
From: Liam Edwards [<mailto:ledwards@bimbc.ca>]
Sent: Monday, May 10, 2021 10:29 AM
To: Adamson, Ross [VCH]
Cc: Daniel Martin; Bonny Brokenshire
Subject: RE: Bowen Island - cidery

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Hello Ross,

My name is Liam Edwards. I'm the Chief Administrative Officer of Bowen Island Municipality. 13

Please don't hesitate to reach out if you would like to discuss this further.

Kind regards, Liam

Liam Edwards
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Bowen Island Municipality
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BOWEN ISLAND Municipality

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From: The Millers <[redacted email address](#)>
Sent: Sunday, May 9, 2021 6:10 PM
To: Liam Edwards <ledwards@bimbc.ca>; Daniel Martin <DMartin@bimbc.ca>; Bonny Brokenshire <BBrokenshire@bimbc.ca>
Subject: Fwd: Bowen Island - cidery

For your information.

From: "C & H Miller" <[redacted email address](#)>
To: "Ross Adamson, VCH" <Ross.Adamson@vch.ca>
Sent: Friday, May 7, 2021 2:42:09 PM
Subject: Re: Bowen Island - cidery

Dear Ross:

In response to your last email – it has taken us a while to respond because there is almost too much to say, and this situation is overwhelming for us. We are living in a nightmare. We feel completely abandoned.

1. Re your remarks about COVID – we accept that there are exceptional pressures on you and everyone in the PHO chain due to COVID, and that there are very likely resourcing/manpower issues there – however, to put that in such a way as to suggest, as you have, that we “please consider” is both offensive and condescending. COVID has taken a big toll on *our* lives, and it is not a fault or some excess of selfishness on our part to ask for the duty of care we are entitled to expect from you at VCH in relation to our water. If other pressures make it difficult or challenging for you to meet that duty, your responsibility is to report that upwards – not abuse us, or imply we are inconsiderate.
2. Your responses to us have been consistently irritated, dismissive, and unhelpful; again, you, along with our municipal government, have a duty of care to us, and both parties appear completely indifferent to that, and completely insensitive to how traumatic this situation is. Indifferent to how absolutely basic it is to us to know assuredly that our water is safe, that a number of real and entirely plausible threats to both its availability and quality are recognized, measured, mitigated if possible, or if that is not feasible, this project does not go ahead. And that it is palpably wrong, unfair, that we must suffer financially due to the failures of all of you to meet your responsibilities, with outcomes that, again, involve us incurring ongoing costs. Costs so high, if our well were to fail or be compromised, that we would not be able to meet them and live here, in a home we have lived in for 31 years

3. in that email you say: *"The applicant has indicated they are working towards submitting a filing for a proposed on-site wastewater system."*

We have several specific questions that we would like answered.

- Is it therefore the case that VCH would not issue a food permit, i.e. not allow the cidery to open to the public, without receiving, reviewing and approving that proposed wastewater treatment system?
- Have you received a filing for a proposed on-site wastewater system?
- Have you verified if the applicant has insurance with third party liability provision for water pollution or other water-related third-party impacts? Specialized insurance for cideries, wineries, breweries, etc generally contains specific coverage related to pollution – have you verified or asked if the applicant has industry specific insurance?
- The applicant has indicated that his involvement with VCH only began in relation to food permitting, that being necessary for opening to the public and/or sales for consumption of cider.
- Please indicate the date on which the applicant first contacted VCH in relation to this permitting and/or the date on which a formal application was begun
- Please indicate the dates of record for contacts, meetings (incl telephone meetings) between the applicant and VCH in relation to any application
- Please indicate whether questions related to the treatment of wastewater were raised, addressed or discussed with the applicant by VCH prior to VCH receiving questions and concerns related to this issue from neighbours of the applicants cidery site (i.e. after March 24)?
- Please identify by name and title all VCH personnel who have met with the applicant, by phone or otherwise, or in written communication, plus any VCH personnel who have reviewed or been advised of this application.
- Please clarify whether the lengthy telephone conversation(s) the applicant stated took place with VCH on March 30 was the first time that VCH spoke with the applicant in relation to wastewater management
- Please indicate if at that time there was any, or a clear, statement by the applicant of a qualified professional being involved in, or retained to, design, implement or advise on wastewater systems; if not at that time, but on another occasion, please provide that date
- If there was no such qualified professional identified at that time, please clarify whether VCH indicated to the applicant the necessity of involving a sufficiently, professionally qualified person in designing, implementing, advising on wastewater systems; if not at that time, but on another occasion, please provide that date
- If there was a professional involved, or if VCH recommended the involvement of a professional, was there discussion/clarification re the desirability of such a professional having experience/knowledge of industrial applications? Of industry specific (winery/cidery/alcohol production) experience/knowledge?

If yes, a filing has been submitted,

- Has VCH approved that filing?

If approved, please identify the criteria and identified steps taken to review the filing, the person(s) at VCH who have reviewed and approved the filing, and the dates of receipt, review and final approval. Also indicate the manner and nature of associated record keeping by VCH of any review or consideration done by them.

If a filing has been submitted but not yet approved:

- what type (level) system is proposed?
- has that proposed system been designed and certified by a qualified person?
- If yes (a qualified person) please supply information on their qualifications. Please provide any supplemental information as to whether that person has industrial, or industry specific, experience/knowledge or qualifications
- is there an attached or recorded environmental site assessment completed by a person qualified to undertake such an assessment?
 - If yes, an environmental assessment has been completed by a qualified person, please supply information on that person's qualifications
- is there an attached or recorded hydrological site assessment completed by a person qualified to undertake such an assessment?
 - If yes, a hydrological assessment has been completed by a qualified person, please supply information on that person's qualifications
- is there clear provision for emergency disposal, or extreme events? E.g. disposing of an entire cider run due to contamination/spoilage, managing/mitigating stormwater run-off?
- is there a clear, expressed plan for reporting to VCH by the applicant of any exceptional or potentially risky circumstances – e.g. sewage system breaches, extreme and/or excess storm-water runoff, proposed construction or repairs impacting irrigation,

septic, wastewater treatment systems, etc?

- Are there clear, explicit consequences for the applicant for failing to report to VCH any potential water impacts, pollution events, sewage breaches, with potential third-party impacts?
- If yes, there is a plan for reporting, in the event of such reporting, what would VCH's response be?
 - Would VCH conduct independent testing and inspection?
 - Would VCH report to neighbours on the same aquifer, and/or in proximity to the site, and/or with wells in proximity to the site, re potential impacts or threats to their water quality or availability?
 - Would VCH also then report concerns to the Ministry of *** in relation to threats to the natural environment (riparian and wetland areas e.g.)?
- Are there clear, regular and independent steps in place to monitor water quality issues? E.g. verified, independent testing of creek outflows, groundwater, on a regular basis?
 - Would VCH receive, review and act on such reports if they are required?
 - If yes, does VCH have clear, established criteria by which to identify emerging, potential or serious threats to third-party water safety or availability?
 - Does VCH recognize a responsibility to advise
- If no (i.e. no submission has been made yet), please supply clear information as to whether the issues identified in the questions asked above are required for your approving this business opening to the public, and/or approving a submitted filing for a wastewater system. Also please identify who at VCH would receive, review and approve such a submission.

Also:

- Have you received or sought any documentation in relation to sewage provision and on-site toilet facilities for the public?
- Have you received or sought any information as to likely or possible visitor numbers to the site once open? Numbers of staff?
- You previously said to us that VCH would inspect once the site was open; to open, the cidery must have product. Have you taken any steps to identify or clarify if cider is being produced on-site prior to your receiving any information re on-site wastewater treatment?
- If yes, have you sought information as to quantities produced, and dates of production?
- Does any part of your process involve considerations of production levels, and the capacity of any proposed wastewater systems proposed to manage those levels? What provision is there for identifying levels of production that would exceed the capacity of any system proposed to VCH?
- Does any part of your process involve consideration of the scale of water use, of monitoring or imposing limits on that?
- The site relies on heavy water use for many purposes on-site, on a 5 acre lot in a residential neighborhood. There is a primary residence, a secondary large residential building used as a Short Term Vacation Rental, agricultural use of approx. 2.5 acres, a cidery manufacturing facility, and a business that will be open to the public for tours and recreation. What steps has/does VCH take to establish whether the capacity of water on-site can meet those needs? What steps has/does VCH take to assess whether those uses impact the availability of water for neighboring third parties? What steps has/does VCH take to establish the levels and regulation/measuring/limiting of each use as an intersecting variable that will impact water levels overall, and for neighboring wells and streams? Has VCH identified a tipping-point (or points) at which the use of water by this business, including the wastewater dimension, poses too great a hazard or potential risk to third-party water rights and interests to allow the business to operate and open to the public? What steps has/does VCH take to protect the rights and interests of neighboring properties to have adequate, reliable water supply? What mechanisms does VCH have to intervene in order to limit, mitigate, prevent and/or avoid foreseeable and preventable risks for neighboring wells and streams.
- The applicant has indicated that his intent is to use what he described as "greywater" for on-site irrigation; however, from his same account, this is in fact clearly the wastewater from the cidery manufacturing process. The agricultural/orchard areas that would be irrigated are in close proximity to the creek on-site, and within setback limits for wells, ponds, etc. They are also within setback limits, and/or reasonable areas of concern re drainage and seepage, to wells, septic systems, and other watercourses/ponds on neighboring properties. Besides the agricultural/orchard areas, there are If the wastewater system proposed includes or depends upon the use of this water for irrigation, what steps have or will VCH take to determine those impacts, and/or what limits there ought to be in place to protect third-party rights and interests re water safety?
- You tell us that those concerns should be addressed to another Ministry – we intended to contact them in relation to stream health etc. – but are you saying that VCH has no involvement or responsibility re potential water shortages in terms of the supply of drinking water?
- The applicant indicated that the building on-site for cidery-production was built and approved for occupancy last-year; the Municipal planner has stated to us that that approval, occupancy, was granted in August 2020. As a condition of approval, a sewage system "Letter of Certification" is required: did VCH receive a copy of such a letter? There is some confusion (disturbingly so) in accounts of this building's use: the applicant's February 22 Temporary Use Permit application to operate a cidery open to the public on this site suggest that they were changing use of the building, but no change of use process is recorded. Change of use would require similar occupancy requirements, including again a sewage system "Letter of Certification". Has VCH received any such letter in relation to 620 Laura Road since August of 2020 to the present? The Bowen Municipal Building Permit application requires an "Existing septic inspection report from an ASTTBC Certified Inspector (for additions/alterations change of use or adding accessory buildings)"; has VCH received any such reports from January 2020 to present? This lot (620 Laura Road) is subject to Development Permit Area restrictions, as it is a "Watershed, Aquifer & Stream Protection Development Permit Area – Fish and Riparian Protection Areas – Water Resource Protection Areas". As a light industrial process, the cidery building ought to have been subject to local bylaws requiring a 50m setback, but it is on fact only 30m setback from watercourses/wells/septic; there has been no environmental assessment done or required by the

Municipality, and no planning restrictions or requirements appear to have been requested by the Municipal planner at any stage. The sewage system letter of certification requires the signatory to record that their work was completed with reference to "completion of all listed requirements in the Planner's Installation Review Report." listed requirements in the Planner's Installation Review Report, and that "The above sewerage system has been installed substantially in accordance with the plans and specifications provided to me and any written instructions received from the planner subsequent to the original accepted filing document." Municipal guidance on sewage is that "Most Bowen Island homes rely on ground disposal of effluent from septic systems on private lots or shared septic fields. These systems are administered and permitted by the Ministry of Health through the Vancouver Coastal Health Authority. However, recent changes in provincial regulations have now privatized much of the review, design and approval process. For information about septic system installations, repairs and maintenance please visit the Bowen Island Phone Book." Please clarify what role and responsibilities VCH has to ensure that adequate planning consideration and planning standards for sewage treatment and management are in place and have been met to ensure and protect public health and safety?

- If a building or buildings, or portion of a building, intended for public, commercial use, serving food and or drink, is to open, multiple agencies/jurisdictions intersect – e.g. local zoning/bylaw requirements, planning approvals and inspections, building inspections in line with the BC Building Code, and public health certification. For a restaurant or bar to open, VCH or the other relevant regional public health body would expect and /or check that those other permissions and standards had been met. For a restaurant/pub, i.e. with assembly use, there are requirements in law for set numbers of publicly available toilets; the cidery will meet and exceed basic assembly use numbers (i.e. 30 persons). For Bowen Island, Assembly is defined as follows: **"ASSEMBLY"** means the use of land or a building or structure for gatherings for public, charitable, cultural, religious, memorial, philanthropic, recreational, educational or entertainment purposes. Additionally, WorkSafe BC has requirements for the provision of both enough toilets, and hygiene/handwashing facilities, for employees. Is it the case that VCH would go ahead and issue permits if they were aware that there were serious failures to meet any other legal requirements (e.g. sufficient toilets, conformity to the BC Building Code) particularly when there were obvious, foreseeable and known risks to public health associated with those failings?
- This cidery has been issued a Temporary Use Permit to operate in an area not zoned for assembly use, for cideries, or for light industry; the municipality, in allowing and issuing that temporary permit, has placed no requirements or restrictions on this operation in relating to any water/sewage impacts, has conducted no risk assessments, required no environmental, hydrological or other assessments, has failed to meet its own Bylaw requirements in relation to setbacks from streams and other water resources, etc. Municipal advice to private well users, buried in a footnote to a document several layers deep on their water and sewage information pages, is the following: *Bowen Island Municipality has all necessary procedures in place for our municipal water systems. Private wells and water systems, however, are outside municipal jurisdiction and are the responsibility of the Province. Currently there are minimal provincial regulations for wells. In 2016, the Water Sustainability Act will come into effect to enable better management of groundwater resources across the Province.* It is therefore clear that VCH has an especially important role to play in protecting the health and viability of water resources for private well users, as well as a role in managing sewage outcomes for those with septic fields (however attenuated in provincial law that responsibility has become). Obviously, an inadequate, failed or breached septic system poses serious dangers to aquifers, wells, streams, and other water sources in proximity to any such event. Can you indicate how you understand your role in relation to protecting the rights and interests of this particularly vulnerable group in relation to water safety and availability, and potential sewage impacts? Both generally, and in relation to the opening of this cidery, in this particular instance., re the rights and interests of neighbours? Can you also indicate the same re Mr. Pickles? If any other VCH personnel were identified by you in relation to the previous question VCH personnel who have met with the applicant. by phone or otherwise. or in written communication, plus any VCH personnel who have reviewed or been advised of this application, please indicate their role as above.
- VCH works with the Bowen Island Municipality in managing, monitoring and developing the Municipal water system, and the number of private communal water systems which are co-managed by the Municipality. There is regular, ongoing testing of water from the Municipal system and those private systems, resulting on occasion in boil water advisories, and there are at least two large-scale projects currently underway (Cove Bay Water Treatment plant, Snug Cove Wastewater Collection and Treatment System) where Municipal records indicate the active involvement of VCH personnel in planning and developing those projects. Can you please indicate the name(s) and title(s) of all VCH personnel working in those areas in relation to the Bowen Island Municipality, with a brief indication of the nature and scope of their involvement.
- Please indicate the date and general subject of any meetings or contacts, with name(s) and title(s) of VCH personnel involved, between the Bowen Island Municipality and VCH in relation to private well users in the last five years.

We would appreciate your prompt attention to this, and answers to the specific questions we have asked,

Yours sincerely,

Heather