

The Honorable Chairman, Greg Moore

GVS & DD 4330 Kingsway Burnaby, BC V5H 4G8 The Honourable Mayor, Mike Clay

City of Port Moody 100 Newport Drive Port Moody, BC V₃H SC₃ September 20, 2017

Mr. Ivano Cecchini Principal, Facilities Initiatives Coquitlam School District **School District 43** 550 Poirier St, Coquitlam BC V3J 6A7

Dear Sirs,

Re: Request for Support of a Sewerage Connection for Anmore Green Estates, the Owners LMS 3080

Gentlemen this letter follows my recent meetings with the Honorable Mayors, Mr. Greg Moore, and Mr. Mike Clay with respect to the captioned matter. Each of you will recall our issue arises out of nearly a decade of failed attempts by LMS3080 to resolve mounting public health and safety issues. I am referring to issues caused from our failing sewerage disposal field located above and adjacent to N.S. Community Park and two schools – Heritage and Eagle Mountain schools with up to 2,200 students. We have a legitimate concern. We are operating a 20 year old failing disposal field in proximity to two schools with documented sewerage breakouts onto school lands where children play. Even the mere risk of a child getting sick is an intolerable risk to us. But our concerns about public health and safety issues have been completely ignored by our Village council and Mayor McEwen to date. I do appreciate that this should not be brought forward as your problem to solve, but we have nowhere else to go for help. We do not seek a handout. We will pay 100% of the costs incurred by each of you.

I am enclosing for your information copies of two relevant letters. The first, a formal warning from the Ministry of Environment dated March 7th, 2017 and second a legal letter from Mr. Chris Murdy provided to us on behalf of the Village of Anmore dated June 1, 2017. While the MOE clearly requires that I work with each of you as key stakeholders to accomplish a municipal sewerage connection via Port Moody, the Village has refused to support us. On July 5th, 2017 our neighborhood community of 51 homes (approximately 125 residents involved) met and unanimously agreed to a

petition for a local area service area sewerage connection at our expense. Given the Village council's position this is perhaps a moot point, but we are willing to pay all stakeholders 100% of their costs and any surcharges required for achieving a sewerage connection. I am seeking your support as Village counsel did indicate in his letter that so far as the Village is concerned I am at liberty to contact you directly to try to solve our problem.

In the last year the Village hired a new operations manager/approving officer, Mr. Jason Smith, who says he previously worked for GVS & DD. It has recently been pointed out to me that at the time the GVS & DD expanded its urban containment boundary to include the Village's Eagle Mountain Middle School in 2014 that Jason was involved. Our neighborhood community of 51 homes that were built in 1997 were deleted entirely from the location maps used to obtain GVS & DD board approval to hookup the school under an August 1, 2014 Service Agreement. We are a development of 8 homes per acre, with lot area sizes averaging 4,500 sq. ft. and yet semirural in the eyes of our Mayor and Council.

We hold an arrangement with the original developer whereby the projected costs of our proposed hookup will be paid by development of **11** new homes with open space on the rehabilitated disposal field. We as a neighborhood community have unanimously resolved to pay the anticipated user costs for sewer and storm systems that are located upon our existing service easements extending onto the adjacent school lands. I am happy to provide any of the supporting documents you may require.

On October 3rd, 2017 Village council will be asked by Jason Smith to approve for 3rd and final reading a new zoning bylaw in the face of vehement public opposition voiced at a public hearing on September 18th, 2017. In this past July the draft zoning was changed by Jason Smith to remove any further development because there "would be no municipal sewerage system" in Anmore. It is clear to us that this was by design the way for them to shutter us from ongoing pressuring Council for their support in May and June this year. If we are denied a hook-up, we have no ability to comply with current regulations and are likely facing installing a new treatment plant at 3 to 4 times the cost of a connection. Many of our residents are retired and stand to lose their homes because they are in no position to pay their share of an estimated \$600,000 or more STP replacement cost. Despite that we have insufficient setback for our disposal field, which has 30 foot excavations on the south boundary and 15 foot excavations along the west boundary. It simply does not work, and will not ever work for us and we have the hydrology engineering reports to prove so. You are welcome to that too.

Our Village has refused to support us and indicated we may solve our own problem. In addition Jason Smith appears to have convinced Mayor McEwen that you have no legal basis in your constitutions to help us achieve a private sewerage connection – even for public health and safety issues – because the Village refuses to and will not join the membership of the GVS & DD. If so please tell us. Please note that it was our development at Anmore Green that paid for the 8 inch water pipes hooking up GVRD



water service in the Village, which was later used to supply the entire Village. There was no constitutional problem with that hookup.

Our efforts with the Village have obviously failed, but we are not done working yet. In some respect our work has just begun again. We have retained environmental experts to further prove that our sewerage effluent is present on school lands (for which we hold registered sewerage and access easements since 1997 over which school amenities have been built). We have also engaged National Public Relations Inc. to assist us with improving our public communications on this matter. We expect National's PR campaign to commence in approximately two weeks. By reason of the unresolved warning by the MOE we have put our insurer on notice of the problems raised in the enclosed MOE letter.

To safeguard any cost concerns expressed in previous years, solving a Village issue, we are willing and able to execute a Section 219 Restrictive Covenant under the Land Title Act in your favour that makes decommissioning of the existing community sewerage disposal field contingent upon:

- (a) Payment of all costs incurred by GVS & DD together and the City of Port Moody for allowing a private sewerage connection to service the LMS 3080 home owners without GVS & DD requiring that the Village join the GVS & DD,
- (b) 100% of all costs incurred by Port Moody and GVS & DD to study and explore such sewerage connection, together with the work and materials needed to complete such sewerage connection shall be paid for by us via the Developer, and
- (c) 62 homes to be connected new customers to you in our local area service neighborhood.

Our intention for the Section 219 Restrictive Covenant is to facilitate your support of our connection for sake of the documented risk of public health and safety concerns. We will convert our strata into bare land to meet the Village's forthcoming RCH-2 zoning bylaw and we have this week Monday applied for subdivision approval to seek completion of our development as contemplated by the Village in their original 1998 approvals. We have the following available for your staff review:

(a) A Sewer connection plan prepared by R.F. Binnie & Associates via Heritage Mountain Secondary School lateral (we advise that an alternative connection over our easements via Eagle Mountain Middle school is a shorter distance than the 67 meters to connect to the Heritage school sewer main – a further connection plan can be quickly requisitioned by us and provided to you);



- (b) Site Service Plans prepared by R.F. Binnie & Associates: They document the alternative sewer and storm connection routes via existing registered easements in favour of the Developer to connect to the sewerage lateral crossing such easement connecting the Eagle Mountain Middle School to the Heritage Mountain Secondary School lateral sewerage pipe, via the municipal sewerage system of Port Moody and on to GVS & DD's Annacis Island sewerage treatment plant:
- (c) The Sewerage Service Agreement (with the necessary changes to incorporate Anmore Green service) made August 1, 2014 between the City of Port Moody, Village and GVS & DD which extended municipal sewerage service onto Village lands for SD43.
- (d) The Local Area Service Petition mentioned above and addressed to the Village and Port Moody.

Once again, we will be solely responsible for payment of all costs related to your staff time and materials used in the review and approval process for this proposal. We know from preliminary verbal comments of engineering staff from Port Moody made last year that your existing infrastructure is well capable of conveying our sewerage outflow. Will you please support us solve a problem! Why risk getting children sick! To sit back content to "monitor" the situation is like watching a slow moving train wreck nobody needs to see. It is time to put an end to this decade long outstanding problem, because it continues and we know that it will only get worse.

We believe our proposal is a common sense solution to what has been characterized as a "political problem" in writing by the legal department of the GVS & DD. If you agree with us we encourage you to speak to Mayor McEwen on this matter at your earliest convenience. At the September 5th, 2017 Council meeting Mayor McEwen said he would call the Honourable Mayor Greg Moore to discuss this matter, and perhaps voice his doubt that a private sewerage connection can be accomplished without the Village joining the GVS & DD. Has he done so?

Please tell us if there is anything further we may do, or if there is anything you require in terms of our supporting documentation at this time to assist you to make a decision on this matter. May we please hear from you?

Sincerely,

On Behalf of the Owners, Strata Property On behalf of the Developer: LMS 3080 - Anmore Green:

Robert Boies President

Anmore Estates Ltd.:

Per: C

Ewen Stewart President



Report Date:March 07, 2017

Report Number:045701

STRATA CORPORATION LMS 3080 100 BLACKBERRY DR ANMORE BC V3H 5B4

Dear STRATA CORPORATION LMS 3080

Re: Warning Letter, Permit, 4606

On December 21, 2016, Ministry of Environment, Environmental Protection Division staff conducted an inspection under *Environmental Management Act (EMA)*, 4606. The inspection determined that STRATA CORPORATION LMS 3080 is out of compliance with its Permit 4606, and the section(s) listed below. This Warning Letter lists the compliance verification information contained below.

Failure to comply with the requirements set out in your Permit is an offence under the *Environmental Management Act* (*EMA*). Section 120(6) of *EMA* states as follows:

120(6) A person who, holding a permit or approval issued to the person under this Act to introduce waste into the environment, introduces waste into the environment without having complied with the requirements of the permit or approval commits an offence and is liable on conviction to a fine not exceeding \$1 000 000 or imprisonment for not more than 6 months, or both.

It should also be noted that, as an alternative to prosecution of the offence referenced above, the Ministry may initiate action to impose an administrative penalty against STRATA CORPORATION LMS 3080. *The Administrative Penalties Regulation (EMA)* (B.C. Reg. 133/2014) (APR) was brought into force in 2014. The APR describes the prescribed provisions of the EMA as well as that of specified regulations under which administrative penalties can be assigned. Section 12(5) of the APR states as follows:

12(5) A person who fails to comply with a requirement of a permit or approval issued or given under the Act is liable to an administrative penalty not exceeding \$40 000, unless the requirement the person failed to comply with is also a prescribed provision of the EMA or the regulations that is subject to a different maximum administrative penalty.

If you fail to take the necessary actions to restore compliance, you may be subject to escalating enforcement action. This Warning Letter and the alleged violations and circumstances to which it refers, will form part of the compliance history of STRATA CORPORATION LMS 3080 and will be taken into account in the event of future violations.

Finally, I request that STRATA CORPORATION LMS 3080 immediately implement the necessary changes or modifications to correct the non-compliance(s) with the *Environmental Management Act*. Further, I request that STRATA CORPORATION LMS 3080 notify this office in writing by email or letter within 30 days of this letter, advising what corrective measures have been taken, and what else is being done, to prevent similar non-compliances in the future.

Inspection Details:

Requirement Description:	1. AUTHORIZED DISCHARGES		
	1.1.1: The maximum authorized rate of discharge is 61 cubic metres per day.		
	A review of semi-annual reports for the period October 1 2015 - September 30 2016 found that flow data was within maximum authorized discharge rate of 61 cubic meters per day.		
Compliance:	In		

Ministry of Environment

Compliance Environmental Protection Division Mailing Address: 2nd Fl 10470-152nd St Surrey BC V3R 0Y3 Telephone: 604 582 5200 Facsimile: 604 930 7119 Website: www.gov.bc.ca/env

File:4606

Actions to be taken:	N/A				
Requirement Description:	1. AUTHORIZED DIS	CHARGES			
		tics of the discharge shall be:			
		ygen demand, 20. mg/L, maxi			
Dataila/Eindinga	Total suspended solid	Is (nonfilterable residue), 20. I	mg/L, maximum.		
Details/Findings:	A review of semi-annual reports for the period of October 1 2015 - September 30 2016 found the following exceedances;				
	2015	inces,			
	Oct-01 TSS: 47.5 mg/L BOD: 23.7 mg/L				
	Nov-10 BOD: 20.3 mg/L				
	Dec-12 BOD: 35.3 mg/L				
	2016				
	Jan-14 BOD: 27.7 mg/L				
	Feb-23 BOD: 22.5 mg				
	April- BOD: 29.4 mg/L TSS: 47.7 mg/L May- BOD: 28.0 mg/L TSS: 38.5 mg/L				
	June- BOD: 23.1 mg/				
	August- BOD:20.4 mg/L TSS: 27.2 mg/L				
Compliance:	Out				
Actions to be taken:	See comments for action below.				
Requirement Description:					
tequirement Description.	1. AUTHORIZED DISCHARGES, 1.1 1.1.3: This section applies to the discharge of effluent from a secondary sewage treatment				
	plant serving a maximum of 39 2-bedroom homes within residential strata lots and a				
	maximum of 12 3-bedroom non-strata homes. The site reference number for this discharge				
	is E100972.				
	1.1.3 The designated wastewater treatment works authorized are:				
	-Secondary sewage treatment plant; -Effluent filter;				
	-Flow measurement device; and				
	-Two subsurface disposal fields each containing a minimum of 616 metres of disposal pipe.				
	Other authorized works include a minimum of two groundwater observation wells,				
	observation ports on a minimum of two disposal pipe runs per disposal field, sampling facilities and related appurtenances. Works are approximately located as shown on attached				
Details/Findings:	Site Plan A.	tod 2016 02 02 from Anmoro	Estatos contractor Ewan Stowart Azura		
Details/Fillulings.	In correspondence dated 2016-03-02 from Anmore Estates contractor Ewan Stewart, Azura Management Corp, it is reported that the two subsurface disposal fields have been exposed				
	due to regrading of the neighboring properties. This may have resulted in groundwater				
	expression from the cut side of the septic field into the neighboring schoolyard. It was not				
	observed during the inspection.				
Compliance:	Not Determined				
Actions to be taken:	See comments for ac	tion below.			
Requirement Description:		REMENTS, 2.15 Sewer Conn			
	2.15: The discharge authorized by this permit shall be connected to a municipal sewerage				
Dataila/Eindinga		cilities become available.	an entropter Furen Otomert stated that a		
Details/Findings:	During site inspection on 2016-12-21 Anmore Estates contractor Ewan Stewart stated that a possible connection to the municipal sewerage system of Port Moody is estimated to be 67m				
	away from the strata property. It was noted the connection was in Port Moody to estimated to be of the				
Compliance:	Out				
Actions to be taken:	Connect to sewer.				
Requirement Description:	2. GENERAL REQUI	REMENTS, 2.2 Maintenance	of Works		
•	2.2: The permittee sh	all inspect the authorized work	s regularly and maintain them in ager of any malfunction of these works.		
inistry of Environment	Compliance	Mailing Address:	Telephone: 604 582 5200		
	Environmental	2nd Fl	Facsimile: 604 930 7119		
			1 40311110. 004 930 / 119		
	Protection Division	10470-152nd St	Website: www.gov.bc.ca/env		

Details/Findings:	In correspondence dated 2016-03-02 from Anmore Estates contractor Ewan Stewart, Az Management Corp, it is reported that the two of the authorized works, the subsurface disposal fields, have been exposed due to regrading of the neighboring properties.			
Compliance:	Not Determined			
Actions to be taken:	The malfunction was reported. However it was not determined if works in good order due t snow.			
Requirement Description:	2. GENERAL REQUIREMENTS, 2.3 Bypasses 2.3: The discharge of effluent which has bypassed the designated wastewater treatment works is prohibited unless the approval of the Regional Waste Manager is obtained and confirmed in writing.			
Details/Findings:	It was reported to the Ministry of Environment that sewage from the Anmore Green Strata Property septic field was leaking out into parking lot of Heritage Wood Secondary School at 1300 David Ave, Port Moody, BC. During site inspection no evidence of this was seen, however the ground was not visible due to snow cover.			
Compliance:	Not Determined			
Actions to be taken:	See comments for action below.			
Requirement Description:	 2. GENERAL REQUIREMENTS, 2.5 Facility Classification and Operator Certification 2.5: The permittee shall have the works authorized by this permit classified by the Environmental Operators Certification Program Society (Society). The works shall be operated and maintained by persons certified within and according to the program provided by the Society. Certification must be completed to the satisfaction of the Regional Waste Manager. In addition, the manager shall be notified of the classification level of the facility and certification levels of the operators, and changes of operators and/or operator certification levels within 30 days of any change. Alternatively, the works authorized by this permit shall be operated and maintained by persons who the permittee can demonstrate to the satisfaction of the Director, are qualified in the safe and proper operation of the facility for the protection of the environment. 			
Details/Findings:	A search of the EOCP database found that the facility was not classified by the EOCP nor was an operator certified. This was later confirmed in a phone call to Anmore Estates contractor Ewan Stewart, Azura Management Corp on 2016-12-09.			
Compliance:	Out			
Actions to be taken:	See comments for action below.			
Requirement Description:	3. MONITORING AND REPORTING REQUIREMENTS, 3.3 Reporting 3.3: Maintain data of analyses and flow measurements for inspection and submit the data, suitably tabulated, to the Regional Waste Manager for the previous six months. The reporting periods end March 31 and September 30 each year. All reports shall be received by the manager within 31 days of the end of the reporting period.			
Details/Findings:	All reports submitted for inspection period of October 1 2015 - September 30 2016.			
Compliance:	In			
Actions to be taken:	N/A			

Compliance Environmental Protection Division Mailing Address: 2nd Fl 10470-152nd St Surrey BC V3R 0Y3 An office review was conducted by Environmental Protection Technician Kelly Mills, additional reports found in the file of sewage leaking from Anmore Strata Corporation's septic field onto the neighboring school triggered a site inspection. This was conducted by Environmental Protection Officer David Hebert on the afternoon of December 21st 2016. Anmore Strata Corporation Contractor Ewan Stewart guided the inspection around the septic field and then down hill to the neighboring Heritage Wood Secondary School. The ground was covered in snow at the time of inspection and no discharges were visible.

Requested Actions:

-Control BOD and TSS to within permitted parameters -Obtain classification and certification by EOCP -Continue working with qualified professionals to conduct analysis and determine if breakthrough is actually septic discharge and if pollution is occurring, please provide a plan and timeline -Work with all stakeholders to connect to sewer

Please notify this office by email at EnvironmentalNonCompliance@gov.bc.ca within 30 days of this letter, advising what corrective measures have been taken, and what else is being done, to bring this authorization into compliance.

If you have any questions about this letter, please contact the undersigned.

Yours truly,

David Hebert

Environmental Protection Officer

cc: Strata MGR: Maria Ferreira LMS 3080 Anmore Green Estates c/o Quay Pacific Property Management 535, Front Street, New Westminster, BC, V3L 1A4 maria@quaypacific.com

Patricia Gartland - CEO/Superintendent of Schools SCHOOL DISTRICT NO. 43 (COQUITLAM) 550 Poirier St, Coquitlam BC V3J 6A7 Contact the Superintendent Via Barb Simonovic, Executive Assistant Email: bsimonovic@sd43.bc.ca

Juli Kolby CAO VILLAGE OF ANMORE 2697 Sunnyside Road, Anmore, B.C. V3H 5G9 juli.kolby@anmore.com

Fred Nenninger Manager Policy Planning Analysis & WWTP Upgrade Simon So General Manager GVS & DD METRO VANCOUVER 4330 Kingsway Burnaby, BC V5H 4G8 fred.nenninger@metrovancouver.org simon.so@metrovancouver.org

Ministry of Environment Compliance

Environmental Protection Division Mailing Address: 2nd Fl 10470-152nd St Surrey BC V3R 0Y3

Attachments:

Deliver via:				
Email: X Fax:	Mail:			
Registered Mail:	Hand Delivery:			

Ministry of Environment	Compliance	Mailing Address:	Telephone: 604 582 5200
	Environmental Protection Division	2nd Fl 10470-152nd St Surrey BC V3R 0Y3	Facsimile: 604 930 7119 Website: <u>www.gov.bc.ca/env</u>

DISCLAIMER:

Please note that sections of the permit, regulation or code of practice referenced in this inspection record are for guidance and are not the official version. Please refer to the original permit, regulation or code of practice.

To see the most up to date version of the regulations and codes of practices please visit http://www.bclaws.ca

If you require a copy of the original permit, please contact the inspector noted on this inspection record or visit: http://www2.gov.bc.ca/gov/topic.page?id=DF89089126D042FD96DF5D8C1D8B1E41&title=Publically%20Viewable%20A uthorizations

It is also important to note that this inspection record does not necessarily reflect each requirement or condition of the authorization therefore compliance is noted only for the requirements or conditions listed in the inspection record.

MURDY & MCALLISTER

BARRISTERS & SOLICITORS

TELEPHONE (604) 689-5263 FAX (604) 689-9029 WWW.MURDYMCALLISTER.COM TWO BENTALL CENTRE 1155-555 BURRARD STREET P.O. BOX 49059 VANCOUVER, CANADA V7X 1C4

June 1, 2017

VIA EMAIL

Greg Dureault Barrister & Solicitor 8652 Commerce Court Burnaby, B.C. V5A 4N6

Dear Sir:

Re: Anmore Green Estates and Village of Anmore Our File No. 2991

Thank you for your letter of May 18, 2017 and extensive attachments and the comprehensive review of the difficult background to this matter.

With respect to your request for support regarding connection to the regional sanitary sewer line through Port Moody, the Village's response to you was premised on its clear position that it is not prepared to join as a member of the Metro Vancouver Sewerage and Drainage District (MVS&DD) as a result of, primarily, cost concerns.

While you may believe it possible that the Village could maintain that position and support your client's request, the Village is concerned that any support for your client's request to connect could be relied upon by Metro Vancouver in support of seeking to have the Village join MVS&DD.

The Village does not wish to take any steps or authorize or encourage any actions which could be seen to be contrary to its position. This risk is heightened by the fact that in considering your request, the Village has already been put on notice by MVS&DD that it is not prepared to authorize individual connections such as are proposed, without the Village joining MVS&DD.

Despite the foregoing, if your client wishes to pursue this matter with Metro Vancouver and secures its approval then Council may well reconsider the matter, but for the time being, there does not seem to be anything new that would require reconsideration.

While you made reference to a petition to the Supreme Court, we are not aware of any legal basis for challenging Council's response to your request.

Yours truly MURDY & MCALLISTER Christopher S. Murd

CSM/dc