



Date: November 23, 2017

Order: 109192

File: 4606

Registered Mail

Owners of Strata Plan LMS 3080
100 Blackberry Drive
Anmore, British Columbia V3H 5B4

POLLUTION ABATEMENT ORDER

The Ministry of Environment and Climate Change Strategy (Ministry), Environmental Protection Division (EPD) has reason to believe pollution is occurring from the property at 100 Blackberry Drive, in Anmore, British Columbia. The believed source is the subsurface disposal fields of the wastewater treatment works owned by Strata Plan LMS 3080 (Owners), authorized under effluent discharge permit, PE-04606 (Permit).

Based on the *E.Coli* and *fecal coliform* assay results submitted to the Ministry by Associated Environmental on behalf of the Owners in October 2017, the Ministry has reason to believe that pollution is occurring by way of septic effluent daylighting from the cut-bank on the downgradient neighbouring property. The neighbouring property is under a permit sharing agreement between School District 43 and the City of Port Moody, whereas both parties are responsible for construction, maintenance, operations or use. The property is the location of Heritage Woods Secondary School and Northshore Community Park (herein referred to as School District/Port Moody Property).

Assay results from soil sampling conducted in response to the Ministry's Warning Letter dated March 07, 2017 (IR-45701), indicated *E.Coli* and *fecal coliforms* levels of 160,000 MPN/g in soil of the exposed slope on School District/Port Moody Property, southwest of the wastewater effluent infiltration field. A Ministry onsite inspection on November 1, 2017, verified discolouration of the soil and rocks, and impacts to vegetation on the exposed slope, likely due to the migration of effluent discharged from the authorized works of PE-04606.

An engineering assessment was also completed in response to the Ministry's Warning Letter dated March 07, 2017 (IR-45701). It concluded that reconstruction of the disposal fields within the existing systems footprint is not possible under the current Municipal Wastewater Regulation.

BACKGROUND:

On December 21, 2016, the authorized works and semi-annual data summary reports of PE-04606 were inspected by EPD staff in response to a complaint alleging open sewage effluent discharging onto the School District/Port Moody Property. That inspection (IR-45701) determined that the facility was in violation of the *Environmental Management Act* due to non-compliance with effluent quality requirements and non-compliance with facility classification and certification requirements. At the time of the December 21, 2016 inspection, the alleged unauthorized discharge of untreated septic effluent onto School District/Port Moody Property was not visible to Ministry staff due to snow cover and therefore compliance could not be determined at that time.

ORDER:

Based on the review of available information, I am satisfied on reasonable grounds that the ongoing unauthorized 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 suitably qualified professionals to develop and submit for Director’s approval, an Action Plan detailing measures to be taken to implement pollution abatement activities; this must be submitted by **December 31, 2017**.
2. Immediately take action to engage with SD43 and Port Moody to implement impacted zone management actions to mitigate risk to human health, by installing temporary fencing to prevent public access to the cut banks, and post warning signage.
3. Prepare and submit a formal written report by **March 1, 2018**. The report is to include at a minimum:
 - a) A description of contamination delineation, mitigation measures, cleanup activities, site restoration and management actions that were implemented;
 - b) Recommendations for ongoing restoration, mitigation and monitoring, if appropriate and the long term plan to address the source of pollution and any remaining risk resultant from the sewage breakout; and
 - c) A list of all qualified professionals who contributed to the report, and a summary of their qualifications;

A qualified professional is defined as:

An applied scientist or technologist specializing in a particular applied science or technology,

(a) who is registered in British Columbia with the professional organization responsible for his or her area of expertise, acting under that professional association's code of ethics and subject to disciplinary action by that association, and

(b) who, through suitable education, experience, accreditation and knowledge, may be reasonably relied on to provide advice within his or her area of expertise as it relates to this regulation,

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