

**REPORT TO ENVIRONMENTAL SERVICES COMMITTEE
MEETING OF WEDNESDAY, FEBRUARY 19, 2020**

SUBJECT **Millstream Meadows – District of Highlands Correspondence**

ISSUE SUMMARY

Response to communication from the District of Highlands (Highlands) regarding *Mines Act* Permit Application #1610713 (Appendix A).

BACKGROUND

The Millstream Meadows site is a 32-acre property that was used for the unregulated disposal of septage and other trucked liquid waste between the early 1940s and 1985. The Capital Regional District (CRD) acquired the property in 1984 and closed the site in 1985. Since then, the CRD and the BC Ministry of Forests, Lands and Natural Resource Operations and Rural Development (FLNRORD), which handles the provincial contaminated sites liabilities, have worked cooperatively to investigate and remediate contamination at the property, with the end goal of divestiture. The overall project approach, schedule and budget is managed in cooperation with, and approved by, FLNRORD.

The CRD has implemented a multi-phased investigation to delineate the degree and extent of contamination, which is a requirement of the BC *Environmental Management Act*. The CRD, with FLNRORD, intends to complete regulatory investigations and assessments necessary to remediate the site by the end of this year.

Upon completion of remediation, the CRD and FLNRORD will seek a Certificate of Compliance. By definition, this certificate demonstrates that the property does not pose any unacceptable risk to human health or the environment, and also allows the site to be developed for economic purposes.

Millstream Meadows lies in an area of mixed land uses. The parcel immediately to the south is the subject of a *Mines Act* permit application to the Ministry of Energy, Mines and Petroleum Resources (EMPR) to remove overburden and bedrock for the purposes of aggregate extraction. The community, through the Highlands District Community Association (Community Association), has expressed concern that the proposed mining activities could affect migration of Millstream Meadows related groundwater contamination.

In November 2019, Highlands requested that the CRD consider the concerns raised by the Community Association with respect to the potential impact of proposed aggregate extraction on residual contamination at the CRD Millstream Meadows site. In the communication, the Community Association specifically requests that the CRD:

1. demonstrate no undue risk to public in future from proposed Mines Act Permit Application; and
2. expeditiously intervene in the Mines Act Permit Application to share concern of potential risk with the Ministry.

ALTERNATIVES

Alternative 1

The Environmental Services Committee recommends to the Capital Regional District Board:

That the Capital Regional District Board respond to the District of Highlands and the Highlands District Community Association recommending they raise their concerns with the appropriate provincial authority (Ministry of Energy, Mines and Petroleum Resources) to ensure activities permitted under the *Mines Act* do not have an adverse impact on drinking water resources in the District.

Alternative 2

The Environmental Services Committee recommends to the Capital Regional District Board:

That the Capital Regional District Board direct staff to engage Ministry of Energy, Mines and Petroleum Resources with all available Capital Regional District Millstream Meadows site information.

IMPLICATIONS

Environmental Implications

Although there is residual contamination at the CRD Millstream Meadows site, the property is closed to the public and there are no current exposure pathways for nearby residents to come into contact with any contamination. Additionally, there is no evidence of site-related groundwater contamination observed in any offsite domestic or compliance monitoring wells. Planned 2020 project activities are to complete the site investigations and develop a plan to ensure there are no unacceptable future risks associated with redevelopment of the CRD Millstream Meadows site.

Intergovernmental Implications

The CRD and FLNRORD have a Memorandum of Understanding to remediate the site to industrial land use standards and sell the property after the site is certified by the provincial regulator. The work will demonstrate there are no unacceptable risks associated with any residual contamination at the site. The CRD and FLNRORD have shared all available information with EMPR; more information will be available as the CRD completes its investigations at Millstream Meadows. The CRD does not have jurisdiction or standing to intervene in applications pursuant to the BC *Mines Act*. The application for the adjacent property is the responsibility of the applicant to demonstrate their activities align with the *Mines Act* and do not represent any unacceptable risks to surrounding properties. EMPR is the provincial regulator responsible for that process.

CONCLUSION

Highlands requested the CRD to consider concerns raised by their Community Association pertaining to proposed gravel extraction on a parcel of land adjacent to Millstream Meadows. Those concerns relate to mining activities that could impact the regional drinking water aquifer. Comprehensive evaluation of permit applications under the *Mines Act* are the responsibility of the

provincial government (EMPR). Staff recommend that the CRD Board write a letter to Highlands and their Community Association encouraging them to raise their concerns with the appropriate provincial authority (EMPR) to ensure activities permitted under the *Mines Act* do not have an adverse impact on drinking water resources in the District.

RECOMMENDATION

The Environmental Services Committee recommends to the Capital Regional District Board:

That the Capital Regional District Board respond to the District of Highlands and the Highlands District Community Association recommending they raise their concerns with the appropriate provincial authority (Ministry of Energy, Mines and Petroleum Resources) to ensure activities permitted under the *Mines Act* do not have an adverse impact on drinking water resources in the District.

| | |
|---------------|---|
| Submitted by: | Glenn Harris, Ph.D., R.P.Bio., Senior Manager, Environmental Protection |
| Concurrence: | Larisa Hutcheson, P.Eng., General Manager, Parks & Environmental Services |
| Concurrence: | Robert Lapham, MCIP, RPP, Chief Administrative Officer |

ATTACHMENT

Appendix A: November 20, 2019 Correspondence from the District of Highlands