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Coldstream contamination case spotlights local government liability

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Okanagan water suppliers are being warned to learn from a contamination case.

Okanagan Basin Water Board officials have been briefed on the 2010 contamination of the Antwerp Springs well in Coldstream and the Regional District of North Okanagan subsequently being found guilty on a variety of charges and being fined \$18,540.

"It's an issue that could be relevant to other local governments," said Anna Warwick Sears, OBWB executive director.

"There is a concern about liability and what due diligence you need to do beforehand."

On Jan. 13, 2010, the North Okanagan endured heavy rains. The ground was still frozen and significant flooding occurred in many areas. In the case of Antwerp Springs, manure from an adjacent pasture was washed into a shallow well, causing contamination and forcing thousands of people off the source.

Two-and-a-half years later, RDNO was charged with operating a well in a manner to cause adverse impact, introducing foreign matter into a well, allowing contamination of drinking water and failing to provide potable water.

"We were operating the well in complete agreement with Interior Health," said Zee Marcolin, Greater Vernon Water manager.

"We felt we were operating the well in the best possible way. The well had never experienced any (quality) advisory and it was better quality water than surface water."

Despite RDNO's confidence, the court disagreed and the district was found guilty and sentenced on all charges in January 2014.

"There are tons of lessons to be learned," said Marcolin, adding that all water utilities should review recommendations from consultants' reports and ensure there is a paper-trail when it comes to actions taken.

"Don't put the reports on shelves. Identify why you are not doing something with it."

Marcolin also cautioned OBWB directors that they carry significant liabilities but have no authority when it comes to some matters.

"Manure spreading occurs but you can't do anything about it," she said.

"Legislation says you must put in filtration but if you go for voter assent and the voters say no, what do we do?"

Another factor no one has control over is extreme weather such as the 2010 rain storm.

"These events are coming up more and more," said Marcolin.

During her presentation, Marcolin pointed out that some old drainage and irrigation pipes were located and their existence didn't show up in any files, but Greater Vernon Water was still held responsible for them. That raised concerns around the OBWB table.

"There is hidden stuff people don't know about and if this is replicated in other places, it's worrisome," said director Keith Fielding.

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