



Reference: 305517

November 18, 2016

Jane Bird
Chair, Core Area Wastewater Treatment Project Board
Capital Regional District
PO Box 1000, 625 Fisgard Street
Victoria BC V8W 2S6

Dear Ms. Bird:

Thank you for your letter of November 17, 2016, regarding my conditional approval of Amendment No. 11 to the Core Area Liquid Waste Management Plan (CALWMP). As requested in your letter, I will clarify my conditional approval of Amendment No. 11 to the CALWMP and have also considered your request to modify my condition for Integrated Resource Management.

To address your concerns, I am revising my September 30, 2016, Conditional Approval of Amendment No. 11. This revised Conditional Approval of Amendment No.11 supersedes my September 30, 2016, decision.

To clarify, Amendment No. 11 includes, but is not limited to, the following:

1. A single 108 megalitre/day wastewater treatment plant located at McLoughlin Point within the Township of Esquimalt capable of tertiary treatment for flows up to 2 times Average Dry Weather Flow (ADWF) for the Core Area up to 2040. For flows that are greater than 2 times ADWF but not more than 3 times ADWF for the Clover Point catchment and up to 4 times ADWF for the Macaulay catchment, primary treatment will be guaranteed. Construction of the wastewater treatment plant will be completed by December 31, 2020.
2. Commitment to advance studies for a wastewater treatment proposal in Colwood, including up to \$2 million to complete the required technical studies and environmental impact assessments.
3. Conveyance of sewage sludge to the Hartland landfill for processing into Class A biosolids, as defined under the Organic Matter Recycling Regulation, for beneficial use and optimization for potential opportunities for integrated resource management.

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As a condition of my approval and in accordance with Section 24 (5) of the *Environmental Management Act*, I require the Capital Regional District (CRD) develop a definitive plan for the beneficial reuse of biosolids that does not incorporate multi-year storage of biosolids within a biocell. The Ministry of Environment understands that the plan may need to include short-term storage and/or management options as part of implementing the beneficial reuse plan, but the CRD is strongly encouraged to minimize the need for this. Further, I am amending the deadline for submission of the plan from December 31, 2017, to June 30, 2019, under the condition that the CRD submit, by May 31, 2017, a plan that outlines the procedural steps and schedule it will implement to achieve the definitive plan.

The CRD must ensure that the definitive plan for beneficial reuse of biosolids is supported by an assessment of the full spectrum of beneficial uses and integrated resource management options available for the proposed Class A biosolids produced at the Hartland Landfill, and incorporates a jurisdictional review of how similar-sized and larger municipalities within British Columbia, North America and further abroad, successfully and beneficially reuse biosolids. Ministry staff will assist as necessary and can share the ministry's jurisdictional review of how other similar-sized and larger municipalities reuse biosolids.

The beneficial reuse option selected for treated biosolids must meet the requirements for beneficial use specified in the Canadian Council of Ministers of the Environment *Canada-Wide Approach for the Management of Wastewater Biosolids* (October 11, 2012) and be based on scientific evidence. This definitive plan for the beneficial reuse of biosolids will replace the current proposal to use a biocell for storage.

Please continue to work with staff in the Environmental Protection Division of the Ministry of Environment to ensure that the proposed wastewater treatment facility is registered under the Municipal Wastewater Regulation prior to operation of the plant. Please also inform ministry staff of all beneficial uses of biosolids being considered, in order to ensure all necessary forms of authorization are obtained in advance of discharge.

Additionally, the CRD should continue to engage First Nations and the public on all aspects of the CALWMP.

Be advised that the ministry intends to publically post any reports or other documents received by the CRD on the ministry website related to this conditional approval, the CALWMP and this activity regulated under the *Environmental Management Act*.

Approval of Amendment No.11 to the CALWMP does not authorize entry upon, crossing over or use for any purpose of private or Crown lands or works, unless and except as authorized by the owner of such lands or works. The responsibility for obtaining such authority shall rest with the local government. This amendment is approved pursuant to the provisions of the *Environmental Management Act*, which asserts it is an offence to discharge waste without proper authorization. It is also the regional district's responsibility to ensure that all activities conducted under this plan amendment are carried out with regard to the rights of third parties and comply with other applicable legislation that may be in force.

Sincerely,



Mary Polak
Minister

cc: Honourable Peter Fassbender, Minister of Community, Sport and Cultural Development
AJ Downie, Director, Environmental Protection Division, Ministry of Environment
Robert Lapham, Chief Administrative Officer, Capital Regional District
Larisa Hutcheson, Interim Project Director, Core Area Wastewater Treatment Project,
Capital Regional District
Sharon Singh, Associate, Bennett Jones Vancouver

