

November 9, 2018
Daniel Bings
Ministry of Environment and Climate Change Strategy
-Appendix A -

November 9, 2018
File: 2017-8011

Daniel Bings
Environmental Protection Division
Ministry of Environment and Climate Change Strategy
Ste. 400 – 640 Borland St, Williams Lake BC V2G 4T1

Re: UPDATE REPORT FOR ABATEMENT ORDER 109670 (PE-4606)

Dear Mr. Bings:

Associated Environmental Consultants Inc. (Associated) has prepared this letter on behalf of Anmore Green Estates Strata Corporation LMS 3080 (AGE Strata) to update the Ministry of Environment and Climate Change Strategy (ENV) on the recent and pending actions completed by AGE Strata for the Pollution Abatement Orders issued in regard to permit PE-4606.

1 INTRODUCTION

Anmore Green Estates (AGE) is a 51-home community in Anmore, BC. AGE has a private community wastewater treatment system that consists of a treatment plant and two septic disposal fields (the wastewater system). The wastewater system is authorized under Ministry of Environment Permit PE-4606 (MWLAP 2002). Portions of AGE's property boundary form the jurisdictional boundary between the Village of Anmore (Anmore) and the City of Port Moody (Port Moody) (Figure 1).

On November 23, 2017, ENV issued a Pollution Abatement Order to the AGE Strata in response to septic effluent from the wastewater system daylighting on neighbouring properties (ENV 2017a, ENV 2017b). The properties where the daylighting occurs contain two schools and a park, all of which were constructed after the AGE development (Figure 1).

Three engineering assessments¹, completed by different engineering firms, have determined that the only way to permanently eliminate the risk of septic effluent daylighting in the school grounds is to connect AGE

¹ S. Graham Engineering and Geology Inc. (Graham). 2018. Assessment of the ability to repair or replace the septic treatment plant effluent disposal fields at Anmore Green Estates, Anmore, BC.

CTQ Consultants, Pollution Abatement Order (109390) Engineer Assessment M. Cameron, Editor. 2018.

Oland Engineering Limited, Peer review of May 23, 2018 report by Matt Cameron regarding Pollution Abatement Order (109390), Jeff Oland, Editor. 2018.

November 9, 2018
Daniel Bings
Ministry of Environment and Climate Change Strategy
- Appendix A -

to a nearby municipal sewer connection that is less than 100 m away. However, this solution is complicated by jurisdictional boundaries. The AGE development is in Anmore and the connection is in Port Moody. The sewage in the Port Moody pipe is treated by Greater Vancouver Sewerage and Drainage District (GVS&DD), of which Port Moody is a member but Anmore is not. The connection of AGE to the nearby sewer line thereby requires permission from, and cooperation among, AGE, Anmore, Port Moody, and GVS&DD. Significant effort has been made by AGE to gain the cooperation of these groups, but to date, the efforts have not been successful. Further information, including a referenced chronological history of events and details on past communications with the affected parties, is provided in the Action Plan issued on January 19, 2018² and the Formal Report dated April 5, 2018³

In response to the ongoing issue, a succession of four Pollution Abatement Orders and one Ministerial Order have been issued. As of the writing of this letter, there are two that remain active:

- Ministerial Order, issued to the Village of Anmore on August 16, 2018, which requires them to provide a connection to AGE by joining GVSDD by October 15, 2018, or complete a Liquid Waste Management Plan for Anmore by November 30, 2018; and
- Pollution Abatement Order 109670, issued to AGE on November 2, 2018, which requires them to maintain site exclusion and implement an environmental monitoring program.

This letter serves to update ENV on AGE's efforts since the last formal deliverable, including documentations of the most recent attempts to communicate and engage interested parties, and to lay out pending actions to meet Pollution Abatement Order 109670.

² Associated Environmental Consultants Inc. 2018. Action Plan for Pollution Abatement Order (PE-4606).

³ Associated Environmental Inc. 2018b. Formal Report - Pollution Abatement Order 109192 (Permit PE-4606).



property overview.mxd / 1/19/2018 / 1:28:28 PM

— Property Boundary
AGE Property

PROJECT NO.: 2017-8011.000.000
DATE: January 2017
DRAWN BY: DA

0 30
m

FIGURE 1: PROPERTY OVERVIEW

Anmore Green Estates Ltd

Anmore Green Estates

November 9, 2018
Daniel Bings
Ministry of Environment and Climate Change Strategy
- Appendix A -

2 RECENT ACTIVITIES

2.1 IMPACTED ZONE MANAGEMENT

2.1.1 Site Access

Initial permission for AGE to install and maintain exclusion fences around the affected area was provided under a licensing agreement with School District (SD) 43 that expired on June 20, 2018. Fences were maintained past this date until September 19, 2018, when access to the site by AGE was refused by SD 43 because the conditions for a new licensing agreement were not met.⁴ On November 2, 2018, ENV revised the active Pollution Abatement Order 109670 to give AGE unrestricted access to SD 43 lands to maintain fencing and signage and implement the required sampling program.

One of the terms of the disputed licensing agreement was for AGE representatives that are on site during school hours to complete Criminal Record Checks to the Vulnerable Sector standards. As this stipulation was for the safety of the children, AGE representatives were willing to comply. Applications for the Criminal Record Checks have now been submitted. RCMP turnaround time is estimated to be three weeks; documentation of the results will be submitted once the reports are received.

2.1.2 Fencing and Signs

A recent review of fencing conditions found that access to the cut banks below the western field (where breakout has been confirmed) is again accessible to children, as the only remaining barrier is plastic snow fencing (Photographs 1 and 2). There is a trail that runs across the eastern septic field (from Blackberry Drive to below beside the sports fields) that the general public are accustomed to using to access the school properties. The fencings at each end of the trail has been removed (Photographs 3 and 4). Soil sampling done by AGE has not found contamination along the trail.

⁴ One of the conditions of the Licensing extension was the payment of a non-refundable license fee of \$9,916.94; AGE was unwilling to pay this cost.

November 9, 2018
Daniel Bings
Ministry of Environment and Climate Change Strategy
- Appendix A -

2.2 ENGAGEMENT

Since the April 5, 2018 delivery of a formal report to ENV, AGE efforts have been focused on engagement with the affected parties. This has included the following key actions:

Date	Method	Appendix for further details
May 1 and June 27, 2018	Presentations and participation at PAC invitational public meeting	Appendix B
September 19, 2018 and September 28, 2018	Formal request for Fraser Health involvement and their response	Appendix C
October 16, 2018 and November 15, 2018	Presentation to Village Council and follow up letter	Appendix D

AGE has continued open communication and information sharing with any parties who have requested it. This has included ENV, school Parental Advisory Committees (PAC), and local media outlets.

3 PENDING ACTIONS

3.1 IMPACTED ZONE MANAGEMENT

3.1.1 Fencing and signs

Based on discussions with ENV⁵, metal construction fencing will be placed around the perimeter of the basketball court below the western cut banks where the snow fence is (and contamination has been found). The fencing near the eastern field (where no contamination has been found) will be removed. The relocation of fencing could be disruptive to school activities; therefore, efforts will be made to schedule the fencing placement outside of school hours.

As the wet season progresses, seepages near the fence perimeters and trails will be sampled, and fencing locations will be revised as necessary. Any proposed changes to the fence locations will be sent to ENV for approval by the Director.

⁵ Telephone Personal communication between Fawn Ross (AE) and Daniel Bings (ENV) on October 16, 2018.

November 9, 2018
 Daniel Bings
 Ministry of Environment and Climate Change Strategy
 - Appendix A -

3.1.2 Environmental Testing

As per the requirements of Order 109670, AGE will conduct a sampling program through the remainder of the wet season (November to April). Samples will be collected from the catch basins where the majority of effluent is believed to be directed, in any areas where ponding and seepages are observed, and in Turners Creek West and Wilkes Creek, upstream and downstream of the SD 43 stormwater outfalls. Sampling events will occur at least once per month.

The sampling program will include water testing for key nutrient and septic parameters. Field measurements of pH, conductivity, temperature, and dissolved oxygen will be collected at the time of sampling, and samples will be submitted to an accredited laboratory for analysis of ammonia-N, nitrate-N, nitrite-N, total Kjeldahl nitrogen, organic nitrogen, total nitrogen, total phosphorus, total dissolved phosphorus, orthophosphate, chloride, and *E. coli*. Data collected will be submitted to ENV within 72 hours of receiving the results from the accredited laboratory.

3.2 ENGAGEMENT

Although not a requirement of the Pollution Abatement Order, AGE will continue to engage with the interested parties to seek resolution. In an effort to share all pertinent documents with all interested parties and the public, documents will soon be available on an AGE website (www.anmoregreenestates.ca), which will be activated by November 15, 2018.

4 SUMMARY

Below is a summary of the pending actions, and their applicable implementation dates.

Table 2: Summary and Timeline of Pending Actions

Timeline	Action
Immediate	<ul style="list-style-type: none"> • Provide this deliverable to Anmore, Port Moody, SD 43, and GVS&DD. • Repair/replace missing fencing and signage. • Establish and maintain an information website.
Continuing Efforts	<ul style="list-style-type: none"> • Implement the water quality sampling program, including monthly testing from November to April. • Maintain the fencing and signage until resolution is found. • Keep in regular communication with ENV and respond to any further requests. • Respond to inquiries for information from any of the affected parties, elected officials or governing bodies.



Associated
Environmental

November 9, 2018
Daniel Bings
Ministry of Environment and Climate Change Strategy
- Appendix A -

Any of the referenced documents can be provided upon request. Please feel free to contact the undersigned if you have any questions.

Yours truly,

Fawn Ross, R.P.Bio
Environmental Scientist

Attachments:

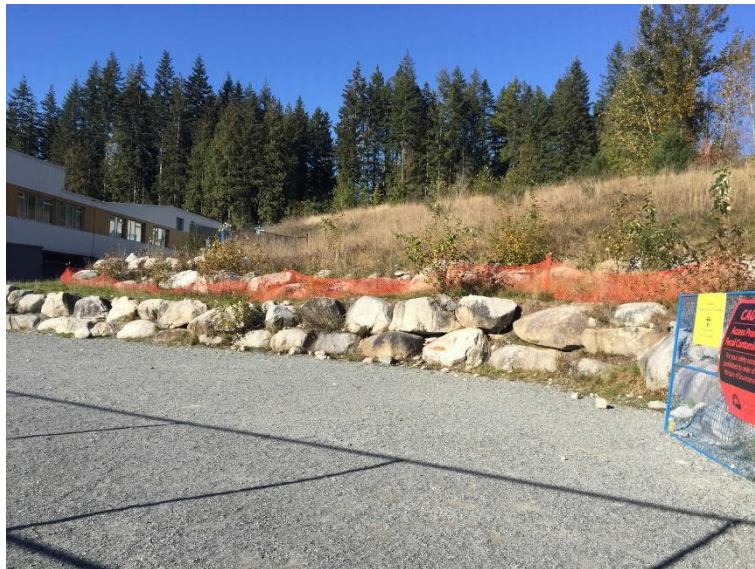
Appendix A: Photographs
Appendix B: Public Presentation (May 1, 2018)
Appendix C: Fraser Health Communications
Appendix D: Village of Anmore Follow up Letter

November 9, 2018
Daniel Bings
Ministry of Environment and Climate Change Strategy
- Appendix A -

APPENDIX A: PHOTOGRAPHS



Photograph 1: Snow fencing located around western cut bank adjacent to Eagle Mountain Middle School.



Photograph 2: Snow fencing located around western cut bank adjacent to Eagle Mountain Middle basketball court.

November 9, 2018
Daniel Bings
Ministry of Environment and Climate Change Strategy
- Appendix B -



Photograph 3: Location where fencing has been stolen from Blackberry Drive (top of eastern trail).



Photograph 4: Location where fencing has been moved below eastern field (bottom of eastern trail).



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November 9, 2018
Daniel Bings
Ministry of Environment and Climate Change Strategy
- Appendix A -

APPENDIX B: PUBLIC PRESENTATIONS



Anmore Greens Estates

History and Site Conditions

Fawn Ross, R.P.Bio,

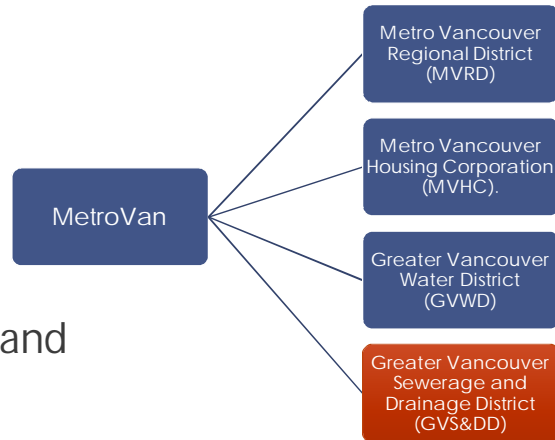
May 1, 2018

Topics

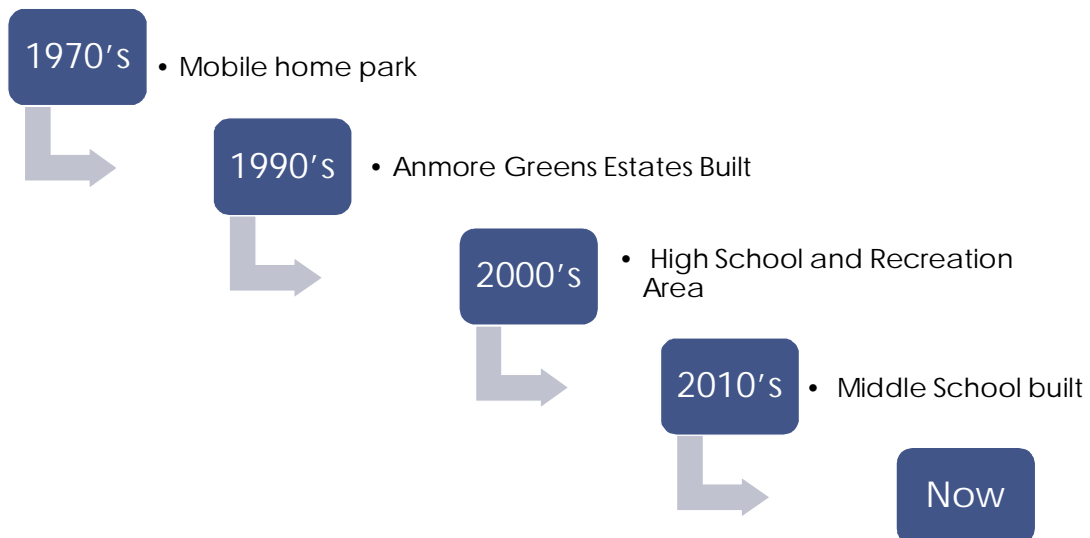
- What is the problem?
- What are the possible solutions?
- What is Anmore Green Estates doing about it?

Affected Parties

- Anmore Green Estates
- School District 43
- Village of Anmore
- City of Port Moody
- Greater Vancouver Sewerage and Drainage District (GVS&DD)



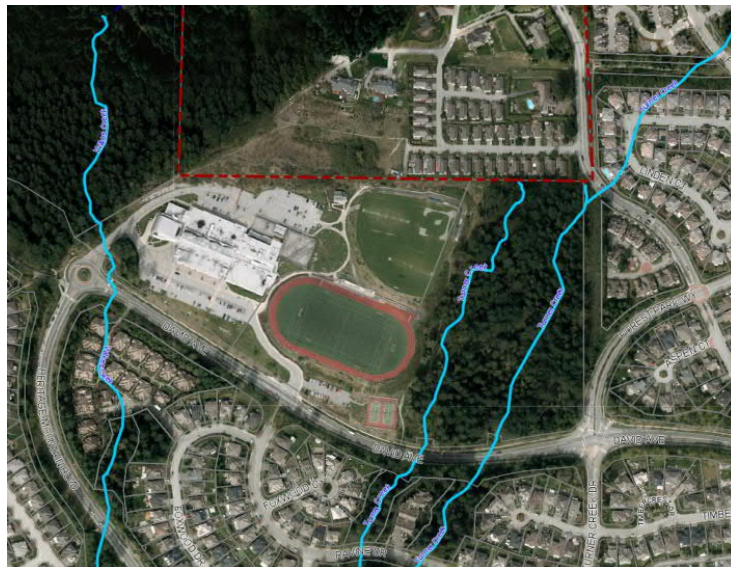
Timeline



Site History (2003)



Site History (2012)



Site History (2016)



Current Septic Infrastructure

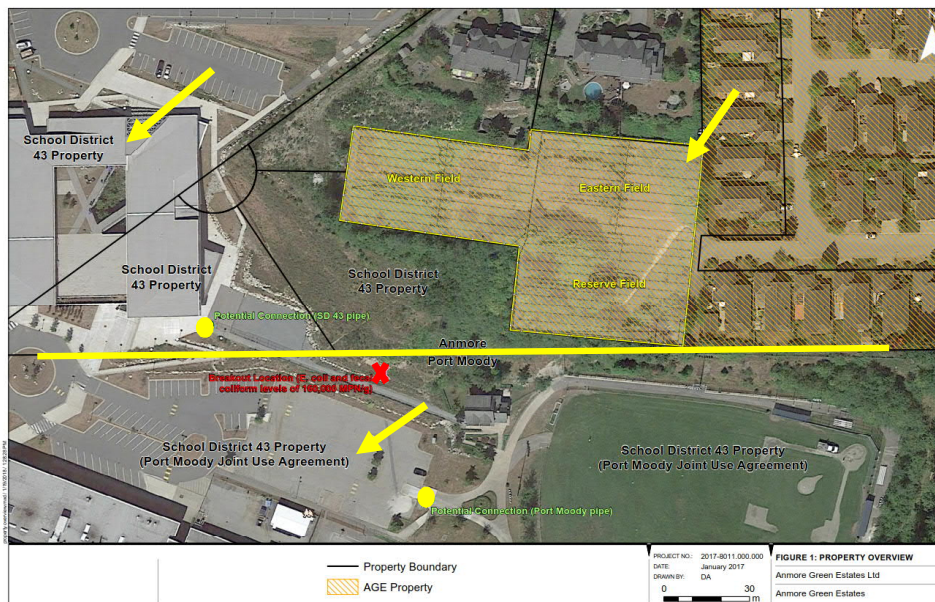


Environmental History

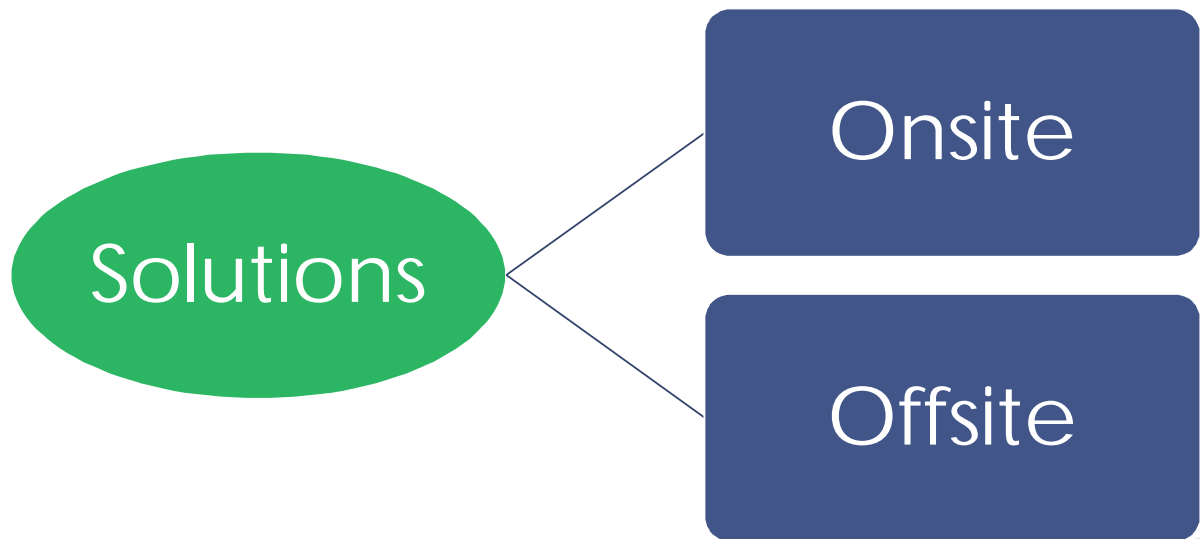
- 2001 • SD43 purchased property for High School, Port Moody detected subsurface effluent
- 2004 • High School opens
- 2008 • Strata found fecal coliform in surface water during assessment for septic retrofit
- 2013 • School Board initiates monitoring program, confirmed E. coli on cutbank, assumed from the septic field, but animal source not ruled out
- 2014 • Middle School opens
- 2017 • Strata detected E. coli during sampling program, results are sent to MoE who determines source is the septic field
- 2017 • MoE issues Order under the Environmental Management Act



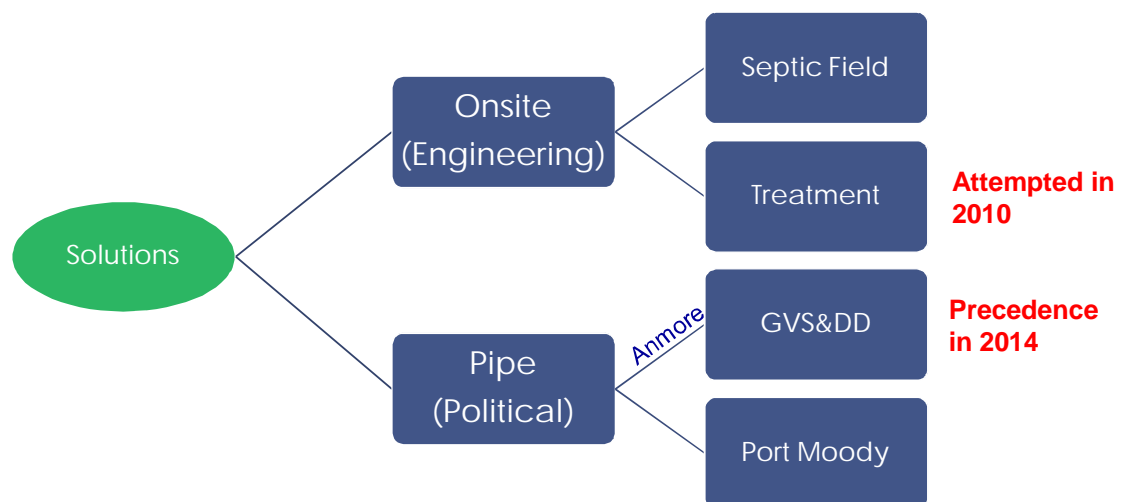
Current Site Conditions



Actively considering



Actively considering



Legal Instruments

Environmental Management Act

- Minister can order Anmore - Liquid Waste Management Plan

Health Act

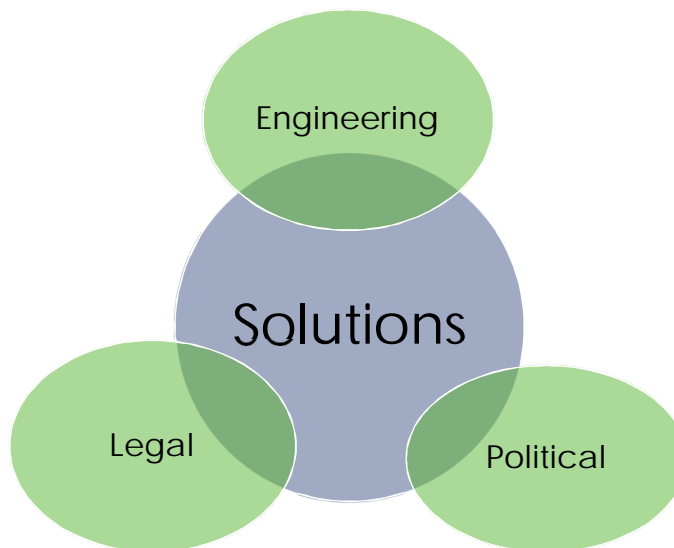
- Medical Officer can order action

Local Government Act

- Minister can order referendum for boundary adjustment

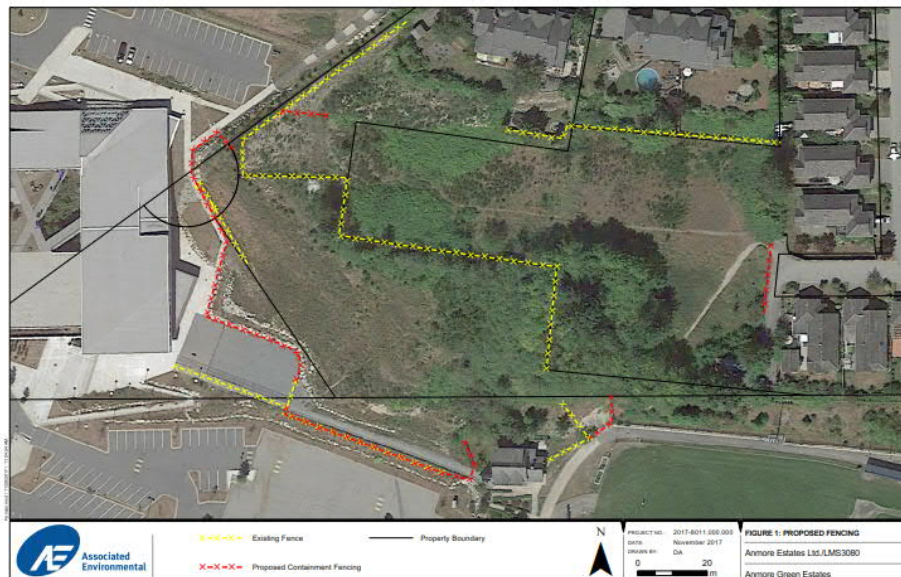


What Anmore Green Estates doing?





Fencing



Fencing





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November 9, 2018
Daniel Bings
Ministry of Environment and Climate Change Strategy
- Appendix A -

APPENDIX C: FRASER HEALTH COMMUNICATIONS

September 19, 2018

Via Email: victoria.lee@ubc.ca

> **Fraser Health - Public Health Unit - Tri-Cities**

200-205 Newport Drive
Port Moody B.C.
V3H 5C9

Attention: Chief Medical Health Officer and
VP Population Health

> **Dr. Victoria Lee, MD MPH MBA CCFP FRCPC**
13450-102nd Ave (suite 400)
Surrey, BC
V3T 0H1

Dear Dr. Lee,

RE: ANMORE GREEN ESTATES MUNICIPAL SEWER CONNECTION

We are writing this letter to request immediate engagement¹ and action in an ongoing serious human health concern regarding sewage from Anmore Green Estates (AGE) causing pollution (daylighting) on the Eagle Mountain Middle School grounds.

BACKGROUND

On August 16, 2018, the Minister of Environment and Climate Change Strategy, Honourable George Heyman, signed a Minister's Order (attached) directed at the Village of Anmore (the Village). The Order concludes the solution to stop the ongoing pollution to Eagle Mountain Middle School is to connect AGE to the Port Moody municipal sewer system. The issued Order requires the Village to provide the administrative pathway for the connection either by reaching the required agreements to connect AGE to the Port Moody/GVSDD municipal sewer line by October 15, 2018; or to submit a Liquid Waste Management Plan (LWMP)² for the entire municipality by November 30, 2018.

¹ With reference to your apparent jurisdiction and powers under the **Public Health Act**, and the **School Act**

² Liquid Waste Management Plans such as the one proposed in the order are comprehensive planning documents that consider long-term wastewater management for the entire municipality. The report requires design studies and public consultation that is incorporated into the plan, which is then submitted for Ministerial approval.

Under the *Environmental Management Act*, ordering a LWMP is the strictest action the Minster could take towards a municipality that does not yet have one.

The significance of the recent Order is that it has ended the debate of complicated issues, as it unequivocally states that AGE's septic field is failing and polluting school grounds, and that the solution is to connect to municipal sewer. The only remaining question is when that connection will be made.

The Village staff have recently released a public letter (dated September 17, 2018) which states:

"Please note the Liquid Waste Management Plan has not begun and Council has not made any conclusions as to what the best way to proceed is. Council will await the outcome of the process before making any final decisions.

It is worth noting that becoming a member of the GVS&DD [Greater Vancouver Sewerage and Drainage District] contradicts Anmore's Official Community Plan (OCP) and would require an amendment to our OCP. This would take considerable time to complete and requires extensive public consultation".

It has now been a full five months since the Village received engineering reports confirming that the only solution is connection to municipal sewer, and more than two months since the Ministry supplied the Draft Order. If the Village's inaction continues, it could realistically be months if not years before this political process is complete and the pipe is physically connected.

In the meantime, children are at risk, and will continue to be until the pipe is connected.

OUR REQUEST

We understand and respect that the permit for the AGE septic discharge is under the jurisdiction of the Ministry of Environment and Climate Change Strategy (MOE), and that under normal circumstances, it may not be addressed by your offices. However, we simply must address the extenuating circumstances with approximately 2,200 children's health and wellness at risk. It has now been nearly a year since the Ministry of Environment and Climate Change Strategy concluded that **"E. coli and fecal coliforms levels [are] dangerously high in the media of the exposed slope on School District 43 property"** and that **"the impacted media poses a risk to human health as it is accessible to the public including children attending school on the property,"** yet for legal reasons, MOE is unable to order a direct connection.

The source of the contamination is in Anmore, but the contaminant is physically surfacing and directed to two creeks within the jurisdictional boundary of Port Moody, in school grounds. The effluent in the nearby connection is treated by GVSDD. It's been nearly a year since provincial authorities identified dangerously high levels of contamination, and yet resolution among these groups has not yet been found. The authority given to Fraser Health under the *Public Health Act* is one of the only authorities with the ability override the administrative red tape to expedite the connection. Because of this, we are requesting that the Medical Health Officer take action to resolve the issue.

CLOSURE

AGE are home owners, and also parents of children going to Eagle Mountain Middle School. The raining season has started which exacerbates the situation and causes more sewage daylighting occurrences. This has gone on too long. The endless political manoeuvring is not acceptable. We all need to focus on making the school grounds safe for our children today, not for some time in the future.

AGE remains open to any solution where connection of the pipe is made in the near term, and our offer to share all data, information, and resources with you and Fraser Health still stands. Please respond to advise us if you or Fraser Health is willing to help resolve the issue and expedite the connection, and if we can assist in any way possible.

Sincerely yours,

On Behalf of the Owners, Strata Property LMS 3080 – Anmore Green Estates:



Brandie Roberts

Vice-President, Anmore Green Estates Strata Council

broberts@greenwoodenvironmental.ca

cc'd:

Mr. Dan Bings, Ministry of Environment and Climate Change Strategy



File: 4606

August 17, 2018

REGISTERED MAIL

Village of Anmore
2697 Sunnyside Road
Anmore BC V3H 5G9

Dear Mayor McEwen and Council,

Re: Minister's Order – Liquid Waste Management Plan

Thank you for your comments on the draft Minister's Order requiring the development and approval of a liquid waste management plan, emailed to you July 4th, 2018. Please find attached the Minister's Order requiring the preparation and submission of a liquid waste management plan by November 30, 2018.

The Minister's Order requires the Village of Anmore to prepare and submit a liquid waste management plan for the Minister's approval.

Our primary concern is sewage flows from the Anmore Green Estates causing pollution to Eagle Mountain Middle School. If the Village of Anmore has an agreement in place with Greater Vancouver Sewage and Drainage District by October 15, 2018 to connect Anmore Green Estates to Port Moody, Ministry staff may recommend that the Minister rescind this order.

Should you wish to discuss this matter further, please contact Dan Bings directly at (250) 398-4545 or Dan.Bings@gov.bc.ca.

Yours truly,

David Morel
Assistant Deputy Minister
Environmental Protection Division

Enclosure: Minister's order

cc: Dan Bings, Compliance Operations Manager, Environmental Protection Regional Operations Branch

Rick Glumac, MLA, Port Moody-Coquitlam



File: 4606

August 16, 2018

Village of Anmore
2697 Sunnyside Road
Anmore BC V3H 5G9

Attention: Mayor and Council

Minister's Order – Liquid Waste Management Plan

This order is being issued pursuant to Section 24(3)(a) of the *Environmental Management Act*.

GROUND'S FOR ISSUANCE

As the result of sewage from Anmore Green Estates strata development (Anmore Green Estates) causing pollution (daylighting) on the Eagle Mountain Middle School grounds, the Ministry of Environment and Climate Change Strategy (the Ministry) has issued two pollution abatement orders to Anmore Green Estates. The most recent order resulted in the provision of a peer reviewed engineering assessment of available on and off-site disposal options for the strata. Both professional engineers concluded that there was no viable option for continued on-site disposal without posing unacceptable risks to human health and the environment. Both engineering reports recommended that efforts should focus on connection of Anmore Green Estates to the Port Moody sewer main. These reports were shared with the Village of Anmore on May 25, 2018.

On May 14, 2018, the Greater Vancouver Sewer and Drainage District (GVS&DD) provided the Village of Anmore with an updated costing for the connection of the Anmore Green Estates to the GVS&DD sewage system and the associated membership fees. This document has since been shared with the Ministry. Additionally, the City of Port Moody has shared the engineering cost assessment for the physical connection of Anmore Green Estates to their nearest trunk line, estimated at approximately \$200,000.

The Ministry has had discussions with the Village of Anmore to encourage them to take actions to prevent the daylighting of sewage to the Eagle Mountain Middle School. The Village has taken no significant actions to prevent or mitigate the risk of further pollution to the grounds of Eagle Mountain Middle School. This raises significant concerns with the Village's capacity and willingness to deal with the risks associated with pollution from liquid waste in and around Anmore.

As a result of the risk of further pollution to Eagle Mountain Middle School and that there has been no significant actions taken by the Village of Anmore, I am exercising my authority under the *Environmental Management Act* by issuing the following order.

ORDER

Pursuant to Section 24(3)(a) of the *Environmental Management Act*, the Village of Anmore is hereby directed to submit a waste management plan for municipal liquid waste.

The liquid waste management plan must be prepared and signed by a Qualified Professional(s) and submitted for the Minister's approval no later than November 30, 2018.

For the purpose of this order, a "Qualified Professional" means an applied scientist or technologist specializing in a particular applied science or technology, including agrology, biology, chemistry, engineering, geology or hydrogeology, who

- (a) 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) 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 order, or
- (c) is approved by the Minister.

In the preparation of the liquid waste management plan it is strongly recommended that you consult the "Interim Guidelines for Preparing Liquid Waste Management Plans" at:

https://www2.gov.bc.ca/assets/gov/environment/waste-management/sewage/guide_to_preparing_liquid_waste_mgmt_plans.pdf

DUTY TO COMPLY

The requirements above must be completed on or before November 30, 2018. 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(11) of the *Environmental Management Act*, which reads:

"(11) A municipality that... (a) fails to submit to the minister a waste management plan as requested or directed by the minister under section 24(2) or (3)... commits an offence and is liable on conviction to a fine not exceeding \$300 000."

Failure to comply with the requirements of this order may also result in an administrative penalty under the Administrative Penalties Regulation (*Environmental Management Act*).

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."

NOTIFICATION OF PUBLICATION

The Village of Anmore is notified that the Province intends to publish on the Ministry website the entirety of any Regulatory Document provided that:

- a) The Province will provide written notice to the Village of Anmore of its intent to publish the Regulatory Documents at least 14 days prior to publication,
- b) The Province will not publish any information that could not, if it were subject to a request under section 5 of the *Freedom of Information and Protection of Privacy Act* (“FOIPPA”), be disclosed under FOIPPA.

For the purpose of this provision:

“Province” means Her Majesty the Queen in right of British Columbia; and

“Regulatory Document” means any document that the Village of Anmore is required to provide to the Ministry pursuant to or related to this order.

This order will appear in the Ministry of Environment’s Quarterly Environmental Enforcement Summary and Environmental Violations Database available at:

<https://www2.gov.bc.ca/gov/content/environment/research-monitoring-reporting/reporting/environmental-enforcement-reporting>

CONTACT

If you have any questions regarding this matter, please contact Dan Bings, Compliance Operations Manager, Regional Operations Branch, Environmental Protection Division at (250) 398-4545 (w), (250) 617-0324 (c) or Dan.Bings@gov.bc.ca.

Yours truly,



George Heyman
Minister of Environment and Climate Change Strategy

cc: Dan Bings

September 28, 2018

LMS 3080 Anmore Green Estates
c/o Quay Pacific Property Management
535 Front St
New Westminster, BC
V2L 1A4

Brandie Roberts
Vice- President, Anmore Green Estates Strata Council

Dear Ms. Roberts:

Thank you for your September 19 2018 letter to Dr. Victoria Lee, requesting Fraser Health engagement and action regarding sewage from Anmore Green Estates (AGE) causing pollution (daylighting) on the Eagle Mountain Middle School grounds.

Fraser Health has been involved directly or indirectly with the AGE system since it came to our attention, in the form of complaint back in 2013. Since then our staff have been onsite on several occasions and have been in contact with their counterparts at the Ministry of Environment and Climate Change Strategy (MOE) regarding the sewage disposal system.

Fraser Health appreciates AGE's challenges and supports the expeditious implementation of a reliable long term solution to this ongoing problem. However, Fraser Health is not the direct regulator of this system. Our role is to assess the situation to determine if a health hazard (as defined in the Public Health Act as endangering or likely to endanger public health) exists, the likelihood of site conditions resulting in human exposure and to advise the school on the management of health and safety risks.

As a follow up to your letter Fraser Health staff contacted the MOE to review the mitigation measures currently in place and to see if additional safe guards had been implemented. MOE has informed us that plans are in place for Associated Environmental staff to perform monthly sampling & for AGE to continue monitoring the fencing and signs. In addition AGE has been authorized to stop using the problematic western disposal field and will exclusively use the eastern disposal field effective October 1st. It is our understanding that the eastern field has better soil and drainage and is further removed from the school property. Furthermore, MOE has stated that they will visit the site a couple of times during the winter months to inspect against the order.

Based on the information provided by the MOE, Fraser Health believes that the mitigation measures recommended are sufficient to minimize exposure and are being adequately monitored and enforced by MOE to the extent of their legal responsibilities. Fraser Health will continue to monitor the events and be in communication with the MOE. Should the onsite conditions change we will re-evaluate our involvement at that time.

Sincerely,



Dr. Ingrid Tyler
Medical Health Officer, Fraser Health Authority
Cc: Victoria Lee, Fraser Health Authority



Associated
Environmental

November 9, 2018
Daniel Bings
Ministry of Environment and Climate Change Strategy
- Appendix A -

APPENDIX D: VILLAGE OF ANMORE LETTER

November 5, 2018

> The Honourable Mayor McEwen and Council Members

> Village of Anmore
2697 Sunnyside Road
Anmore, BC, V3H 5G9

Dear Honourable Mayor and Council Members,

Re: Anmore Greens Estates Presentation to Mayor and Council on October 16, 2018
and Response to Village of Anmore Letter to Ministry of Environment and Climate
Change Strategy Dated October 19, 2018

The purpose of this letter is to reiterate and formalize Anmore Green Estate's (AGE) message delivered to Mayor and Council at the October 16th meeting and to respond to the Village of Anmore's (the Village) October 19, 2018, letter to the Ministry of Environment and Climate Change Strategy (attached). We have written this letter as a means of resolving misunderstandings, sharing information, and ultimately finding resolution.

As presented to the current Mayor and Council, the community of AGE has two key messages we feel is imperative for Council to understand. These include the health risk to the community and the financial risk AGE homeowners are facing. We also presented why AGE community is in support of the septic field development and why legal action against the Village was the only option left.

Health Risk

On November 23, 2017, the Province concluded that:

"E. coli and fecal coliforms levels [are] dangerously high in the media of the exposed slope on School District 43 property" and that "the impacted media poses a risk to human health as it is accessible to the public including children attending school on the property."¹

Since this conclusion, it has been well understood that a serious health hazard to children exists due to our septic leachate polluting the school grounds. While we understand there are differences in opinion as to that level of risk, we don't understand how any level of risk is acceptable. The single question that keeps coming to mind is what if a child gets sick? This is a risk and liability our community, as homeowners and parents, cannot tolerate.

¹ Ministry of Environment, Inspection Details: Report Number: 071030, file: 4606. 2017.

Although we respect the Village's need for due process, the length of the process for finding a resolution has been much more than we consider reasonable. Resolving the existing health risk should undoubtedly come before political positions, reputations or objectives.

We all strongly feel this issue needs to be expedited and we will continue to do whatever we can to get to sewer connection.

Financial Risk

Our second message is about the subdivision application and our individual financial risk as AGE home owners.

AGE has, for over a year, offered to pay for the physical construction of the connection, which was estimated to be \$200,000. However, costs to address all the scientific, engineering, and political hoops to date has been nearly double that and we still do not yet have permission to connect. AGE community members cannot afford this.

Our community developer has offered to help pay costs if our previously zoned septic field land, our privately owned common property, can proceed as planned. However, in 2017 the Village initiated a change to the bylaw specific to our septic field lands to "remove additional development capacity envisioned for the community sewage disposal field should it no longer be required."²

To us, the AGE community, that is terrifying. Without funding for the connection coming from our septic land; our community doesn't know how we'll pay for the costs to connect and because of this the sewer connection, once finally approved, may be further delayed due to financing.

You must understand that the financial risk to AGE homeowners goes much further than the cost of a physical connection. Financing of our homes has been dramatically affected as banks won't allow us to borrow against our homes until the septic issue is resolved. Taking away the opportunity for development means taking away our ability to fund a solution and puts each of AGE homeowner's individual financial security at risk. We have 51 homes in our community; that is 51 families seriously at financial risk in Anmore. Please keep in mind that the homeowners in AGE do not live in mansions worth millions with land to spare. We are working families. We are young families. We have kids in college. We are retirees on fixed incomes.

Septic Land Development

The bylaws applicable to our privately owned common property have always stated additional homes can be built on the septic field once the land is no longer required for sewage disposal purposes. It was on this understanding when we informed the Village that AGE was renewing our efforts to connect to the nearby sewer line to resolve issues with our leachate. As the Village is aware, our notification predated the following key steps and recent decisions regarding the planned septic land development application:

² Village of Anmore (Anmore), Minutes of the Public Hearing held on October 2017. 2017.

- In fall 2016, the Village was made aware of the potential for the development of our septic field lands to fund the sewer connection and associated process.
- In spring 2017, the Village initiated changes in the bylaws to prevent the subdivision of the septic field lands.
- On September 18, 2017, AGE submitted a subdivision application that matched the planned field development.
- On October 17, 2017, the Village passed the bylaw to “remove additional development capacity envisioned for the community sewage disposal field should it no longer be required.” Under provincial law, the AGE application had a one-year grace period before this change came into effect.
- On October 17, 2018, the grace period expired.

As noted above, AGE had a one-year grace period before the bylaw change would affect the existing application. Since the start of that one-year period, Village staff have refused to meet with AGE on all issues related to the subdivision or sewer connection. In addition to this, they have never publicly supported our community’s connection, even though it will resolve the pollution of the neighbouring school grounds. It seems to us that the clock has been purposely run out for the 12-month bylaw grace period for processing our application and that contamination has been allowed to continue in order to meet the current council’s objectives, which were not supported by their own bylaws. The act of prioritizing political positioning over the safety of children is deplorable.

We understand from council members’ public statements that their preference is for a park or for the school to have use of our lands. Our subdivision application is not set in stone. If the Village has plans or ideas of what these lands could look like; then we encourage the Village to have a dialogue with us. There remains opportunity for discussion as to what those lands would look like following sewer connection. But we cannot design a plan that works for everyone if the Village will not speak with us.

Law suit

On September 17, 2018, Mayor McEwen released a public statement regarding AGE septic issues. In that letter he stated that the Village was open to working with AGE. AGE followed this with an offer to meet with Village staff that was sent on September 26, 2018.

We were encouraged by the Mayor’s public statement and the accepted offer to meet, as it was the first indication that the Village of Anmore was willing to work with us; however, the meeting, which occurred on September 27, 2018, lasted less than ten minutes and consisted of Village staff saying they had nothing to discuss with AGE, and that “there was no roll for AGE in the resolution as this was between the Village and MOE [referring to Ministry of Environment and Climate Change Strategy; ENV]”³. This response from Village staff meant that AGE had no choice but to take legal action to protect our community members from significant financial risk.

A legal petition was served to the Village on October 12, 2018, 15 days after the Village and AGE meeting. The intent of the petition was to extend the provincially mandated 1-year processing time for active subdivision applications. It went to court on October 15, 2018, and on October 19, the judge decided that the Village’s planned downzoning of the septic

³ Personal communication from Jason Smith (Village of Anmore) in meeting with AGE representatives



field lands will remain in place until the legal petition to overturn the downzoning goes to a full hearing. A court date has not yet been set.

As expressed to Mayor and Council, we recognize that the existence of an active court case complicates any communication the Village may be willing to have with us, but we felt we had no choice, as this is the only way we can fund the resolution to the septic pollution. We are still open to have dialogue and discussion regarding this issue and possible resolutions. Our preference is to find an amicable solution so that it doesn't have to continue in the courts.

From the attached Village letter to the Ministry of Environment and Climate Change Strategy, we understand that the Mayor and Council have recently passed a resolution to consider connection of only the existing 51 homes to the municipal sewer and charge all costs to AGE. The resolution passed is as follows:

"That, subject to the Ministry of Environment and Climate Change rescinding the Ministerial Order, Council agrees in principle that connecting the 51 units currently serviced by an on-site septic system at Anmore Green Estates to the regional sewerage system appears to be the only practical solution, in the continued absence of further information in response to repeated requests of the Ministry of Environment, to resolve the septic system issues faced by the Anmore Green Estates Strata;

And That as the remainder of the Village residents do not require connection to the regional sewerage system and such connection is of a particular benefit to the Strata and the existing 51 units, Council deems it appropriate for the Anmore Green Estates Strata to be responsible for all costs associated with the initial connection and ongoing costs associated with connection to a regional sewerage system;

And That Council directs staff to undertake further investigation and discussions with relevant stakeholders and to report back on the required Green Estates Strata to connect the existing 51 units to a regional sewerage system on the terms described in this motion."

We implore you to please understand that preventing the planned development of our field is now just as limiting to us as denying the connection. Please engage our community and help us find resolution that will end the pollution of the school grounds in a way that will not financially damage 51 families in AGE.

If this is something you are simply not willing or cannot do, please reconsider the November 3, 2017, offer from City of Port Moody to adjust the jurisdictional boundary to make AGE part of the City (attached). This in many ways simplifies the issue at hand. The Village would no longer need to amend the Official Community Plan, nor join MetroVan. It would also remove our condensed living neighborhood from your semi-rural community. Most importantly, it would expedite the connection to the Port Moody sewer line and therefore end the health and financial risks that exist. Port Moody has offered, and we, as AGE homeowners, are in support of it. If the Village would agree, it could be done within the already existing regulatory framework. If you cannot support us, let us go.



Sincerely yours,

On Behalf of the Owners, Strata Property LMS 3080 – Anmore Green Estates:

A handwritten signature in black ink, appearing to be 'Brandie Roberts', with a stylized, flowing script.

Brandie Roberts
Vice-President, Anmore Green Estates Strata Council
broberts@greenwoodenvironmental.ca

cc'd:
Dan Bings, Ministry of Environment and Climate Change Strategy





October 19, 2018

Dan Bings
Operations Manager, Compliance Section
Ministry of Environment and Climate Change Strategy
Ste 400 – 640 Borland Street
Williams Lake, BC
V2G 4T1

VIA EMAIL: dan.bings@gov.bc.ca

Re: Village of Anmore Resolution – Anmore Green Estates Sewer Connection

Dear Mr. Bings:

The Village of Anmore Council at its final scheduled meeting of this term passed the following resolution in an effort to try and resolve the ongoing sewerage issues at Anmore Green Estates.

"That, subject to the Ministry of Environment and Climate Change rescinding the Ministerial Order, Council agrees in principle that connecting the 51 units currently serviced by an on-site septic system at Anmore Green Estates to the regional sewerage system appears to be the only practical solution, in the continued absence of further information in response to repeated requests of the Ministry of Environment, to resolve the septic system issues faced by the Anmore Green Estates Strata;

And That as the remainder of the Village residents do not require connection to the regional sewerage system and such connection is of a particular benefit to the Strata and the existing 51 units, Council deems it appropriate for the Anmore Green Estates Strata to be responsible for all costs associated with the initial connection and ongoing costs associated with connection to a regional sewerage system;

And That Council directs staff to undertake further investigation and discussions with relevant stakeholders and to report back on the required steps and associated costs for the Village of Anmore to allow for Anmore



Green Estates Strata to connect the existing 51 units to a regional sewerage system on the terms described in this motion."

We trust that this is a clear signal to the Ministry of Environment and Climate Change Strategy that the Village will undertake the work to move towards a connection for the 51 units at Anmore Green Estates to a regional sewerage system.

As you can appreciate, there are various agreements and processes that must be undertaken in order to achieve the physical connection, including approvals from other local government jurisdictions. Village staff will work diligently to ensure that the new Anmore Council (to be sworn in November 6, 2018) will have all necessary information to consider a formal decision to connect, however this will not be possible prior to the Ministerial Order deadline of November 30, 2018. As such, we are requesting that the Ministerial Order issued on August 16, 2018 to the Village of Anmore be rescinded.

Further, it would assist the Village's efforts if the Ministry provides us with the information it has been requesting since July 2018. Please do so at your earliest convenience.

We look forward to your assistance as we move towards resolving this long standing issue. If you have any questions or concerns, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in blue ink that reads 'Juli Halliwell'.

Juli Halliwell
Chief Administrative Officer
T 604 469 9877
juli.halliwell@anmore.com



CITY OF PORT MOODY

OFFICE OF THE MAYOR

November 3, 2017

Mayor and Council
Village of Anmore
2697 Sunnyside Road
Anmore, BC, V3H 5G9

To Mayor and Council,

RE: Anmore Green Estates Request for Sewage Services

On September 20, 2017 Port Moody City Council received a letter from the owners and developer of Anmore Green Estates seeking to secure a private sewerage connection the GVS&DD System through the City of Port Moody. This letter was discussed in a closed Council meeting on October 24, 2017 where the City of Port Moody Council passed the following resolutions:

Moved, seconded, and CARRIED

THAT the City of Port Moody restate its standing position of allowing Anmore Green Estates to connect to the Port Moody Sewer System at Anmore Green Estates' own cost.

Moved, seconded, and CARRIED

THAT the Village of Anmore be requested to indicate their interest in having Anmore Green Estates become part of the City of Port Moody through a municipal boundary change.

As you are aware, Anmore Green Estates, or at least one of the owners, has been making many comments about the functionality of the existing septic field and allegations that it is unsafe. As far as we are aware, all of our inspections and reports from other agencies does not substantiate the claims that are being made and there is no existing safety issue.

We do, as we have said in the past, think that the best solution for the future of Anmore Green would be to have them connected to the municipal sewer system, which we are willing to facilitate as long as it is not at the expense of Port Moody taxpayers. While we believe the existing system on Heritage Mountain is under capacity and this connection could be made, we would require confirmation of the engineering, detailed design and engineering reports on the cost and requirements to complete the connection.

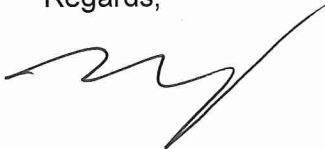
We are under the impression that this cannot happen without the Village joining the GVS&DD and the sewerage area boundary being extended to include Anmore Green Estates. It would appear as if GVS&DD is willing to support the extension with conditions, but we understand Anmore is unwilling to move to join the GVS&DD.

The alternative, as we are led to believe, would be to redraw the municipal boundaries to move Anmore Green Estates into the City of Port Moody. We have not given any consideration of the costs or implications of such a change, but our Council has asked that we reach out to see if the Village has any interest in such. We don't want to confuse this with any request from Port Moody to initiate such a process but to support Anmore should you be interested.

Of course we have no interest in inserting ourselves into local land use policy decisions of the Village of Anmore, but do offer any assistance that may help with your decision making process. We hope that you accept both of the motions above as expressions of support for Anmore, and we are not in any way pursuing any actions other than initiating this discussion with you. We are concerned at any inference to unsafe conditions and want to ensure, with you, that neither the City nor the Village are exposed to any liability, or risk.

Please advise me at your earliest opportunity if you are interested in pursuing this matter further through either having Anmore join the GVS&DD or through an amendment to the municipal boundary. I can be reached by phone at 604 469-4515 or by email mclay@portmoody.ca.

Regards,

A handwritten signature in black ink, appearing to be 'Mike Clay', with a stylized, sweeping flourish extending upwards and to the right.

Mike Clay
Mayor