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Hon. George Heyman  
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**Save Hullcar Aquifer Team's comments on the Review of the Professional Reliance Model in B.C.**

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Minister Heyman,

Thank you for the opportunity to comment on the review of the Professional Reliance Model as it applies to B.C. industries and natural resources. While this model was presented as a means of reducing the regulatory burden on industry, it's main function was to reduce the size of the civil service and force the citizens of B.C. to rely on professionals hired by industry to do what had previously been done by impartial and dedicated government employees who had a deep knowledge of the industries they dealt with, the laws and regulations that applied, and an understanding of the protections B.C. citizens had come to expect and rely on.

Without doubt, the professional reliance model has been one of the leading factors in the development of a deep-seated and justifiable mistrust of the provincial government. This mistrust developed under the Liberal government of Gordon Campbell and Christy Clark, but is still embedded in the minds of many B.C. residents who have seen their trust in the NDP betrayed by the decision to continue with the Site C hydroelectric dam on the Peace River.

While the potential for conflict of interest was inherent in the professional reliance structure, the vast majority of professionals hired by industry remained true to the ethical standards of their professions and aware of the governing bodies that enforced those standards. But when this system broke down, the failures were spectacular and devastating. The professional reliance model has become synonymous with Mount Polley, Teck, TimberWest, Tolko and a host of other disasters that have been equally destructive to the province and nearby local communities.

To that list we would add the contamination of the Hullcar Aquifer in the Township of Spallumcheen, North Okanagan, [REDACTED]

[REDACTED] the aquifer is also the sole source of drinking water for about 350 residents, including two reserves of the Spltasin First Nation and 53 farm home connections on the Steele Springs Waterworks District.

When [REDACTED] was issued with a Compliance Order [REDACTED] the nitrate levels in the water for Steele Springs had gone above the internationally accepted maximum concentration level of 10 parts per million (ppm), 2014, one of the conditions of that order was that they hire and pay for a Qualified Professional. The person they hired was a [REDACTED] Certified Crop Advisor, a program offered by the American Society of Agronomy. This is an online program that requires the passing of "two comprehensive tests" and its website boasts a passing average of 60 per cent.

Dr. Brian Upper, Chairman of the Steele Springs and myself became concerned when the Environmental Protection Officer assigned to our area at the time kept referring to the [REDACTED] QP as a P Ag. so we questioned that. In reply, the EPO stated:

***“QP was not defined in the Order issued [REDACTED]. QP is not defined in the Environmental Management Act or the Agricultural Waste Control Regulation. In the result, there is no legal or regulatory definition for “qualified professional” in these circumstances. We seek guidance on the meaning of QP from our Guidance on Applications for Permits under the Environmental Management Act.***

***A qualified professional means a person who,  
(a) is registered in British Columbia with an appropriate professional association, acts under that professional association's code of ethics, and is subject to disciplinary action by that professional association, and  
(b) 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 application.***

***We consider XXXXXX to meet the spirit and intent of this definition of QP, which again is guidance/policy and not a regulatory requirement. XXXXXX is a Certified Crop Advisor (CCA) in good standing with the American Society of Agronomy's Northwest Chapter that includes British Columbia. The CCA program includes a code of ethics and disciplinary action in accordance with the definition requirement (a) above. XXXXXX has extensive experience in the area of nutrient management and crop utilization and has been accepted as a QP on previous files pertaining to Ministry of Environment work. We consider his personal résumé to clearly demonstrate the requirements of the definition section (b) above.***

***The Ministry of Environment will continue to accept XXXXXX as a QP with regard to his work on nutrient management and crop utilization [REDACTED]. We believe his involvement to date has resulted in significant environmental protection improvements [REDACTED].***

The ASA's Northwest Chapter includes the states and provinces of Alaska, Alberta, Arizona, American Samoa, Baja California, Baja California Sur, British Columbia, California, Chihuahua, Colima, Colorado, Durango, Guam, Hawaii, Idaho, Jalisco, Montana, Nayarit, Nevada, New Mexico, Northwest Territories, Oregon, Saskatchewan, Sinaloa, Sonora, Utah, Washington, Wyoming, and Yukon Territory.

And four years later, the “significant environmental protection improvements” have led to the latest Steele Springs nitrate reading of 16.8 ppm, the highest it has ever been.

**SHAT has recommended on several occasions and continues to recommend that until the professional reliance model is disbanded and replaced by truly independent professionals not paid by the farmers, (either government staff or government contracted), Qualified Professionals in the agriculture portfolio must be at a minimum a P Ag and member in good standing of the B.C. Institute of Agrologists.**

A similar scenario played out with the installation [REDACTED] of several kilometers of underground piping to pump [REDACTED] liquid manure effluent to other properties in the valley [REDACTED]. Two of the pipelines were sent under Deep Creek using directional drilling, one of which also went underneath two public roads and through a right-of-way that was designated for water piping only. No permits were required, and there was no public notification.

As with the previously installed irrigation lines [REDACTED] all mainlines were designed and the installation supervised by a Certified Irrigation Designer [REDACTED]. He stated that the mainlines have been designed and installed according to Ministry of Agriculture's Irrigation Design Manual for Farm Systems (1989).

In the [REDACTED] Environmental Impact Assessment, several missing aspects of the pipeline system were noted, including no pressure gauges on the line and no pipeline breach monitoring component, no emergency plan including notification of all water users, no shutoff criteria at the pump station to avoid a major failure in the field and no backup generator in case of power failure.

With the exception of one small section, the various pipelines were installed underground overtop of a vulnerable aquifer. Any break in the pipeline or leak would not be visible from the surface and without the suggested monitoring equipment could conceivably contaminate the aquifer and surrounding connected bedrock aquifers for a generation or more.

***The Save Hullcar Aquifer Team is recommending that manure effluent pipelines at any facility, [REDACTED] and not just overtop of vulnerable aquifers, must be designed and the installation supervised by a Professional Engineer in good standing with the Association of Professional Engineers and Geoscientists of British Columbia.***

We are not saying that either of these gentlemen, the QP or the CID, is acting improperly. [REDACTED]

[REDACTED] This is where being paid by the [REDACTED] created a dilemma for them. [REDACTED]

[REDACTED]

One other troubling aspect of the Professional Reliance Model is that with the industry paying the professional, all information gathered by that person can be claimed to be the property of the industry and thus far less accessible to the public. In our case, former Environment Minister Mary

Polak invoked the Copyright Law to deny us access to the [REDACTED] information, even though it had been gathered as an order from the ministry, which had all the information.

In her groundbreaking decision, former Privacy Commissioner Elizabeth Denham ruled that all information pertaining to the safety of people and public health must be released.

And while the Professional Reliance Model is a huge barrier between the public and government, it is not the only one. The Auditor General in her decision on the Line Creek coalmine expansion by Teck Resources raised the issue of "hyper-partisan staff" in the ministries, many of whom have only served under the previous Liberal government and have difficulty adapting to a new government approach. Ms. Bellringer also referenced "captured ministries" which at that time were considered to be beholden to some industries that financed political parties. And then there is the issue of the strategic appointment and placement of "statutory decision makers" that hopefully will be the subject of another government review in the near future.

Government itself can be an impediment to fair and scientific analysis by trained professionals. One P Ag we tried to hire for a small aspect of the Hullcar aquifer contamination stated clearly: "If I go against the government or the B.C. Dairy Association I have been told in no uncertain terms I will never work in this industry again. If you truly want an independent P Ag, try Alberta."

Regardless of the industry, new laws and regulations must be clear and concise, the definitions in them must be unambiguous, and monitoring and enforcement must be done either by government staff or truly independent professionals properly educated and trained in their specific fields, paid by the government.

And when citizens or active community advocacy groups report a breach of the laws or regulations, they must be informed of any subsequent remedial action as a means of regaining public trust. A trusting, informed and respected citizen is the best eyes and ears government will ever have.

Once again Minister Heyman, our heartfelt thanks for the opportunity to provide some input and recommendations into this critical aspect of natural resource management in our province. We appreciate the improvements you have already made in the protection of the environment, and look forward to further opportunities for positive and open dialogue.

Sincerely,

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