

**REGIONAL DISTRICT OF NANAIMO
REGULAR BOARD MEETING
ADDENDUM**

Tuesday, December 12, 2017

7:10 P.M.

RDN Board Chambers

This meeting will be recorded

	Pages
5. DELEGATIONS - AGENDA ITEMS	
*5.1 Thomas Gates re Bowser Sewer Service Bylaws	2
*5.2 Bryan Holyk re Bowser Sewer Service Bylaws	7
6. CORRESPONDENCE	
*6.3 Murray Hamilton, Owners of Strata Plan - VIS 5160, re Development Variance Permit Application No. PL2017-174 - 3036 Bay Road, Electoral Area 'H'	12

Delegation: Thomas Gates, re Bowser Sewer Service Bylaws

Summary: The purpose of the presentation is to request that the RDN Board of Directors adopt an amended Bowser Village Sanitary Sewer Service Establishment Bylaw with on-land effluent disposal, and to inform the Board about:

- Lack of Area H Representation on Stopping Bowser Ocean Sewage
- Lack of Common sense planning
- Policy non-conformance
- Area H OCP non-conformance
- Lack of a referendum as committed to by RDN staff in the CWWF grant application
- Lack of meaningful and early consultation when marine disposal was contemplated
- ISO14001:2004 Environmental Management System Policy and Top Management Commitments
- Misleading information provided to electorate
- Avoidance of litigation

Action Requested: That the RDN Adopt an Amended Bowser Village Sanitary Sewer Service Establishment Bylaw with On-land Effluent Disposal.

Presentation to the Regional District of Nanaimo General Board Meeting Regarding the Adoption of the Bowser Sewer Service Bylaws. December 12th, 2017

by

Area H Rate Payers and Residents Association (AHRPRA)

Bryan Holyk – Executive Director

Thomas Gates – Campaign Director

(or designated AHRPRA Speaker)

Request: That the Regional District of Nanaimo adopt an amended Bowser Village Sanitary Sewer Service Establishment Bylaw with On-land Effluent Disposal

Good evening Chair - Area H Director Veenhof, Directors and RDN staff.

My name is Tom Gates Director for the Stop Bowser Ocean Sewage Campaign. Presenting with me today is Bryan Holyk Executive Director AHRPRA. This evening we are representing the impact community because unfortunately we are not getting any representation on Stopping Bowser Ocean Sewerage.

Now, we would like to take you on a journey that outlines non-conformance of policies and commitments made by the RDN regarding the Bowser Sanitary Sewer Service.

We will show how misleading information was brought forward in general RDN statements to convince the electorate that 'on-land' disposal of effluents is not possible near Bowser.

I would like you to listen very carefully because this is your last chance to do what is right, and avoid litigation.

1. First, on November 23, 2016 RDN staff stated in the Clean Water and Waste-water Fund application, and I quote a “Referendum was required to establish a service area” and that “...a community consultation process will be undertaken prior to the referendum to ensure residents are informed about the project prior to the referendum vote.”

That did not happen, only a select number of land owners and developers directly inside a conveniently demarcated boundary for the Village Center were included in consultation. All remaining stakeholders were not included despite plans to install the effluent pipeline outside the Village Center.

So the RDN committed to a referendum, did not do one, and did not consult with people outside the village center whose interests would be impacted by a sewage effluent pipeline.

The selection of a pipeline route through a rural neighborhood well outside of the Bowser Village Center shocked our community and reflects a lack of common sense. This led to a 664 person petition presented to the Board on August 22, 2017. Petitioners representing 17 % of Area H were adamantly opposed to marine disposal particularly at the Noonday Road high public use beach location. At the meeting the Board committed to 'consultation' outside the Bowser Village Center prior to completion of detailed design and disposal location decisions. The Board of Directors felt this was a reasonable approach to ensure concerns were addressed.

On October 18 and 19 the RDN conducted an open house for consultation and provided the opportunity for feedback on the project. Feedback overwhelmingly showed that there was no support for the project overall, that effluent should be disposed of on-land, that Bowser should keep their sewage system and effluent in Bowser, and people felt the RDN was abandoning the environment (verbal summary by Randy Alexander at the RDN - Area H Rate Payers and Residents association meeting on November 14, 2017).

The commitment to consultation by the RDN board has been disingenuous because both the 664 person petition and the open house feedback have been ignored. If consultation is intended to have any value does one not have to pay attention to the feedback? RDN staff are saying that only the standard practice on Vancouver Island of having a marine outfall will work. We know this is false because several engineering reports say it is feasible and Ministry of Environment permits prove it, yet the RDN chooses to ignore the facts.

Directors, we have great First Nations neighbors and we would like to draw your attention to the PQB news letter to the editor by Seewit of November 14, 2017 entitled “RDN Ignores Bowser Sewer Outflow Concerns” In his letter Seewit said “The band members who attended the meeting all had concerns similar to mine, with the question why was there no consultation with our First Nation before this all began?”

Chair Veenhof and Board members consultation without making changes based on electorate wishes, ignoring the protection of rights, saying you are looking at alternatives such as pipeline alignment and outfall location, and not improving effluent quality or disposal location has frankly become insulting. Bowser and Area H deserve better!

2. The Area H OCP (Section 4) says “This plan supports the comprehensive development of community sewer systems within Rural Village Centers.”

How can building a 3 kilometer pipeline outside of Bowser across a rural neighborhood and public beach be considered, by any stretch of the imagination, to be part of a community sewer system “within a Rural Village Center”.

The RDN is about to vote on the OCP and this is another example of how Area H Residents have been misled into believing the RDN is following stated policy.

How would you feel if your Government ran a sewage effluent pipe through your backyard from another community and said it's OK, it meets all applicable Government standards? Telling Area H impact community residents that they need to accept an effluent pipe from Bowser is unequivocally unethical.

3. The RDN's Certified ISO14001:2004 Environmental Management System Environmental Policy, says that you will:

“optimize our treatment and reuse processes and employ state-of-the-art pollution prevention at our facilities” and “prevent pollution”

How will the RDN be able to include the new Bowser Sewage works in this certification if it does not produce Class A effluent, and it selects pollution of the Salish Sea as the disposal option? What would the inability of the RDN to verify certified environmental management of

the wastewater facilities at Bowser indicate to the Area H electorate?

Why not meet certification commitments of having state-of-the-art treatment with green on-land disposal technologies as presented to the RDN and Developers, by our association, on November 14 and 20, 2017? Certainly this would be a means of meeting the Regional General Sustainable Growth Strategy of protecting the environment, and ISO14001 top management environmental commitments!

4. RDN staff keep telling the Board that on-land disposal is not an option because no suitable ground disposal locations are available. This is an “artful misrepresentation of the facts” because approved residential and small community ground infiltration systems are in widespread use near Bowser such as;
 - Spider Lake Springs with a septic field for 310 units
 - Qualicum Landing with a septic field for 62 units
 - Nile Landing with a septic field for 32 units

The myth that there is no available land is simply not true because;

- The Chatwin Engineering 2011 feasibility report provided mapped areas 3, 4, and 5 and the Bowser Seed Orchard (all outside the zone of influence of Bowser water wells) as appropriate locations for ground infiltration, yet the on-ground investigations recommended by Chatwin to the RDN were not done. This is simply not acceptable nor ethical professional practice.
- Kala Geosciences 2011 has done qualified professional permeameter and percolation testing for Baynes Sound Investments at Deep Bay lots B and C, confirming that a ground infiltration capacity of about 600 and 1400 cubic meters respectively, per day, could be approved;

Why not consolidate ground infiltration disposal at Deep Bay with Bowser treated effluent? The piping distance is shorter by 2 kilometers and there would be no added pollution into the Salish Sea. There is certainly more than enough capacity for both Rural Village Centers and likely cost savings. This would certainly be better than annual engineering or construction cost overruns!

In summary:

1. Impacted stakeholders have been ignored since no changes have been made based on:
 - our petition
 - on open house feedback
 - on First Nations Feedback, and
 - on many other letters and presentations to the RDN
2. The area H OCP stated policy has been ignored with respect to keeping sewer systems within rural village centers
3. RDN has an executive commitment to maintaining and continuously improving the ISO14001:2004 Environmental Management System. Extending certification to the new Bowser pollution control center may not be possible since the works will not be non-state-of-the-art, and will not prevent pollution of the Salish Sea.

4. Despite significant research and proven state-of-the-art technologies showing that the on-land disposal can be done, and likely for the same or less cost, the RDN still refuses to go into a serious design and build mode for on-land effluent disposal, and continues to mislead the electorate.
5. Area H Residents and Rate Payers Association has directed our lawyer to commence proceedings against the RDN in the event that the Project is developed in such a way as to have a negative impact on interests. There has been no response to two letters since August 2017.

Directors, please use your common sense and your power to do the right thing. Do not adopt this bylaw as presented, instead insist on an amendment that requires the design and build of an on-land effluent disposal system!

Delegation: Bryan Holyk, re Bowser Sewer Service Bylaws

Summary: The purpose of the presentation is to request that the RDN Board of Directors adopt an amended Bowser Village Sanitary Sewer Service Establishment Bylaw with on-land effluent disposal, and to inform the Board about:

- Lack of Area H Representation on Stopping Bowser Ocean Sewage
- Lack of Common sense planning
- Policy non-conformance
- Area H OCP non-conformance
- Lack of a referendum as committed to by RDN staff in the CWWF grant application
- Lack of meaningful and early consultation when marine disposal was contemplated
- ISO14001:2004 Environmental Management System Policy and Top Management Commitments
- Misleading information provided to electorate
- Avoidance of litigation

Action Requested: That the RDN Adopt an Amended Bowser Village Sanitary Sewer Service Establishment Bylaw with On-land Effluent Disposal.

Presentation to the Regional District of Nanaimo General Board Meeting Regarding the Adoption of the Bowser Sewer Service Bylaws. December 12th, 2017

by

Area H Rate Payers and Residents Association (AHRPRA)

Bryan Holyk – Executive Director

Thomas Gates – Campaign Director

(or designated AHRPRA Speaker)

Request: That the Regional District of Nanaimo adopt an amended Bowser Village Sanitary Sewer Service Establishment Bylaw with On-land Effluent Disposal

Good evening Chair - Area H Director Veenhof, Directors and RDN staff.

My name is Tom Gates Director for the Stop Bowser Ocean Sewage Campaign. Presenting with me today is Bryan Holyk Executive Director AHRPRA. This evening we are representing the impact community because unfortunately we are not getting any representation on Stopping Bowser Ocean Sewerage.

Now, we would like to take you on a journey that outlines non-conformance of policies and commitments made by the RDN regarding the Bowser Sanitary Sewer Service.

We will show how misleading information was brought forward in general RDN statements to convince the electorate that 'on-land' disposal of effluents is not possible near Bowser.

I would like you to listen very carefully because this is your last chance to do what is right, and avoid litigation.

1. First, on November 23, 2016 RDN staff stated in the Clean Water and Waste-water Fund application, and I quote a “Referendum was required to establish a service area” and that “...a community consultation process will be undertaken prior to the referendum to ensure residents are informed about the project prior to the referendum vote.”

That did not happen, only a select number of land owners and developers directly inside a conveniently demarcated boundary for the Village Center were included in consultation. All remaining stakeholders were not included despite plans to install the effluent pipeline outside the Village Center.

So the RDN committed to a referendum, did not do one, and did not consult with people outside the village center whose interests would be impacted by a sewage effluent pipeline.

The selection of a pipeline route through a rural neighborhood well outside of the Bowser Village Center shocked our community and reflects a lack of common sense. This led to a 664 person petition presented to the Board on August 22, 2017. Petitioners representing 17 % of Area H were adamantly opposed to marine disposal particularly at the Noonday Road high public use beach location. At the meeting the Board committed to 'consultation' outside the Bowser Village Center prior to completion of detailed design and disposal location decisions. The Board of Directors felt this was a reasonable approach to ensure concerns were addressed.

On October 18 and 19 the RDN conducted an open house for consultation and provided the opportunity for feedback on the project. Feedback overwhelmingly showed that there was no support for the project overall, that effluent should be disposed of on-land, that Bowser should keep their sewage system and effluent in Bowser, and people felt the RDN was abandoning the environment (verbal summary by Randy Alexander at the RDN - Area H Rate Payers and Residents association meeting on November 14, 2017).

The commitment to consultation by the RDN board has been disingenuous because both the 664 person petition and the open house feedback have been ignored. If consultation is intended to have any value does one not have to pay attention to the feedback? RDN staff are saying that only the standard practice on Vancouver Island of having a marine outfall will work. We know this is false because several engineering reports say it is feasible and Ministry of Environment permits prove it, yet the RDN chooses to ignore the facts.

Directors, we have great First Nations neighbors and we would like to draw your attention to the PQB news letter to the editor by Seewit of November 14, 2017 entitled "RDN Ignores Bowser Sewer Outflow Concerns" In his letter Seewit said "The band members who attended the meeting all had concerns similar to mine, with the question why was there no consultation with our First Nation before this all began?"

Chair Veenhof and Board members consultation without making changes based on electorate wishes, ignoring the protection of rights, saying you are looking at alternatives such as pipeline alignment and outfall location, and not improving effluent quality or disposal location has frankly become insulting. Bowser and Area H deserve better!

2. The Area H OCP (Section 4) says "This plan supports the comprehensive development of community sewer systems within Rural Village Centers."

How can building a 3 kilometer pipeline outside of Bowser across a rural neighborhood and public beach be considered, by any stretch of the imagination, to be part of a community sewer system "within a Rural Village Center".

The RDN is about to vote on the OCP and this is another example of how Area H Residents have been misled into believing the RDN is following stated policy.

How would you feel if your Government ran a sewage effluent pipe through your backyard from another community and said it's OK, it meets all applicable Government standards? Telling Area H impact community residents that they need to accept an effluent pipe from Bowser is unequivocally unethical.

3. The RDN's Certified ISO14001:2004 Environmental Management System Environmental Policy, says that you will:

"optimize our treatment and reuse processes and employ state-of-the-art pollution prevention at our facilities" and "prevent pollution"

How will the RDN be able to include the new Bowser Sewage works in this certification if it does not produce Class A effluent, and it selects pollution of the Salish Sea as the disposal option? What would the inability of the RDN to verify certified environmental management of

the wastewater facilities at Bowser indicate to the Area H electorate?

Why not meet certification commitments of having state-of-the-art treatment with green on-land disposal technologies as presented to the RDN and Developers, by our association, on November 14 and 20, 2017? Certainly this would be a means of meeting the Regional General Sustainable Growth Strategy of protecting the environment, and ISO14001 top management environmental commitments!

4. RDN staff keep telling the Board that on-land disposal is not an option because no suitable ground disposal locations are available. This is an “artful misrepresentation of the facts” because approved residential and small community ground infiltration systems are in widespread use near Bowser such as;
 - Spider Lake Springs with a septic field for 310 units
 - Qualicum Landing with a septic field for 62 units
 - Nile Landing with a septic field for 32 units

The myth that there is no available land is simply not true because;

- The Chatwin Engineering 2011 feasibility report provided mapped areas 3, 4, and 5 and the Bowser Seed Orchard (all outside the zone of influence of Bowser water wells) as appropriate locations for ground infiltration, yet the on-ground investigations recommended by Chatwin to the RDN were not done. This is simply not acceptable nor ethical professional practice.
- Kala Geosciences 2011 has done qualified professional permeameter and percolation testing for Baynes Sound Investments at Deep Bay lots B and C, confirming that a ground infiltration capacity of about 600 and 1400 cubic meters respectively, per day, could be approved;

Why not consolidate ground infiltration disposal at Deep Bay with Bowser treated effluent? The piping distance is shorter by 2 kilometers and there would be no added pollution into the Salish Sea. There is certainly more than enough capacity for both Rural Village Centers and likely cost savings. This would certainly be better than annual engineering or construction cost overruns!

In summary:

1. Impacted stakeholders have been ignored since no changes have been made based on:
 - our petition
 - on open house feedback
 - on First Nations Feedback, and
 - on many other letters and presentations to the RDN
2. The area H OCP stated policy has been ignored with respect to keeping sewer systems within rural village centers
3. RDN has an executive commitment to maintaining and continuously improving the ISO14001:2004 Environmental Management System. Extending certification to the new Bowser pollution control center may not be possible since the works will not be non-state-of-the-art, and will not prevent pollution of the Salish Sea.

4. Despite significant research and proven state-of-the-art technologies showing that the on-land disposal can be done, and likely for the same or less cost, the RDN still refuses to go into a serious design and build mode for on-land effluent disposal, and continues to mislead the electorate.
5. Area H Residents and Rate Payers Association has directed our lawyer to commence proceedings against the RDN in the event that the Project is developed in such a way as to have a negative impact on interests. There has been no response to two letters since August 2017.

Directors, please use your common sense and your power to do the right thing. Do not adopt this bylaw as presented, instead insist on an amendment that requires the design and build of an on-land effluent disposal system!

Owners of Strata Plan – VIS 5160

c/o Horne Lake Recreation Management Ltd.

719 Newcastle Ave.,

Parksville, B.C. V9P 1G1

250-951-0877 Fax: 250-951-0878

December 8, 2017

Board of Directors,
Regional District of Nanaimo,
6300 Hammond Bay Road,
Nanaimo, B.C.
V9T 6N2

Dear Mr. Chairman and Board of Directors

RE: Notice of Development Variance Permit Application No. PL2017-174
3036 Bay Road, Electoral Area "H"

The Strata Council, Owners Strata Plan VIS 5160 reviewed this application and do not have any objections to this Development Variance Permit application to:

1. Combine all the permitted accessory building floor area to allow the construction of one accessory building with a maximum permitted floor area of 28.0 m².
2. Increase the maximum permitted height from 3.0 metres to 3.5 metres for an accessory building.

Yours truly,
Owners Strata Plan VIS 5160



Per: Murray Hamilton
Strata Property Manager