



Report Date: January 04, 2021

File: 4606

Report Number: 163164

REGISTERED MAIL

Owners of Strata Plan LMS 3080

100 Blackberry Drive  
Anmore BC V3H5B4

Dear Owners of Strata Plan LMS 3080

**Re: Warning Letter, Permit, 4606**

On January 05, 2021, Ministry of Environment, Environmental Protection Division staff conducted an inspection under *Environmental Management Act (EMA)*, 4606. The inspection determined that Owners of Strata Plan LMS 3080 is out of compliance with its Permit 4606, and the section(s) listed below. This Warning Letter lists the compliance verification information contained below.

Failure to comply with the requirements set out in your Permit is an offence under the *Environmental Management Act (EMA)*. Section 120(7) of *EMA* states as follows:

*120(7) A person who, holding a permit or approval issued under this Act to introduce waste into the environment, fails to comply with the requirements of the permit or approval commits an offence and is liable to a penalty not exceeding \$300 000 or imprisonment for not more than 6 months, or both.*

It should also be noted that, as an alternative to prosecution of the offence referenced above, the Ministry may initiate action to impose an administrative penalty against Owners of Strata Plan LMS 3080. *The Administrative Penalties Regulation (EMA)* (B.C. Reg. 133/2014) (APR) was brought into force in 2014. The APR describes the prescribed provisions of the *EMA* as well as that of specified regulations under which administrative penalties can be assigned. Section 12(5) of the APR states as follows:

*12(5) A person who fails to comply with a requirement of a permit or approval issued or given under the Act is liable to an administrative penalty not exceeding \$40 000, unless the requirement the person failed to comply with is also a prescribed provision of the EMA or the regulations that is subject to a different maximum administrative penalty.*

I request that Owners of Strata Plan LMS 3080 immediately implement the necessary changes or modifications to correct the non-compliance(s) listed above with the *Environmental Management Act*. Further, I request that Owners of Strata Plan LMS 3080 notify this office in writing, by email or letter within 30 days of this letter, advising what corrective measures have been taken, and what else is being done, to prevent similar non-compliances in the future.

Please submit your response to the Ministry's Compliance Mailbox at [EnvironmentalCompliance@gov.bc.ca](mailto:EnvironmentalCompliance@gov.bc.ca).

As a result of this Warning, this authorization will be prioritized for follow-up inspection. The corrective measures will be reviewed by an Officer as part of the next inspection.

Finally, if you fail to take the necessary actions to restore compliance, you may be subject to escalating enforcement action. This Warning Letter and the alleged violations and circumstances to which it refers, will form part of the compliance history of Owners of Strata Plan LMS 3080 and will be taken into account in the event of future violations.

**Ministry of Environment  
and Climate Change  
Strategy**

Compliance  
Environmental  
Protection Division

Mailing Address:  
2nd Fl  
10470-152nd St  
Surrey BC V3R 0Y3

Telephone: 604 582 5200  
Facsimile: 604 930 7119  
Website: [www.gov.bc.ca/env](http://www.gov.bc.ca/env)

## Inspection Details:

On January 5, 2021, Ministry of Environment and Climate Change Strategy (Ministry) Environmental Protection Officer Katie Howett (Officer) conducted an office based inspection of Strata Plan BCS 3080 located at 100 Blackberry Drive, Anmore, BC (Anmore Green Estates (AGE)) to verify compliance with Permit 4606 under the Environmental Management Act. Anmore Green Estates is authorized to discharge effluent to the land from a residential strata property as per Permit 4606. The inspection is a follow up to the Municipal Sewerage Connection letter issued by Brady Nelless, Director of Compliance, to Anmore Green Estates on November 2, 2020.

The inspection period (inspection period) covered by this report is from November 2, 2020 to January 5, 2020. The records on file that had been reviewed for this inspection are:

- 4606 Municipal Sewerage Connection Letter (Director's Letter)

Below are the clauses that were assessed for compliance during this inspection:

Requirement Description:	<b>2. GENERAL REQUIREMENTS, 2.15 Sewer Connection</b>  2.15: The discharge authorized by this permit shall be connected to a municipal sewerage system when such facilities become available.
Details/Findings:	<p>On November 2, 2020, a letter from the Director was issued to AGE confirming that connection to a municipal sewerage system is now available. As connection to a municipal sewerage system is now available, pursuant to Section 2.15 of the Permit, AGE is required to connect to the Greater Vancouver Sewerage and Drainage District. The Director's Letter requested that AGE notify the Ministry in writing, by email to <a href="mailto:EnvironmentalCompliance@gov.bc.ca">EnvironmentalCompliance@gov.bc.ca</a> within 60 days of the date of letter to provide a schedule to complete the connection to the municipal sewerage system. No notification was submitted to the Ministry.</p> <p>On December 4, 2020, the Ministry contacted AGE, via email, to confirm that the Director's Letter had been received and acknowledged.</p> <p>On December 8, 2020, AGE replied to the Ministry, via email, stating that the Director's Letter had been received and forwarded to AGE's Strata Council. The email stated that AGE supports the implementation of the sewer connection and is currently working on securing project management support. However, AGE did not provide a schedule to complete the connection to the municipal sewerage system as requested by the Director.</p> <p>On January 5, 2021, Ministry staff conducted a file review to confirm that no schedule to complete the connection to the municipal sewerage system had been submitted to the Ministry.</p> <p>As the Director's Letter indicates, a connection to a municipal sewerage system is now available and a schedule of connection is required at the request of the Director; however, no schedule has been submitted to the Ministry. Therefore; AGE is out of compliance with this section of the Permit.</p>
Compliance:	Out

Actions to be taken:	Submit a written schedule to complete the connection to the municipal sewerage system by email to EnvironmentalCompliance@gov.bc.ca within 30 days of issuance of this inspection report.
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Compliance History:  
2019-09-25 IR 139828 Warning 120(7): AUTHORIZED DISCHARGES 1.1.2, Reporting 3.3  
2017-10-30 IR 71030 Order: Environmental Management Act 6 (4)  
2016-12-21 IR 45701 Warning 120(6): AUTHORIZED DISCHARGES 1.1.2, Facility Classification and Operator Certification 2.5, Sewer Connection 2.15

The Ministry of Environment Compliance and Enforcement Policy and Procedure (C&E Policy) prescribes common requirements and procedures for all Ministry staff to ensure consistent and risk-based assessment and response to non-compliance. Using the Non-Compliance Decision Matrix, the compliance determination for this inspection has been assessed as **Level 2, Category C, Warning 120(7)**.

More information about Environmental Compliance, the Non-Compliance Decision Matrix, and reporting and data submission requirements can be found at the links below:  
General compliance information:  
[www.gov.bc.ca/environmentalcompliance](http://www.gov.bc.ca/environmentalcompliance)  
Non-Compliance Decision Matrix information:  
[www.gov.bc.ca/environment/how-compliance-is-assessed](http://www.gov.bc.ca/environment/how-compliance-is-assessed)  
Reporting and data submission requirements (to be sent to EnvAuthorizationsReporting@gov.bc.ca):  
[www.gov.bc.ca/submit-waste-authorization-reports](http://www.gov.bc.ca/submit-waste-authorization-reports)

Please be advised that this inspection report may be published on the provincial government website within 7 days.

If you have any questions about this warning, please contact the undersigned.

Yours truly,

Katie Howett  
Environmental Protection Officer

cc: Dan Bings, Compliance Operations Manager  
Brady Nelless, Compliance Director

**Attachments:**

**Deliver via:**  
Email:  Fax:  Mail:   
Registered Mail:  Hand Delivery:

**Ministry of Environment  
and Climate Change  
Strategy**

Compliance  
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**DISCLAIMER:**

Please note that sections of the permit, regulation or code of practice referenced in this inspection record are for guidance and are not the official version. Please refer to the original permit, regulation or code of practice.

To see the most up to date version of the regulations and codes of practices please visit  
<http://www.bclaws.ca>

If you require a copy of the original permit, please contact the inspector noted on this inspection record.

It is also important to note that this inspection record does not necessarily reflect each requirement or condition of the authorization therefore compliance is noted only for the requirements or conditions listed in the inspection record.