

**INDEX OF CONTENTS FOR HANDOUT TO
RDOS BOARD MEMBERS AND STAFF
DECEMBER 15, 2022**

- 1. Letter from Darren Stewart, B.Sc., A.Ag. Senior Environmental Protection Officer, BC Ministry of Environment, to Johnny Aantjes setting out List of Compliance Issues as of August 18, 2020 inspection of Sewage Treatment Plant**

- 2. BC Ministry of Environment Pollution Prevention Order letter to Johnny Aantjes (Vintage Views Development Ltd.) dated September 22, 2022**

- 3. Comparison of water and sewer rates in the Okanagan Valley (information collected by Ethan Ribalkin – resident of Heritage Hills, and other community members)**

- 4. RDOS Water and Sewer Utility Acquisition Policy – Policy Statement page only**

- 5. Residents' Petition results with analysis and percentages (prepared by Patrick Gilligan – resident of Vintage Views)**



Hello Mr. Aantjes,

Please see attached for the Inspection Report 156484 resulting from my inspection of the Vintage Views Wastewater Treatment Facility, site visit conducted on August 18, 2020. The outcome of this inspection is referral for an Administrative Penalty.

Noted non-compliances with the Municipal Wastewater Regulation (MWR) include:

- 29(b)(i) = lack of an established capital replacement fund on file with the Ministry
- 48 = not adhering to the Operating Plan, regarding an inoperable micro-screen filter which is a designated "major component" of the facility
- 49(1) = bypass of the inoperable micro-screen filter
- 53(b) = lack of receiving environment monitoring
- 55(5)(a) = lack of required data submission
- 75 – Table 3 = BOD and TSS exceedances
- 75(4)(a) = lack of required effluent filtration
- 85(1) = monitoring wells not installed in sufficient number and orientation
- 86 – Table 7 = lack of sample data
- 87(3)(b) = lack of required data submissions to the Ministry (flow and fecal coliform)

A hard copy of this inspection report will also be sent to you via **Registered Mail** per Ministry policy.

More information about Environmental Compliance and the Non-Compliance Decision Matrix can be found at the links below:

General compliance information: www.gov.bc.ca/environmentalcompliance

Non-Compliance Decision Matrix information: www.gov.bc.ca/environment/how-compliance-is-assessed

Feel free to contact me if you have any questions or concerns regarding this report.

Regards,
Darren



Darren Stewart, B.Sc., A.Ag. | Senior Environmental Protection Officer
Compliance Section | BC Ministry of Environment and Climate Change Strategy
2090 Labieux Road | Nanaimo, BC | V9T 6J9 | NEW Tel: 250.739.8236 Cell: 250.815.5004

To report an act of pollution call the RAPP line at 1-877-952-7277.

More information about Environmental Compliance and how it is assessed can be found [here](#).



September 22, 2022

AMS File: 111349

Auth: 17170

Johnny Aantjes
PO Box 24101 Govt St
2070 Carmi Ave
Penticton BC V2A 7H4

0757526 B.C. LTD. dba Vintage Views
Development Ltd.
1B-2525 Dobbin Road
West Kelowna BC V4T 2G1

Attention: Johnny Aantjes and Vintage Views Development Ltd.

Pollution Prevention Order

This Order is being issued under Section 81 of the *Environmental Management Act*, SBC 2003, C. 53. I am satisfied on reasonable grounds that an activity at Vintage Views Wastewater Treatment Facility located on 173 Chadwell Place in Okanagan Falls, British Columbia, is being performed by a person in a manner that is likely to release untreated effluent that will cause pollution. Specifically, the site is located on the described land parcel:

Lot 4 Plan EPP61041 District Lot 2710 Similkameen Divisions Yale District and Lot B Plan 28346 District Lot 2710 Similkameen Division Yale District (the "Land")

GROUNDS FOR ISSUANCE

Previous Inspections done by the Ministry of Environment and Climate Change Strategy (Ministry) resulted in:

- 2019-05-30 Pollution Abatement Order (PAO) 109945 – repair of treatment system and complete monitoring of effluent and groundwater; and
- 2019-10-23 PAO 110100 – repair the septic field and proceed with proper monitoring and maintenance of the facility; and

- 2019-11-15 PAO 110145 – cease the discharge of sewage to unauthorized works, decommission unauthorized works and remove discharged waste; and
- 2021-08-12 Pollution Prevention Order 110871 – prohibit new connections to the wastewater system.

On May 23, 2019, the Ministry conducted an on-site inspection due to a complaint referred from the Interior Health Authority of effluent surfacing in the disposal field for Vintage Views Development Ltd. (Vintage Views) and adjacent houses. The disposal field is within an orchard on the neighbouring property south of the treatment facility. During the inspection on May 23, 2019, at the treatment facility, a Ministry Compliance Officer observed the following:

- While inspecting the disposal field there was a pipe bubbling up and flooding part of the pathway between apple trees. There were no other sources of water, all the other pathways were dry, and the irrigation lines are located elsewhere.
- The Officer was then directed by the property owners to other pipes that had also surfaced in the orchard. This could be seen by the sediment build up around a hole in the ground and pieces of broken plastic that once capped the pipes. The Officer observed that these other areas looked the same as the location observed to have been spewing liquid.
- The orchard owners informed the Officer that the surfacing had been going on for months and that they had informed the facility of these seepages. The orchard owners also informed the Officer that the facility had been working on the disposal field pipes within the last year, using machinery and digging up parts of their field.

In response to the May 23, 2019, inspection, PAO 109945 was issued on May 30, 2019. It was cancelled and PAO 110100 was issued on October 23, 2019, and last amended on August 26, 2020. This order was cancelled on October 13, 2021, after repairs were completed and final report was received. The Order required:

- The immediate retention of a qualified professional.
- A qualified professional was to take action to mitigate and contain surface effluent impacting the environment by June 8, 2019.
- The submission of an action plan by April 1, 2020.
- The conducting of surface and groundwater sampling by May 1, 2020.
- The implementation of a repair plan and provide the Director with the final report by November 30, 2020.

On November 12, 2019, the Ministry received a complaint of effluent flowing over Parsons Road directly below the Vintage Views disposal field. On November 13, 2019, an Environmental Health Officer conducted a site inspection of the disposal field for Vintage Views and adjacent

houses. During the inspection on November 13, 2019, at the treatment facility, the Officer observed the following:

- 5 pits dug into the orchard property containing effluent.
- Pipes from the treatment facility directing effluent into the pits.
- Wet mud showing overflow from the pits down towards Parson Road, however no standing liquid was present during the inspection.
- The site operator, Mr. Henderson, informed the Officer that the pits were a temporary measure to use while the disposal field was being repaired.

A Ministry Officer then contacted the qualified professional (QP) that was retained by Vintage Views to repair the field. The QP had not been on site since October 31, 2019, but had stated, in a requirement letter to Vintage Views on October 28, 2019, that all effluent would need to be pumped and hauled off site during the disposal field repairs. The pits were not an action taken on behalf of the QP to mitigate the surfacing of effluent in the orchard as stated in item 1 of Pollution Abatement Order (PAO) 110100.

The QP was on site on November 13, 2019, and informed the Officer of the following:

- 5 pits had been excavated on the site of the disposal field, each roughly 3m by 6m.
- All 5 pits had liquid in them.
- The farthest east pit was the fullest with approximately 1 foot of freeboard.
- The pits were dug into the earth and looked unstable.
- No observed odour.
- Syphon pipes from the septic facility tanks going to the pits.
- Pipes laid out that could go between any of the pits.
- The QP has concerns the pits could collapse at any point.

In response to the unauthorized discharge, PAO 110145 was issued on November 15, 2019. The Order required stopping discharge, hiring of a septic hauler to clear the pits and the decommissioning of the five unauthorized septic pits. Vintage Views was Ordered to retain a weekly record of sewage volumes removed by the septic hauler and submit the records to the Ministry each week. The Order also prohibited new connections until an amendment to registration 17170 is made or a new authorization is issued by the Ministry. This order was cancelled on February 25, 2020.

On August 12, 2021, the Ministry issued Pollution Prevention Order 110871 prohibiting new connections. This order remains in effect.

On May 6, 2022, the Ministry conducted an on-site inspection of Vintage Views wastewater treatment plant and drain field. The drain field is within a vineyard on the neighbouring property south of the treatment facility. During the inspection Ministry compliance officers observed the following:

- Former orchard over drain field has been removed and a vineyard installed.
- Vineyard installers have buried view ports and damaged portions of the subsurface distribution system.
- Effluent had surfaced from at least two locations and run downslope toward Parson Road. This was not reported to the Ministry.
- Groundwater monitoring has not been carried out.
- Treatment plant operator was Level I, while the plant is classified as Level II.
- Multiple effluent quality exceedances had occurred and not been reported to the Ministry

This inspection concluded in referral for an administrative penalty.

Since 2013, this facility has received two advisories, four warnings, and four administrative penalty referrals. An administrative penalty of \$19,300 was issued on April 20, 2022, for the period of April 9, 2019, through August 11, 2020. A second administrative penalty is under review for the period August 16, 2020, through May 6, 2022.

An application for an amendment to Municipal Wastewater (MWR) Registration 17170 was submitted to the Ministry on December 21, 2021. However, it was determined during the application review process that due to significant changes at the site, Vintage Views must obtain a new registration (application number 111293). On July 7, 2022, the Ministry provided an Application Instructions Document (AID) to Vintage Views which requested details on the number of connections and calculated maximum daily flow with a deadline to submit this information by July 15, 2022. The AID also raised concerns that the existing drain field did not meet the requirements of the Municipal Wastewater Regulation and requested an alternate disposal option by August 15, 2022.

As of August 31, 2022, neither the connection information, nor the alternate disposal option have been received.

Based on the above information, I am satisfied that Johnny Aantjes is a person who:

- had possession, charge or control of the substance at the time it was introduced or escaped into the environment;
- owns or occupies the land on which the substance is located or on which the substance was located immediately before it was introduced into the environment; or
- caused or authorized the pollution.

The specific substance being introduced into the environment is effluent from a secondary sewage treatment facility. The usefulness of the environment has been altered or impaired due to the presence of effluent in the vineyard.

Based on this information, I am satisfied on reasonable grounds that this activity is being performed in a manner that is likely to release a substance that will cause pollution.

ORDER

Pursuant to Section 81 of the *Environmental Management Act* [SBC 2003] Chapter 53, Vintage Views, and Johnny Aantjes are hereby ordered to comply with the required actions listed in the table below and to provide information to the Director indicating the completion of each action.

Item	Required Action	Required by midnight on:
1	<p>Provide a map showing all properties connected to the wastewater treatment facility, specify the number of properties currently and proposed to be connected to the facility, and calculate daily design flow for all properties intended to report to the treatment system.</p> <p>The wastewater treatment facility and disposal must be designed to accommodate the total build-out of the development. Provide a map showing which properties are currently connected to the system in addition to future planned connections and a table specifying the number of current and future connections per road.</p> <p>A Qualified Professional (QP) must undertake a calculated maximum daily design flow based on the total number of current and future properties to be connected to the wastewater treatment facility. The calculation must consider the zoned potential use of the properties (e.g., include secondary suites) and include any other connected sources (i.e., Heritage Hills Park).</p>	October 28, 2022
2	<p>Submit a conceptual plan for replacement or modification of the Vintage Views wastewater treatment system to bring it into full compliance with the Municipal Wastewater Regulation.</p> <p>The Application Instruction Document, issued July 7, 2022, identified several concerns. The recently constructed drain field constructed to replace the original failing field, is unauthorized. There is no secondary field or standby area as required under the MWR section 81. In addition, the new unauthorized drain field is located on land used for agricultural</p>	October 28, 2022

	<p>purposes. MWR section 82(2)(b) states that drain fields cannot be used for any activity that may cause damage to the system or interfere with its operations. The recent inspection has shown that the current location of the drain fields overlapping with agricultural activity resulted in damage to the field and that it is now at risk of failure. Therefore, it does not comply with the MWR.</p> <p>This conceptual plan will allow Ministry staff to assess the potential for Vintage Views' proposed approach to address concerns noted in the Applicant Instruction Document.</p> <p>The plan shall be prepared by an appropriate Qualified Professional, shall include conceptual design drawings and an implementation schedule with key milestones. This plan will provide a high-level overview of the proposed treatment system, which will then be fully described in the final registration application package noted below.</p>	
3	Provide a complete final application package as required by the attached Application Instruction Document.	June 12, 2023

DUTY TO COMPLY

The requirements above must be completed on or before the associated "Required by" date. Failure to comply with the requirements of this order is a contravention of the *Environmental Management Act* [SBC 2003, c.53] and may result in legal action. I direct your attention to Section 120(10) of the *Environmental Management Act*, which reads:

"(10) A person who contravenes an order...that is given, made or imposed under this Act by a ...director...commits an offence and is liable on conviction to a fine not exceeding \$300 000 or imprisonment for not more than 6 months, or both."

Failure to comply with the requirements of this order may also result in an administrative penalty under the Administrative Penalties Regulation (*Environmental Management Act*) [B.C. Reg 133/2014] (Regulation). I direct your attention to Section 12(4) of the Regulation, which reads:

"(4) A person who fails to comply with an order under the [Environmental Management] Act is liable to an administrative penalty not exceeding \$40 000."

RIGHT TO APPEAL

This decision may be appealed to the Environmental Appeal Board in accordance with Part 8 of the *Environmental Management Act*. An appeal must be delivered within 30 days from the date notice of this order is given. For further information, please contact the Environmental Appeal Board at (250) 387-3464.

NOTIFICATION OF PUBLICATION

Please be advised that this order may be published on the ministry website in 7 days. The recipient of this order is also notified that the Province intends to publish on the ministry website the entirety of any regulatory document provided that:

- a) The Province will provide written notice to the Responsible Person of its intent to publish the Regulatory Documents at least fourteen [14] days prior to publication,
- b) The Province will not publish any information that could not be disclosed if it were subject to a request under section 5 of the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165 as amended from time to time.

Please be advised that this order may also be published in the ministry's Quarterly Environmental Enforcement Summary and Natural Resource Compliance and Enforcement Database.

MINISTRY CONTACT

If you have any questions, please contact Compliance Officer, Jurgen Deagle, at 778-476-8861 or jurgen.deagle@gov.bc.ca or EnvironmentalCompliance@gov.bc.ca.

Yours truly,



Daniel P. Bings
for Director, *Environmental Management Act*
Compliance Operations Manager

Attachments:

Application Instruction Document (AID)
QP Declaration of Competency
QP Conflict of Interest

C.C. recipients: Liz Archibald, Section Head, South Authorizations, Ministry of Environment

**SEWER AND WATER COMPARATIVE COSTS
IN THE OKANAGAN VALLEY**

HERITAGE HILLS:

Sewer: \$1,000.00 per annum

Water: \$1,000.00 per annum, current rate, regardless of usage, everybody pays the same

= \$2,000.00 per annum for both utilities since 2019, estimated

LAKE COUNTRY:

Source from Municipal website : <https://www.lakecountry.bc.ca/en/living-in-our-community/utilities.aspx>

Sewer: \$275.00 per annum parcel tx + \$250.00 Annual Residential fee \$525.00

Water: \$468.00 per dwelling

= \$993.00 per year for both utilities, estimated

OLIVER:

Source – municipality – 1-250-485-6253

Sewer: Flat rate is quarterly \$75.00 x 4 payments per annum = \$300.00

Water: Base rate \$42.00 every quarter + up from there depending upon consumption – say \$60.00 x 4 payments = \$240.00 per annum

= \$540.00 per annum, estimated

PEACHLAND:

Source – municipality, phone + website – <https://www.peachland.ca/understanding-your-water-bill> and <https://peachland.civicweb.net/filepro/documents/366/?preview=47465>

and 1250-767-2647

Sewer: \$83.71 quarterly x 4 = \$334.84

Water: Flat rate is quarterly at \$55.50 x 4 payments per annum = \$222.00

= \$556.84 per annum, estimated

PENTICTON:

Source: Municipality and local friends – 1-250-490-2400 and 1-250-490-2489

Electric, water and sewer together

12 month average \$193.00 per month = \$2,316.00

Last year average was \$1,000.00 for electricity so using this figure, estimate \$2,316-\$1,000.00 electricity

= \$1,316.00 per year, estimated

SUMMERLAND:

Source – from friends and municipality – 1-250-484-6451

Sewer: \$36.72 per month x 12 months = \$440.64

Water: It is a utility bill in Summerland. Base rate is \$43.84 per month + up from there depending on consumption. Say, \$50.00 per month x 12 = \$600.00 approximately. Depends upon consumption and how many residents in home, etc.

=\$1040.64 per annum, estimated

KELOWNA:

Source – Municipality – 1-250-469-8500

Sewer: \$46.20 every two months = \$227.20

Water: \$120.00 every two months on average for home with irrigation = \$720.00

= \$997.20 per annum

WEST KELOWNA:

Source – from friends and the Municipality – 778-797-1000

<https://www.westkelownacity.ca/en/city-hall/resources/Documents/Utility-Bill-Example.pdf>

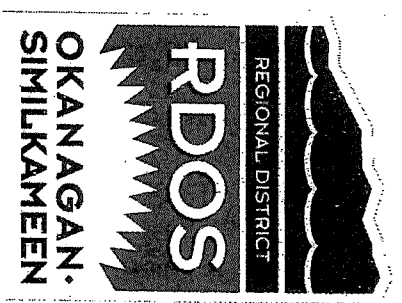
*Note:

They have added utility right now due to re-doing their water utility.

Sewer: \$66.01 + \$18.66 + \$26.40 + \$7.46 quarterly x 4 = \$474.12

Water: \$57.00 + \$10.40 quarterly x 4 = \$269.60

=\$743.72 per annum, estimated.



Water and Sewer Utility Acquisition Policy

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BOARD POLICY

POLICY: Water and Sewer Utility Acquisition Policy

AUTHORITY: Board Resolution dated August 15, 2019

POLICY STATEMENT

The Regional District of Okanagan Similkameen (RDOS) believes that essential services are best provided by government, where citizens can elect representatives interested in their well-being and will operate the service in the most effective and efficient manner possible. Further, potable water and sanitary sewerage systems are determined to be essential to a high quality of life and citizens should expect their local government to assist in acquiring and operating those systems where ratepayers to the system concur.

PURPOSE

To establish the policy and procedure for the acquisition of utilities.

APPLICATION

This Policy applies to Water and Sanitary Sewer systems in an electoral area of the RDOS operated by public or private owners serving citizens within the Regional District of Okanagan Similkameen geographic boundaries.

DEFINITIONS

“BOARD” means the BOARD of Directors for the Regional District of Okanagan Similkameen;

“CAO” means the Chief Administrative Officer for the RDOS, or a designated representative;

“IMPROVEMENT DISTRICT” means

- (a) the corporation into which the residents of an area are incorporated as an improvement or irrigation district under the *Local Government Act* or a former Act, or
- (b) the geographic area of the improvement or irrigation district corporation;

“RDOS” means the Regional District of Okanagan Similkameen.

“SCADA” means Supervisory Control and Data Acquisition

“STAFF” means an employee(s) of the RDOS

“UTILITY” means a water or wastewater system **RESPONSIBILITIES**

Area	Volenteers	Total Properties	Agree Water Petition		Agree to Sewer Petition	
Christie Mtn Lane	Patrick & Susan	55	34	61.8%	30	54.5%
Mixte	Arielle	?	7		4	
Heritage Blvd	Craig	?	6		6	
Mixte	Sign up at the Park		21		24	
Sunnybrooke	Jennifer	?	21		19	
Heritage Blvd	Doug	?	12		11	
Cabernet & Apple	Donna & Lynn	48	29	60.4%	29	60.4%
	Charles	?	16		16	
Sunnybrooke & Christie Mtn	Ace & Patrick	?	5		4	
Community Meeting	HH Association	?	37		21	
Absentees	Texted or Emailed	?	14		14	
			199		178	

	Total properties	Agreed to Water Petition		Agree to Sewer Petition	
Actual	268	199	74.3%	178	66.4%

Note:
Estimated 20% of property owners were absent and/or on vacation during the 2 weeks of petition door-to-door campaign
Large percentage of current private Septic owners have agreed to support in solidarity the Sewer petition