

Sewage Commission Delegation

Request for Sewage Commission Action
Policy Issues

Curtis Road Residents Association, May 14 2019



Background

□ Policy Issues

- Adoption of odour standards
- Improved governance
- Reporting/communications

□ Bio-reactor and EQ Basin Issues

- Next steps

Odour Standard

Issue

- ❑ Curtis Road Residents are accused of being whiners and “never happy” if we complain about odours

- ❑ An agreement and commitment to an odour standard would be a huge help for all concerned

- ❑ The odour standard would need to recognize:
 - That chronic odours causing nuisance must be fixed
 - That incidental odours, due to maintenance and unforeseen problems, may infrequently cause some odour issues

Odour Standard

Odour Legislative Framework

BC has no odour standard for wastewater per se, but there are other protections:

- ❑ Canadian Tort Law Nuisance
 - causing a substantial and unreasonable interference with a claimant's land or his/her use or enjoyment of that land
 - Applies regardless of whether the claimant came to the nuisance
- ❑ Environmental Management Act of BC
 - odour is an air contaminant under paragraph "e" in the definition of "air contaminants"
- ❑ Electoral Areas Unsightly Premises and Nuisances Regulation Bylaw No. 377
 - Requires the owners of real property, or their agents, to eliminate or reduce the fouling or contaminating of the atmosphere

Odour Standards Survey

- ❑ Many jurisdictions/projects use the standard of 1 OU with a 99.5 per cent level of compliance for sewage treatment. Examples are:
 - Province of Ontario
 - The new City of Vancouver North Shore Sewage Treatment plant
 - Standard recommended by Saskatchewan provincial task force
 - Scottish Environmental Protection Agency

- ❑ New Capital Regional District plant has 2 OU's at the property line, but:
 - the property line is approx. 250-300m from the nearest residential area
 - all tanks will be covered
 - there are no residential communities between the plant and the ocean so there is no offshore breeze issue

Odour Standards

CVWPCC

- ❑ Compliance with the Ontario Odour standard was recommended to the Sewage Commission in January 2017 when last year's odour upgrades were approved:
 - “Although BC does not currently have odour standards, compliance with the Ontario odour standard is recommended to minimize odour impacts on the general public.” Staff Report January 2017
 - January presentation claimed the upgrades “Should allow facility to achieve [Ontario] odour standard”
- ❑ Commitment to the Ontario standard was made in the LWMP/PAC meetings
 - Odour impact was removed from weighted evaluation criteria because meeting this standard was deemed a mandatory requirement for all solutions

Odour Standard Remedy

- We would like the Sewage Commission to commit to the Ontario standard.
 - CVRD staff report of May 9, 2019 states that to meet this standard the bio-reactors need to be covered
 - Existing odour modelling (along with consultant recommendations) proved that the bio-reactors must be covered to meet this standard.
 - Last year's odour improvements (primary clarifier covers, polisher and scrubber renovation) will not change the 735+ OU's being generated by the bioreactors.

Governance

Issue – Sewage Commission Representation

- ❑ Electoral Area B is not represented and so has no voice in the operational issues or in any of the key decisions being made this year under the LWMP.
- ❑ Issues like the EQ Basin project and the pump station may have been avoided had we had representation on this commission.
- ❑ The Governance Study to which Director Hamir's request was referred last month:
 - Barely mentions this issue -- and the May 2019 Staff Report provides no mention of it in its plan.
 - Takes a very broad view of governance and the issues.
 - Is not a high priority for the Committee of the Whole.
 - According to the study, is a multi-year endeavor.

Governance – Legislative Framework

- ❑ Local Government Act (LGA) Bill 14 passed in 2000
 - extended broader service powers to regional districts
 - promoted the development of more flexible service arrangements
- ❑ There is no language in the LGA that prohibits non-participating area directors from being members of a commission with voting rights
 - Confirmed by the Ministry of Municipal Affairs in writing on May 13, 2019
 - CVRD Legal Services confirmation
 - Supported by the Governance Study
- ❑ Under LGA Section 340 1 (c), the board is allowed to establish the membership and voting rules.
 - ❑ Commission membership can include elected and non-elected members
- ❑ The Regional District Board delegated administration and operation to the Sewage Commission through bylaw 650.
- ❑ Authority to change the membership and voting lies with the CVRD Board (also confirmed in Ministry correspondence)

Governance

Remedy Sought

- That the sewage commission recommends to CVRD that Electoral Area B becomes a permanent member of the commission with voting rights as per Director Hamir's request of April 2019.

Reporting/Communication

The odour complaint tracking system, put in place in 2014, needs an overhaul :

- ❑ RWDI's resident survey in 2015 found that more than half the residents didn't know how/where to report odour issues.
- ❑ Lacks transparency, visibility and upward reporting
 - Nothing reported in management or sewage commission reports
 - Up until three weeks ago, the website said 10 complaints per year when the number was in fact much, much higher
- ❑ Residents become discouraged when complaints are made and the chronic odours persist -- some give up reporting
- ❑ There is nothing on CVRD's web site on how to report an odour complaint

Remedy: Include odour control tracking improvements in "Communication protocol" scope

Bioreactor and EQ Basin Issues

Next steps

- ❑ CRRA has completed its preliminary assessment of CVRD's May 9th Staff Report and conclude that our issues have not been adequately addressed or reflected in the options presented.
- ❑ On the Bioreactor Issue, staff concede that:
 - Only 80% of the odour problem was addressed by last year's upgrades
 - Achieving the Ontario standard for odour will almost certainly require that the bioreactor tanks be covered.
- ❑ On the EQ Basin issue:
 - Well water concerns have not been addressed at all
- ❑ CRRA's full response to the staff report will be sent to the sewage commission by the end of the week.
- ❑ CRRA would welcome the opportunity for a fuller frank discussion with Sewage Commission members, CVRD Staff and our Electoral B representative before any decisions are made.