



CITY OF PORT ALBERNI

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March 09, 2026

Compliance and Environmental Enforcement Branch
Ministry of Environment and Parks
2080-A Labieux Road
Nanaimo, B.C., V9T 6J9

Attention: Haylea Van Vaals, Environmental Protection Officer

Re: Response to Warning Letter (250656)

As required in warning letter #250656, dated February 9, 2026, this response letter provides an overview of the measures already implemented, along with the City's planned actions to avoid future non-compliance with the Operating Certificate. The City is confident that the wastewater treatment plant is functioning well and achieving the level of treatment required, and that the environment is not being negatively impacted by our operations. It is recognized however that we have not met all the obligations with regards to monitoring frequency, reporting, performance analysis, and emergency planning. Restoring compliance with environmental regulations is of the utmost importance to the City of Port Alberni, and our plan to bring our operation into compliance is outlined below.

Action Plan to Achieve Compliance

Section 1.1.2 – Failure to meet effluent discharge characteristics

Details/Findings: Effluent quality limit exceedances occurred on three occasions during the 2025 reporting period. These exceedances occurred on:

- 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

Action Plan: As was discussed with the Ministry EPO, the City promptly reported these exceedances to the Ministry as required. City staff immediately began troubleshooting the issue to determine why treatment efficiency was not being achieved. Despite significant additional sampling and testing, the root cause to the issue was unable to be determined, and City staff reached out to external consultants for assistance. After review and analysis of the process data, the consultants were also unable to determine the cause of or provide an explanation for the exceedances. This prompted staff to question the accuracy of the original sampling results, and subsequent samples submitted to a different accredited laboratory were well within operating certificate limits. Based on this, City staff concluded that the initial sampling results may not have been accurate, and we have since switched to a new external laboratory to ensure accurate results and reporting.

Section 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 onsite inspection, City staff informed the Ministry that the lagoon berms are visually inspected daily by facility staff. However, the Ministry asserted that a qualified professional had not been retained to conduct lagoon berm inspections as outlined in the 2025 Lagoon Berm Assessment report.

Action Plan: The 2025 Lagoon Berm Assessment report recommended an enhanced surveillance program, which included a further site reconnaissance visit by a geotechnical engineer in the Spring of 2025. The purpose of the visit was to review current conditions and to develop a checklist for City staff to complete weekly and monthly surveillance observations. The City will engage a qualified geotechnical engineer in 2026 to complete this scope of work and finalize the surveillance checklists; once these tools are in place, ongoing inspections will be carried out by City staff and will not require a qualified professional.

Section 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: Ministry staff reviewed the 2024 and 2025 annual reports and confirmed that the City did not follow the effluent sampling schedule as outlined in section 6 of the Operating Plan. City staff informed the Ministry that maintaining a bi-weekly effluent sampling schedule is simply not possible during summer months due to the intermittent discharge flow from the facility. The facility does not discharge for extended periods during warm weather when influent flow is reduced. The issue arises from the absence of discharge flow, and not operational oversight.

Action Plan: City staff will be applying for an Operating Certificate amendment that aligns with facility operations in 2026 to remove this deficiency from future inspections.

Section 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: Although the City submitted a contingency plan completed by a qualified professional in 2019, several areas were determined to be deficient. These items are outlined the inspection report.

Action Plan: City staff will update the contingency plan in 2026 and revise the content to meet all the requirements set out in the operating certificate.

Section 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: The terms of reference for the monitoring committee of the LWMP were drafted in 2021, however these were not formally adopted or submitted to the Ministry.

Action Plan: During the LWMP Monitoring Committee meeting held on March 4, 2026, committee members were advised that the terms of reference needed to be formally adopted and that this had not been previously completed. Committee members were given copies of the draft TOR and requested to bring any comments or revisions to the next LWMP meeting scheduled for June 10, 2026. The TOR will be formally adopted at this meeting and will be subsequently submitted to the Director.

Section 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 1m²;
- (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: During the on-site inspection Ministry Staff observed that the current outfall sign does not meet the requirements and had not been replaced; however, City Staff informed the Ministry 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.

Action Plan: In an email dated December 5, 2025, City Staff provided correspondence with other municipalities to demonstrate that the City is actively working toward compliance with Section 2.11 of the OC and requested approval from the Director of the updated sign design prior to installation. The City has committed that the sign would be fabricated and installed within three months of receiving the Directors approval.

Section 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. Due to the lack of accurate effluent flow measurement data, the City has been unable to complete this task.

Action Plan: Funding was approved during the September 19, 2025 regular meeting of Council for upgrade requirements to the flow monitoring equipment at the wastewater treatment facility. This upgrade project will be completed in 2026, and after such time data will be available to complete this requirement.

Section 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, City Staff informed the Ministry that initial sludge removal occurred in 2022; however, the process was very challenging, eventually halted and no sludge has been removed since as required by the Closure Plan.

Action Plan: City staff informed the Ministry that during the initial sludge removal project that occurred in 2022, issues were encountered with the dewatering process that did not enable the sludge to be accepted by the approved receiving site. A new project will be initiated in 2026, during which City staff will identify alternate receiving sites and evaluate alternative dewatering and screening technologies to ensure the sludge can be properly processed and accepted.

Section 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, City Staff informed Ministry Staff that the Restoration Plan for the old wastewater lagoon was in progress. The 2023 Closure plan outlines a general restoration plan for the old wastewater lagoon; however it does not include the required monitoring program to evaluate the restoration efforts, timelines, and costs.

Action Plan: The draft restoration plan will be reviewed and updated as required by a qualified professional, with an expected completion date of Q3 2026. Financial approval by City Council to follow for execution of restoration plan.

Section 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, City 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.

Action Plan: Similar to section 2.14.1, City staff informed the Ministry that funding was approved during the September 19, 2025 regular meeting of Council for upgrade requirements to the flow monitoring equipment at the wastewater treatment facility. This upgrade project will be completed in 2026, and after such time data will be available to complete this requirement.

Section 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: 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.

Action Plan: City staff informed the Ministry that maintaining a bi-weekly effluent sampling schedule is simply not possible during summer months due to the intermittent discharge flow from the facility. The facility does not discharge for extended periods during warm weather when influent flow is reduced. The issue arises from the absence of discharge flow, and not operational oversight. City staff will be applying for an Operating Certificate amendment that aligns with facility operations in 2026 to remove this deficiency from future inspections.

Section 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. City staff informed the Ministry that service levels received from the external laboratory were sporadic and not consistent, often not receiving test results for 7-10 business days.

Action Plan: The City has switched external laboratory providers and has also increased internal QA/QC procedures to ensure that data is received and uploaded to the EMS in a timely manner.

Section 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 noncompliance(s) in the future.

Details/Findings: Ministry Staff reviewed the Ministry's internal electronic filing system and confirmed the City 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.

Action Plan: As previously documented under section 1.1.2, during this period City staff undertook extensive troubleshooting efforts following the reported exceedances, including additional internal sampling and analysis as well as engagement of external consulting resources. Despite these efforts, neither City staff nor the consultants were able to identify a definitive root cause for the anomalous results. As a result, the City was not in a position to provide a written report outlining the probable cause and corrective actions within the required timeline. Subsequent verification sampling conducted through an alternate accredited laboratory produced results well within Operating Certificate limits, leading the City to conclude that the original data may not have been accurate.

Section 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-compliances 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 effluent sampling certificates of analysis as required.

Action Plan: City staff have informed the Ministry that we have switched external laboratory providers to ensure accurate and timely analysis of samples. The City remains committed in working diligently to ensure that all reports are complete, meet the OC requirements, and submitted by the required dates.

Summary and Closing

The City trusts that this report demonstrates our commitment to promptly addressing the identified compliance issues and reinforces that we take our regulatory obligations very seriously. We remain fully dedicated to implementing the corrective actions outlined in this letter and to working collaboratively with the Ministry to ensure continued compliance moving forward.

Yours truly,

CITY OF PORT ALBERNI



Jim MacDonald, P.Eng.
Director of Infrastructure Services