

OKANAGAN BASIN WATER BOARD

MINUTES OF A MEETING OF THE OKANAGAN BASIN WATER BOARD HELD ON NOVEMBER 6, 2001, AT THE BOARD ROOM, REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN, 101 MARTIN STREET, PENTICTON , B.C. AT 10:00 A.M.

PRESENT:

Chair R. Hobson	C.O.R.D.
Director R. Hein	C.O.R.D.
Director L. Novakowski	C.O.R.D.
Director J. Cardoso	O.S.R.D.
Director J. Coady	O.S.R.D.
Director A. Klim	N.O.R.D.
Director D. Hackman	N.O.R.D.
Director W. Hansma	N.O.R.D.
Alternate Director Slater	O.S.R.D.

STAFF: G. Armour Field Supervisor

OTHERS:

John Piazza	Director, RDOS
Dan Ashton	Chair, RDOS
Vic Jensen	Ministry of Water, Land and Air Protection
Greg Gabriel	Administrator, Penticton Indian Band
Joan Phillip	Councilor, Penticton Indian Band

MINUTES:

Moved by Director Hein and seconded by Director Coady:

"That the minutes of a regular meeting of the Okanagan Basin Water Board held on October 6th, 2001 be adopted as circulated."

CARRIED.

DELEGATIONS:

Greg Gabriel and Joan Phillip, Penticton Indian Band

Chairman Hobson outlined the role of the Water Board in providing grants for construction of wastewater disposal infrastructure on non – Band lands. He explained the taxation of all basin residents to support these grants. He said that the Board wished to talk to the Indian Bands about the problems they face in this area and explore ways in which we might assist in maintaining water quality in our lakes.

He noted that the band deals with Federal government on these issues and there is a need for both parties to have an understanding of the methods each has to deal with wastewater treatment and disposal.

Mr. Gabriel explained the problems in Penticton with connecting development on leased band lands to Penticton community sewers. He said that despite attempts to work toward rectifying environmental problems, progress was stalled.

Director Hein asked if the Band was financially able to put in their own collection and treatment system.

Mr. Gabriel said this had been looked at and Federal dollars were not available. He noted that they had also examined the ability of the individual areas to provide enough revenue to hook into the City.

Director Hein asked what amount of outside funding would be required and what the priority of the Band was – hooking into the existing Penticton system or constructing and operating their own system.

Mr. Gabriel said about \$ 2 million, to construct a treatment plant and collection system. He said the band would prefer to hook into the Penticton system.

Councilor Phillip commented that water quality is very important to the band and noted the achievements of the Okanagan Nation Alliance in improving fish habitat. She said that the failure to install community sewers to development on leased land was not due to the lack of money or the unwillingness of locatees to pay their share. There was a lack of political will to work out details of timing, costs etc. She explained that the Federal Government will not fund infrastructure programs on band lands which are privately owned. She said that a commitment is needed from both sides to sit down and work out the details of a solution.

Director Hansma asked about the ability of the Penticton Band to levy taxes to provide the necessary revenue.

Councilor Phillip explained that there is a strong resistance among band members to taxation. She noted that currently, taxes collected by the province from non band members on band lands, are not returned to the band or to projects on band lands. She said there is no way to access dollars without taxation and there is no will to enter into this.

Chairman Hobson asked for clarification of the willingness of the locatees to pay to hook up to sewers.

Councilor Phillip said they were willing to pay sewer costs including the capital cost of extending infrastructure into the developments.

Director Coady noted that plans for sewer hook-up had been forwarded to the Band, by the City of Penticton. They were waiting for a response in order to sit down and discuss the situation.

Councilor Phillip replied that the Band lacks the engineering expertise to evaluate the plans and lacks the funds to hire the necessary expertise to proceed.

Chairman Hobson commented that the agreement and willingness seemed to be there from both sides, but the technical capacity was missing from the band side. He added that this was substantially different that other areas of the valley where there was no receptiveness of locatees to pay costs of sewer extension and hook up.

Director Coady added that a deal cannot be negotiated until the Band is able to respond to the proposal in the engineering plan.

Councilor Phillip said there is no federal money available and no programs on the horizon that showed any promise of such funding.

Director Hein asked about the possibility of creating a specified area which would pay back, over time, the costs of having the City do the engineering.

There was a discussion about the ability of the Band to create a specified area.

Mr. Gabriel noted that the developments on the lakeshore were on septic systems and the band is concerned about this as a water quality issue. He noted that a portion of the Penticton Band reserve is already hooked into the Penticton system. He informed the Board that all land in question was privately held and not band owned land.

Director Coady stated that the city's interest is in dealing with the entire issue of nutrient pollution from lakeshore development rather than servicing a few parcels at a time.

Chairman Hobson noted that the role of the Water Board in the absence of any taxation set up, was one of lobbying. He wondered who should be lobbied to achieve a resolution of this situation.

Mr. Gabriel said that the federal government currently provide infrastructure funds only to service new lots. He said there was a new program aimed at bringing communities together that might be a source of some funding.

Councilor Phillip commented that the locatees were using the leased land to make a profit and were taxed, but that none of the taxation revenue was returned to provide infrastructure.

Director Hein wondered if Federal Fisheries could be lobbied in light of the efforts of First Nations to improve water quality and fish habitat.

Director Cardoso noted that taxation was the accepted method of providing for common needs on non band lands. He asked how these needs were traditionally met in native society.

Councilor Phillip said that the Bands occupied small reserves of land now where they had once occupied most of the land. She noted that about 70 % percent of band members were not in the work force at present, and there was some fear that if taxation were implemented, they would lose what little assets remain.

Director Klim commented that the mandate of the Water Board is to work with the parties to resolve the situation and to offer support, but the lobbying role should rest with the band.

Director Hansma disagreed and felt that the role of the Board allowed for active lobbying to rectify and environmental and water quality problem.

Director Hein agreed that this was a role the Water Board could take on and asked for a recommendation from the band as to how we could help.

Chairman Hobson suggested and the Board agreed to ask the City of Penticton and the Penticton band to work together to identify what actual resources were needed to proceed and what role the Water Board might play in trying, through political support, see that these resources are made available.

Vic Jensen, Ministry of Land, Air and Water Protection - Water Quality in Kalamalka Lake

Mr. Jensen gave a presentation of Ministry of Water, Land and Air Protection water sampling results in Kalamalka Lake as well as trends in water quality observed in that lake. The Board had asked for this information in considering the request from the District of Coldstream expressing concerns of deterioration conditions in water quality of Kalamalka Lake. Vernon, Coldstream and Lake Country have retained a consultant to look at in Kalamalka Lake in response to these concerns.

Director Hein asked if we have done too good a job in removing nitrogen and phosphorus through improvements to treatment of municipal wastewater. These are the key nutrients in algal growth and there has been a suggestion that the growth of the kind of algae needed for food by kokanee has been upset by low nutrient levels.

Mr. Jensen advised that the balance of the two nutrients is the critical factor in what types of algae are present. If nitrogen is in short supply, blue green algae will grow because they are able to take in atmospheric nitrogen but blue green species are not good food for the zooplankton that the fish feed on.

Director Hansma asked what has changed in Kalamalka Lake since the 1970s.

Mr. Jensen noted that there was an upward trend in the levels of spring phosphorus, a decrease in water clarity and an increase in algal growth in general. These are undesirable changes.

Director Klim asked if excess run-off from spray irrigation of sewage effluent represented a significant component of the phosphorus.

Mr. Jensen answered that there is a component of the phosphorus input, from spray irrigation, but that in his opinion, it was relatively small compared to the amount from natural erosion. He noted that there is a great deal of variability in results from year to year, relating especially to amount of run-off, and it is important to look at trends over time.

Director Hein asked if the shutdown of Hiram Walker and the elimination of large inputs of higher quality water from Okanagan Lake had been observed to have an effect on Wood Lake and Kalamalka Lake water quality.

Mr. Jensen said that Wood Lake water quality improved from 1972 to 1992 when Hiram Walker was discharging cooling water into Wood Lake. He said the source of increased phosphorus levels since that time is not clear.

Director Cardoso wondered, if in the absence of data from more than 30 years ago, a longer term natural cycle could be operative without us being aware of it.

Mr. Jensen said that this was definitely possible and natural cycles could be imposing patterns that we are not aware of.

Director Hansma asked if lake temperature affected the timing and type of plant growth.

Mr. Jensen replied that algae key more on amount of sunlight and nutrient levels and not so much on temperature. He added that the precipitation of calcium carbonate or marl formation depends on temperature as the dissolved calcium comes out of solution at around 20°C.

Director Hackman asked how much degradation of water quality there had been in Kalamalka Lake over the years, from a standpoint of its use as a drinking water source.

Mr. Jensen said the impacts of increased nutrient levels and alterations in plankton growth affected aesthetic considerations more than health.

Director Hein noted that the models used to determine phosphorus loading from agriculture and erosion were from the Okanagan Basin Study.

Mr. Jensen agreed that these were old calculations that made some broad assumptions about the system. Some of this information may no longer be valid.

Director Hansma pointed out that the demographics of the valley have changed with increased urbanization, densification and changes to agricultural and forestry practices.

Director Hein asked if the Ministry of Water, Land and Air Protection sampling information was shared with other agencies and if it was used to focus on the problems.

Mr. Jensen stated that if there is a health or habitat consideration indicated from the data, then the appropriate authorities are contacted

Director Hein asked if the shift to magnesium chloride for ice removal posed an environmental concern.

Mr. Jensen was unsure what the comparative effects would be.

Chairman Hobson thanked Mr. Jensen for his presentation and asked if the Ministry would have the capacity to carry on this work at the current level with reductions in funding and staffing.

Mr. Jensen said he was unclear on what the future would bring.

NEW AND UNFINISHED BUSINESS:

Regional District of North Okanagan – FY 2002-03 Administration Charges

The Board received a memorandum from D. Holmes, Chief Financial Officer of NORD, explaining the revised OBWB administration contract cost of \$25,000.

RDOS Chair, Dan Ashton, commented that his board had asked staff to prepare budgets with reduced or no increase costs for all items. The substantial increase in OBWB administration cost was a cause for concern.

Director Cardoso asked if the other Regional Districts had the capacity to take on the Water Board Administration function.

Chairman Hobson said that CORD was not able to take on any new functions.

Chair Ashton was not sure about the capacity or interest of RDOS.

Chairman Hobson noted that while the Water Board was empowered to levy weed control costs within its statutory limits, it respected the wishes of RDOS to make sure that cost increases were kept to a minimum.

Moved by Director Hein and seconded by Alternate Director Slater:

"That the Board include \$25,000 in its 2002 – 2003 budget for Administrative Services as proposed in the NORD recommendation."

CARRIED.

UBCM Conference on New Technology for Water, Wastewater and Stormwater Treatment

The Board received a summary from Mr. Armour outlining the 2 day conference in Vancouver which was jointly sponsored by the Province and UBCM. (attached)

Mr. Armour commented on one presentation that dealt with the reluctance of local government to employ new technology because of the liability and risk involved. The speaker said the risks must be reduced through a knowledge of precedents or what has worked in other parts of the world; contingency plans and funding for alternative actions in the event that the technology prove unacceptable; and implementation of pilot demonstrations to convince people of the efficacy of the technology. He wondered if there might be a role for OBWB in initiating pilot demonstrations.

Director Hein said he would welcome presentations from manufacturers of new technology and could also see a role in viewing operations of systems which might be used in the valley.

Director Hansma asked if the Ministry of Health had approved any of the new systems for use.

Mr. Armour advised that Bob Smith of the Ministry of Health outlined some of the new advanced on-site technology at the conference which were 'approved' by his ministry.

Alternate Director Slater commented that the Province had refused to share in the cost of a package treatment plant at the north end of Osoyoos Lake instead of a lengthy extension to community sewer. They also require that local government be a co-permittee for any such plant.'

Director Cardoso said he could see a role for the Water Board in perhaps partnering with developers or manufacturers of new technology to demonstrate and showcase their products. He noted that any advances in wastewater disposal in rural areas will likely come from technology and not from extension of sewers.

Director Novakowski agreed that he would like to hear presentations and make his own assessment of the products.

Chairman Hobson said that the purpose of the workshop proposed by the Board was to get information on new septic regulations, on new technology and bring together the experts with technical representatives of local government.

Director Hein added that standards differ between the variety of Ministries approving various systems. He said that typically the development community will go to health for approval because smaller treatment plants with lower standards are likely to be accepted. He said that all parties should adopt minimum standards.

Director Coady asked if the technical committee had met to organize the workshop.

Mr. Armour said that this had not been done yet.

Director Klim cautioned that technology and ideas presented at the workshop should meet regulatory criteria or we are wasting time and money.

Director Coady wondered if the workshop should involve local government from outside the Okanagan and perhaps member of the development community.

Moved by Director Hansma and seconded by Alternate Director Slater:

"That the Board proceed with the workshop on new technology in wastewater treatment and disposal in the following stages: first convene the meeting of the technical group to plan workshop details; second invite Ministry of Health and Ministry of Water, Land and Air Protection representative as well as the technical committee to meet with the Board to ensure that what is presented fits regulatory guidelines; and third hold the actual workshop for local government."

CARRIED.

CORRESPONDENCE:

Town of Osoyoos – Request Support for Sewer and Water Infrastructure Grant

The Town of Osoyoos asked the Water Board to support an application for Infrastructure Funding to provide sewer and water to properties in the south east sector of Osoyoos Lake. The sewer and community water extension would rectify wells and beaches showing coliform contamination.

Alternate Director Slater noted that this area is primarily a tourist destination with up to 7,500 campers per day in the summer, but that the Ministry of Health had recently approved strata development of some properties. He stressed the urgent need to deal with the health risks of failing septic and well systems in the area. He asked that the Board endorse this application due to this urgency.

Chairman Hobson noted that the Board had agreed that prioritizing of projects was not within its mandate. Once a project received approval from the Province, the project was then eligible for Water Board assistance. He asked if the list of RDOS priority projects had changed since April.

Alternate Director Slater relied that the northwest Osoyoos sewer project was still a top priority and also had an element of urgency as access to right of way for a sewer extension would be lost by 2003.

Chairman Hobson clarified that the Water Board should not enter into local priority considerations and that as the south east sector project was currently not on the RDOS list of priorities, it should be taken first to that Board for inclusion. The water Board could then endorse the regional list of priority projects.

Director Piazza advised that the northwest upland area of Osoyoos Lake was the largest contributor of pollution to the lake. He also mentioned the possibility of funding through international sources as the pollution was a direct contributor to deterioration on the other side of the border.

Moved by Director Novakowski and seconded by Director Hein:

"That the Board receive the information on the Osoyoos south east sector infrastructure grant application and refer it back to the regional District of Okanagan-Similkameen."

CARRIED.

Town of Osoyoos – Pollution Problem at North End of Osoyoos Lake

The Board received a copy of a Pollution Prevention Order issued by MWLAP to Diamond Willow Ranch at the north end of Osoyoos Lake. The area currently operates on sewage collection system and storage tank which requires pumpout. The effluent is supposed to be trucked to the Osoyoos STP, but instead has been dumped in an oxbow adjacent to lake.

Mr. Armour reported that the Osoyoos Administrator had asked that the matter be brought to the attention of the Board to see if any action by OBWB could be brought to bear to rectify the situation. He said that the addition of nutrient raw sewage to the large bed of milfoil at the north end of the lake would compromise weed control efforts. He wondered if the Board would withdraw the service from that area in the event that the pollution was not addressed.

Alternate Director Slater reported that a tentative agreement had been worked out between the town and Diamond Willow Ranch.

The Chairman asked Alternate Director Slater to report back to the Board at the next meeting to confirm if the situation had been resolved.

There was a discussion about whether the Board should have a policy regarding weed control benefiting areas or persons who are cited for environmental infractions.

Moved by Director Klim and seconded by Director Cardoso :

"That the Okanagan Basin Water Board have staff draft a policy to address refusing or withdrawing weed control in areas where the party benefiting from the service, including business, private citizens or local government, is cited for environmental infractions and fails to rectify the problem in an expedient manner."

CARRIED.

Director Hansma left the meeting at 1:30 p.m.

District of Lake Country – Draft Official Community Plan

The Board received the draft Official Community Plan from the District of Lake Country.

Director Hackman asked what was included in the plan for the Oyama area.

Director Hein said that a poll of residents showed that a moderate level of growth was favoured and that development on the east side of Kalamalka Lake was not supported.

OTHER BUSINESS:

Sewerage Facilities Grants:

City of Penticton, Industrial Area Sewer

The Field Supervisor informed the Board that the application does not meet OBWB criteria as presented. There has been no provincial grant or application made. He noted that this is similar to the previous grant request for which the City is waiting for confirmation that they would have been eligible for Provincial assistance.

Director Coady noted that the City may be regarding this as the second phase of the same project and that approval is not required.

Moved by Director Novakowski and seconded by Director Hein:

"That the Board receive the information on the Penticton sewer grant application that staff clarify whether Water Board eligibility criteria have been met."

CARRIED.

OTHER BUSINESS:

Drinking Water Legislation

The Chairman gave a brief report on his participation on the panel reviewing Drinking Water Legislation.

Next Meeting

The Chair suggested and the Board agreed to meet on January 8th in Kelowna, and to cancel the December meeting, unless any urgent matters arise.

ADJOURNMENT:

The Okanagan Basin Water Board meeting adjourned at 2:30 p.m.

CHAIRMAN

SECRETARY

