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**REPORT TO SAANICH PENINSULA WASTEWATER COMMISSION
MEETING OF THURSDAY, JUNE 20, 2013**

**SUBJECT SAANICH PENINSULA STORMWATER SOURCE CONTROL SERVICE
ESTABLISHING BYLAW**

ISSUE

An establishing bylaw is required for the Saanich Peninsula Stormwater Source Control service.

BACKGROUND

At its February 21, 2008 meeting, the Saanich Peninsula Wastewater Commission (SPWWC) directed the Capital Regional District (CRD) Integrated Watershed Management Program, formerly the Stormwater, Harbours and Watersheds Program, to proceed with a CRD-led Peninsula stormwater source control program.

On September 17, 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.

The BC Minister of Environment approved Amendment No. 4 to the SPLWMP on August 4, 2010. This amendment commits the CRD to adopt a stormwater source control bylaw to regulate discharges to natural watercourses, ditches and drains and the protection of watersheds and near-shore marine environment. The Province of British Columbia granted the necessary additional powers the CRD required to establish this service (Appendix A) on November 22, 2012.

Direct annual agreements with the Saanich Peninsula municipalities authorize and fund the development of this service (both the legal process and the development of a regulatory bylaw) through to the end of 2013.

Moving forward, the creation of the Saanich Peninsula Stormwater Source Control Program requires both an establishing bylaw and a regulatory bylaw. This staff report presents the establishing bylaw (Appendix B) necessary to permanently establish the service and eliminate the need for annual agreements. Staff will present the regulatory source control bylaw to the SPWWC later in 2013.

ALTERNATIVES

That the Saanich Peninsula Wastewater Commission:

1. recommend to the Capital Regional District Board that Bylaw No. 3906 Saanich Peninsula Stormwater Source Control Service Establishment Bylaw No. 1, 2013 be introduced and read a first and second time, and read a third time.
2. direct staff to make changes to Bylaw No. 3906 and present a revised bylaw at the next meeting.

ENVIRONMENTAL IMPLICATIONS

Source control is an accepted approach to preventing chemical pollution and environmental degradation. It is better to keep substances out of stormwater than to try and find the source after discharge into stormwater.

A source control program works with businesses, institutions and residents to identify and stop contamination before it enters the stormwater system. This is achieved through: the development of regulations and best management practices; education for businesses, institutions and residents; inspections and compliance monitoring of businesses and institutions; enforcement as required; and reporting.

FINANCIAL IMPLICATIONS

This service is included in the Saanich Peninsula Stormwater Source Control 2014 and 2015 budgets (\$32,420 and \$33,060 respectively). The service budget is consistent with the existing direct agreement (\$31,790 in 2013).

INTER-GOVERNMENTAL IMPLICATIONS

A single stormwater source control bylaw for the Saanich Peninsula will support a uniform application of regulation and a consistent set of rules for businesses across all three Peninsula municipalities, making compliance and enforcement easier. All three municipalities are supportive of this approach.

CONCLUSION

The creation of a stormwater source control bylaw is a CRD commitment in the Saanich Peninsula Liquid Waste Management Plan. CRD staff need to establish the framework to develop the source control service and bylaw. The final preparatory step, granting of additional authority by the province, was completed in November 2012. With this authority, the CRD is ready to establish a service and then create, adopt and enforce a regulatory stormwater source control bylaw.

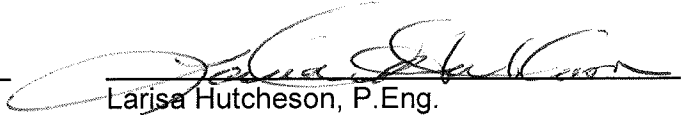
RECOMMENDATION

That the Saanich Peninsula Wastewater Commission recommend to the Capital Regional District Board:

That Bylaw No. 3906 Saanich Peninsula Stormwater Source Control Service Establishment Bylaw No. 1, 2013 be introduced and read a first and second time, and read a third time.



Glenn Harris, Ph.D., R.P.Bio.
Senior Manager
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Larisa Hutcheson, P.Eng.
General Manager
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Concurrence



for

Diana E. Lokken, Dip Bus Admin, CMA
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Corporate Services
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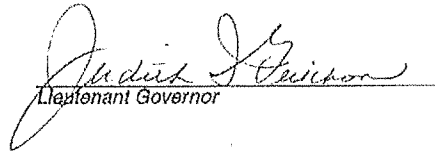


Robert Lapham, MCIP, RPP
Chief Administrative Officer
Concurrence

DG:cam
Attachments: 2

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. **770**, Approved and Ordered **NOV 22 2012**


 Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the Capital Regional District Regulation, B.C. Reg. 65/90, is amended by adding the following section:

Stormwater Source Control Program

- 16 (1) The Capital Regional District is granted the additional power to exercise the powers conferred on a council of a municipality under section 8 (3) (j) of the *Community Charter* for the purposes of regulating, prohibiting and imposing requirements in respect of discharges to the municipal stormwater system and watercourses.
- (2) This power is limited in application to the geographic areas of the municipalities of Central Saanich, North Saanich and Sidney.

DEPOSITED
 November 23, 2012
 B.C. REG. **340/2012**


 Minister of Community, Sport and Cultural Development


 Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: Local Government Act, R.S.B.C. 1996, c. 323, s. 799

Other: O.C. 285/90

October 16, 2012

RESUB R/877/2012/33

CAPITAL REGIONAL DISTRICT
BYLAW NO. 3906

A BYLAW TO ESTABLISH THE SAANICH PENINSULA
STORMWATER SOURCE CONTROL SERVICE

WHEREAS:

- A. The Capital Regional District may, under Section 796 of the *Local Government Act*, establish and provide any service that the Board considers necessary or desirable for all or part of the Capital Regional District;
- B. The Board of the Capital Regional District wishes to establish a service for the purposes of regulating, prohibiting and imposing requirements in respect of discharges to the municipal stormwater system and watercourses on behalf of the participating municipalities of Central Saanich, North Saanich and Sidney (the "Service");
- C. Section 4.6.2.1 in Amendment No. 4 of the Capital Regional District Saanich Peninsula Liquid Waste Management Plan, dated August 4, 2010, commits the Capital Regional District to adoption of a bylaw for delivering the Service;
- D. The Board of the Capital Regional District has, by Order in Council No. 770, dated November 22, 2012, been granted the powers necessary to establish the Service;
- E. The consent of the participants is not required under Section 24(7) of the Environmental Management Act; and
- F. The approval of the Inspector of Municipalities has been obtained under Section 801(1)(a) of the *Local Government Act*.

NOW THEREFORE the Board of the Capital Regional District in open meeting assembled enacts as follows:

Service

- 1. The Service established by this Bylaw is for the purposes of regulating, prohibiting and imposing requirements in respect of discharges to the municipal stormwater system and watercourses.

Boundaries

- 2. The boundaries of the Service Area are coterminous with the boundaries of Central Saanich, North Saanich and Sidney.

Participating Area

- 3. The District of Central Saanich, the District of North Saanich and the Town of Sidney are participants in this service.

Cost Recovery

4. As provided in Section 803 of the *Local Government Act*, the annual costs of providing the Service may be recovered by one or more of the following:
 - a) Property value taxes imposed in accordance with Division 4.3 [*Requisition and Tax Collection*];
 - b) parcel taxes imposed in accordance with Division 4.3 of Part 24 of the *Local Government Act*;
 - c) fees and charges imposed under Section 363 of the *Local Government Act*;
 - d) revenues raised by other means authorized under this or another Act;
 - e) revenues received by agreement, enterprise, gift, grant or otherwise.

Cost Apportionment

5. The annual costs for the service, net of grants and other revenues, shall be apportioned on the basis of:
 - a) The population of the participating areas; and
 - b) The population estimate as determined annually by the Regional Planning Services department of the Capital Regional District.

Maximum Requisition

6. In accordance with Section 800.1(1)(e) of the *Local Government Act*, the maximum amount that may be requisitioned annually for the cost of the Service is the greater of:
 - a) Forty Thousand Dollars (\$ 40,000); or
 - b) a property value tax rate of \$ 0.04 per One Thousand Dollars (\$1,000) that, when applied to the net taxable value of land and improvements in the Service Area, will yield the maximum amount that may be requisitioned for the Service.

Citation

7. This Bylaw may be cited as the "Saanich Peninsula Stormwater Source Control Service Establishment Bylaw No. 1, 2013".

READ A FIRST TIME THIS	day of
READ A SECOND TIME THIS	day of
READ A THIRD TIME THIS	day of
APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS	day of
ADOPTED THIS	day of

CHAIR

CORPORATE OFFICER

FILED WITH THE INSPECTOR OF MUNICIPALITIES THIS _____ day of