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Metro Vancouver
4330 Kingsway
Burnaby, BC V5H 4G8

Attention: Members of the Waste Management Committee

Dear Directors:

Re: Draft Strategy for Updating the Liquid Waste Management Plan

We write on behalf of the T-Buck Suzuki Environmental Foundation, Georgia Strait Alliance, and the United Fishermen and Allied Workers Union – CAW. As you know, these organizations work tirelessly to protect British Columbia's marine environment, and to prevent marine pollution caused by sewage discharges.

As an initial comment, we congratulate the Waste Management Committee ("Committee") on its recent efforts to ensure fair and transparent participation with respect to the current review of the Liquid Waste Management Plan and Solid Waste Management Plan. Our clients have some concerns that Metro Vancouver Staff has underestimated the amount of time required for effective engagement of members of affected municipalities, particularly those on the North Shore. However, both the Committee and Staff have made real progress toward meaningful public consultation.

This letter addresses two issues, arising from our review of the *Strategy for Updating the Liquid Waste Management Plan – draft discussion document* ("Draft Strategy").¹ We are pleased to see that the *Draft Strategy* has many impressive features, particularly with respect to moving towards an integrated resource recovery approach.

However, firstly, our clients have grave concerns with the timelines presented by Metro Vancouver Staff for the upgrade of the Iona Waste Water Treatment Plant ("Iona") and Lions Gate Waste Water Treatment Plant ("Lions Gate") to advanced sewage treatment.² Secondly, Staff should clarify what "legislative impediments" exist to implementing resource recovery.

¹ The *Draft Strategy* was first provided to this Committee in advance of its meeting on January 22, 2008. It also formed part of the materials before the Committee at its recent meeting on February 27, 2008.

² Please note that we occasionally use "Iona" and "Lions Gate" in this letter as convenient shorthand for "Vancouver area sewage treatment" and "North Shore area sewage treatment."



1. Timeline for upgrading Iona and Lions Gate

a) Lions Gate / the North Shore area

Our clients have repeatedly urged Directors to take steps to ensure that Iona and Lions Gate Waste Water Treatment Plant (“Lions Gate”) be upgraded to advanced treatment on an expedited basis. The current Liquid Waste Management Plan (“current LWMP”), approved by the Province in 2002, does not require Lions Gate to be upgraded until 2030, and does not require Iona to be upgraded until 2020.

On October 11, 2007, Metro Vancouver staff held a press conference, participated in by Committee Chair Marvin Hunt, and District of North Vancouver Mayor Richard Walton. The speakers at the press conference, and the related press release, announced that Metro Vancouver was examining the possibility of accelerating an upgrade of Lions Gate.³ It was also announced that a site had been selected (although we pause to note that this site selection was done without public consultation, and on dubious, unpublished assumptions about the amount of land required for an integrated resource recovery approach versus a large, old-fashioned secondary treatment plant.)

Mayor Walton was admirably clear that the North Shore residents wished sewage treatment upgrades to occur sooner, rather than later, and that the ecological health of the Georgia Strait was an important consideration in the timing of upgrades.

The Draft Strategy, at page 9, proposes that Lions Gate could be upgraded to advanced sewage treatment by 2020. This is a marked improvement from 2030. However, it is still 12-13 years away, and longer than necessary. In our clients’ view, 7 years is fully achievable, and nothing greater than 10 years is appropriate.

In contrast, Seattle upgraded from primary to secondary in 6 years. The Honourable Barry Penner, Minister of the Environment, recently approved, with conditions, the LWMP amendments proposed by the Capital Regional District (“CRD”). The LWMP amendments approved by the Minister include a new timeline in which the CRD will move from having no sewage treatment, all the way to having to advanced sewage treatment featuring resource recovery. The CRD timeline is 8 years. CRD is pursuing this timeline at a similar cost to upgrading treatment for the Vancouver area, but with a much smaller taxpayer base. Metro Vancouver has no excuse for its foot-dragging.

b) Iona / Vancouver and Richmond area

Our clients’ more serious concern is with Staff proposals in the *Draft Strategy* regarding Iona. Pages 7-9 of the *Draft Strategy* address the timing and “sequencing” of upgrading to advanced sewage treatment for Iona and Lions Gate.

³ <http://www.gvrd.bc.ca/media/2007/2007-10-11-SiteChosenForNewShoreSewageTreatmentPlan.pdf>

As background, our clients have participated in the Canadian Council of Ministers of the Environment (“CCME”) deliberations over the last three years, reviewing and commenting on its proposed Canada-wide strategy for municipal wastewater effluent. Christianne Wilhelmson, Georgia Strait Alliance and David Lane, T. Buck Suzuki Environmental Foundation, both sit on the Core Advisory Group (CAG) to CCME.

At page 9, the *Draft Strategy* presents three timing/sequencing options at Table 6. The first option is the *status quo*. The second option is to expedite North Shore secondary treatment by 10 years from the current LMWP, but to delay Vancouver secondary treatment for 10 years *longer* than required in the current LWMP. The third option is a simultaneous upgrade for the North Shore and Vancouver by 2020. This third option represents an improvement from the current LWMP timeline for the North Shore, but no improvement whatsoever for Iona or the Vancouver area.

None of these three timelines proposed for Iona are environmentally appropriate. Moreover, we disagree with Staff’s assertion, at pages 7-8, that:

“It is expected that the Canada-wide strategy will give the North Shore greater priority than the Vancouver Sewerage Area based upon the evaluation of the existing plants. This would reverse the sequence for secondary treatment with a North Shore deadline of about 2020 and a Vancouver deadline of 2030.”

In our view, Staff’s “second option” of extending the legal deadline for upgrading Iona by 10 years is based on a misinterpretation of the Canada-wide strategy. We believe Staff is misinterpreting the appropriate category of “receiving environment”, in order to squeeze Iona into a lower-risk category.

Iona is not “open marine”. Rather, it appears that Iona should fall within the “marine port” category.⁴ As Committee members will know, the three Lower Mainland port authorities recently amalgamated, to form the Vancouver Fraser Port Authority (“the Port”). Discharges from Iona, and from any future treatment facilities serving Vancouver or Richmond, will be into waters within the boundaries of the Port.

Iona is at the mouth of the Fraser River, historically one of the most productive estuarine areas in North America, but under increasing threat from numerous environmental stressors. Characterizing it as “open marine” is unreasonable, both legally and environmentally. The mouth of the Fraser River is not the open ocean. Discharges from Iona are documented to travel, with ocean currents, into the Burrard Inlet. Once it is acknowledged that Iona is not discharging into “open marine” area, it must be placed into a higher risk category that requires a more expedited upgrade.

Both Lions Gate and Iona must be upgraded more expeditiously than permitted by the current LWMP. As Mayor Walton has explained, Metro Vancouver residents care about the ecological health of Georgia Strait. It makes no sense to expedite upgrade to limit pollution into Burrard Inlet, but not to limit pollution into Georgia Strait.

2. Do “legislative impediments” to resource recovery exist?

At numerous places through the *Draft Strategy*, Staff allude to legislative impediments against implementing resource recovery approaches and technologies. We have been unable to confirm whether certain statements are truly accurate.

Two examples are given below. We respectfully request that Staff be directed to provide greater clarity on these and any other legislative impediments.

With this greater clarity, Metro Vancouver Directors, environmental groups, and Greater Vancouver residents can then advocate with the appropriate levels of government to lift any constraints that may exist.

- At page 5, in Section 3.3 regarding Water Reuse, the *Draft Strategy* states:
“The challenge with water reuse options is that liquid wastes require a high level of treatment prior to reuse. While some reuse systems, such as grey water systems, are used successfully in limited instances, comprehensive regulations regarding their use have not yet been developed.”

We are concerned that the above statement implies that the lack of comprehensive regulations somehow prevents water reuse options. This would not accord with our understanding of the law. Does Staff believe that, absent comprehensive regulations, water reuse is prohibited? It would be helpful to know which government, in Staff’s view, must pass comprehensive regulations for Metro Vancouver to reuse water.

- At page 5, in Section 3.2 regarding Energy Recovery, the *Draft Strategy* states:
“Currently, Metro Vancouver is restricted in how it accesses and recovers energy from liquid waste under its existing utility legislation. Metro Vancouver can build systems to recover energy for use within its own water and wastewater utilities, but is currently restricted from being able to build energy recovery projects to generate revenue.”

It would be helpful to know which legislative restrictions are referenced here.

If the above statements are accurate and complete, our clients (and Metro Vancouver Directors supportive of resource recovery) could advocate at appropriate levels of government for an end to any legislative restrictions. As you may know, Minister Penner has been very supportive of resource recovery approaches to waste management. The Minister has strongly urged the CRD to further investigate and elevate its plans for resource recovery, within its new sewage treatment plan.

Metro Vancouver should exercise fully its powers to pursue resource recovery, and should ensure this intention is reflect in its amended LWMP. If the Committee desires outside assistance, Ecojustice Canada has significant expertise in empowering municipalities to pursue policies and by-laws, within their legal authority, to protect

the environment. Our lawyers represented the Federation of Canadian Municipalities, as an intervenor in the Supreme Court of Canada, in *114957 Canada Ltée (Spraytech, Société d'arrosage) v. Hudson (Town)*, [2001] 2 S.C.R. 241. The *Hudson* case upheld municipal powers to protect the environment by regulating cosmetic pesticides. Ecojustice also recently published *The Municipal Powers Report*, on our website at <http://www.ecojustice.ca/publications/reports/the-municipal-powers-report/>.

We thank the Committee for considering our clients' concerns with the timing and sequencing of upgrades to sewage treatment, and for ensuring clarification of any existing impediments to energy and water recovery.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'Lara Tessaro', with a stylized flourish at the end.

Lara Tessaro
Staff Lawyer