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CRD ADMINISTRATION

MAR 27 2003

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Judy Brownoff, Chair, and Directors
Capital Regional District
PO Box 1000, 524 Yates St
Victoria BC V8W 2S6

Dear Ms Brownoff and Directors:

I have made a decision on your Core Area Liquid Waste Management Plan (LWMP), based on a review of all the information that you have presented, a report received from an independent consultant, and review by ministry staff of the LWMP and supporting information.

I am satisfied that there has been adequate public review and consultation during stage three of the plan development. I commend you for the commitments in the plan to pursue liquid waste management programs dealing with source control, inflow and infiltration reduction, storm water quality management, management of trucked liquid wastes and the management of on-site systems. I fully support the enhanced programs proposed in the LWMP.

The LWMP does not provide a plan and schedule for provision of primary and secondary treatment for the discharges at Macaulay Point and Clover Point, which is contrary to the direction provided to you by past ministers. However, I am satisfied that a trigger process can be used in lieu of a firm schedule to provide treatment as long as the trigger process results in the provision of treatment within three years of a trigger point being reached. I understand that the Capital Regional District (CRD) and ministry staff are preparing a revised trigger point for sediment and the benthic community which will be complete in three months. There is also agreement to expand the trigger point to the water column and the water surface. This work is to be completed in the next two years. In order for you to establish a treatment plant within three years of being triggered, you will have to carry out pilot testing of the proposed treatment technology and acquire a site for sludge processing as soon as possible. Approval of the plan is on the basis that these activities are commenced immediately.

While your commitment to carry out an extensive marine monitoring program is commendable, I am not satisfied that the existing monitoring program will be effective in detecting all potential impacts. A rigorous regime of receiving environment investigation, beyond that proposed in the plan needs to be pursued.

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In accordance with Section 18 (7) of the *Waste Management Act*, I hereby approve the Capital Regional District Core Area Liquid Waste Management Plan, dated July 12, 2000, This approval is made with the following conditions, that the CRD shall:

1. On or before June 30, 2003 continue the Marine Monitoring Advisory Group with invited membership from Environment Canada, Ministry of Water, Land and Air Protection, Fisheries and Oceans Canada, University of Victoria, Royal Roads University and Camosun College. The terms of reference for the group are to review, on an annual schedule, all environmental monitoring programs and provide recommendations for improving the programs. The group will also review all data and reports associated with the environmental monitoring including the programs identified below, and will prepare their own report. The report, for the preceding year, shall be submitted to the CRD and the Regional Environmental Protection Manager (manager), Vancouver Island Region by June 30 of each year with the first report due by June 30, 2004.

The environmental monitoring programs shall include a field program to study endocrine disrupting chemicals, persistent organic pollutants and other micro-contaminants such as pharmaceutical drugs found in CRD liquid waste, and their potential environmental impacts. This should include, but is not limited to effluent characterization to identify and quantify the contaminants and biological assays using new techniques such as gene chip arrays to determine their sub-lethal impacts. This program must be started by March 31, 2004. The CRD is encouraged to work with the Greater Vancouver Regional District LWMP Environmental Monitoring Committee to develop compatible partnership programs.

The environmental monitoring program must include a field program to assess sediment transport mechanisms at the Macaulay Point and Clover Point outfalls to determine the fate of the sediments being discharged into the environment. The Marine Monitoring Advisory Group is to recommend the time frame for implementing this project. The results of the assessment shall be submitted to the manager on or before December 31, 2008 unless required sooner as determined by the Marine Monitoring Advisory Group.

Within three months of receipt of the Marine Monitoring Advisory Group's annual report, the CRD shall develop an implementation action plan to address the reports recommendations, with firm schedules and submit it to the manager.

2. Revise and expand the trigger process, with input from the Marine Monitoring Advisory Group, to set trigger points that will result in the provision of primary (or equivalent) treatment within three years of a trigger point being reached. The process shall be expanded to include surface water and water column triggers. Revisions to the process shall be developed in conjunction with, and be acceptable to, ministry staff. The trigger

- levels shall, in part, reflect the requirements of the Waste Management Act Municipal Sewage Regulation which requires that discharges do not or will not cause water quality parameters outside the initial dilution zone to exceed water quality guidelines.
3. Immediately commence the pilot testing of treatment technology that will provide primary or equivalent treatment for the removal of suspended solids consistent with the Municipal Sewage Regulation.
 4. Immediately commence the process to acquire a site for the processing of sludge from future treatment works at Macauley and Clover Points. There shall be adequate public consultation during the selection of the site.
 5. On or before June 30, 2003, provide me with a revised trigger process for sediment and benthic monitoring.
 6. On or before March 31, 2005, provide me with a trigger process for surface water and water column monitoring.
 7. On or before March 31, 2005, provide me with the following:
 - a progress report that details the actions taken toward securing a sludge processing site, including the documentation of the results of public consultation on site selection:
 - a sludge management plan, and
 - the results of pilot testing of treatment technology.
 8. On or before March 31, 2004, in consultation with ministry staff, develop a plan amendment process for minor and major amendments. Include provisions for public consultation for major amendments.
 9. Provide an opportunity for the public to have meaningful input into the implementation of the plan. On or before March 31, 2006 and, thereafter, every five years, a report shall be prepared that provides the results of an independent audit on the commitments contained in the plan. Within two months of the publication of the audit report, the CRD shall notify the public of the existence of the report and receive comments and submissions from the public. The CRD shall forward a copy of the audit report and copies of any submissions from the public to the manager.
 10. On or before March 31, 2008, develop a short term schedule and estimate of cost for the elimination of sanitary sewer overflows within the CRD to be consistent with the Municipal Sewage Regulation.
 11. On or before March 31, 2008, complete cost/benefit studies and an implementation schedule directed at the elimination of combined sewers in Oak Bay to be consistent with the Municipal Sewage Regulation.
 12. On or before March 31, 2013, review the need to acquire additional land for the provision of secondary treatment. The review shall include but not be limited to the findings of the Marine Monitoring Advisory Group, and the results of the public consultation process.

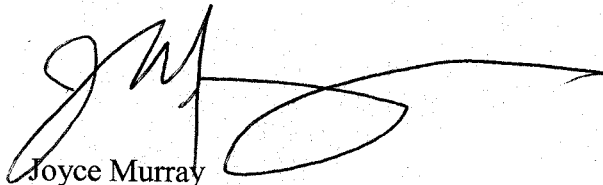
I have the following comments corresponding to the specific sections of the plan:

- Chapter 7, Source Control: This important component of the waste reduction strategy is acknowledged and supported. The annual report on the program achievements should be provided to the manager.
- Chapter 8, Inflow and Infiltration: The commitment to a four year program to accelerate the identification of priority areas and projects is acknowledged and supported. In the absence of a specific schedule for the implementation plans, the CRD shall provide the manager with a report every two years that provides details of the measures taken in the preceding two years to reduce inflow and infiltration.
- Chapter 10, Storm Water Quality Management: The LWMP recognizes the impact of non-point source pollution in the plan area and provides an ongoing course of action to address this issue. The five-year report on program achievements and changes shall be submitted to the manager. For your reference, the ministry has established a website that contains guidelines for storm water management. The website address is <http://wlapwww.gov.bc.ca/epd/epdpa/mpp/stormwater/stormwater.html>.
- Draft operational certificates: the operational certificates for the Macaulay Point and Clover Point discharges shall be reworded to delete the authorization of overflows (overflows at the treatment facility and combined/sanitary sewer overflows), which are reportable spills under the Spill Reporting Regulation.

Approval of this LWMP 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 LWMP is approved pursuant to the provisions of the *Waste Management Act* which makes it an offence to discharge waste without proper authorization. It is also the regional district's responsibility to ensure that all activities conducted under this LWMP are carried out with regard to the rights of third parties and comply with other applicable legislation that may be in force.

Please work with ministry staff in Nanaimo in the implementation of your plan and the above conditions.

Best regards,



Joyce Murray
Minister