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Warning Respecting An Alleged Violation

File: 5008-2001-02-13-001

Enforcement & Emergencies Division
224 West Esplanade
North Vancouver, B.C.
V7M 3H7

March 20, 2001

The purpose of this warning is to inform:

Mr. George Puil
Chairman of the Board
Greater Vancouver Regional District
4330 Kingsway Street
Burnaby, B.C.
V5H 4G8

Mr. Johnny Carline
Chief Administrator
Greater Vancouver Regional District
4330 Kingsway Street
Burnaby, B.C.
V5H 4G8

that information gathered during an inspection of the Iona Island Waste Water Treatment Plant in Richmond by Inspectors, E. Graca and J. Holmes, both designated as Inspectors under Section 38(1) of the Fisheries Act, gives me reasonable grounds to believe that the Greater Vancouver Regional District and the persons named above have violated Subsection 36(3) of the Fisheries Act.

Alleged Facts

The waste water effluent collected from the final settling tank at the Iona Island Waste Water Treatment Plant on the 13th of February, 2001 was found to be toxic when tested according to published Environment Canada, Biological Test Method, Acute Lethality Test Using Rainbow Trout, Report EPS 1/RM/9, July 1990.

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The test results therefore gives me reasonable grounds to believe that the effluent that was discharged through the GVRD outfall on February 13th was a deleterious substance, and that the deleterious substance, within the meaning of the Fisheries Act was deposited into the Fraser River, which is water known to be frequented by fish.

The Law

Subsection 36(3) provides that subject to subsection (4) no person shall deposit or permit the deposit of a deleterious substance of any type in water frequented by fish or in any place under any conditions where the deleterious substance or any other deleterious substance that results from the deposit of the deleterious substances may enter any such water.

Subsection (4) relates to deposits made under the authority of a regulation and does not apply in this instance:

Penalty:

Subsection 40(2) of the Fisheries Act provides that every person who contravenes subsection 36(3) is guilty of:

- (a) an offence punishable on summary conviction and liable for a first offence, to a fine not exceeding three hundred thousand dollars and, for any subsequent offence to a fine not exceeding three hundred thousand dollars or to imprisonment for a term not exceeding six months or to both; or
- (b) an indictable offence and liable, for a first offence, to a fine not exceeding one million dollars and for any subsequent offence, to a fine not exceeding one million dollars or to imprisonment for a term not exceeding three years or to both.

Conclusion

This warning alleges a contravention of subsection 36(3) of the Fisheries Act. This warning is intended to bring this matter to your attention in order for you to take necessary action to prevent such occurrences in the future. This document is not a finding of guilt or civil liability, and is not an administrative adjudication.

This warning and the circumstances to which it refers will form part of Environment Canada's records of the Greater Vancouver Regional District and its responsible officials, and will be taken into account in future responses to alleged violations and for internal purposes. Further steps will be considered by Environment Canada if you do not take the necessary action to prevent the release of a deleterious substance.

For more information or to comment, in particular on the alleged facts, contained in this warning, please call or write the undersigned at 666-1092. Any comments you make, as

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well as Environment Canada's response, will be retained and filed with this warning in
Environment Canada's records.



Inspector, Nick Russo, B.Sc. R.P. Bio
Spill Assessment Biologist
Enforcement & Emergencies Division

cc: Guy Martin
Chief, Inspections & Investigations
Enforcement Branch
Environment Canada
Ottawa

Mr. Tim Jervis
Manager of Engineering and Construction
Greater Vancouver Regional District