



DISTRICT OF HIGHLANDS MINUTES OF THE COUNCIL MEETING

Monday, June 3, 2013 @ 7:00pm
SCHOOL HOUSE, 1589 MILLSTREAM ROAD

PRESENT:

Mayor
Councillors

Jane Mendum
Allen Dobb
Diane Gill
Marcie McLean
Karel Roessingh
Ken Williams

ABSENT:

Councillor

Sigurd Johannesen

IN ATTENDANCE:

Chief Administrative Officer
Corporate Officer
Planner
37

Chris Coates
Tina Neurauter
Laura Beckett
members of the public

1. APPROVAL OF THE AGENDA

MOTION: 149 / 2013
MOVED BY: COUNCILLOR MCLEAN
SECONDED: COUNCILLOR ROESSINGH

That the agenda be approved

CARRIED

2. PETITIONS AND DELEGATIONS

Mayor Mendum stated that because of the Graving Dock item on the agenda she will conduct the first part of the meeting as a question and answer period and that if anyone wished to address the delegates to raise their hand and she would place them on a speakers list.

- a) Letter- D. Latoski – Public Works and Government Services Canada
RE: ESQUIMALT GRAVING DOCK WATERLOT REMEDIATION PROJECT

David Latoski, Interim Director, Esquimalt Graving Dock introduced himself and the group of individuals with him: Andrew Mylly, Sr. Project Manager, Tim Whalin, Project Director, Dave McKeown, SLR Consulting Environmental Monitor Qualified Registered Professional, Robert McLenehan, Golder Associates. Accompanying them was Tervita's representative, Brian Fagen.

Andrew Mylly then addressed Council and explained the overall objective of the Esquimalt Graving Dock Waterlot Sediment Remediation Project.

The plan includes:

- constructing an erosion protection sheet pike wall around the south jetty
- dredging the contaminated sediment from the waterlot and disposal off-site at a permitted landfill
- creating a new intertidal marsh fish habitat at Esquimalt Harbour

Mr. Mylly informed that the contaminated sediment originates from the industrial type of activities which have been occurring for over 100 years. These activities included such things as ship building, repair and maintenance.

There will roughly be 150,000 cubic metres dredged, loaded onto barges and transported to an off-load facility (David Street) and then trucked to the Tervita landfill site. The contamination is mostly metals (arsenic, copper, lead and zinc), Polychlorinated biphenyl (PCBs), and Polycyclic aromatic hydrocarbons (PAHs). Most result from residue from past sandblasting practices, creosote soaked timber and anti-fouling paints.

There has been 5 years of investigation of the seabed – these investigations have determined that roughly ½ the material has high levels of contamination, although the levels are not high enough to be considered hazardous waste.

The trucking of the contaminated waste to the Tervita site is scheduled to run from June 2013 to March 2014 and it is estimated that there will be 90 trips per day running from Monday to Saturday.

The Mayor stated that all questions will be directed now through the Chair and a speaker's list would be maintained.

Several questions were asked from Council and audience members, these included the following (where an answer was given it will also be noted)

Mr. Mylly first explained that when he stated ½ the waste was considered contaminated that the other ½ (if not soaked with salt water) would be considered safe to be deposited on a commercial site and indeed is not considered contaminated.

- ***What is the difference between contaminated and hazardous waste?***
 - Mr. McLenehan stated the difference is the quantity or level of contamination and differs with the specific contaminate. Hazardous waste falls under its own Regulations and is managed under Provincial and Federal legislation and is disposed in specialized facility that has management capabilities.
- ***What contaminates are in the material? What happens if it were to get into a water source? Will the standards of acceptance change in the future?***
 - Contamination levels vary with the different contaminants - metals, PCBs and PAHs
 - Concerns regarding contamination are taken serious and every necessary step has been taken regarding protection

- Landfill design is made at a higher than regulated level, current audit was just carried out by the Ministry of Environment and they were happy to see that the site far exceeds the minimum standard. Site must be monitored and maintained for 25 years after they are finished working. Ground Water is monitored above the site and below the site – all testing done by 3rd Party Professional which is submitted to MoE so there is no way the site can be non-compliant
- ***Is there any way for the contaminated sediment to be neutralized on-site?***
 - After 1 ½ years of planning with a consultant specializing in sediment clean up it was determined that due to the mixture of contaminants the soil could not be treated and reused
- ***What is the cell liner at the Tervita site made of?***
 - The cell is made of high density polyethylene with a bentonite matting – the high density polyethylene is made not to break down the bentonite matting is placed underneath and designed to stop any leaks. The cell is welded together. Any leachate is removed via a drainage system from the cell and treated onsite and then taken off site to another regulated site.
- ***Water Quality testing on-site?***
 - Up gradient and down gradient wells are monitored as well as gas monitoring
- ***How does the soil come to the Tervita site?***
 - Soil will be trucked to the site using a tandem truck loaded at 80% capacity with a sealed gate with drivers that have worked for Public Works Canada previously
- ***What detection mechanism is underneath the liner?***
 - Ground water monitoring wells will detect any transmission on contaminants. The cell is not a flat service, it is designed with collection pipes and a collection system coming to one place
- ***What about the upper layer of cell?***
 - Cell is covered with semi-permeable clay – but this is not 100% determined until the material is on site
- ***What about spillage on the road from transport?***
 - Tervita has paved their driveway and will be inserting a wheel wash or whatever is recommended by the consultant hired to recommend on keeping the site clean. At the loading end the material will be loaded to truck from the barge – trucks inspected before leaving site and then goes over a large wheel wash. Drivers being used have a history working with the Federal Government already
- ***Is the design plan at Tervita earthquake proof?***
 - Brian stated that he will clarify that information with Council

Mr. Mylly informed that in addition to the mediation controls of Tervita – they are under contract with the Federal Government and have to follow all the terms of the contract which will be monitored by a third party to monitor Tervita to make sure they are working to the terms of the contract

- ***Why does the material need to be trucked to the private facility on David Street?***
 - After dredging and loading onto the barges the material has to be dewatered and then it has to be loaded onto trucks – they are using the site by David Street
- ***What is the base rock at the Tervita site? Will the contaminate level be higher in a smaller capacity? What route will the trucks take? How long will the project run? What times?***
 - Granite with traces of limestone
 - The mass loading of the chemicals will not change – it will also be mixed with additional volume
 - The contaminated soil will take up ¼ of the cell space (500,000 cubic meter capacity)
 - The traffic will come up Millstream from the Highway
 - The project should run from July to January and the trucks will run from 7:30am to 4:30pm.
- ***What is the traffic control plan and what emergency plans are in place?***
 - Standard practices in place – signs installed – whatever measures required will be implemented
 - Sensitive habitat identified, train drivers and use consistent drivers, if there was an incident the Province steps in and instructs what to do
- ***Is there any financial benefit to Highlands?***
 - Amenity contribution for roads: \$1 per tonne of material processed on site annually (200, 000 – 270, 000 tonnes estimated with this project)
 - Soil deposit and removal permit fees
- ***Why is the project currently working six days a week?***
 - Currently permitted under the District's Noise Bylaw – 7am – 7pm Monday to Saturday
- ***Will Highlands be provided an inventory to what contaminates comes onsite? How many years for certain contaminates to break down or decompose? Does Highlands not get to specify how many cells are created?***
 - Mr. Mylly stated that he could and would provide the District with a list from the Graving Dock
 - Tervita focuses on contaminates not being able to enter the groundwater not decomposition of contaminates
 - Nothing in current zone specifies how much volume can be processed or how many cells may be constructed. Soil removal bylaw has **no** authority under the Environmental Management Act (this project falls under that Act)

- Site size is controlled by the buffers in zone and Operation Certificate states 4.9 acres and annual tonnage (Solid Waste Management Plan)
- **How many trucks per day?**
 - Estimated 90 trucks a day for six months
- **How many years will the facility operate? Explain the \$1 per tonne fee.**
 - The \$1 per tonne is a onetime annual fee. Amenity is registered on title as a section 219 covenant. The covenant does not have an escalating fee.
 - Conceptual drawing of cells (liner and liner system) can be presented at a later date if Council would like that information
 - The estimate for the remaining years of facility is 17 years – but this is only an estimate based on the current rate of fill. Design of cells is based on an annual fill rate.
- **Well monitoring on site and off site? Financial return to community is minuscule.**
 - Three offsite residential wells should be monitored on an annual basis and onsite wells are monitored quarterly
- **How much material will be removed from site? Why was a truck washing station already installed?**
 - Approximately 40, 000 cubic metres
 - Not a lot of organic material trucked off site – once this project started and it was obvious that the dirt was being brought onto the roads the project stopped and Tervita has now paved the driveway and will install something to keep the trucks clean (wheel wash station?)
 - If this system doesn't work another solution will be found
- **Will Tervita have an Open House?**
 - Yes
- **Will the trucks coming from Tervita and going to Industrial Park be finished before the Graving Dock project?**
 - Not sure at this point – it will be close to one finishing and the other starting
- **Is there radioactive waste in sediment? Have all agency's been consulted? Is there a possible alternate route through Industrial Park to the Tervita site? Emergency response plans for a leachate problem or accident with transportation?**
 - No radioactive waste to Mr. Mylly's knowledge
 - All agencies have been consulted
 - The middle property is Provincial Crown and that has not come forward for rezoning and therefore no established road
 - Emergency response - Initially material characterized and source found – must notify Province and at that time the Province will dictate a plan for response and it all depends on the material or source – characterized as a management plan. More information can be shared on this at an Open House

- ***What is the elevation of the completed cell? Future use?***
 - Basically about 20ft above existing ground level. Kept at this elevation for subsequent use. Possible site uses could possibly be a park or warehouse - at this point cannot really say.
- ***Clarify Tervita's hours of operation? Once salt water dried from sediment – will levels of contamination become higher as the soil dries***
 - Site is open from 7:30am – 4:30pm. New cell construction runs from 7am to 7pm – Monday to Saturday
 - No - concentration is based on mass or volume – some of the concentration may be move downwards (gradient vertically)
- ***What is the start date for Graving Dock project?***
 - June 17 dredging starts and trucking will start at the same time or shortly after with test runs

The Mayor stated that as Public Works Canada gave such short notice to the District regarding this project starting that more detailed information should be posted perhaps on a website? Greater consultation with the District should have taken place and there should be a place where the community may ask questions and have them answered. There are plans to post more information on the Graving Dock Projects website. The Mayor also suggested that Phase 3 of the Groundwater Protection Plan should be considered alongside this project.

Ongoing information should be available as this project proceeds. Tervita is offering more interaction between Tervita and the community (perhaps through updates to Council).

Mayor Mendum thanked all the representatives from Public Works Canada and Tervita for their presentations and information.

- ***Could the schedule be postponed for a couple of weeks so better communication by Public Works Canada can take place with the community?***
 - No – it is believed that will not be possible

The Mayor called for a five minute recess at 8:58pm. The meeting was reconvened at 9:04pm.

3. ADOPTION OF THE MINUTES

- a) Council Minutes – May 21, 2013

MOTION: 150/ 2013
 MOVED BY: COUNCILLOR ROESSINGH
 SECONDED: COUNCILLOR GILL

That the Council minutes of May 21 be APPROVED.

CARRIED

b) Capital Regional District Board Minutes – May 8, 2013

MOTION: 151/ 2013
MOVED BY: COUNCILLOR ROESSINGH
SECONDED: COUNCILLOR GILL

That the Capital Regional District Board minutes of May 8, 2013 be RECEIVED.
CARRIED

4. REPORTS OF COMMITTEES & COMMISSIONS

a) Committee Reports

- i) **Councillor Allen Dobb** –
CRD Arts meeting scheduled for June 12
SSAC - meeting scheduled for June 12 - working towards completing the OCP/ ICSP Amendments.
- ii) **Councillor Diane Gill** – nothing to report.
- iii) **Councillor Sigurd Johannesen** – absent
- iv) **Councillor Marcie McLean** -
FESC – next meeting June 5
IACDI –The Annual Picnic will take place at the Metchosin Farmer’s Market on June 15.
- v) **Councillor Karel Roessingh**
GVPL – Emily Carr branch will be moving to the UpTown location by December 2013
- vi) **Councillor Ken Williams**
FCM Annual Conference – Conference held in Vancouver and main areas of discussion centred around relationship building between all levels of government and healthy communities

b) Mayor’s Report

- District of Highlands Newsletter is in the mail and posted on the website
- The redevelopment of the District’s website is well underway with the first reveal scheduled for August
- CRD food digesters available for a reduced price of \$95 on the 15th of June
- The scheduled CoTW meeting on June 10 will deal specifically with contaminated soil and will have a representative from the Province in attendance
- Tax notices have been mailed

5. RATIFICATION OF COMMITTEE RECOMMENDATIONS

6. INTRODUCTION OF LATE ITEMS

7. UNFINISHED BUSINESS

- a) Memo - C. Leek, Building Official, April 12, 2013 (2240-20)
RE: HERITAGE PARK INFRASTRUCTURE

MOTION: 152/ 2013
MOVED BY: COUNCILLOR ROESSINGH
SECONDED: COUNCILLOR GILL

That Council APPROVE the installation of a new septic system at Caleb Pike Heritage Park; and that staff proceed to upgrade two toilets at the Heritage Park and remove the third (Dairy).

CARRIED

OPPOSED: COUNCILLOR MCLEAN

8. CORRESPONDENCE**9. BYLAWS****10. NEW BUSINESS**

- a) Memo – C. D. Coates, CAO – May 29, 2013 (1943 Millstream Rd)
RE: SOIL REMOVAL AND DEPOSIT PERMIT APPLICATION - TERVITA

MOTION: 153/ 2013
MOVED BY: COUNCILLOR DOBB
SECONDED: COUNCILLOR WILLIAMS

That Council APPROVE the Soil Removal and Deposit Permit for Tervita.

CARRIED

OPPOSED: COUNCILLOR MCLEAN

- b) Memo – L. Beckett, Planner – May 27, 2013 (DVP-02-13 - 3375 Lakeridge Pl)
RE: DEVELOPMENT VARIANCE PERMIT – DVP-02-13

MOTION: 154/ 2013
MOVED BY: COUNCILLOR ROESSINGH
SECONDED: COUNCILLOR GILL

That Council direct staff to issue notification of Council's consideration for the proposed issuance of Development Variance Permit DVP-02-13 pertaining to 3375 Lakeridge Place.

CARRIED

- c) Memo – L. Beckett, Planner – May 29, 2013 (DVP-03-13 – 812 Finlayson Arm Rd)
RE: DEVELOPMENT VARIANCE PERMIT – DVP-03-13

MOTION: 155/ 2013
MOVED BY: COUNCILLOR DOBB
SECONDED: COUNCILLOR ROESSINGH

That Council direct staff to issue notification of Council's consideration for the proposed issuance of Development Variance Permit DVP-03-13 pertaining to 812 Finlayson Arm Road.

CARRIED

- d) Memo – L. Beckett, Planner – May 28, 2013 (DP-04-13 - 5029 Stag Rd)
RE: DEVELOPMENT PERMIT – DP-04-13

MOTION: 156/ 2013
MOVED BY: COUNCILLOR DOBB
SECONDED: COUNCILLOR MCLEAN

That Council direct staff to issue notification of Council’s consideration for the proposed issuance of Development Permit DP-04-13 pertaining to 5029 Stag Road.

CARRIED

- e) Memo – L. Beckett, Planner – May 30, 2013 (DP-05-13 – Eagles Lake Park)
RE: DEVELOPMENT PERMIT – DP-05-13

MOTION: 157/ 2013
MOVED BY: COUNCILLOR ROESSINGH
SECONDED: COUNCILLOR WILLIAMS

That Council direct staff to issue notification of Council’s consideration for the proposed issuance of Development Permit DP-05-13 pertaining to Eagles Lake Park.

CARRIED

Councillor Dobb left the meeting at 10:13pm due to a potential conflict of interest as Councillor Dobb’s spouse is a member of the Highland Heritage Park Society.

- f) Memo – C.D. Coates, CAO – May 22, 2013 (1850-02)
RE: 2013 GRANT IN AID AUTHORIZATION

MOTION: 158/ 2013
MOVED BY: COUNCILLOR ROESSINGH
SECONDED: COUNCILLOR WILLIAMS

That Council APPROVE a Grant in Aid request of \$2,000.00 to the Highland District Community Association.

CARRIED

MOTION: 159/ 2013
MOVED BY: COUNCILLOR ROESSINGH
SECONDED: COUNCILLOR WILLIAMS

That Council APPROVE the FESC recommendations as the 2013 Grant in Aid and authorize payment.

CARRIED

Councillor Dobb returned to the meeting at 10:15pm.

- g) Memo – C.D. Coates, CAO - May 29, 2013 (1700-17)

RE: 2013 FINANCIAL PLAN LEAFLET

MOTION: 160/ 2013
MOVED BY: COUNCILLOR ROESSINGH
SECONDED: COUNCILLOR WILLIAMS

That Council authorize distribution of the 2013 Financial Plan Leaflet.

CARRIED

11. IN CAMERA

MOTION: 161/ 2013
MOVED BY: COUNCILLOR ROESSINGH
SECONDED: COUNCILLOR WILLIAMS

That Council move In Camera at 10:20pm to discuss items pursuant to the Community Charter, specifically Section 90(1)(m) a matter that, under another enactment, is such that the public may be excluded from the meeting and 90 (1) (a) personal information about an identifiable individual who is being considered for a position appointed by the municipality.

CARRIED

The Council meeting reconvened from In Camera at 10:29pm.

12. RELEASE OF IN CAMERA RESOLUTIONS

From the June 3, 2013 In Camera Council Meeting

Advisory Planning Commission Appointments

That Ellie Rayner, Colleen Robertson, Rick Lester and Allan Roger be reappointed to the Advisory Planning Commission for a further two year term expiring March 31, 2015.

13. ADJOURNMENT

MOTION: 162/ 2013
MOVED BY: COUNCILLOR ROESSINGH
SECONDED: COUNCILLOR MCLEAN

That the Council meeting of June 3, 2013 adjourn at 10:30pm.

CARRIED