURSDAY 10 NOVEMBER 2011**

SUBJECT STORMWATER SOURCE CONTROL – TRANSFER OF AUTHORITY

ISSUE

The Capital Regional District (CRD) must make a request to the Province for a transfer of regulatory authority in order to establish a CRD-led stormwater source control service on the Saanich Peninsula.

BACKGROUND

At the 21 February 2008 Saanich Peninsula Wastewater Commission (SPWWC) meeting, the CRD Stormwater, Harbours and Watersheds Program (SHWP) was directed to proceed with a CRD-led Peninsula stormwater source control program. On 17 September 2009, the Commission recommended to the Board that the Saanich Peninsula Liquid Waste Management Plan (SPLWMP) be amended to update the commitments in the Stormwater Quality and Surface Water Resources program.

On 04 August 2010, Amendment No. 4 to the SPLWMP was approved by the BC Minister of Environment. The amendment allows the creation of a stormwater source control bylaw through a commitment by the CRD for the regulation of discharges to natural watercourses, ditches and drains and protection of watersheds and near-shore marine environment.

To move forward with the establishment of a stormwater source control service on the Saanich Peninsula, the CRD must make a request to the Ministry of Community, Sport and Cultural Development for a transfer of regulatory authority for stormwater discharges from the Peninsula municipalities to the CRD under Section 8(3)(j) of the Community Charter. The CRD has obtained a legal opinion that the necessary authority can be granted by the Province by way of regulation under section 799(1)(a) of the Local Government Act.

Letters of support from the three Peninsula municipalities and the letter of approval for the SPLWMP amendment are attached to this staff report as Appendix A and B respectively.

ALTERNATIVES

That the Saanich Peninsula Wastewater Commission recommend to the Board that:

1. application be made to the Province for additional authority by way of regulation under section 799(1)(a) of the Local Government Act to be granted the power of a municipality under section 8(3)(j) of the Community Charter to provide a service for the protection of the natural environment to the same extent and in the same manner as a municipality for the purpose of the regulation of discharges to the municipal stormwater system and watercourses within the municipalities of Central Saanich, North Saanich and Sidney; or
2. application not be made to the Province for additional authority.

INTERGOVERNMENTAL IMPLICATIONS

Under Amendment No. 4 to the Saanich Peninsula Liquid Waste Management Plan, the CRD has committed to the adoption of a stormwater management bylaw on behalf of the participating municipalities

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Re: Stormwater Source Control – Transfer of Authority
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of Central Saanich, North Saanich and Sidney. The transfer of authority discussed in this staff report will enable the CRD to adopt and enforce such a bylaw.

FINANCIAL IMPLICATIONS

This work is included in the 2011 and 2012 Saanich Peninsula Stormwater Source Control budgets.

CONCLUSION

The Saanich Peninsula Wastewater Commission has directed the CRD to proceed with a stormwater source control program on the Saanich Peninsula. The CRD has received approval from the BC Ministry of Environment by way of approval of an amendment to the SPLWMP. To proceed, the CRD must request the Province transfer regulatory authority for stormwater discharges from the Peninsula municipalities to the CRD.

RECOMMENDATION

That the Saanich Peninsula Wastewater Commission recommend to the Board that:

1. application be made to the Province for additional authority by way of regulation under section 799(1)(a) of the Local Government Act to be granted the power of a municipality under section 8(3)(j) of the Community Charter to provide a service for the protection of the natural environment to the same extent and in the same manner as a municipality for the purpose of the regulation of discharges to the municipal stormwater system and watercourses within the municipalities of Central Saanich, North Saanich and Sidney.

Glenn Harris, Ph.D., R.P.Bio.
Senior Manager, Environmental Protection

Dan Telford, P.Eng.
Senior Manager, Environmental Engineering

Larisa Hutcheson, P.Eng.
General Manager, Environmental Sustainability

Kelly Daniels
CAO Concurrence
Concurrence

DG:km
Attachments: 2

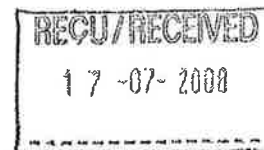


TOWN OF SIDNEY

2440 Sidney Avenue, Sidney, British Columbia V8L 1Y7
Phone: (250) 656-1184 Fax: (250) 655-4508
email: townhall@sidney.ca Website: www.sidney.ca

Chief Administrative Officer Tel: (250) 656-1139 Fax: (250) 656-7056

July 16, 2008



Dale Green
Stormwater, Harbours and Watershed Program
Capital Regional District
PO Box 1000
Victoria, BC V8W 2S6

Dear Mr. Green:

Subject: CRD Stormwater Source Control Program for the Saanich Peninsula

Further to your presentation to Town of Sidney Council on July 14, 2008, I am pleased to confirm the following resolution passed by Council:

That the Town support the concept of a Stormwater Source Control Program for the Saanich Peninsula and that staff work with the Capital Regional District to proceed with this proposal.

We trust the above is satisfactory.

Yours truly,

Murray Clarke
Chief Administrative Officer/
Corporate Administrator

/sd



DISTRICT OF NORTH SAANICH

1620 Mills Road, North Saanich, B.C. V8L 5S9

Phone: (250) 656-0781 Fax: (250) 656-3155 e-mail: admin@northsaanich.ca
www.northsaanich.ca



August 13, 2008

Dale Green
Supervisor, Stormwater, Harbours and Watershed Program
Capital Regional District
625 Fisgard Street
Victoria, BC V8W 1R7

Dear Mr. Green:

Re: Stormwater Source Control Program for the Saanich Peninsula

At the Council meeting held on August 11th, 2008 the North Saanich Council adopted a resolution to authorize the District of North Saanich to participate in the Capital Regional District's Stormwater Source Control Program.

I trust the above is satisfactory. Please contact Patrick O'Reilly, Director of Infrastructure Services at 250-655-5460 if you have any questions in this regard.

Sincerely,

Curt Kingsley
Manager of Corporate Services



The Corporation of the District of Central Saanich

August 27, 2008

File No. 0400-50
(Capital Regional District)

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



Attention: Mr. Barri Rudolph
Environmental Science Officer

Dear Mr. Rudolph:

Re: Proposed Stormwater Source Control Program

Thank you for your correspondence dated July 29, 2008, and presentation of the proposed Stormwater Source Control Program.

At the Special (Open) Council Meeting held on August 18, 2008, the Municipal Council of the District of Central Saanich resolved as follows:

That the District of Central Saanich indicate its' support for the Capital Regional District's (CRD) Stormwater Source Control Program for the Saanich Peninsula, and Staff work with CRD Staff with the proposed next steps.

Should you have any questions, please contact the Municipal Engineer, Mr. Nirmal Bhattacharya, at 250-544-4210.

Yours truly,

Sara C. Ribeiro
Municipal Clerk

C: Nirmal Bhattacharya, Municipal Engineer

1903 Mount Newton Cross Road, Saanichton, B.C. V8M 2A9

Phone: (250) 652-4444 Fax: (250) 652-0135

**Amendment No. 4
to
Capital Regional District
Saanich Peninsula Liquid Waste Management Plan
As approved by the Minister on November 8, 1996**

SUBJECT: Chapter 4, Sections 4.6.10, 4.6.30 and 4.6.43

TYPE OF AMENDMENT: Capital Regional District-initiated

AMENDMENT: Amendment No. 4 repeals the commitments made in Chapter 4, Sections 4.6.10, 4.6.30 and 4.6.43 – Stormwater Quality and Surface Water Resources Program with the commitments described in Attachment A to this Amendment.

AMENDMENT APPROVALS:

Capital Regional District Board Approval this	14th	day of	October,	2009
Ministry of Environment Approval this	4th	day of	August,	2010

AMENDMENT NO. 4

Amendment No. 4 repeals the Section 4.6.10 which is as follows:

4.6 Stormwater Quality and Surface Water Resources Program

Further to the objectives, strategy and commitments contained in this document, the **District of Central Saanich** specifically has completed or is committed to:

10. adoption of a bylaw for the regulation and protection of natural water courses, ditches and drains;

Amendment No. 4 repeals the Section 4.6.30 which is as follows:

4.6 Stormwater Quality and Surface Water Resources Program

Further to the objectives, strategy and commitments contained in this document, the **District of North Saanich** specifically has completed or is committed to:

30. adoption of a stormwater management bylaw for the regulation and protection of natural water courses, ditches and drains;

Amendment No. 4 repeals the Section 4.6.43 which is as follows:

4.6 Stormwater Quality and Surface Water Resources Program

Further to the objectives, strategy and commitments contained in this document, the **Town of Sidney** specifically has completed or is committed to:

43. adoption of a stormwater management bylaw for the regulation and protection of natural water courses, ditches and drains;

Amendment No. 4 replaces Sections 4.6.10, 4.6.30 and 4.6.43 with new Section 4.6.2.1:

4.6. Stormwater Quality and Surface Water Resources Program

The **Capital Regional District** commits:

- 2.1 to the adoption of a stormwater management bylaw for the regulation of discharges to natural water courses, ditches and drains and protection of the watersheds and nearshore marine environment on behalf of the participating municipalities of Central Saanich, North Saanich and Sidney.



Reference: 119340

AUG 04 2010

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

Dear Chair Young and Directors:

This letter is further to my acknowledgement letter of February 10, 2010, and a letter received from Mr. Dan Telford of March 23, 2010, addressed to Nanaimo regional office staff, requesting approval of Amendment #4 to the Saanich Peninsula Liquid Waste Management Plan (LWMP).

I am satisfied that the direction and commitments identified in the proposed amendment are supportable. In accordance with Section 24 (5) of the *Environmental Management Act* (EMA), Amendment #4 is hereby approved.

Approval of this amendment 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 EMA 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.

I commend you for the commitments in the amended plan to regulate and manage the stormwater discharges under the Saanich Peninsula LWMP.

Please continue to work with the Ministry's regional staff in Nanaimo in the administration of your plan.

Sincerely,

Barry Penner
Minister

pc: Dan Telford, P. Eng., Senior Manager, Environmental Engineering, Capital Regional District

Ministry of
Environment

Office of the
Minister

Mailing Address:
Parliament Buildings
Victoria BC V8V 1X4

Telephone: 250 387-1187
Facsimile: 250 387-1356