

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