

Report of the SSID Chair to the Summer Meeting, August 5, 2018

As Chair of the Improvement District, I felt that it was necessary to outline some of the events and developments that led to the bylaw we will be presenting to you shortly. This should help you as lot owners to understand the issues, costs and implications of the process that the trustees and staff of SSID have gone thru.

It all began with an e-mail on November 28th, 2016 to the trustees from the District Water Officer suggesting that SSID should implement a 90 metre setback effective immediately and create a bylaw to reflect this change. He also suggested that we should consult a hydro-geologist to determine a wellhead protection area and suggested that our nitrate/nitrite levels were increasing and showing impacts on the source water.

The trustees met and prepared a letter to reply to the District Water Officer (DWO). We asked why it was necessary to adopt a bylaw when he had the authority to enforce a 90-metre setback. His answer was, "Although I have the authority to enforce a 90 metre setback for sewerage system installation, if there is no bylaw in place there will be no effective process in place to alert property owners, prospective purchasers, and professional engineers and other Authorized Persons of the existence of the setback." We indicated to the DWO that the 90m setback, according to the Standard Practices Manual applies to wells that are high production wells in an unconfined aquifer. The definition in the manual of a high production well is one that serves 500 plus persons and pumps 42 gallons per minute. Neither requirement is met by our system. The ID conducted a one-month test in the summer of 2017 with the following results: we never pumped over 8 hours on a given day; we never pumped over 80 cubic metres per day and our highest pumping rate was 37.2 gallons per minute. We also indicated that our nitrates had shown little increase from 2009 to 2016 and they are well within the limits suggested. The DWO replied that the limits were 10.0 mg/L for nitrates and 1.0 for nitrites. While these levels are below the Maximum Allowable Concentration, it is important that we don't allow them to rise.

In June of 2017, our Administrator met with the DWO and reported the following back to the trustees: 1. On the issue of grand-fathering septic fields in the 90m setback, the DWO explained that these existing septic fields would have to legally conform to septic regulations at the time the systems went in, and they were approved using the best information available at the time. In order for Vancouver Coastal Health (VCH) to force their removal or replacement, the sewerage system would have to be shown to be causing contamination. 2. In regard to alternate sewage treatment, the DWO indicated that, "an alternate system might not make much difference to the liquid waste in terms of nitrates and nitrites. There are various types of alternate sewage treatments, and the providers might make claims as to how well their systems work, but some of it is theory." 3. The DWO confirmed that he was giving SSID direction. He

wrote that if he thought it necessary, he would make completion of a Well Protection Plan a condition of SSID's operating permit, and set a deadline. All conditions of the permit MUST be met.

With this threat in mind, the trustees then hired hydrogeologist John Balfour to prepare a report for us regarding a Well Protection Plan. He visited the island on August 15th of 2017 and the final report was received on September 20th. The report was sent to the DWO for his comments and he replied on October the 4th. While he praised SSID by indicating that he felt the water system continues to be well run and in a proactive manner, he reiterated his concern regarding nitrates by suggesting that SSID consider some sort of property use controls to ensure that nitrate loading is not increased in the existing sewerage systems. Over the next nine months, the trustees prepared 11 versions of the bylaw. Our first attempt in December involved attempting to outline the proper procedures for getting a septic tank and field permitted and installed in order to ensure that they were properly installed and maintained. The DWO replied septic fields are a primary treatment system and as such, nitrates are a by-product. As far as maintenance plans go, he indicated that VCH does not have the tools or the time to ensure that they are followed and they do not magically prevent the problem. He indicated also that he believes the Improvement District's ability to enact a wellhead protection plan hinges on whether protection of the water source is incidental to provision of services. "The SSID cannot provide potable water if the source is not effectively protected."

In his comments on the next draft sent to him in April of 2018, he now indicated that he liked the inclusion of the maintenance plan in the earlier draft as this would be a positive step in ensuring the ongoing operation of the existing sewerage systems. He wanted a statement made as to the position of the ID regarding the placement of sewerage systems within the setback area and wanted all new sewerage systems within the catchment area to include technology and design to significantly reduce nitrates in the effluent. He announced that he was leaving Powell River as April 28th. Our Administrator sent the next draft to Environmental Health Officer Darren Molder, the official in Sechelt who is the new DWO's boss. Further suggestions were made by him and incorporated into Draft 10 which finally was forwarded to the lawyers and government advisors for comment.

Our government contact outlined to us our significant authority to protect the water source for its water service and quoted a number of sections of the Local Government Act. However, he also indicated that we do not have the authority to adopt a bylaw restricting land development. That authority is given to the Province and Regional Districts. He indicated that the improvement district should work with those governments to determine if they can act to restrict development in the manner desired by the Well Protection Plan.

Our lawyers highlighted for us the potential risk regarding inconsistency with Provincial legislation, taking on an additional regulatory role, and potential issues with resources related to enforcement. They have provided us with draft language for a bylaw that will demonstrate to the DWO that the improvement district is taking steps to ensure that the water supply remains safe, while limiting the additional responsibility and cost that would be shifted onto the improvement district. The advantage of a bylaw as compared to a Best Practices guide is that the ID can obtain a statutory injunction, which is generally less costly and easier to obtain than a common law injunction.

We are faced with the issue of the grand-fathering of septic systems that were installed under regulations that were less restrictive than those in place now. The filings of some of the septic systems are missing and will have to be investigated. In conclusion, we now have to work with the DWO for PRRD to alleviate the septic field issues to better protect our water supply.