

Fawn Ross

From: Bings, Dan P ENV:EX <Dan.Bings@gov.bc.ca>
Sent: Wednesday, October 24, 2018 2:59 PM
To: Fawn Ross; ICecchini@SD43.bc.ca
Cc: Nelless, Brady ENV:EX
Subject: Fwd: 2018-10-19 PAO 4 - DRAFT
Attachments: 2018-10-19 PAO 4 - DRAFT.docx

Fawn/Ivano, pls find enclosed a draft order for review and comment which grants AGE trespass authority over all lands necessary for the fulfillment of the PAO requirements. Please submit comments by Nov 1, 2018.

Dan Bings

Sent from my Samsung Galaxy smartphone.



Date:

Order: #####

File: 4606

Registered Mail

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

POLLUTION ABATEMENT ORDER

In order to better characterize the impacts of sewage breakouts from the disposal fields owned by the Owners of Strata Plan 3080 (Anmore Green Estates) and to ensure maintenance of the fencing and signs around the identified exclusion zone, order 109603 was issued on August 30, 2018. Subsequent to that order, difficulties encountered by Anmore Green Estates securing consent to access School District 43 property have compromised the ability to comply with that order. The monitoring of the breakout area cannot occur and students are freely accessing the previously fenced exclusion zone. Accordingly, Order 109603 is hereby cancelled and replaced with the following order.

ORDER:

Based on the information in front of me I am satisfied on reasonable grounds that the ongoing breakout of effluent from the subject infiltration fields onto the neighbouring School District/Port Moody Property is causing pollution. Furthermore, I am satisfied on reasonable grounds that in accordance with the *Environmental Management Act*, subsection 83(3), it is necessary to grant Anmore Green Estates and its agents trespass authority over all lands necessary for the fulfilment of the following requirements.

Accordingly, pursuant to Section 83 of the *Environmental Management Act*, the Owners of Strata Plan LMS 3080 (Anmore Green Estates) are hereby ordered to:

1. Maintain appropriate exclusion fencing and signage around the identified exclusion zone to the satisfaction of the director.
2. November 1 to April 30 - Implement a sampling program during this period. The sampling program must include water testing for key nutrient and septic parameters. Field measurements of pH, conductivity, temperature, and dissolved oxygen must 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.

Samples must be collected following provincial guidelines 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 School District 43 stormwater outfalls. Sampling events will occur at least once per month. Based upon the data presented, this order may be further amended to modify the sampling protocol and frequency.

3. Submit all sampling data to the Ministry within 72 hours of receiving the results from the accredited lab for the preceding month's sampling. An email reporting the results will be sent to the Ministry once per month to: environmentalcompliance@gov.bc.ca.

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."

It is 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 250-565-6401 or Dan Bings at 250-398-4545.

Yours truly,

Brady Nelless, R.P.Bio.
for Director, *Environmental Management Act*