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March 1, 2001

VIA FAX

Chairman and Directors,
Capital Regional District
524 Yates Street
Victoria, British Columbia
V8W 1K8

Dear Sirs:

RE: Senanus Drive - Water Quality

The purpose of this letter is to address a significant and serious public health problem within the Capital Regional District, and to solicit the assistance of this Board in addressing the problem.

There exists a small neighbourhood within the District of Central Saanich that suffers from a significant ground water health hazard.

Despite the fact that the Capital Regional District owns and operates one of the highest quality public water systems in North America, the residents of the Senanus Drive area in Central Saanich are living with water supplies, which have essentially been condemned. As a result of very serious water quality problems from the local wells in the area, the Capital Health Region has instructed Senanus Drive residents that not only should the water not be used for consumption, cooking, etc., people should not bathe in the water. There happens to be several infants born to families in this neighbourhood in the past several months. One mother has instructions not to bathe her infant in the water or to allow the baby to come into contact at all with the water.

As you can imagine, with the news stories continuing to appear from the Walkerton water inquiry, and the news stories beginning to appear regarding the Walkerton class action lawsuit against all of the local governments involved in that situation, these kinds of orders from our local government are frightening. Please read the attachment from the Minister of Environment. It expresses the current importance of this issue.

The CRD Water Department provides bulk water to the Peninsula Water Commission for the District of Central Saanich, and water mains exist in the vicinity very near to this neighbourhood.

The residents of Senanus Drive have been engaged in well organized efforts to promote a reasonable and cost effective solution to this problem. One would think they would be commended for their efforts at devising solutions to their own problems, and lauded for the offers they have made to fund significant portions of the cost of bringing CRD water to their properties.

Instead, unfortunately, **the Senanus Drive families have been met with opposition, refusal, derision, and outright defiance by their own local elected representatives on the Central Saanich Council.**

To say that they have been treated with a total lack of respect is an understatement.

The Senanus Drive residents have paid for documented scientific research in an attempt to identify the water quality problems. They have paid for engineering and consulting reports in an effort to identify the most cost effective way of solving the problems, and they have offered to pay for one-third of the total costs of constructing an extension to the water system, which has been consistently identified as the only reasonable, and by far the most cost effective solution.

The CRD can provide a solution.

For the last decade, local governments have constantly sought broader and wider powers to determine their own future. In July 2000, with the introduction of the new *Local Government Act*, the power and authority of Regional Districts was substantially expanded. Section 800 of the *Local Government Act* gives ample authority to the Capital Regional District to respond to local community needs by undertaking local services. The Capital Regional District is empowered to address problems such as this. The Capital Regional District is one of the primary public bodies to which the public looks to maintain and improve the quality of life on an equitable basis for all of the residents of the region, and the Capital Regional District ultimately is the authority to which all of its citizens look for the provision of high quality, clean drinking water.

In addition to the legal authority to establish a local service, inside or outside a municipality, the Capital Regional District is already in the business of **water**.

The other aspect of local government, which is truly carried out on a regional basis, is that of public health. The Capital Health Region, as a partner government has the direct responsibility to ensure that public health is safeguarded. Safe drinking water is one of the corner posts of public health. To tolerate a situation where an enclave within the community is isolated from and refused this service, when all of those around them benefit from the efforts of the Capital Health Region and the Capital Regional District, is unfair to say the least.

The purpose of this letter is to request that the Capital Regional District take an initiative to create a local service area for the purposes of providing CRD water to the Senanus Drive area.

The first reaction of most of the directors will be why should the Capital Regional District incur this cost? Why shouldn't this be a cost incurred by the District of Central Saanich?

No direct costs to the municipality have even been suggested or contemplated. The underlying rationale for Central Saanich's refusal to assist is not understandable. **The most troubling aspect of dealing with the Central Saanich Council has been the lack of explanation for the opposition. The reasons have never been put on the record in any way.** Undoubtedly it will do no good to debate the personality issues here. The important issues are public health and fiscal responsibility.

The answer to the funding issue however is that **the creation of a local service area would not cost either the Capital Regional District or the District of Central Saanich a penny.**

The senior governments, Canada and British Columbia, continue to sponsor the Canada/BC infrastructure program. The District of Central Saanich is an eligible applicant, but refuses to apply. This Capital Regional District is also an eligible applicant, and could apply. In fact, the next set of applications will be considered and adjudicated upon on March 15, 2001, and it is expected shortly thereafter that future funding dates will be announced.

Pursuant to Section 803(1) of the *Local Government Act*, the costs for providing a local service can be covered in a number of ways, including grants, gifts and agreements with other levels of government.

The residents of Senanus Drive have consistently offered to pay one-third of the total costs of extending the water service to their area. The Canada/BC infrastructure program would provide two-thirds of the funding between BC and Canada's share.

Local services can now be established by this Board without the necessity of approval from the Ministry of Municipal Affairs, or the municipalities impacted. (The counter petition process or assent of electors is used to obtain approval in the local area.)

Given that the impact on taxpayers at the local government level will probably be nil or negligible, it is not likely that those affected would register an objection. A proper legal petition, declared as such by the Clerk of the municipality, has already determined support for the extension of the water service. This is a powerful statement, with over 2/3 of the affected residents in favour. This would have been sufficient for the municipality to proceed some time ago.

I trust you will be able to give this matter your urgent consideration and assist in identifying a solution. I am sure that none of you would like to contemplate your children or grandchildren living within your jurisdiction, being unable to drink or bathe in the water coming from their taps.

Yours very truly,

COX, TAYLOR

Per:


L. JOHN ALEXANDER

LJA/cs

cc: Canada/British Columbia Infrastructure Program
Murray Coell, MLA
Mayor and Council, District of Central Saanich
Chief Medical Health Officer, Capital Health Region
Jack Hull, CRD Water Department
Peninsula Water Commission