



Report Date: February 9, 2026

File: 110576

Report Number: 250656

City of Port Alberni
4850 Argyle St Port Alberni BC
V9Y 1V8

Dear City of Port Alberni,

Re: Warning Letter.

On September 24, 2025, BC Ministry of Environment and Climate Change Strategy (Ministry) Environmental Protection Officer Haylea Van Vaals (Ministry Staff) conducted a planned on-site inspection of the City of Port Alberni (CoPA) Wastewater treatment facility (Facility), located at 4850 Argyle Street, Port Alberni BC (Site). The purpose of the inspection was to assess compliance with the Environmental Management Act (EMA) and Operational Certificate 110576 (OC). The OC authorizes the discharge of effluent to the Somass River estuary, subject to the requirements of the OC. The OC was issued March 7, 2022, and has not been amended.

Ministry Staff were accompanied by, and received supplementary information from, John Stephen, (Utilities Superintendent, CoPA), Dave Arsenault (Manager of Engineering, CoPA), Clinton Wright (Manager of Operations, CoPA), and Jim Macdonald (Director of Infrastructure Services, CoPA).

Failure to comply with section 1.1.1 and 1.2.2 set out in the Operational Certificate is an offence. The applicable offence section(s) of the *Environmental Management Act (EMA)* and/or its regulations state(s) as follows:

EMA 120 (3) A person who contravenes any of the following commits an offence and is liable on conviction to a fine not exceeding \$1000000 or imprisonment for not more than 6 months, or both:

- (a) section 6 (2), (3) or (4) [waste disposal];*
- (b) section 7 (1) or (2) [hazardous waste confinement];*
- (c) section 8[hazardous waste disposal facility];*
- (d) section 9 (1) or (4) [hazardous waste storage and disposal];*
- (e) section 76.2[management of greenhouse gases at waste management facilities];*

As an alternative to prosecution of the offence referenced above, the Ministry may initiate action to impose an administrative penalty against City of Port Alberni. The Administrative Penalties Regulation (EMA) (B.C. Reg. 133/2014) (APR) was brought into force in 2014. The APR describes the prescribed provisions of EMA as well as that of specified regulations under which administrative penalties can be assigned. The applicable section(s) of the APR state(s) as follows:

12 (1) A person who contravenes section 6 (2), (3) or (4), 7, 8, 9 (1) or (4), 11, 25 (2), 40 (1), (2), (6) or (7), 40.1 (2), 48 (8), (10) or (15), 55 (1.1) or (1.3), 55.1 (2), 72 (1) or (2), 76.2, 91.11 (1) (a) or (4), 91.2 (2) or 91.41 (4) of the Act is liable to an administrative penalty not exceeding \$75 000.

The Ministry requests that the City of Port Alberni immediately implement the necessary changes or modifications to correct the non-compliance(s) listed below. Further, the Ministry requests that the City of Port Alberni notify this office in writing, by email or letter within 30 days of the receipt 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 the response to the Ministry's Compliance Mailbox at: EnvironmentalCompliance@gov.bc.ca.

**Ministry of Environment
and Climate Change
Strategy**

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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 the City of Port Alberni and will be taken into account in the event of future violations.

Inspection Details:

This inspection assessed compliance for the period from August 21, 2024, to September 24, 2025 (Inspection Period), and included a review of the following documents:

- Port Alberni WWTP Upgrades - Ministry of Environment Request Geotechnical Reconnaissance - Berm Seep, dated January 16, 2025, prepared by WSP (2025 Lagoon Berm Assessment);
- Stage 2/3 Liquid Waste Management Plan, dated July 2020, prepared by Associated Engineering (2021 LWMP);
- Liquid Waste Management Plan Approval Letter, dated July 30, 2021, prepared by the Ministry (2021 Approval Letter);
- Port Alberni Lagoon Restoration plan and Environmental Management Plan, dated March 2021, prepared by Associated Engineering (2021 EMP);
- Terms of Reference for the Monitoring Committee, dated December 13, 2021, prepared by the City of Port Alberni (2021 Terms of Reference);
- Minutes Liquid Waste Management Plan Monitoring Committee Meeting, dated September 10, 2025, prepared by the City of Port Alberni (2025 LWMP Meeting Minutes);
- Wastewater Treatment System Operation Post-Discharge Monitoring Annual Report, prepared by AE Associated, dated April 10, 2025 (2024 Annual Report);
- Monthly Wastewater Flow Record, dated January 2025 to September 2025, prepared by the City of Port Alberni (2025 Flow Data Reports);
- Certificate of Analysis - Toxicity, dated February 19, 2025, and September 22, 2025, prepared by CARO Analytical Services (2025 Toxicity Results);
- Regular Council Meeting, dated September 19, 2025, prepared by the City of Port Alberni (Council Meeting Minutes)
- Laboratory Certificate of Analysis, dated January 2025 to September 2025, prepared by M.B. Labs Ltd (2025 Certificates of Analysis);
- 2025 Receiving Environment Monitoring Data Excel File (collectively referred to as "2025 REMP Results");
 - REMP Data, prepared by ROE Environmental, dated December 16, 2025 (2025 Q1);
 - REMP Data, prepared by ROE Environmental, dated March 18, 2025 (2025 Q2);
 - REMP Data, prepared by ROE Environmental, dated September 9, 2025 (2025 5-in30);
 - REMP Data, prepared by ROE Environmental, dated September 16, 2025 (2025 5-in30);
 - REMP Data, prepared by ROE Environmental, dated September 22, 2025 (2025 5-in30);
 - REMP Data, prepared by ROE Environmental, dated September 30, 2025 (2025 5-in30).

Ministry Staff assessed compliance with all enforceable clauses of the Operational Certificate; however, only the non-compliances are reported below.

Compliance Assessment

Requirement Description:

Environmental Management Act, Environmental Management Act

6 (3): Subject to subsection (5), a person must not introduce or cause or allow to be introduced into the environment, waste produced by a prescribed activity or operation.

Details/Findings:

On July 30, 2022, in the 2022 Approval Letter, pursuant to subsection 24(5) of the EMA, the Minister approved the City of Port Alberni's Liquid Waste Management Plan (2020 LWMP), dated July, 2020. The OC granted to the CoPA is pursuant to Section 28(2) of EMA and forms part of the 2020 LWMP and any non-compliance with the OC is considered a non-compliance with the 2020 LWMP. Ministry Staff determined that the CoPA was out of compliance with the subsections of the OC listed below and is; therefore, out of compliance with Section 6(3) of EMA:

- Section 1.1.2: Failure to meet effluent discharge characteristics;
- Section 1.2.2: Failure to meet applicable Water Quality Guidelines for groundwater and surface water at or beyond the CoPA wastewater treatment facility property boundary.

Compliance:

Out

Requirement Description:

1. AUTHORIZED DISCHARGES, 1.1. Port Alberni Wastewater Treatment Facility to the Somass River Estuary

1.1.1.: This section applies to the discharge of municipal effluent from the City of Port Alberni wastewater treatment facility (facility) to the Somass River estuary via outfall. The EMS site reference number for this discharge is E325851. 1.1.1. The maximum rate of discharge is 79,400 cubic meters per day.

Details/Findings:

Ministry Staff reviewed the 2024 Annual Report and 2025 Flow Data Reports and confirmed that the CoPA did not exceed the maximum rate of discharge during the Inspection Period. However, during the on-site inspection, Facility Staff advised that although a flow meter is installed and flow is recorded once per day, the data is likely inaccurate due to measurement difficulties encountered with the current flow meter. In an email dated December 5, 2025, Facility Staff provided the October 1, 2025, Council Meeting Minutes, which document confirmation of funding approval for a new flow meter and control system infrastructure.

Due to inaccurate flow data, Ministry Staff could not determine if the CoPA exceeded the maximum rate of discharge during the Inspection Period.

Compliance:

Not Determined

Actions to be taken:

Ensure effluent flow data is collected once per day as per subsection 3.1 of the OC and the rate of discharge does not exceed 79,400 cubic meters per day.

Requirement Description:

1. AUTHORIZED DISCHARGES, 1.1. Port Alberni Wastewater Treatment Facility to the Somass River Estuary

1.1.2.: This section applies to the discharge of municipal effluent from the City of Port Alberni wastewater treatment facility (facility) to the Somass River estuary via outfall. The EMS site reference number for this discharge is E325851. 1.1.2. The characteristics of the discharge must not exceed:

- a) 5-day Carbonaceous Biochemical Oxygen Demand 45 mg/L
- b) Total Suspended Solids 45 mg/L
- c) Fecal coliforms 3,200 fecal coliforms/100 mL
- d) Escherichia coli 6,400 e. coli/100mL
- e) Enterococci 1,120 Enterococci/100mL
- f) Total phosphorus 6 mg/L
- g) Orthophosphates 4 mg/L
- h) 96-Hr RBT single concentration Test must pass in 100% effluent concentration

Details/Findings:

Ministry Staff reviewed the 2024 Annual Report and 2025 Certificates of Analysis and confirmed that the CoPA exceeded the effluent quality limits as set out in the OC on the following occasions during the Inspection Period:

- July 15, 2025 (5-day Carbonaceous Biochemical Oxygen Demand) - 88.0 mg/L
- August 14, 2025 (5-day Carbonaceous Biochemical Oxygen Demand) - 80.1mg/L
- September 23, 2025 (5-day Carbonaceous Biochemical Oxygen Demand) - 121 mg/L

In a follow-up phone call Facility Staff informed Ministry Staff that the CoPA conducted an external review following the above exceedances, which determined that the laboratory results may not have been accurate. Following review, the CoPA trialed and changed laboratories to ensure accurate laboratory results.

Compliance:

Out

Actions to be taken:

Ensure that the characteristics of effluent discharge from the Facility are equivalent to, or better, than the limits as set out in subsection 1.1.2. of the OC.

Requirement Description:

1. AUTHORIZED DISCHARGES, 1.1. Port Alberni Wastewater Treatment Facility to the Somass River Estuary

1.1.5.: This section applies to the discharge of municipal effluent from the City of Port Alberni wastewater treatment facility (facility) to the Somass River estuary via outfall. The EMS site reference number for this discharge is E325851. 1.1.5. The discharge must not cause surface water quality at or beyond the Initial Dilution Zone to exceed the applicable Water Quality Guidelines.

Details/Findings:

Ministry Staff reviewed the 2024 Annual Report and the 2025 REMP Results and confirmed that surface water quality at or beyond the Initial Dilution Zone (IDZ) exceeded applicable Water Quality Guidelines on the following occasions:

2024 Monitoring Year (between August 21, 2024 - December 31, 2024)

- pH: Seven samples exceeded the BC Water Quality Guideline (BCWQG) range of 7.0 to 8.7.
- Dissolved Oxygen: Eight samples were below the BCWQG instantaneous minimum of 5 mg/L.
- Boron: Eighteen samples exceeded the BCWQG of 1.2 mg/L.
- Total Selenium: One sample exceeded the BCWQG of 0.002 mg/L.
- Enterococci: Eleven samples exceeded the Health Canada guideline of 70 CFU/100 mL.
- Copper: Two samples exceeded the BCWQG of 0.003 mg/L.

2025 Monitoring Year

- Enterococci: Five samples exceeded the Health Canada guideline of 70 CFU/100 mL.
- Copper: One sample exceeded the BCWQG of 0.003 mg/L.
- Boron: Twenty-eight samples exceeded the BCWQG of 1.2 mg/L.

**Ministry of Environment
and Climate Change
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The 2024 Annual Report provides the following conclusions regarding observed exceedances:

- Boron (Section 6.1.1): Elevated Boron concentrations were observed at both reference and downstream sites and are considered likely reflective of natural marine and estuarine background conditions.
- pH (Section 6.1.3): Effluent monitoring results indicate that on days when receiving environment monitoring exceeded the BCWQG range for pH, effluent concentrations discharged from the Facility were within range.
- Dissolved Oxygen (Section 6.1.4): Dissolved oxygen exceedances occurred at both reference and downstream sites, indicating that the exceedances are attributable to natural processes within the Alberni Inlet.
- Enterococci (Section 6.1.6): Effluent monitoring results indicate that on days when receiving environment monitoring exceeded the Health Canada Guideline for Enterococcus, effluent concentrations discharged from the Facility were below 1 CFU/100 mL.

However, based on the information provided in the 2024 Annual Report and 2025 REMP Results, and other permitted discharges in the area including additional inputs/factors influencing the Somass River estuary; Ministry Staff are unable to determine whether the discharge from the Facility is what caused surface water quality at or beyond the IDZ to exceed applicable water quality guidelines during the Inspection Period.

Compliance:

Not Determined

Actions to be taken:

Ensure the discharge does not cause surface water quality at or beyond the IDZ to exceed the applicable Water Quality Guidelines.

Requirement Description:

1. AUTHORIZED DISCHARGES, 1.2. Port Alberni Wastewater Treatment Facility to Ground

1.2.2.: This section applies to the non-point source discharge of municipal effluent from the City of Port Alberni wastewater treatment facility to ground and groundwater through infiltration. 1.2.2 The discharge must not cause both groundwater and surface water quality at or beyond the City of Port Alberni wastewater treatment facility property boundary to exceed the applicable Water Quality Guidelines.

Details/Findings:

The 2024 Annual Report documents that surface water quality and groundwater quality at or beyond the CoPA Facility exceeded applicable Water Quality Guidelines on the following occasions during the Inspection Period:

Surface Water Monitoring Exceedances:

- pH: One sample exceeded the BC Water Quality Guideline (BCWQG) range of 7.0-8.7 / 6.5-9.0.
- Boron: One surface water sample exceeded the BCWQG of 1.2 mg/L.
- Enterococcus: Ten samples exceeded the Health Canada guideline of 70 CFU/100mL.

Ground Water Monitoring Exceedances:

- Ammonia: Six groundwater samples exceeded the BC Contaminated Sites Regulation (BC BCSR) guideline when adjusted for pH.
- pH: Four groundwater samples exceeded the BCWQG range of 7.0 to 8.7.

The 2024 Annual Report provides the following conclusions regarding observed exceedances:

- Boron (Section 6.1.1): Elevated Boron concentrations were observed at both reference and downstream sites and are considered likely reflective of natural marine and estuarine background conditions.
- Enterococci (Section 6.1.6): Effluent monitoring results indicate that on days when receiving environment monitoring exceeded the Health Canada Guideline for Enterococcus, effluent concentrations discharged from the Facility were below 1 CFU/100 mL.

Groundwater monitoring wells MW21-3a/3b and MW202 are located immediately adjacent to the lagoon berms within the City of Port Alberni wastewater treatment facility property boundary.

Based on the location of the groundwater monitoring wells, information provided in the 2024 Annual Report and 2025 REMP Results, and other permitted discharges in the area including additional inputs/factors influencing the Somass River estuary; Ministry Staff are unable to determine whether the discharge from the Facility is what caused groundwater and surface water quality at or beyond the CoPA wastewater treatment facility property boundary to exceed applicable water quality guidelines during the Inspection Period.

Compliance:

Not Determined

Requirement Description:

2. GENERAL REQUIREMENTS

2.6.: The operational certificate holder must retain a qualified engineer to inspect the lagoon berms to assess and make recommendations on their integrity at a frequency recommended in the Lagoon Berm Assessment report required under section 2.5.

Details/Findings:

During the on-site inspection, Facility Staff informed Ministry Staff that the lagoon berms are visually inspected daily on weekdays by facility staff; however, a Qualified Professional had not been retained to conduct lagoon berm inspections as outlined in the 2025 Lagoon Berm Assessment.

Compliance:

Out

Actions to be taken:

Ensure the lagoon berms are inspected at a frequency recommended in the 2025 Lagoon Berm Assessment by a Qualified Professional.

Requirement Description:

2. GENERAL REQUIREMENTS, 2.7. Operating Plan

2.7.1.: The operational certificate holder must maintain and implement an Operating Plan prepared by a Qualified Professional for the lift stations, wastewater treatment facility and effluent disposal works.

Details/Findings:

Section 6 (Facility Monitoring and Trigger Response Plan) of the 2023 Operating Plan outlines the required sampling collection frequency as follows:

- CBOD5 (mg/L) - Composite - Twice/week
- TSS (mg/L) - Composite - Twice/week
- Ammonia-N (mg/L) - Composite - Twice/month
- Total Phosphorus (mg/L) - Composite - Twice/month
- Ortho phosphorus (mg/L) - Composite - Twice/month
- Total and dissolved metals (mg/L) - Composite - Monthly
- Fecal coliform (unit/100mL) - Grab - Twice/month
- E. coli (unit/100mL) - Grab - Twice/month
- Enterococci (unit/100mL) - Grab - Twice/month
- Toxicity (96-Hr RBT single concentration) - Grab - Twice/year (February and September)

Ministry Staff reviewed the 2024 Annual Report and 2025 Certificates of Analysis and confirmed that the CoPA did not implement the effluent sampling schedule outlined in Section 6 of the Operating Plan on the following occasions during the Inspection Period:

2024 Monitoring Year (between August 21 to December 31)

- CBOD5 / TSS (twice/week): 21 of 38 required samples collected;
- Ammonia-N / Total Phosphorus / Ortho phosphorus (twice/month): 7 of 8 required samples collected;
- Fecal coliform / E.coli / Enterococci (twice/month): 7 of 8 required samples collected;

2025 Monitoring Year:

- CBOD5 / TSS (twice/week): 13 of 74 required samples collected;
- Ammonia-N / Total Phosphorus / Ortho phosphorus (twice/month): 9 of 17 required samples collected;
- Fecal coliform / E.coli / Enterococci (twice/month): 10 of 17 required samples collected.

During the on-site inspection, Facility Staff informed Ministry Staff that maintaining a bi-weekly sampling schedule is very challenging due to intermittent flows and that they intend to apply for an OC amendment.

Compliance:

Out

Actions to be taken:

Implement the 2023 Operating Plan for the lift stations, wastewater treatment facility and effluent disposal works. If an operational change to the OC is required, guidance on permit amendment applications can be found here:

<https://www2.gov.bc.ca/gov/content/environment/waste-management/waste-discharge-authorization/change>

Requirement Description:**2. GENERAL REQUIREMENTS, 2.8. Contingency Plan**

2.8.1.: The operational certificate holder must maintain and implement a Contingency Plan for the lift stations, City of Port Alberni wastewater treatment facility, and effluent disposal works prepared by a Qualified Professional that will address the appropriate course of action to be taken in any preconceived emergency situation, including, but not limited to the following:

- a) An action plan for mitigating the impacts of tsunamis, earthquakes and storm surges.
- b) Site specific spill response procedures, including the required training and resources to implement those procedures for each of the identified materials or risks during an emergency event.
- c) Requirements and procedures for spill reporting and/or emergency notification to various levels of government including Indigenous Nations.
- d) Procedure for establishing formal interagency communication for the duration of the emergency and clean-up as necessary.
- e) Invite the Indigenous Nations to participate with the operational certificate holder in conducting scheduled emergency response drills and exercises to test and refine the Contingency Plan.

Details/Findings:

The 2019 Contingency Plan was prepared by a qualified professional and outlines the procedures to be followed in the event of an emergency but does not include the following:

- (a) Section 2 (Emergency Operation Procedures) of the 2019 Contingency Plan outlines the procedures in the event of a general emergency such as a power outage but does not specify an action plan for mitigating the impacts or tsunamis, earthquakes, and storm surges.
- (b) The 2019 Contingency Plan does not outline site-specific spill response procedures, including required training and resources to implement those procedures.
- (c) Sections 3 (Notification of Health Officer) and Section 4 (Actions for Effluent Non-Compliance) of the 2019 Contingency Plan outlines the requirements and procedures for spill reporting and emergency notification to various levels of government but does not include notification procedures to Indigenous Nations.
- (d) The 2019 Contingency Plan does not include a procedure for establishing formal inter-agency communication for the duration of the emergency and clean-up, as necessary.
- (e) The 2019 Contingency Plan does not invite the Indigenous Nations to participate with the CoPA in conducting scheduled emergency response drills and exercises to test and refine the Contingency Plan.

This non-compliance was previously documented in Inspection Report (IR) 230565) dated November 24, 2024. During the on-site inspection, Facility Staff confirmed that the 2019 Contingency Plan update would be completed in 2026.

Compliance:

Out

Actions to be taken:

Update the 2019 Contingency Plan to address the appropriate course of action to be taken in any preconceived emergency situation as required by subsection 2.8.1 (a) - (e) of the OC.

Requirement Description:

2. GENERAL REQUIREMENTS, 2.9. Liquid Waste Management Plan Monitoring Committee

2.9.4.: The operational certificate holder must seek endorsement on the Terms of Reference, and any revisions to the terms of reference, from the PMC and Indigenous Nations and submit a copy of the terms of reference to the director. Any revisions to the terms of reference must be submitted to the director with the Annual Report.

Details/Findings:

In an email dated December 5, 2025, Facility Staff informed Ministry Staff that the 2021 Terms of Reference has not been finalized due to staff turnover and low attendance at LWMP meetings. Facility Staff confirmed that this item is on the agenda for the next LWMP committee meeting.

Compliance:

Out

Actions to be taken:

Finalize the 2021 Terms of Reference and ensure any revisions to the 2021 Terms of Reference are submitted to the Director with the Annual Report.

Requirement Description:

2. GENERAL REQUIREMENTS

2.11.: The operational certificate holder must erect and maintain a sign above the high-water mark along the alignment of the outfall and all overflow locations. The operational certificate holder must ensure that the sign meets the following criteria:

- (i) identifies the nature of the works including the risks to public health;
- (ii) indicates the length and depth of the outfall;
- (iii) has a surface area of at least 1 m²;
- (iv) the colours of the lettering and the background of the sign contrast sufficiently with each other; and,
- (v) is located such that the wording is clearly visible from both land and water.

Details/Findings:

Inspection Report (IR) 230565, dated December 3, 2024, previously found the CoPA out of compliance with subsection 2.11 of the OC as the sign above the high-water mark at the Facility did not meet the criteria as required by subsection 2.11 (i) through (v).

During the on-site inspection Ministry Staff observed that the outfall sign had not been replaced; however, Facility Staff informed Ministry Staff that they had been actively working towards replacing the outfall sign by connecting with other municipalities to determine outfall sign requirements, specifically related to requirement (i), and procuring a contractor for the work. In an email dated December 5, 2025, Facility Staff provided correspondence with other municipalities to demonstrate that the CoPA is working toward compliance with Section 2.11 of the OC and requested approval of the updated sign prior to installation. The CoPA communicated that the sign would be fabricated and installed within three months of receiving the Directors approval.

Compliance:

Out

Actions to be taken:

Update the sign above the high-water mark along the alignment of the outfall to meet the criteria as outlined in subsection 2.11 (i) - (v).

Requirement Description:

2. GENERAL REQUIREMENTS, 2.14. Dilution Modelling Update

2.14.1.: Estimate the minimum dilution on a quarterly basis in 2023 using concurrent effluent and receiving environment water quality samples at the edge of the initial dilution zone (IDZ). Include a discussion of how the calculated minimum dilution based on monitoring data compares to the predicted dilution from the model in the Annual Report for that year.

Details/Findings:

The 2023 Annual Report documents that dilution modelling was not possible for 2023 due to a lack of sampling events and dilution modelling is planned to occur for 2024 and 2025. Ministry Staff reviewed the 2024 Annual Report and confirmed that dilution modelling using concurrent effluent and receiving environment water quality samples was not included in the 2024 Annual Report as required.

Compliance:

Out

Actions to be taken:

Ensure the Annual Report includes an estimation of the minimum dilution on a quarterly basis and a discussion of how the calculated minimum dilution based on monitoring data compares to the predicted dilution from the model.

Requirement Description:

2. GENERAL REQUIREMENTS, 2.15. Closure Plan for Old Lagoon

2.15.3.: The operational certificate holder must decommission the old wastewater treatment lagoon in accordance with the Closure Plan.

Details/Findings:

The 2023 Closure Plan documents that the decommissioning of the old lagoon includes the following:

- Sludge de-watering and removal in late summer / early fall of 2022 to summer 2024;
- A final survey, including soil and groundwater monitoring; and
- Lagoon site rehabilitation.

During the on-site inspection, Facility Staff informed Ministry Staff that initial sludge removal occurred in 2022; however, the process was halted and no sludge has been removed since as required by the Closure Plan.

Compliance:

Out

Actions to be taken:

Ensure decommissioning of the old lagoon is completed in accordance with the 2023 Closure Plan.

Requirement Description:

2. GENERAL REQUIREMENTS, 2.16. Restoration Plan for Old Lagoon

2.16.1.: The operational certificate holder must have a Restoration Plan prepared by a Qualified Professional for the old wastewater treatment lagoon that will restore the lagoon to natural habitat including a monitoring program to evaluate the restoration efforts, timelines and costs.

Details/Findings:

During the on-site inspection, Facility Staff informed Ministry Staff that the Restoration Plan for the old wastewater lagoon was in progress and expected to be completed by March 31, 2026. The 2023 Closure Plan outlines a general restoration plan for the old wastewater treatment lagoon; however, it does not include the required detailed monitoring program to evaluate the restoration efforts, timelines, and costs.

Compliance:

Out

Actions to be taken:

Ensure that a Restoration Plan is prepared by a qualified professional and includes a monitoring program to evaluate restoration efforts, timelines, and costs.

Requirement Description:

2. GENERAL REQUIREMENTS, 2.17. Liquid Waste Management Plan Review

2.17.1.: The operational certificate holder must review their Liquid Waste Management Plan every five (5) years. The review must include an assessment of:

- a) Cost estimates;
- b) Objectives and outcomes;
- c) Approach and technologies;
- d) Regulations and standards;
- e) Official community plan and regional growth strategy;
- f) Public support for the plan.

The review must determine whether an amendment or update is required and ensure that the LWMP is still relevant and current and be carried out in accordance with the procedures described in the most recent edition of the Interim Guidelines for Preparing Liquid Waste Management Plans.

A copy of the above guidelines is available on the Ministry web page at

<https://www2.gov.bc.ca/gov/content/environment/waste-management/sewage/liquid-waste-management-plans>

Details/Findings:

The first review of the Liquid Waste Management Plan (LWMP) is due in 2026 as per subsection 2.17.2 of the OC; therefore compliance with subsection 2.17.1 of the OC was not applicable during the Inspection Period.

Compliance:

Not Applicable

Actions to be taken:

Ensure the first review of the LWMP is conducted in 2026 and includes an assessment of subsection 2.17.1 (a) through (f) of the OC.

Requirement Description:

2. GENERAL REQUIREMENTS, 2.17. Liquid Waste Management Plan Review

2.17.2.: The first review must occur in 2026 and include a feasibility study of alternate locations for the wastewater treatment facility, alternate treatment methodologies and alternate receiving environments for the discharge.

Details/Findings:

The first review of the Liquid Waste Management Plan (LWMP) is due in 2026 as per subsection 2.17.2 of the OC; therefore compliance with subsection 2.17.1 of the OC was not applicable during the Inspection Period.

Compliance:

Not Applicable

Actions to be taken:

Ensure the first review of the LWMP includes a feasibility study of alternate locations for the Facility, alternate treatment methodologies and alternate receiving environments for the discharge.

Requirement Description:

2. GENERAL REQUIREMENTS, 2.19. Overflow, and Inflow and Infiltration Requirements

2.19.2.: Every 5-years, with the first report due on March 31, 2026, provide a report on progress towards the elimination of combined sewer overflows that includes the following:

- (i) The volume, frequency, and number of overflow occurrences for each overflow location.
- (ii) An assessment of the potential impact of overflow occurrences on the receiving environment at each overflow location.
- (iii) Overflow of storm and sewer upgrades undertaken during the period and an assessment of the impacts of those actions on overflows.
- (iv) Based on items (i-iii), provide a plan designed by a Qualified Professional with cost estimates over the following 5-years to reduce the volume, frequency, and the number of overflow occurrences. This plan must be approved by the director.

Details/Findings:

The overflow, inflow, and infiltration report is due March 31, 2026; therefore, compliance with subsection 2.19.2 of the OC was not applicable during the Inspection Period.

Compliance:

Not Applicable

Actions to be taken:

Ensure a report on progress towards the elimination of combined sewer overflows that includes the requirements (i) through (iv) is submitted by March 31, 2026.

Requirement Description:

3. MONITORING REQUIREMENTS

3.2.: The operational certificate holder must provide a water balance prepared by a Qualified Professional to assess and estimate the average monthly volume of seepage to ground using influent and effluent flow data, precipitation, and evaporation rates.

Details/Findings:

During the on-site inspection, Facility Staff informed Ministry Staff that a water balance report had not been completed as it requires accurate flow effluent flow rates. As documented in subsection 1.1.1 the CoPA intends to replace the current flow meter in order to maintain accurate flow readings and will then complete the water balance report.

A water balance report, prepared by a Qualified Professional, to assess and estimate the average monthly volume of seepage to ground was not completed; therefore, the CoPA is out of compliance with subsection 3.2 of the OC during the Inspection Period.

Compliance:

Out

Actions to be taken:

Ensure a water balance report is completed by a qualified professional to assess and estimate the average monthly volume of seepage to ground using influent and effluent flow data, precipitation, and evaporation rates.

Requirement Description:

3. MONITORING REQUIREMENTS

3.3.: The operational certificate holder must assess the quality of the effluent authorized in section 1.1 as follows:

- CBOD5 (mg/L) - Composite - Twice/week
- TSS (mg/L) - Composite - Twice/week
- Ammonia-N (mg/L) - Composite - Twice/month
- Total Phosphorus (mg/L) - Composite - Twice/month
- Orthophosphorus (mg/L) - Composite - Twice/month
- Total and dissolved metals (mg/L) - Composite - Monthly
- Fecal coliform (unit/100mL) - Grab - Twice/month
- E.coli (unit/100mL) - Grab - Twice/month
- Enterococci (unit/100mL) - Grab - Twice/month
- Toxicity (96-Hr RBT single concentration) - Grab - Twice/year (February and September)

Details/Findings:

Ministry Staff reviewed the 2024 Annual Report and 2025 Certificates of Analysis and confirmed that the CoPA did not follow the effluent sampling schedule outlined in this section on the following occasions during the Inspection Period:

2024 Monitoring Year (between August 21 to December 31)

- CBOD5 / TSS (twice/week): 21 of 38 required samples collected;
- Ammonia-N / Total Phosphorus / Ortho phosphorus (twice/month): 7 of 8 required samples collected;
- Fecal coliform / E.coli / Enterococci (twice/month): 7 of 8 required samples collected.

2025 Monitoring Year:

- CBOD5 / TSS (twice/week): 13 of 74 required samples collected;
- Ammonia-N / Total Phosphorus / Ortho phosphorus (twice/month): 9 of 17 required samples collected;
- Fecal coliform / E.coli / Enterococci (twice/month): 10 of 17 required samples collected.

During the on-site inspection, Facility Staff informed Ministry Staff that maintaining a bi-weekly sampling schedule is challenging due to intermittent discharge flows from the plant and that they intend to apply for an OC amendment.

Compliance:

Out

Actions to be taken:

Implement the 2023 Operating Plan for the lift stations, wastewater treatment facility and effluent disposal works. If an operational change to the OC is required, guidance on permit amendment applications can be found here: <https://www2.gov.bc.ca/gov/content/environment/waste-management/waste-discharge-authorization/change>

Requirement Description:

4. REPORTING REQUIREMENTS

4.1.: The operational certificate holder must ensure all monitoring data analyzed by a qualified laboratory is uploaded to the EMS database within 30 days of the date of sample collection. The following EMS IDs are assigned to the effluent and receiving environment monitoring sites: see 2022-03-07 OC110576 4.1 Table.

Details/Findings:

Ministry Staff reviewed the Environmental Monitoring System (EMS) database and confirmed that not all monitoring data analyzed was uploaded during the Inspection Period.

Compliance:

Out

Actions to be taken:

Upload all data analyzed by a qualified laboratory to the EMS database within 30 days of the date of sample collection.

Requirement Description:

4. REPORTING REQUIREMENTS, 4.4. Non-compliance Reporting

4.4.1.: The operational certificate holder must, within 30 days of any non-compliance event, submit to the director a written report that includes, but is not necessarily limited to, the following:

- a) all relevant test results obtained by the operational certificate holder related to the non-compliance,
- b) an explanation of the most probable cause(s) of the non-compliance, and
- c) a description of remedial action planned and/or taken by the operational certificate holder to prevent similar non-compliance(s) in the future.

Details/Findings:

Ministry Staff reviewed the Ministry's internal electronic filing system and confirmed the CoPA did not submit written reports in response to the August 1, 2025, and September 4, 2025, non-compliance reports (NCRs) that included the information required under items (a) through (c) of subsection 4.4.1 of the OC.

Compliance:

Out

Actions to be taken:

Submit, within 30 days of any non-compliance event, a written report that includes requirements (a) through (c) of the OC.

Requirement Description:

4. REPORTING REQUIREMENTS

4.5.: The operational certificate holder must, by March 31st of each year, submit to the director an Annual Report that includes, but is not limited to:

- a) A compendium of the municipal effluent flow, municipal effluent quality and receiving environment monitoring data.
- b) A discussion of the impact of landfill leachate on effluent quality;
- c) A statement outlining the number of non-compliance with the authorization requirements that occurred during the reporting period, the dates of each such non-compliance, an explanation as to the cause of the non-compliance, and a description of the measures taken by the operational certificate holder to rectify the cause of each such non-compliance. If compliance occurred over the reporting period, the required statement must indicate that no non-compliance of the authorization occurred during the reporting period;
- d) A comparison of receiving environment monitoring results to the appropriate Water Quality Guidelines and a discussion of the effect of any exceedances on the quality of the receiving environment, using appropriate statistical and graphical analysis.
- e) Include summary tables of parameters discussed to relate data spatially and to data compare between sites and over time for parameters discussed;
- f) Any trends in environmental quality in the receiving environments affected by the discharge, using background and pre-discharge data and all the years of record in which the discharge has taken place;
- g) All laboratory reports of data collected under this authorization;
- h) A summary of all quality assurance/quality control (QA/QC) issues during the calendar year;
- i) Include recommendations from the Plan Monitoring Committee and how they have been addressed including copies of the Plan Monitoring Committee minutes;
- j) An evaluation of the performance of the authorized works and any planned improvements of wastewater facilities for the coming year;
- k) Discuss any implementation of managed release of effluent during ebb tides (section 3.4.2) for the previous year;
- l) Discuss any implementation of the trigger response plan for the non-point source discharge (section 3.4.3.) for the previous year;
- m) Outfall inspection report (section 2.12.), when applicable;
- n) Updated dilution modelling, when applicable (section 2.14);
- o) Stormwater management plan, when applicable (section 2.18);
- p) Combined sewer overflow elimination report, when applicable (section 2.19);
- q) A revised Operating Plan and/or Contingency Plan and/or Plan Monitoring Committee Terms of Reference, when applicable.

Details/Findings:

The 2024 Annual Report was submitted by email on May 1, 2025, past the due date of March 31, and did not include the following:

(g) The 2024 Annual Report included the REMP certificates of analysis; however, it did not include the effluent sampling certificates of analysis as required.

Compliance:

Out

Actions to be taken:

Ensure and Annual Report is submitted by March 31st of each year and includes all requirements as outlined in subsection 4.5 (a) - (q) of the OC.

Compliance History:

2024-12-03 IR 230565 Warning Codes and Regs: Environmental Management Act 6 (3), Closure Plan for Old Lagoon 2.15.2, Contingency Plan 2.8.1, Facility Classification and Operator Certification 2.10.3, GENERAL REQUIREMENTS 2.11; 2.12; 2.5, Liquid Waste Management Plan Monitoring Committee 2.9.4, MONITORING REQUIREMENTS 3.1; 3.2; 3.3, Operating Plan 2.7.1, Port Alberni Wastewater Treatment Facility to Ground 1.2.2, Port Alberni Wastewater Treatment Facility to the Somass River Estuary 1.1.2; 1.1.5, Quality Assurance 3.8.1, Receiving Environment Monitoring 3.4.1; 3.4.3, REPORTING REQUIREMENTS 4.3; 4.5; 4.6, Restoration Plan for Old Lagoon 2.16.1; 2.16.3

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 3, Category B, Warning Codes and Regs.**

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

Non-Compliance Decision Matrix information:

www.gov.bc.ca/environment/how-compliance-is-assessed

Reporting and data submission requirements (to be sent to EnvAuthorizationsReporting@gov.bc.ca):

<https://www2.gov.bc.ca/gov/content/environment/waste-management/waste-discharge-authorization/comply>

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,

Haylea Van Vaals
Environmental Protection Officer

cc: Central Island Conservation
Officer Service

Attachments: No attachments.

Deliver via:

Email: Fax: Mail:
Registered Mail: Hand Delivery:

**Ministry of Environment
and Climate Change
Strategy**

Compliance and
Environmental
Enforcement Branch

Mailing Address:
2080-A
Labieux Rd
Nanaimo BC V9T 6J9

Telephone: 250 751 3100
Facsimile: 250 751 3103
Website: www.gov.bc.ca/env

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.