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## **WATER CONTRAVENTION ORDER**

August 21, 2020

Aaron Stone  
Chair of the Board of Directors  
Cowichan Valley Regional District  
175 Ingram Street,  
Duncan, BC V9L 1N8

Dear Mr. Stone:

**RE: Saltair Water System**

The order issued January 31, 2020 is rescinded and is replaced with this order dated August 20, 2020.

This letter constitutes a Contravention Order under **section 26 of the *Drinking Water Protection Act, S.B.C. 2001, C. 9*** (copy enclosed). It is issued on the basis that I have reason to believe you are in contravention of **section 8 of the *Drinking Water Protection Act* ("the Act")**:

**Reasons for this Order**

I am issuing this Order because the Cowichan Valley Regional District (CVRD) has failed to meet the terms and conditions set out in the Saltair Water System operating permit dated August 28, 2015, specifically:

**"On or before January 31, 2018, the Water System Owner shall ensure that the average daily turbidity levels do not exceed 1 NTU as measured at the water treatment plant. The Water System Owner is required to meet the following implementation plan dates:**

- A. On or before January 31, 2016, complete any and all water quality and water source assessments, tests and evaluations necessary to characterize water quality for the purposes of identifying acceptable treatment and disinfection options.
- B. On or before September 31, 2016, finalize your selection of a treatment technology that will meet the objectives established in HPES Policy 3.3 Surface Water Treatment Objectives.
- C. On or before May 31, 2017 submit to the HPES Public Health Engineer, in a form acceptable and with sufficient information, a component diagram of the proposed water system

- revisions necessary for the water supply system to provide potable water in compliance with the HPES Policy 3.3 Surface Water Treatment Objectives.
- D. On or before January 31, 2018 complete construction and commissioning of all works in accordance with the construction permit or permit waiver in order to meet the objectives established in HPES Policy 3.3 Surface Water Treatment Objectives.
  - E. Apply for and obtain all necessary approvals and permits from the Public Health Engineer as required by the *Drinking Water Protection Act* and *Drinking Water Protection Regulation*, including but not limited to obtaining a Construction Permit, or a waiver of the same from the Public Health Engineer, prior to undertaking revisions to the Water Supply Systems.”

#### Action required

The actions that I am ordering the CVRD to take under section 26 of the Act are as follows:

#### Proposed timeline

**September 2, 2020:** Staff report to Electoral Area Services Committee (EASc) with the draft borrowing bylaw.

**September 9, 2020:** CVRD Board provides first three readings of borrowing bylaw.

**September 16, 2020:** Borrowing bylaw submitted to the Inspector of Municipalities for approval.

**September to November, 2020:** 60 day public information/consultation period while CVRD Board resolution is being considered by the inspector.  
Consultation activities will include:

- Meeting with Saltair water public advisory committee.
- Letter to all customers of the Saltair Water System.
- Virtual public meeting using Webex Event feature.

**October, 2020:** Expected provincial feedback on grant application.

**November 18, 2020:** After inspector's approval, CVRD EASc provides recommendation to the CVRD board for CVRD staff to initiate Alternative Approval Process (AAP).

**November 25, 2020:** CVRD Board endorses EASc recommendation.

**December 2, 2020 – February 4, 2021:** Ads posted and mandatory 60 days elector response period.

**February 24, 2021:** CVRD Board approves bylaw.

**March 3 to March 31, 2021:** Procurement process for design/build contract issued based on either a successful grant or 100% self-financed project with reduced scope.

**April 2, 2021:** Expected federal confirmation of grant award if the province had indicated successful award in October

**April 7, 2021:** Contract award

**April 14, 2021:** Design work commences

**June 29, 2021:** Final design and commissioning plan submitted for approval to Island Health

**September 29, 2021:** Island Health approval received.

**October 6, 2021:** Order issued for modular treatment system.

**January 12, 2022:** Site work commences

**February 16, 2022:** Skids with complete system delivered to site

**August 31, 2022:** Installation and commissioning complete

During August 1, 2020 to August 31, 2022, Island Health is requiring monthly updates which may include pictures, phone calls or an email. Monthly reports shall be submitted on or before the 2<sup>nd</sup> Wednesday of the following month.

The timelines specified above, were based on the proposed timeline suggested by the CVRD in your email of August 7, 2020 and are required to be met.

Right for review or reconsideration

You may request that I reconsider this decision if the CVRD believes that there is sufficient new evidence for this purpose. The CVRD may also request that this decision be reviewed by the Provincial Health Officer or a Medical Health Officer nominated by her.

If the CVRD wishes to make a request for reconsideration or review, please consult section 39.1 of the *Drinking Water Protection Act*. I can also provide the CVRD with forms if requested, but there is no requirement to use a specific form.

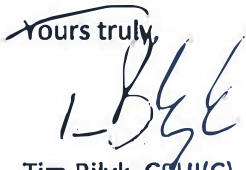
Please note however that a request for reconsideration or review does not put the Order into abeyance while any such request is considered. If the CVRD believes that the Order should be deferred while a review or reconsideration is requested, please advise me accordingly and I will consider whether to amend the Order accordingly. Unless I do so, the Order remains in force during any period of review or reconsideration.

Authority to issue this Order

I have issued this Order as a person who has been delegated the powers and duties of a ***Drinking Water Officer, under section 4(3) of the Act.***

Consequences of failure to comply

It is an offence under the ***Drinking Water Protection Act*** to fail to comply with an Order under section 26. Penalties upon conviction for an offence may be up to \$200,000 per day and up to 12 months imprisonment. In addition, if you fail to comply with the Order, a Drinking Water Officer may take or authorize actions to be taken as necessary, at your expense (see sections 27 and 28).

Yours truly,  


Tim Bilyk, CPHI(C)  
Drinking Water Officer

Enclosure

cc: Dr. Shannon Waters, MHO, Island Health, Duncan  
Cole Diplock, Manager, HPES, Island Health, Nanaimo  
Lynne Magee, Drinking Water Coordinator, HPES, Island Health, Nanaimo  
Murray Sexton, P.Eng., Public Health Engineer, Island Health, Nanaimo  
Shaun Malakoe, Senior Environmental Health Officer, HPES, Island Health, Nanaimo