



Date: April 18, 2018

Order: 109390

File: 4606

Registered Mail

Owners of Strata Plan LMS 3080
100 Blackberry Drive
Anmore BC V3H 5B4

POLLUTION ABATEMENT ORDER

Subsequent to the disposition of pollution abatement order 109192 which involved the submission of an engineering assessment which concluded that Anmore Green Estates could not comply with the Municipal Wastewater Regulation were they to register for a number of reasons, there remains the question as to whether it is possible to engineer an on-site disposal system under the existing waste discharge permit (4606) for this site.

Under a permitting regime, the statutory decision maker is not bound by the restrictions within the Municipal Wastewater Regulation and may approve anything which is sufficiently protective of the environment and human health. The Village of Anmore is on record as being convinced that viable on-site disposal options exist under the existing permit and without a detailed engineering assessment which addresses all possible disposal options outside of connection to municipal sewer, I am not convinced that viable options for continued on-site disposal do not exist.

ORDER:

Based on the information in front of me I am satisfied on reasonable grounds that the ongoing breakout of effluent from the subject infiltration field onto the neighbouring School District/Port Moody Property is causing pollution.

Accordingly, pursuant to Section 83 of the *Environmental Management Act*, Owners of Strata Plan LMS 3080 are hereby ordered to comply with the following requirements:

1. Retain a professional engineer to prepare a detailed report which addresses options for continued on-site disposal of Anmore Green Estates sewage flows under the authority of waste discharge permit 4606. This report must address all possible options and discuss their viability.
2. Retain a second professional engineer to conduct a peer review of the preceding report and make comments on the opinions presented as well as propose any alternatives that may have not been presented. The selection of this engineer is subject to my approval. Accordingly, submit the identity of the proposed peer reviewer along with a statement of their scope of practice for my review prior to engaging them to perform the peer review.
3. Submit the final peer reviewed assessment of on-site disposal options no later than **May 23, 2018**.
4. Continue to take actions to mitigate the risk of human contact with sewage breaking out onto School District/Port Moody Property property including exclusion fencing, signage and minimizing us of the western disposal field.

This order will remain in effect until instructed otherwise in writing by the Director.

Failure to comply with the requirements of this order is a contravention of the *Environmental Management Act* and may result in legal action. I direct your attention to Section 120(10) of the *Environmental Management Act*, which reads:

“(10) A person who contravenes an order...that is given, made or imposed under this Act by a ...director...commits an offence and is liable on conviction to a fine not exceeding \$300 000 or imprisonment for not more than 6 months, or both.”

Failure to comply with the requirements of this order may also result in an administrative penalty under the Administrative Penalties Regulation (*Environmental Management Act*) (B.C. Reg 133/2014) (Regulation). I direct your attention to Section 12(4) of the Regulation, which reads:

“(4) A person who fails to comply with an order under the [*Environmental Management*] Act is liable to an administrative penalty not exceeding \$40 000.”

This order 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 rests with you. It is also your responsibility to ensure that all activities are carried out with due regard for the rights of third parties, and comply with other applicable legislation that may be in force, such as municipal bylaws relating to the discharge of waste to municipal storm or sanitary sewers.

This decision may be appealed to the Environmental Appeal Board in accordance with Part 8 of the *Environmental Management Act*. An appeal must be delivered within 30 days from the date notice is given. For further information, please contact the Environmental Appeal Board at (250) 387-3464.

If you have any questions, please call the undersigned at (250) 398-4545 or Stewart Paterson at (778) 879-1827.

Yours truly,



Daniel P. Bings
for Director, *Environmental Management Act*
Environmental Protection Division
Regional Operations Branch
Compliance Section