



Reference: 88918

JUL 21 2006

Mayor Alan Lowe, Chair,
and Directors
Capital Regional District
PO Box 1000
Victoria BC V8W 2S6

Dear Chair Lowe and Directors:

On March 26, 2003, former Minister, Honourable Joyce Murray approved the Capital Regional District Core Area Liquid Waste Management Plan (LWMP), which included a trigger process in lieu of a fixed schedule for treatment. The approved plan requires the implementation of two triggers, one for the seafloor ("seafloor trigger") and one for the water column ("seawater trigger").

On July 12, 2006, the Capital Regional District (CRD) Board received a report from an independent scientific panel, known as the Society of Environmental Toxicology and Chemistry (SETAC), detailing the results of the panel's review of the CRD's sewage practices. As you know, the panel reported that the risk factors, public values, and the regulatory climate argue for the CRD to improve the quality of its effluent.

In addition, I recently received and reviewed a report from an independent consultant, MacDonald Environmental Services Ltd. (MESL), retained by the Ministry of Environment to evaluate the CRD sediment quality data associated with the outfalls. This study found that, based on the available CRD monitoring data, contamination at the two outfalls is sufficient to warrant preliminary designation as contaminated sites under the Contaminated Sites Regulation. The study also showed that water quality guidelines are not being met outside of the initial dilution zone at Macaulay Point.

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Direct negotiations between Ministry and CRD staff regarding a seawater trigger have been ongoing for over 18 months, during which time the CRD requested and was granted two deadline extensions. I understand these negotiations have not resolved several key issues. This fact, when considered along with the findings of the SETAC report and the report obtained by the Ministry, leads me to the conclusion that agreement on an acceptable trigger process (one that is protective of the environment) is not achievable.

Therefore, in accordance with section 24 (3) (a) of the *Environmental Management Act*, I hereby direct the Capital Regional District Board to submit to me for approval no later than June 30, 2007, an amendment to the CRD Core Area Liquid Waste Management Plan detailing a fixed schedule for the provision of sewage treatment. Further, in accordance with section 24 (3) (b), I am requiring the CRD to provide to me no later than December 31, 2006 an interim progress report on this amendment. This report should outline options relating to the type, number and location of facilities, preliminary costs of treatment, as well as a proposed implementation schedule. To ensure value for taxpayers, I encourage the CRD to consider new technologies and alternative financing and delivery options, including the potential for private sector involvement. It is my understanding that some of this work may already be underway. It is also my expectation that the CRD will continue the current monitoring program.

I want to thank you for your continued efforts to implement the CRD plan and look forward to receiving your December 2006 report and plan amendment. Any questions with respect to developing the amendment should be directed to Randy Alexander, Regional Environmental Protection Manager, 2080-A Labieux Rd, Nanaimo, BC, V9T 6J9.

Sincerely,



Barry Penner
Minister

pc: Honourable Ida Chong, MLA (Oak Bay-Gordon Head)
Honourable Murray Coell, MLA (Saanich North and the Islands)
Kelly Daniels, Chief Administrative Officer, Capital Regional District
Dwayne Kalnychuck, General Manager, Environmental Services, Capital Regional District
Randy Alexander, Regional Environmental Protection Manager, Ministry of Environment