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**Minutes of a Meeting of the Core Area Liquid Waste Management Committee
Held December 12, 2012, and continued on December 19, 2012, in the Board Room.
625 Fisgard St., Victoria, BC**

Present Dec. 12: Directors: D. Blackwell (Chair), L. Wergeland (Vice-Chair), M. Alto, S. Brice, J. Brownoff, V. Derman, B. Desjardins, D. Fortin, C. Hamilton, G. Hill, B. Isitt, N. Jensen (J. Herbert), V. Sanders (for F. Leonard), L. Seaton, G. Young
Staff: K. Daniels, Chief Administrative Officer; J. Hull, Interim Program Director, Core Area Wastewater Treatment Program; T. Brcic, Deputy Program Director, Core Area Wastewater Treatment Program; L. Hutcheson, General Manager, Environmental Sustainability; R. Lapham, General Manager, Planning and Protective Services; S. Santarossa, Corporate Officer; N. More, Committee Clerk (Recorder)

The meeting was called to order at 10:31 a.m. on December 12.

1. Approval of Agenda

MOVED by Director Derman, **SECONDED** by Director Desjardins,
That the agenda be approved with the addition of the supplementary agenda.

CARRIED

2. Chair's Remarks

The Chair instructed the delegations speaking to Items 7 and 8 to limit their speech to three minutes each, according to the rules of procedure.

3. Presentations/Delegations

- 1) Allan Crow, re agenda item 7: spoke against the motion. He spoke of 35 years of commercial fishing and diving experience and witnessing damaging effects of dumping of raw sewage. He spoke of tides and currents, concentration and settlement of contaminants, Fecal Coliform counts in shell fish, emulsified grease and oil concentrations in bird population, and pollution. He was concerned over any further delays in moving forward with secondary treatment.*¹
- 2) Ed Ishiguro, re agenda item 8: spoke against the motion. A microbiologist at the University of Victoria, he referred to a Capital Regional District (CRD) wastewater and marine environment monitoring report, noting that what is claimed as relatively clean once discharged at the outfall actually means that it has satisfied the water quality criteria for screened sewage. He expressed that the measures of biodegradable organic matter and solids that settle out were significant. He felt that what goes into the wastewater stream is dirty, what gets pumped into the ocean is dirty, and diffusing, dispersing and diluting it is not treatment. He felt secondary treatment would reduce Biochemical Oxygen Demand and Total Suspended Solids

¹ *Speaking notes, a slide presentation or other written submission were received from the delegation and are on file in Legislative Services.

- by up to 99%. He expressed that once particles are discharged into the ocean, there is no sophisticated way of tracking where they go. He felt there is an immediate need for treatment.*
- 3) George Pearce, re agenda item 8: spoke in favour of the motion. For himself and as a member of Stop a Bad Plan! he was concerned over paying high taxes for a plan that might not work, felt engineering and science had not been followed and that the plan should be future-oriented. He expressed that the National Research Council could help with their problem-solving methods.*
 - 4) David Coburn, re agenda item 8: spoke against the motion. A sociology professor emeritus in public health, he noted that the sewage debate had been going on for more than 20 years and treatment could have been put in place years ago for less cost. He reflected on incomplete science and cautioned against expecting science to provide solutions to political differences when the decisions are about the kind of lives we want to lead and what kind of risks we are prepared to take as individuals, communities and as human beings in the presence of various unknowns. He felt the study called for in the motion was not feasible and would lead to more questions. He was concerned that the motion was an attempt to delay the project under the guise of science.*
 - 5) Susan Low, Green Party of BC, re agenda item 8: spoke in favour of the motion. She felt an environmental impact assessment would be constructive and it would help if prior to procurement the CRD could determine the highest design priorities for wastewater treatment. She expressed that a technology has not yet been selected and there is uncertainty about what toxins to look for. She felt a preliminary study was not sufficient to guide engineers in a project of this size and cost. She expressed that if the assessment led to recommendations of a different approach than land-based, the results could be brought before senior government to indicate a change to the most effective plan. She reflected that we have a moral and ethical imperative to reduce the impact of human civilization on our environment and choose the best means to do so, using science and analysis. She felt the Committee could authorize a full assessment comparing this project to other alternatives and make a prudent public decision.
 - 6) Susan Draper, re agenda item 8: spoke against the motion. She acknowledged the traditional lands of the Coast Salish people and spoke of right relationship with the earth as crucial to human survival. She felt the community is ready to go forward with the treatment plan, which could be improved later as the technologies become available. She expressed that delaying the project sends the wrong message to younger generations that the status quo is acceptable. She felt people must understand that what we're doing now is wrong and what we dump into the ocean impacts living organisms.*
 - 7) David Ferguson, Cadboro Bay Residents Association, re agenda item 8: spoke in favour of the motion. He expressed that decisions made on November 27 were not

based on facts and that specific results and benefits, cost analysis, and evidence were needed to prove that the proposed treatment will be better than what is being done now. He felt the sentiment of the public had been ignored, the project has until 2020, and the Committee should take the time to study it properly.

- 8) John Schmuck, Quadra Cedar Hill Community Association, re agenda item 8: spoke in favour of the motion. He felt the study would be necessary to see if there were net environmental benefits. He spoke of concerns about sending toxic sludge from the proposed MacLoughlin Treatment plant through neighbourhoods to the Hartland Landfill, the road disruption, cost, traffic and carbon footprint in the area during construction of the pipeline. He expressed that the Association requests the plan for sludge treatment at Hartland be dropped. *
- 9) James Skwarok, Victoria Sewage Treatment Alliance, re agenda item 8: spoke against the motion. He mentioned support for the treatment plan from the Victoria Chamber of Commerce and Tourism Victoria, professors and engineers, the Premier of BC and the Leader of the Opposition. He reflected on the scientific review from the Society of Environmental Toxicology and Chemistry (SETAC) panel, the federal Wastewater Systems Effluent Regulations and environmental impact assessments already done on the treatment plan. He felt that a true scientific comparison of the current disposal method and the secondary treatment plan cannot be done because of unknowns about toxins in sewage and marine food webs, and because the precise details of the treatment plan have not yet been determined. He felt that the focus should be on ensuring the plan maximizes resource recovery. He expressed that we should stop treating the ocean as a garbage dump, and secondary treatment is needed now. *
- 10) Richard Atwell, Stop a Bad Plan!, re agenda item 7: spoke in favour of the motion. He summarized the views of delegations to the November 14 meeting and spoke in favour of suspending the project, engaging higher levels of government and performing due diligence.
- 11) Graydon Gibson, re agenda item 8: spoke in favour of the motion. He felt public consultation had been missing, the SETAC panel report was inconclusive and open to interpretation, and an independent, environmental impact assessment under federal legislation was needed.*
- 12) Dr. Fred Haynes, Prospect Lake District Community Association, re agenda items 8 and 5: spoke in favour of the motion. He reported the Association demands a halt to the proposed sewage treatment plan pending an environmental review and cost benefit analysis. He spoke of marine science, source control and stormwater. He spoke against the plan for a biosolid center at Hartland Landfill and mentioned capital, operating costs, environmental impacts and the sustainability of the landfill. He felt there would be support and flexibility from senior government for the CRD to take some time for a cost benefit analysis in order to get a treatment system that works and which taxpayers can afford.*

- 13) John Newcomb, re agenda item 8: spoke in favour of the motion. He felt the CRD needs an environmental impact assessment for the sewage treatment plant. He expressed that the federal discharge ratings based on total suspended solids (TSS) and carbonaceous biochemical oxygen demand (CBOD) were arguable, especially in light of Provincial guidelines. He felt the 2020 deadline was too soon for proponents to bid on the treatment project, and it was up to the CRD to mount a challenge based on the TSS and CBOD measurements, overturn the current rating and gain a 2040 deadline. He spoke of the seismic fault line in the harbor and described the comprehensiveness of an environmental impact assessment.

Chair Blackwell introduced the new Director from Langford, L. Seaton.

MOVED by Director Jensen, **SECONDED** by Director Isitt,
That Items 7 and 8 be considered before Item 4.

CARRIED

7. Motion for Which Notice Has Been Given (EWW 12-86)

This item was considered before item 4.

J. Hull presented the report, with information about the Core Area Liquid Waste Management Plan amendments 7 and 8, oxygen demand on the marine environment, federal rating of CRD outfalls, microbial fuel cell technology, the phased approach of the current plan, the procurement process, the Environment Canada (EC) response to CRD inquiry about reclassification to 'low risk', and intergovernmental, economic and environmental implications. He presented some points using slides, including the following:

- Conclusions from the 2010 annual report showing the ocean is not effectively treating our sewage and anthropogenic contaminants are remaining in the environment and entering the food chain
- A list of the environmental impact studies already carried out regarding land based treatment, at a cost of ~\$3 million

He mentioned environmental management plans during construction, expected reductions in rated factors with secondary treatment and the opportunity to add advanced oxidation in future for removal of additional substances of concern. He summarized that new studies were not required and the Saanich Peninsula Treatment Plant Wastewater and Marine Environment Monitoring program provides information on post-treatment marine environment conditions.

The Committee briefly discussed stormwater management. Upon the motion, the Committee discussed the format of receiving information. They discussed the length of time it would take to do the proposed environmental impact assessment, past reports and the usefulness of having a slide presentation summarizing them, disposition of substances of concern in ocean or land based treatment, and more about stormwater management.

MOVED by Director Brownoff, **SECONDED** by Alternate Director Sanders,
That the Core Area Liquid Waste Management Committee receive this report (EWW 112-86) for information.

CARRIED
Desjardins OPPOSED

8. Motion for Which Notice Has Been Given

a. Request for Environmental Study of Land Based Liquid Waste Treatment Project, Oak Bay Municipal Council

Upon the motion, the Director from Oak Bay elaborated on its details. He described doubts about the scientific evidence requiring secondary treatment or the environmental benefits of land based secondary treatment and spoke of the request for an environmental impact assessment (EIA) and hopes of federal and provincial input and funding.

The Committee debated the motion, discussing taxation and spending on large projects, interest groups, the relevance of what to build rather than whether to build, scientific indications, the past six years of study and committee decision-making, confidence in professional advice, anticipation of innovation from market proposals, senior government support of current plan, the delay that would be caused by the proposed EIA and what the results might be, the contribution of regulatory guidance from the BC Ministry of Environment over the years and EIAs that have been conducted already, the larger context of environmental work across the country on stormwater, source control and emerging chemicals, representative technology and expectations of an Amendment 9 to the Core Area Liquid Waste Management Plan as the project evolves, and the 123 million litres of sewage discharged daily to the ocean from core area outfalls.

MOVED by Director Jensen, **SECONDED** by Director Derman,
That the CRD, in collaboration with and with the consent of the federal and provincial governments, jointly fund a full environmental study that will assess the comparative environmental impact of the current process and proposed process for disposing of liquid waste before the CRD plans are finalized.

DEFEATED
**Blackwell, Wergeland, Alto, Brice, Brownoff, Fortin, Isitt, Sanders, Seaton, Young
OPPOSED**

The Committee took a ten-minute break at 12:32 p.m.
Director Fortin left the meeting at 12:32 p.m.

4. Motion to Close the Meeting

(Items 7 and 8 were considered before Item 4.)

MOVED by Alternate Director Sanders, **SECONDED** by Director Wergeland,
That the Committee close the meeting in accordance with the Community Charter, Part 4, Division 3, 90(2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal

government or both, or between a provincial government or the federal government or both and a third party.

CARRIED

Committee moved to the closed session at 12:42 p.m. on December 12, 2012.
Committee rose from the closed session at 12:57 pm without report and reconvened the open portion of the meeting at 1:01 p.m.

5. Commission Bylaw (discussion)

Chair Blackwell put the following motion back on the floor for reconsideration:

That the Core Area Liquid Waste Management Committee recommend to the Capital Regional District Board:

That Bylaw No. 3851, "Core Area Wastewater Treatment Commission Bylaw No.1, 2012", as amended above, be introduced and read a first time and second time, read a third time and adopted.

It was noted that the Commission Bylaw that was recommended for approval includes the amendment to section 10.1(a)(i). with the word "approve" instead of "review".

The Committee discussed that Chair Blackwell had been charged by the Committee to discuss the amendment with the Minister and had done so, but a formal letter had not yet been received.

On the motion to postpone, the Committee discussed the impacts of delaying the Commission Bylaw and whether anything unexpected would be in the letter.

MOVED by Director Derman, **SECONDED** by Director Hill,

That the motion to reconsider be postponed until the letter from the Province has been received.

DEFEATED

**Blackwell, Brice, Desjardins, Hamilton, Sanders Seaton, Wergeland, Young
OPPOSED**

The Committee discussed whether it was in order to reconsider the motion to amend at this time. They discussed awaiting the formal response by letter from the Province and impacts of delaying the Commission Bylaw. They discussed the role of the Province in the design of the Commission and procurement process and the ties to funding, the ability to amend the Bylaw after adoption, the terms "approve" and "review" in 10.1(a)i and the sense of the overall bylaw, and the process for reconsideration.

On the motion, the Committee discussed the role of the Province and the anticipated May election, guarantees for innovation, the hope for a forward-thinking commission, the ability to affect the terms of the request for qualifications and request for proposal, and the lack of a timely, formal response from the Province.

MOVED by Director Young, **SECONDED** by Director Jensen,
That section 10.1(a)(i) of the Commission Bylaw be amended to replace the word
“approve” with “review”.

DEFEATED

Alto, Brownoff, Derman, Desjardins, Hamilton, Hill, Isitt and Sanders OPPOSED

By consensus of the Committee, the Chair noted that the original committee recommendation would stand but proceed to the Board for three readings only. Final adoption of the bylaw would be postponed pending receipt of the letter from the province.

MOVED by Director Derman, **SECONDED** by Director Hill,
That due to time constraints, the remaining items on the agenda be continued at a future meeting date to be determined and the Committee adjourn until that time.

CARRIED

The meeting reconvened on December 19, 2012, at 9:30 a.m.

Present Dec. 19: Directors: D. Blackwell (Chair), L. Wergeland (Vice-Chair), P. Madoff (for M. Alto), P. Gerrard (for S. Brice), J. Brownoff, V. Derman, B. Desjardins, D. Fortin, C. Hamilton, G. Hill, B. Isitt, J. Herbert (for N. Jensen), V. Sanders (for F. Leonard), L. Seaton, G. Young
Staff: L. Hutcheson, Senior Manager, Environmental Sustainability (Acting Chief Administrative Officer); J. Hull, Interim Project Director, Core Area Wastewater Treatment Program; T. Brcic, Deputy Program Director, Core Area Wastewater Treatment Program; D. Telford, Senior Manager, Environmental Engineering, Environmental Sustainability, N. More, Committee Clerk (Recorder)
Also Present: A. Bryson (Board Chair, ex officio)

6. Procurement Advisor Award of Contract (EWW 12-87)

J. Hull introduced the report and the proposal from Partnerships British Columbia (BC). He summarized that the procurement advisor would assist the Project Management Team (PMT) with the procurement of the McLoughlin Point wastewater treatment facility.

On the motion, the Committee discussed sole source contracting.

Directors Fortin, Isitt and Gerrard entered the meeting at 9:34 a.m.

The Committee discussed the Partnerships BC proposal, the relationship of the procurement advisor to the Project Management Team and the Provincial government, the hourly rate system, measurements of success of the procurement process, public-private partnerships (P3), the role of the fairness advisor, the role of Stantec on the McLoughlin facility and throughout the project, the negotiated rates for Partnerships BC compared to their standard rates, timelines, experience and expertise of the Partnerships BC consultants, the CRD Project Management Team as the employer of the procurement advisor, the design-build-finance methodology in relation to P3 and to bonding, risk security on the finances and the possible effects of a Provincial election, the financial contribution of

the Province and its relationship to privatization aspects of the project, the role of an independent financial officer separate from Partnerships BC, and the ties to funding that determined the form of procurement.

MOVED by Director Brownoff, **SECONDED** by Director Sanders,
That the Core Area Liquid Waste Management Committee recommend to the Capital Regional District Board:

That Partnerships BC be awarded the contract for Phase I procurement services for the McLoughlin Point wastewater treatment facility in the amount of \$711,300 plus HST.

CARRIED
Hill, Desjardins, Derman, Isitt, Hamilton **OPPOSED**

9. New Business

There was no new business

10. Motion to Close the Meeting

MOVED by Director Fortin, **SECONDED** by Director Wergeland,
That the Committee close the meeting in accordance with the Community Charter Part 4, Division 3, Section 90(1) (e) the acquisition, disposition or expropriation of land or improvements.(e) the acquisition, disposition or expropriation of land or improvements.

CARRIED

Committee moved to the closed session at 10:17 a.m. on December 19, 2012.
Committee rose from the closed session at 12:07 p.m. without report.

11. Adjournment

MOVED by Alternate Director Herbert, **SECONDED** by Director Derman,
That the meeting be adjourned at 12:07 p.m., December 19, 2012.

CARRIED

CHAIR

COMMITTEE CLERK