

SELECTED CRD ACTIONS UNDER EACH UNIVERSITY OF VICTORIA ENVIRONMENTAL LAW CENTRE RECOMMENDATION

September 2019

1. **Ensure the implementation and enforcement of the Capital Regional District (CRD) model storm sewer and watercourse protection bylaw across the entire capital region**

Responsibility: CRD and Local Governments

- The CRD has modified and adopted its own Model Storm Sewer and Watercourse Protection Bylaw and created a Stormwater Source Control program on the Saanich Peninsula at the request of the municipalities (District of Central Saanich, District of North Saanich and Town of Sidney).
- The City of Victoria and Town of View Royal have modified and adopted the CRD Model Bylaw for their own use.
- Other municipalities manage stormwater through older bylaws and varying levels of regulation and enforcement. Saanich's stormwater bylaw is an older version of the CRD Model Bylaw (pre-2002).
- The UVic-ELC report summarized the CRD's 2017 Core Area stormwater report findings but did not include any information from our Saanich Peninsula, Southern Gulf Islands or District of Sooke stormwater monitoring efforts.

2. **Update the CRD model storm sewer and watercourse protection bylaw to address currently exempted practices**

Responsibility: CRD

- The CRD Model Storm Sewer and Watercourse Protection Bylaw and CRD Saanich Peninsula Stormwater Bylaw will be amended over time to incorporate new regulations to control practices with high potential to affect the environment (already identified for possible attention are recycling operations, construction activities and rooftop restaurant fan cleaning).
- Firefighting water and residential car washing have not been identified as high risk activities, as compared to business practices resulting in discharges to storm drains (such as engine/equipment washing, construction, outdoor storage and recycling). Local government fire departments may wish to update protocols for managing fire water in those situations where more critical emergency response priorities are under control. When needed, CRD staff provide environmental monitoring support during and after major fires. The CRD has messaging within its watershed protection initiatives about reducing environmental impact from residential car washing.
- Staff continually review data from the CRD's monitoring program and consider municipal input and reports from the public to assess where regulatory change is needed.
- The CRD uses education and promotes non-regulatory Best Management Practices to reduce types of contamination not addressed by the Model Bylaw.
- The CRD worked at the request of municipal staff to develop the Green Stormwater Infrastructure (GSI) Common Design Guidelines for the Capital Region to provide regionally appropriate design guidelines and considerations to build GSI facilities on public, private and institutional lands.

3. Implement rainwater utility charge; use to finance drainage system, updated infrastructure and a commission

Responsibility: Local Governments

- The City of Victoria is the only local government with a separate utility charge for stormwater. The stormwater utility is a transparent, fair and equitable way to fund the stormwater system, as the fee relates to the impact a property has on the system.
- This system allows City of Victoria to offer incentives to encourage and reward properties that manage rainwater more sustainably.

4. Fix and Upgrade Obsolete Stormwater Infrastructure

Responsibility: Municipalities and Electoral Areas

- Stormwater infrastructure is the responsibility of each local government. The CRD supports local government infrastructure works with monitoring, assessment, investigation and rating of contaminant sources to aid in locating failing and out-of-date infrastructure and illegal connections and discharge. See item 10.
- Municipalities use their own inspection data and maintenance schedule, in combination with CRD data, to prioritize, schedule and budget for infrastructure replacements.

5. Stress that the deposit of deleterious substances into waterways is a violation of the federal *fisheries act*

Responsibility: CRD and Local Governments (education) and Federal Government (enforcement)

- On behalf of the participating local governments, CRD educational initiatives stress stream and watershed protection from land-based activities and illegal discharge/dumping, as part of a non-regulatory source control strategy.
- The CRD gives out thousands of yellow fish key chains with the provincial spill reporting number and CRD Watershed Protection URL each year at all public outreach events. Residents are encouraged to report any spills to the appropriate authorities.
- Programs for kids such as Watershed Warden and interactive watershed model sessions emphasize concepts related to preventing contaminants from reaching streams.
- The CRD's Saanich Peninsula Stormwater Source Control Bylaw recognizes those streams and watercourses that are designated as part of the municipal drainage system and regulates direct stormwater discharges to them.
- Staff have developed campaigns, brochures and documents for homeowners to promote reduction of contaminants leaving their property through activities such as reducing stormwater flows, using green cleaning solutions, properly disposing of unwanted chemicals, vehicle maintenance to prevent leaks, using less pesticides and planting native species.

6. Create an overarching residential oil tank regulation

Responsibility: Local governments (education and management), Provincial Government (regulation)

- Residential oil tanks are currently regulated under the provincial BC Fire Code. Typically, fire departments track removal and/or replacement of tanks.
- The CRD's Climate Action Program and Regional Source Control Programs fund and coordinate "Oil to Heat Pump" rebate programs to promote the removal of residential oil tanks.
- The CRD developed the *Homeowner's Guide: Home Heating Oil Tanks* and has ongoing messaging regarding potential environmental damage from leaking oil tanks, the importance of routine checks of residential tanks for leaks, proactive replacement of old tanks and alternative energy options.
- The CRD hosted a Residential Oil Tank workshop with local governments, realty and insurance industry representatives and the Province. It was recognized that a Province-wide regulation would be beneficial to address the regulation of oil tanks, mandatory replacement intervals, "hidden" oil tanks and the issues around sale of property, and oil tank spills.

7. Create an integrated watershed management plan and CRD rainwater commission

Responsibility: CRD and local governments

- The CRD created an Integrated Watershed Management Program (IWMP) plan in 2010 and implemented it within Core Area services; several initiatives have been expanded to benefit the whole region.
- Local government staff were very involved in the development of the CRD's IWMP strategy through an inter-municipal working group. IWMP planning and deliverables are supported by the municipalities but the IWMP is a CRD work plan within the existing service delivery model rather than a regional plan.

8. Engage in educational initiatives

Responsibility: CRD and local governments

- This is one of the core functions of the CRD (outreach and communication) and is delivered on behalf of participating local governments to support their own environmental initiatives.
- The CRD works with local governments, First Nations, non-governmental organizations, community groups, area-specific initiatives and the public to deliver a wide range of educational programs related to watershed and environmental protection.
- The CRD website has an entire section dedicated to providing the community with information about watershed and environmental protection.
- The CRD leads or coordinates several key initiatives that raise awareness and create action for waterway and shoreline protection such as: Integrated Watershed Management, Green Shores, Harbours Program, Gorge Waterway Initiative, Esquimalt Lagoon Initiative, Bowker Creek Initiative and Elk/Beaver Lake Initiative.

- In 2013, the CRD received a \$75,000 RBC Blue Water grant. This was used over four years to enhance our watershed education and developed several important engagement tools such as: Watershed Warden Program for kids, watershed models, Common Design Guidelines for Green Infrastructure guidebook, Watershed Maps and Flow Diagrams. These tools are now embedded in our education and outreach activities.

9. Enforce existing bylaws and commit to enforcing new bylaws

Responsibility: CRD and local governments

- The CRD enforces a stormwater bylaw on the Saanich Peninsula and the other municipalities administer their own stormwater bylaws. See items 1 and 2.

10. Intensify monitoring

Responsibility: CRD

- CRD Environmental Protection has an extensive watershed, watercourse and shoreline monitoring program throughout the region (except Highlands, Juan de Fuca and Metchosin).
 - This program locates sources of stormwater contamination, evaluates and prioritizes discharges and reports those results to local governments for action.
 - The current level of monitoring is adequate and the CRD has sufficient resources for special sampling projects at the request of local government.
 - The program has increased monitoring on the Saanich Peninsula to support the new CRD Stormwater Source Control bylaw.
 - Staff are developing a watershed scoring system as a more holistic stormwater environmental rating than the current shoreline discharge rating system.
 - Enhancements to water quantity monitoring are planned for the CRD's network of hydrometric stations located in seven urban streams.
- The CRD also has extensive marine monitoring programs associated with the CRD's wastewater treatment plant outfalls located in Port Renfrew (1), Salt Spring Island (2), Pender Island (2), the Core Area (2) and the Saanich Peninsula (1).
 - This mandate also includes assessing shoreline impacts of wet weather wastewater overflows at various locations in the conveyance systems.
- The CRD is in frequent contact with local governments and continually assess and adjust sampling effort to where it is needed.

11. Amend subdivision bylaws to allow for no net increase in runoff after development

Responsibility: Local governments

- The CRD supports the municipalities as needed with our outreach and education programs for homeowners, including the Common Design Guidelines for Green Infrastructure guidebook as well as other supporting expertise and materials.

12. Impose and strategically waive or reduce development cost charges

Responsibility: Local governments