



Priorities and Planning Cabinet Decision Summary Sheet

Ministry: Environment and Community, Sport and Cultural Development

Date: May 12, 2014

Title: Provincial intervention to support implementation of the Capital Regional District's Liquid Waste Management Plan

Issue: The Capital Regional District (CRD) has requested the Province intervene to resolve zoning issues that CRD asserts are preventing the construction of the McLoughlin Point Wastewater Treatment Plant in Esquimalt.

Request: Cabinet direction on responding to the CRD's request for provincial intervention to resolve zoning issues impeding construction of the McLoughlin Point Wastewater Treatment Plant, as requested by CRD.

Proposed Minute: Cabinet received an update on the status of the CRD Sewage Treatment Project and a request by the CRD to intervene and resolve zoning issues impeding the construction of the McLoughlin Point Wastewater Treatment Plant.

S.12, S.13, S.17

S.12, S.13, S.17

Contact: Wes Shoemaker, Deputy Minister

(250) 387-5429

Honourable Mary Polak

May 12, 2014

Honourable Coralee Oakes

Contact: Becky Denlinger, Deputy Minister

(250) 387-4104

May 13, 2014





Cabinet Submission – Request for Decision

Minister: Honourable Mary Polak / Honourable Coralee Oakes
Ministry: Environment / Community, Sport and Cultural Development
Date: 07/05/2014 Ministry Document #:

Title: Provincial intervention to support implementation of the Capital Regional District's Liquid Waste Management Plan

Issue:

The Capital Regional District (CRD) has requested the Province intervene to resolve zoning issues that CRD asserts are preventing the construction of the McLoughlin Point Wastewater Treatment Plant in Esquimalt.

Request:

Cabinet direction on responding to the CRD's request for provincial intervention to resolve zoning issues impeding construction of the McLoughlin Point Wastewater Treatment Plant, as requested by the CRD.

Implications and Considerations:

S.12, S.13, S.17



S.12, S.13, S.17

Background / Context:

Secondary treatment is necessary in order to meet both federal and provincial legislation. The Federal Government's Wastewater Systems Effluent Regulation requires the CRD to have treatment in place by 2020. It also requires the CRD to apply for a Transitional Authorization by June 30, 2014, which would authorize the current discharge. The application also must include a plan for the modifications to be made to the wastewater system so that it meets the secondary treatment standards in the regulation by 2020.

In response to an order from the Minister of Environment in 2006, through its LWMP, the CRD committed to secondary sewage treatment, including construction of the McLoughlin Point Wastewater Treatment Plant, by 2016. In July 2012, the federal and provincial governments committed to shared funding of the project with the CRD to meet these legislative objectives upon a set timeline.

In 2013, Esquimalt Council declined to approve the bylaw exception required to accommodate the treatment plant at McLaughlin Point. Following a meeting with the Ministers responsible (ENV, CSCD), between July and December 2013 senior staff from CRD and Esquimalt undertook negotiations which resulted in a staff level agreement regarding an amenities package. However, in April 2014 Esquimalt Council voted



unanimously to turn down the negotiated package and reject the zoning bylaw infringement required for the plant to be constructed as planned at McLoughlin Point. At the same time Council also directed its staff to prepare a bylaw that would down-zone the site and expressly prohibit its use for a wastewater treatment plant. This bylaw received first and second readings May 5, 2014, and Esquimalt staff has been directed to schedule public hearings in the coming weeks. This new bylaw removes most provisions allowing for a wastewater treatment plant to be built, including doubling the high-water set back distance from the existing 7.5 m to 15m and further restriction on building height.

S.12, S.13, S.17

S.12, S.13, S.17

Following protracted negotiations with the Town of Esquimalt over zoning issues at the McLoughlin Point site, the CRD believes it has reached an impasse with Esquimalt and is seeking provincial intervention in order to meet the approved schedule for treatment. (See Appendix 1 for more detailed timeline on the project to date).

DISCUSSION:

S.12, S.13, S.17

The provincial government has consistently expressed the need for local governments to work together, allowing for public dialogue and opportunities to reach mutually satisfactory solutions.

S.12, S.13, S.17

S.12, S.13, S.17

S.12, S.13, S.17

Pages 6 through 8 redacted for the following reasons:

s.12, S.13, S.17



S.12, S.13, S.17

S.12, S.13, S.17

S.12, S.13, S.17

S.12, S.13, S.17

Legislation: N/A

Stakeholder and Citizens:

Contact: Wes Shoemaker, Deputy Minister
(250) 387-5429

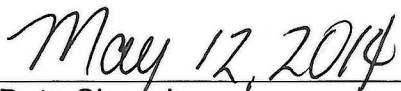

Honourable Mary Polak

05.12.14
Date Signed



Contact: Rebecca F. Denlinger, Deputy Minister
(250) 387-4104


Honourable Coralee Oakes


Date Signed



APPENDIX 1: PROJECT HISTORY AND TIMELINES

Key Dates Looking Back:

July 2006	MOE directs CRD to submit an amendment to their LWMP dealing with a fixed schedule for the provision of sewage treatment.
2006 & 2007	Province publically committed to fund one-third of the best, lowest-cost solution (subject to P3 consideration.)
2007 to 2009	CRD develops amendment to the Core Area LWMP, including undertaking stakeholder (and public) consultation. Controversial aspects of the plan included possible treatment plants in Saanich, near the University of Victoria, and in Esquimalt at Macaulay Point.
Feb. 2008	Esquimalt requests CRD not consider Macaulay Point and pursue McLaughlin Point as the location of the wastewater treatment plant.
Aug. 2010	Province approves CRD LWMP amendment which commits to treatment facilities at McLaughlin Point by 2016, Hartland Landfill for bio solids by 2016 and on the west shore by 2030.
July 2012	Federal government and Province announce a shared commitment to provide funding for the project. Provincial funding agreement requires project completion by March 2019. Federal funds for the McLaughlin plant are to be expended by March 2019.
July 2013	Ministers meet with Town of Esquimalt and CRD representatives regarding impasse created when Esquimalt declined to accept the bylaw exception required to accommodate the treatment plant at McLaughlin Point.
July – Dec 2013	Senior staff from the CRD and Esquimalt, with observers from the Province (CSCD), develop an amenities package suitable to all parties.
Feb. 2014	After six months of negotiation, an amenities package was agreed to between senior staff from Esquimalt and the CRD. Negotiations were observed by senior staff from the Province (CSCD.)



Apr. 2014

Esquimalt Council votes unanimously to turn down the amenities package and reject the needed infringement on their zoning bylaw for the McLaughlin plant.

May 5, 2014

Esquimalt gives two readings to zoning bylaw prohibiting sewerage treatment plants on the site.

S.12, S.13, S.17

Pages 13 through 14 redacted for the following reasons:

s.12, S.13, S.17