BRITISH COLUMBIA

MINISTRY OF ENVIRONMENT AND PARKS
COMPLIANCE AND ENVIRONMENTAL ENFORCEMENT BRANCH

DETERMINATION OF ADMINISTRATIVE PENALTY

May 13, 2025

File: 2024-35
17170

Email: speedway17@shaw.ca, kwilson9@live.ca, brenda.stewart@shaw.ca, rjobirek@shaw.ca

Vintage Views Developments Ltd.
3 – 2429 Dobbin Road
West Kelowna, BC V4T 2L4

Attention: Vintage Views Developments Ltd.

RE: Determination of Administrative Penalty

Further to the Notice Prior to Determination of Administrative Penalty issued to you on November 19, 2024, and your opportunity to be heard respecting the alleged contraventions, I have now made a Determination in this matter.

After reviewing the information available to me, I have concluded Vintage Views Developments Ltd. and Johnny Joseph Aantjes has contravened Municipal Wastewater Regulation ("MWR") Sections 50(1), 53(b), 75(1), 85(1), and 86, in respect of which an administrative penalty is being imposed pursuant to Section 115 of the *Environmental Management Act* ("EMA") and the Administrative Penalties (EMA) Regulation. The amount of the penalty, reasons for my decision, payment, and appeal information are provided in the attached decision document.

If you have any questions with regards to this Determination, please contact me at 250-420-6369 or Kelly.Mills@gov.bc.ca.

Sincerely,

Kelly Mills
for Director, *Environmental Management Act*

Attachments:
2024-11-19 2024-35 Penalty Assessment Form

cc: Jurgen Deagle, Environmental Protection Officer
Jurgen.Deagle@gov.bc.ca

Kevin Vu, Environmental Protection Technician
Kevin.Vu@gov.bc.ca

Brady Nelless, Executive Director, Compliance & Environmental Enforcement
Brady.Nelless@gov.bc.ca

COS Zone Mailbox

BRITISH COLUMBIA | Ministry of Environment and Parks

DETERMINATION OF ADMINISTRATIVE PENALTY FILE: 2024-35

AMOUNT OF ADMINISTRATIVE PENALTY:

2024-35a: $22,000 2024-35c: $80,000
2024-35b: $29,800 2024-35d: $26,680

TOTAL: $158,480

Name of Party:

Vintage Views Developments Ltd.
and Johnny Joseph Aantjes

Contravention or Failure:

A. Contravention of the Municipal Wastewater Regulation (MWR) Section 50(1) (Malfunctions):
50(1) If a malfunction or other condition results, or may result, in a discharge that fails to meet a requirement of this regulation, a discharger must notify a director immediately

B. Contravention of the MWR Section 53(b) (Monitoring required):
53 A person must not discharge, or provide or use reclaimed water, unless the discharger monitors, (b) the receiving environment, to determine compliance with this regulation

C. Contravention of the MWR Section 75(1) (Municipal effluent quality requirements):
75(1) A discharger of class A, B or C municipal effluent must meet the applicable municipal effluent quality requirements set out in this section and listed in Table 3:

Table 3 — Municipal Effluent Quality Requirements

Requirement	Class A	Class B	Class C
BOD_5 (mg/L)	10	10	45
TSS (mg/L)	10	10	45
fecal coliform (MPN / 100 mL)	median: 2.2 any sample: 14	400, if maximum daily flow is $\geq 37\ m^3/d$	n/a
turbidity (NTU)	average: 2 any sample: 5	n/a	n/a
nitrogen (mg/L)	Nitrate-N: 10 total N: 20	n/a	n/a

D. Contravention of the MWR Section 85(1) (Monitoring wells):
85(1) Subject to subsection (2), a discharger must install monitoring wells in sufficient number and orientation, as determined by a qualified professional, to measure background and receiving environment water quality.

E. Contravention of the MWR Section 86 (Monitoring requirements for discharges to ground):
86 A discharger must monitor municipal effluent quality and quantity in accordance with section 87 [*additional monitoring requirements*] and Table 6, **7** or 8, as applicable, of this section.

Table 7 — Monitoring Requirements
If Maximum Daily Flow ≥ 50 m^3/d and < 500 m^3/d

	Class A	Class B	Class C
flow frequency	twice / week	twice / week	twice / week
BOD_5, TSS frequency and type	twice / month grab samples	twice / month grab samples	monthly grab samples
fecal coliform frequency and type	weekly grab samples	weekly grab samples	none
turbidity frequency and type	weekly grab samples	none	none
nitrogen total, and NO_3 (as N frequency and type)	twice / month grab samples	none	none

Dates of Contravention or Failure:

A. MWR Section 50(1): On the following 34 occasions from May 21, 2022 to April 29, 2024:

- May 21, 2022
- June 10, 2022
- June 24, 2022
- July 8, 2022
- July 29, 2022
- August 3, 2022
- August 18, 2022
- September 2, 2022
- September 21, 2022
- September 30, 2022
- October 14, 2022
- November 4, 2022
- December 29, 2022
- January 30, 2023
- February 28, 2022
- March 30, 2023
- April 26, 2023
- April 30, 2023
- May 23, 2023
- May 31, 2023
- June 30, 2023
- July 31, 2023
- October 16, 2023
- November 30, 2023
- January 26, 2024
- February 1, 2024
- February 8, 2024
- February 14, 2024
- February 29, 2024
- March 19, 2024
- April 2, 2024
- April 9, 2024
- April 16, 2024
- April 29, 2024

B. MWR Section 53(b):

- July 1, 2022 (Q2 2022)
- October 1, 2022 (Q3 2022)
- January 1, 2023 (Q4 2022)
- April 1, 2023 (Q1 2023)
- July 1, 2023 (Q2 2023)
- October 1, 2023 (Q3 2023)
- January 1, 2024 (Q4 2023)
- April 1, 2024 (Q1 2024)

C. MWR Section 75(1): On the following 34 occasions from May 21, 2022 to April 29, 2024:

- May 21, 2022 (2)
- June 10, 2022
- June 24, 2022
- July 8, 2022 (2)
- July 29, 2022 (3)
- August 3, 2022
- August 18, 2022
- September 2, 2022
- September 21, 2022
- September 30, 2022
- October 14, 2022
- November 4, 2022
- December 29, 2022 (3)
- January 30, 2023
- February 28, 2022
- March 30, 2023 (2)
- April 26, 2023
- April 30, 2023
- May 23, 2023
- May 31, 2023
- June 30, 2023
- July 31, 2023
- October 16, 2023
- November 30, 2023 (2)
- January 26, 2024 (2)
- February 1, 2024
- February 8, 2024
- February 14, 2024
- February 29, 2024 (2)
- March 19, 2024
- April 2, 2024
- April 9, 2024
- April 16, 2024
- April 29, 2024

(#) indicates number of contraventions on that date

D. MWR Section 85: continuously from May 7, 2022, to May 31, 2024

E. MWR Section 86:

BOD and TSS: 15 occasions on 13 dates

- September 1, 2022 (August 2022)
- December 1, 2022 (November 2022)
- February 1, 2023 (January 2022)
- March 1, 2023 (February 2022)
- April 1, 2023 (March 2022)
- May 1, 2023 (April 2022)

- July 1, 2023 (June 2022)
- September 1, 2023 (August 2023)
- October 1, 2023 (September 2023)
- December 1, 2023 (November 2023)
- January 1, 2024 (December 2023)
- February 1, 2024 (January 2024)
- April 1, 2024 (March 2024)

(Month Year) indicates the month monitoring was missed

Flow monitoring: Week of the following 103 dates

- May 8, 2022
- May 15, 2022
- May 22, 2022
- May 29, 2022
- June 5, 2022
- June 12, 2022
- June 19, 2022
- June 26, 2022
- July 3, 2022
- July 10, 2022
- July 17, 2022
- July 24, 2022
- July 31, 2022
- August 7, 2022
- August 14, 2022
- August 21, 2022
- August 28, 2022
- September 4, 2022
- September 11, 2022
- September 18, 2022
- September 25, 2022
- October 2, 2022
- October 9, 2022
- October 16, 2022
- October 23, 2022
- October 30, 2022
- November 6, 2022
- November 13, 2022
- November 20, 2022
- November 27, 2022
- December 4, 2022
- December 11, 2022
- December 18, 2022
- December 25, 2022
- January 1, 2023
- January 8, 2023
- January 15, 2023
- January 22, 2023
- January 29, 2023
- February 5, 2023
- February 12, 2023
- February 19, 2023
- February 26, 2023
- March 5, 2023
- March 12, 2023
- March 19, 2023
- March 26, 2023
- April 2, 2023
- April 9, 2023
- April 16, 2023
- April 23, 2023
- April 30, 2023
- May 7, 2023
- May 14, 2023
- May 21, 2023
- May 28, 2023
- June 4, 2023
- June 11, 2023
- June 18, 2023
- June 25, 2023
- July 9, 2023
- July 16, 2023
- July 23, 2023
- July 30, 2023
- August 6, 2023
- August 13, 2023
- August 20, 2023
- August 27, 2023
- September 3, 2023
- September 10, 2023
- September 17, 2023
- September 24, 2023
- October 1, 2023
- October 8, 2023
- October 15, 2023
- October 22, 2023
- October 29, 2023
- November 5, 2023
- November 12, 2023
- November 19, 2023
- November 26, 2023
- December 3, 2023
- December 10, 2023
- December 17, 2023
- December 24, 2023
- December 31, 2023
- January 7, 2024
- January 14, 2024
- January 21, 2024
- January 28, 2024
- February 4, 2024
- February 11, 2024
- February 18, 2024
- February 25, 2024
- March 3, 2024
- March 10, 2024
- March 17, 2024
- March 24, 2024
- March 31, 2024
- April 7, 2024
- April 14, 2024
- April 21, 2024
- April 28, 2024

Fecal coliform: Week of the following 60 dates

- May 8, 2022
- May 22, 2022
- May 29, 2022
- June 12, 2022
- June 26, 2022
- July 10, 2022
- July 17, 2022
- August 7, 2022
- August 21, 2022
- September 4, 2022
- September 11, 2022
- October 2, 2022
- October 16, 2022
- November 6, 2022
- November 13, 2022
- November 20, 2022
- November 27, 2022
- December 4, 2022
- December 11, 2022
- January 1, 2023
- January 8, 2023
- January 15, 2023
- January 22, 2023
- February 5, 2023
- February 12, 2023
- February 19, 2023
- March 5, 2023
- March 12, 2023
- March 19, 2023
- April 2, 2023
- April 9, 2023
- April 16, 2023
- April 30, 2023
- May 7, 2023
- May 14, 2023
- June 4, 2023
- June 11, 2023
- July 16, 2023
- July 23, 2023
- August 6, 2023
- August 13, 2023
- August 20, 2023
- August 27, 2023
- September 3, 2023
- September 17, 2023
- September 24, 2023
- October 8, 2023
- October 22, 2023
- October 29, 2023
- November 5, 2023
- November 12, 2023
- November 19, 2023
- December 10, 2023
- December 17, 2023
- December 24, 2023
- December 31, 2023
- January 7, 2024
- January 14, 2024
- February 11, 2024
- February 18, 2024

Directors Summary:

1. Vintage Views Development Ltd. (“VVD”) is a company registered in British Columbia (“BC”) that owns and operates a municipal wastewater collection and treatment system (“Facility”) for a residential housing development at Heritage Hills, near Okanagan Falls, BC. Johnny Aantjes is the sole director/officer of VVD.

2. It is estimated that there are 90 connections from the Heritage Hills development to the Facility. The Facility is comprised of a wastewater treatment plant and a disposal field. The disposal field is located beneath an active vineyard.

3. The provincial regulatory authorization governing the discharge of effluent to the ground from a disposal field at the Facility is MWR Registration 17170 (“Registration”) issued pursuant to the *Environmental Management Act*, S.B.C. 2003, c. 53 (“EMA”).

4. The Registration was issued and is administered by the BC Ministry of Environment and Climate Change Strategy (“Ministry”).

5. The Registration authorizes discharge of up to 65 m^3/day of Class B (advanced secondary treatment) municipal wastewater effluent to ground from a residential development.

6. The Registration was first issued on November 8, 2006, and was most recently amended on June 29, 2009.

7. The 2009 Registration amendment letter required:

   - Flows be monitored two times per week;
   - Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS) be sampled two times per month;
   - Groundwater levels in all monitoring wells be measured quarterly;
   - Sampling and analysis of three monitoring wells annually for multiple parameters; and
   - Groundwater monitoring program be reviewed annually by a qualified professional hydrologist.

8. This AMP applies to the June 29, 2009, version of the Registration.

9. On July 8, 2024, the Ministry issued Inspection Report (“IR”) 224751, a Referral for an Administrative Penalty (“AMP”). In IR 224751, VVD is found out of compliance with a number of sections of the MWR, including:

   - Section 50(1): VVD failed to notify the Ministry of damage that caused effluent quality exceedances.
   - Section 53(b): VVD failed to carry out receiving environment monitoring.
   - Section 75(1): VVD failed to meet effluent quality requirements for BOD5, TSS and fecal coliform
   - Section 85: VVD failed to install monitoring wells in sufficient number and orientation, as determined by a QP, to measure background and receiving environment water quality.
   - Section 86: VVD failed to monitor municipal effluent quality for TSS, BOD, and fecal coliforms at the required frequency (Tables 2 and 3).

10. On November 19, 2024, the Ministry issued a Notice Prior to Determination of Administrative Penalty ("Notice") and accompanying Penalty Assessment Form ("PAF") to VVD via email. The Notice recommended four penalties:

- 2024-35a: $24,000 for failure to comply with MWR Section 50(1)
- 2024-35b: $31,800 for failure to comply with MWR Sections 53(b) and 85(1)
- 2024-35c: $80,000 for failure to comply with MWR Section 75(1)
- 2024-35d: $28,680 for failure to comply with MWR Section 86

11. In the Notice, VVD was offered an Opportunity to be Heard ("OTBH") and given thirty (30) days to request an OTBH.

12. On November 20, 2024, VVD confirmed receipt of the Notice and PAF via email.

13. On December 18, 2024, VVD requested an OTBH.

14. On December 19, 2024, the Ministry acknowledged VVD's request for an OTBH, confirmed the OTBH would be by written submission, and set a due date of January 31, 2025.

15. On January 31, 2025, VVD provided the OTBH submission ("January OTBH Submission") to the Ministry.

16. On March 12, 2025, the Ministry requested further information from VVD and gave an extension to May 2, 2025.

17. In this second submission, I welcomed VVD to provide more evidence towards its request to question Ministry employees as witnesses. Additionally, VVD was invited to submit any additional information regarding the contraventions outline in the Notice.

18. On May 2, 2025, VVD submitted an additional OTBH Submission ("May OTBH Submission") to the Ministry.

Reasons for Decision:

19. In making this Determination of Administrative Penalty ("Determination"), I have considered all of the information available to me, including the OTBH Submission provided by VVD. In reaching this Determination, I have carefully considered all the arguments, relevant documents, evidence, and submissions before me, whether or not they are specifically referred to. My reasons for decision include a consideration of the contraventions as well as the matters listed in Section 7(1) of the Administrative Penalties (EMA) Regulation ("APR"), as applicable.

20. The "Ministry of Environment and Climate Change Strategy, Administrative Penalties Handbook – *Environmental Management Act* and *Integrated Pest Management Act"* ("AMP Handbook") provides high level guidance to Ministry staff considering the assignment of administrative penalties. Statutory Decision Makers consider, and decisions are informed by, this document. I have considered the AMP Handbook in making this Determination.

21. Considering the AMP Handbook in making my Determination is consistent with the Environmental Appeal Board's ("EAB") findings in *United Concrete & Gravel Ltd. v Director, Environmental Management Act* (Decision No. EAB-EMA-21-A005(a), September 27, 2021)[1], at para. 72:

"Throughout my reasons, I have referred to the Handbook. After having reviewed the Handbook, I find it to be a reasonable guide for determining the appropriate quantum of an administrative penalty under the Act. It fosters consistency and predictability in decision-making. No other resources or authorities were provided to me. For these reasons, I have found the Handbook persuasive in my reasoning."

22. In the January OTBH Submission, VVD request that the Ministry enter into a good faith dispute resolution to address the AMPs. On Page 1 of the OTBH Submission its states:

"*We cannot properly and adequately identify information that is inadequate or additional information that is relevant without access to fair process which includes opportunity to question multiple witnesses, many of whom government employees of various departments and other witnesses from community and private sector are. We propose proceeding by way of a collaborative, good faith dispute resolution meeting where we can come to terms on process that can follow. We submit that it is a best practice to engage in good faith collaborative efforts to resolve issues."*

23. In the May OTBH Submission, VVD again request a good faith settlement discussion. VVD states:

"The continued refusal of multiple government staff member including those in your department to participate in good faith resolution efforts, regardless of numerous requests being made, is stunning and appalling."

24. In the May OTBH Submission, VVD, again, requests to question Ministry employees as witnesses to "*establish evidence*". VVD has not identified who it wishes to question, nor has it identified what specific information it is seeking as it relates to the MWR contraventions.

25. The AMP Handbook states "*It is the sole discretion of the SDM [Statutory Decision Maker] what format the OTBH will take written, oral or electronic.*" I do not believe that the facts of this case, specifically, the contraventions of the MWR, are so complex as to warrant an oral hearing. Furthermore, VVD has failed to provide sufficient rational to justify the need for questioning Ministry employees as witnesses. Specifically, VVD has failed to identify who they wish to question, why they wish to question to them, and what specific information they are seeking.

26. In the January OTBH Submission VVD lists the concerns it has with the AMP process:

"…concerns include:

• *Constructive taking;*
• *De facto expropriation;*
• *Abuse of power;*

[1] EAB-EMA-21-A005a.pdf (bceab.ca)

• Abuse of process;
• Breach of duty of good faith;
• Breach of duty of fairness;
• Weaponization of enforcement;
• Reluctance of witnesses to participate;
• Scheme to punish private property owner into financial distress;
• Economic duress;
• Disproportionate punishment;
• Misfeasance in public office;
• Interference with contractual relations;
• Interference with economic relations;
• Interference with private property rights and not to be deprived thereof without due process; and
• Estoppel."

27. I have considered the statement above, along with the arguments corresponding to each bullet and presented in the January OTBH Submission, and I address each bullet as follows:

- Constructive taking and de facto expropriation: The Supreme Court of Canada's test for constructive taking, from Annapolis Group Inc. v. Halifax Regional Municipality and presented in the OTBH Submission, requires that the Ministry (a) acquired a "beneficial interest" in the private property and (b) removed "all reasonable uses" of the property. These AMPs are a regulatory tool to promote compliance and do not confer a beneficial interest to the Ministry, nor do they remove all reasonable uses of the property.

- Abuse of power, abuse of process, breach of duty of fairness, and misfeasance in public office: In the OTBH submission VVD failed to clearly identify what abuses and/or breaches they believe has occurred the AMP process. These AMPs have been imposed in accordance with the APR and based on a clear violation of the MWR. In the making of this decision, I have upheld the principles of administrative fairness, including (a) VVDs right to know the case against them and presented in the Notice and accompanying PAF, (b) ensuring VVD has a right to respond via OTBH, and (c) VVDs right to be head by an unbiased decision-maker: I have no interest in the case other than to arrive at a defensible decision. To that end, in exercising my discretion during the imposition of this AMP, I have done so in a manner that is independent, I have exercised discretion for the proper purpose, I have provided my reasons for decision both at Notice and in this Determination, and I have strived to be fair, reasonable, and uphold the doctrine of legitimate expectations as it applies to VVDs procedural rights.

- Breach of duty of good faith: In the January OTBH submission, VVD submits that they believe Ministry staff have withheld evidence. All evidence used to support the imposition of this AMP has been presented to VVD in the Notice and accompanying PAF. All decisions have been clearly documented and justified with references to supporting information in the PAF appendices. No information has been withheld.

- Weaponization of enforcement, scheme to punish private property owner into financial distress, economic duress, and disproportionate punishment: VVD asserts that "*our client has faced numerous penalties as a result of the community campaign of complaint and weaponization of law enforcement*." VVD later implies that the objective of these AMPs was to force them into give up business assets based on financial distress. I strongly disagree these conclusions. VVD has voluntarily chosen to engage in an operation regulated under EMA. VVD is therefore legally required to comply with the applicable requirements of the MWR – compliance that they have repeatedly failed to demonstrate. Notably, VVD did not contest the occurrences of the non-compliances subject to AMP in their January OTBH or May OTBH submissions. The Ministry has consistently applied its Compliance and Enforcement Policy and Procedure in responding to VVDs ongoing non-compliance. These resulting AMPs are a regulatory mechanism designed to promote compliance: they are not punitive measures. VVD has failed to justify their claim that enforcement has been weaponized. Instead, the facts presented in the PAF shared at Notice demonstrate that enforcement actions have been taken in direct response to documented regulatory violations and in accordance with established policy.

- Reluctance of witnesses to participate: As discussed above, VVD failed to identify who they wish to question, why they wish to question to them, and what specific information they are seeking.
- Estoppel: It is challenging to respond to this concern as VVD did not state or provide documentation of their communication with the Ministry. To clarify, VVD is correct that they would not be held accountable for non-compliances that occur at a Facility during a time when they are not the Registration holder. However, VVD was Registration holder at the time the contraventions occurred.
- Interference with contractual relations, economic relations, and private property rights and not to be deprived thereof in due process: VVD listed these concerns at the outset of their January OTBH Submission without any explanation or connection to the MWR contraventions under review. As a result, there is no substantive basis on which I can assess or respond to these claims in the context of these AMPs.

28. In the January OTBH Submission VVD assert that it did was not involved in the building and design of its wastewater facility and stated:

"It is important to note that Mr. Aantjes did not design either utility system. He did not build either system. He did not approve either system regarding compliance or permitting requirements. He did not issue the building permits for homes that were built and joined onto both systems."

29. The Registration holder is responsible for the Facility. VVD was the owner of the Registration at the time the contraventions occurred. Mr. Aantjes is the sole director of VVD.

30. In the January OTBH Submission VVD assert that it previously tried to convince the Regional District of Okanagan-Similkameen ("RDOS") to acquire its wastewater utility at Vintage Views. In the January OTBH Submission it states:

"*Mr. Aantjes brought his request for the acquisition of the two utilities to the Regional District CAO in approximately 2015 or 2016. The CAO responded by stating 'the Regional District has no desire or intention of acquiring either utility… And that the Regional District had a $1 policy…and even if the utilities were available for $1 the Regional District had no interest in acquiring either utility even for $1' (or words to that effect).*"

31. VVD continues to state:

"*Concerns were expressed to the Regional District board that the one dollar in the written policy may have been satisfactory when acquiring assets from irrigation districts or improvement districts as $1 was nominal consideration and the de facto ownership remained with the ratepayers. In short $1 had no relation to the value of the assets acquired but was acceptable because the object was to transfer the utility and related assets to the local government to take benefit of qualifying for grants is a primary benefit and to receive other benefits including the operational experience of the Regional District staff and insurance and financing and other benefits that come with local government operation.*

Privately owned utilities on the other hand would not be fairly treated if fair price could not be properly considered."

32. It is beyond my role as SDM to evaluate the purchasing policies of municipal governments, determine the appropriate value of the Facility, or interpret the intentions of the RDOS. These matters fall outside the scope of this AMP process and have no bearing on the MWR contraventions under review.

33. On page 11 of the January OTBH Submission, VVD dispute the AMP process in favor of a good faith settlement. VVD states:

    "*We request that MOE respect best practices and participate in good faith dispute resolution process. If we try and fail that is one thing. But to refuse to try makes a different impression.*

    We cannot understand why government staff would ever refuse to participate in good faith settlement or alternate dispute resolution process."

34. The Ministry's compliance and enforcement actions are guided by established legislative and regulatory frameworks and the [Compliance and Enforcement Policy and Procedure](). I find that the AMP process is an appropriate enforcement tool to address the MWR non-compliances at hand. The APR establishes a clear process for AMPs, including providing opportunity for VVD to respond through the OTBH process.

35. In the May OTBH Submission, VVD submitted a witness statement from Mike Hildebrand, an acquaintance of Johnny Aantjes. In this statement, Mike Hildebrand details the meeting between the RDOS and VVD regarding the transfer of the wastewater treatment system. The statement does not address the MWR contraventions that are the subject of this AMP.

36. In the May OTBH Submission, VVD, states "*We have not had proper time or opportunity to provide a proper response and to have our concerns properly heard and considered because of your department continued refusal to act in good faith with regard to our requests contained above and in previous communication*."

37. I disagree with VVD's claim that they have not had proper time or opportunity to provide a proper response. VVD requested and received a three-month extension to the original OTBH deadline as well as explicit instruction to ensure that their OTBH focused on the MWR contraventions contained in the Notice and PAF. Beyond providing the purchase agreement for the transfer of the wastewater treatment facility, VVD did not make any effort to provide additional information addressing the MWR contraventions in its May OTBH

Submission. Instead, the May OTBH reiterated the arguments made in the January OTBH Submission.

38. In the May OTBH Submission, VVD submitted a purchase agreement for the transfer of the wastewater treatment system to the RDOS. This will be considered under Factor i).

39. I find it important to clarify the intent of these AMPs before I proceed with my Determination. These AMPs are based on clear contraventions of the MWR, specifically the Facility's discharge exceedances, operational malfunctions, and missed monitoring requirements. Contrary to VVD's January OTBH and May OTBH Submission, which focuses on an alleged weaponization of compliance and enforcement tools intent on forcing the sale of the Facility to the RDOS, these AMPs are solely a result of VVD's failure to meet regulatory requirements. Had VVD complied with the requirements of the MWR, these penalties would not have been necessary. Notably, both VVD's OTBH Submissions fail to address the core non-compliances that form the basis of these AMPs.

40. The detailed reasons for decision are provided in the penalty calculation(s) below.

PENALTY CALCULATION FILE: 2024-35a

MWR Section 50(1) – Notification of Malfunctions

The Contravention or Failure:

41. Under MWR Section 50(1), VVD is required to notify the director of any malfunctions that result in a discharge that fails to meet a requirement of the MWR.

42. On the following 34 dates, VVD failed to meet the fecal coliform, BOD_5 and TSS limits as required by MWR Section 75(1). For these exceedances, VVD failed to immediately notify the Ministry when conditions resulted in discharges that failed to meet the fecal coliform, BOD_5 and TSS limits as required by MWR Section 50(1):

- May 21, 2022
- June 10, 2022
- June 24, 2022
- July 8, 2022
- July 29, 2022
- August 3, 2022
- August 18, 2022
- September 2, 2022
- September 21, 2022
- September 30, 2022
- October 14, 2022
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- February 14, 2024
- February 29, 2024
- March 19, 2024
- April 2, 2024
- April 9, 2024
- April 16, 2024
- April 29, 2024

43. My reasons for decision will address each factor individually. My considerations under Section 7(1) of the APR are as follows:

Factor a): Nature of Contravention or Failure

44. The PAF shared at Notice proposed that the contravention was moderate. In the AMP Handbook, a "moderate" contravention or failure includes "*this category refers to a failure to comply with operational requirements that at a minimum create a risk of harm to the environment or human health and safety*".

45. The failure to report malfunctions to the Ministry interferes with the Ministry's ability to protect the environment and human health. Without notification of malfunctions that impact the effluent discharged by VVD, the Ministry is unable to implement additional measures to protect human health and the environment.

46. This factor was not disputed in the OTBH Submissions.

47. After considering the relevant information above, I confirm the contravention is moderate

Factor b): Actual or Potential Adverse Effects

48. Section 7(1)(b) of the APR requires that I must consider the real **or potential** adverse effect of the contravention. A finding of potential adverse effect of the contravention is enough to apply this factor.

49. The PAF shared at Notice proposed that the contravention was medium. The actual or potential adverse effects are described in the AMP Handbook. Included in the AMP Handbook's description of "medium" is "*the contravention causes an adverse effect that is, or has the potential to be, widespread, persistent, threatening to property or plant or animal health and cannot be restored easily or within a reasonable time*".

50. Failure to report non-compliance with effluent discharge limits meant that corrective measures were not investigated, and this had the potential to cause adverse impacts to drinking water, groundwater, or environmental receptors. In conjunction with previous disposal field failures, this failure poses a potential for harm as the exceedances of fecal coliforms could contaminate nearby drinking water wells. Without notification of malfunctions, the Ministry is prevented from taking action to prevent potential any adverse effects.

51. Based on the above, the failure to report non-compliances best meets the AMP handbook definition of medium, as it interferes with the Ministry's capacity to protect the environment or human health

52. After considering the relevant information above, I confirm that the contravention is medium.

53. The base penalty is therefore confirmed at $10,000 as proposed at Notice.

54. I will now address the application of the penalty adjustment factors that reflect the unique circumstances of this file, including what happened before, during, and after the contravention, and the OTBH Submission from VVD.

Factor c): Previous contraventions or failures, penalties imposed, or orders issued:

55. I am guided by the AMP Handbook for this factor, to consider VVD's compliance history. This factor could increase or decrease the penalty.

56. The PAF shared at Notice proposed an increase of forty percent of the base penalty (+ $4,000) for the previous contraventions.

57. VVD has previously been issued the following penalties and orders:

- May 30, 2019: Pollution Abatement Order (PAO) 109945
- October 23, 2019: PAO 110100 (superseded PAO 109945)
- November 15, 2019: PAO 110145 (cancelled)
- August 12, 2021: Pollution Prevention Order (PPO) 110871
- April 20, 2022: AMP 2019-20 for $19,300
- September 22, 2022: PPO 11349 (cancelled)
- June 7, 2023: AMP 2022-31 for $197,500

58. This factor was not disputed in the OTBH Submissions.

59. After considering the relevant information above, I confirm an increase of forty percent of the base penalty (+ $4,000) for this factor.

Factor d): Whether contravention or failure was repeated or continuous

60. I am guided by the AMP Handbook for this factor, to consider whether there is any evidence indicating that the repeated or continuing nature of the contravention should have alerted VVD to the contravention and the need to take action. If I am persuaded that VVD failed to take action, this factor could increase the penalty.

61. The PAF shared at Notice proposed an increase of fifty percent of the base penalty (+ $5,000) for the repeated or continuous nature of the contraventions.

62. The contravention of MWR Section 50(1) was repeated on 34 occasions.

63. This factor was not disputed in the OTBH Submissions.

64. After considering the relevant information above, I confirm an increase of fifty percent of the base penalty (+ $5,000) for this factor.

Factor e): Whether contravention or failure was deliberate

65. I am guided by the AMP Handbook for this factor, to consider whether there is any evidence indicating that VVD deliberately failed to notify the director of malfunctions. If I am persuaded that VVD deliberately failed to notify the director of malfunctions, this factor could increase the penalty.

66. The PAF shared at Notice proposed an increase of fifty percent of the base penalty (+ $5,000) for the deliberate nature of the contraventions.

67. In 2019, 2020, and 2022, VVD was previously found out of compliance with MWR Section 50(1). In 2020 and 2022, VVD was remined of the requirements MWR Section 50(1) to report all discharge related exceedances or effluent surfacing to the Ministry.

68. This factor was not disputed in the OTBH Submissions.

69. I find that after the numerous attempts made by the Ministry to get VVD into compliance with the MWR, VVD has continued to contravene MWR Section 50(1).

70. After considering the relevant information above, I confirm an increase of fifty percent of the base penalty (+ $5,000) for this factor.

Factor f): Economic benefit derived by the party from the contravention or failure

71. I am guided by the AMP Handbook for this factor, to consider whether is any evidence indicating that VVD obtained an economic benefit from the contravention. If I am persuaded that VVD obtained an economic benefit from the contravention, this could increase the penalty.

72. The PAF shared at Notice proposed no adjustment for this factor.

73. This factor was not disputed in the OTBH Submissions.

74. After considering the relevant information above, I confirmed no adjustment for this factor.

Factor g): Exercise of due diligence to prevent the contravention or failure

75. I am guided by the AMP Handbook for this factor, to consider whether there is any evidence that VVD took **all** reasonable measures to prevent the contravention. If I am persuaded that VVD took all reasonable measures to prevent the contravention, this factor could decrease the penalty.

76. The PAF shared at Notice proposed no adjustment for this factor.

77. This factor was not disputed in the OTBH Submissions.

78. After considering the relevant information above, I confirm no adjustment for this factor.

Factor h): Efforts to correct the contravention or failure

79. I am guided by the AMP Handbook for this factor, to consider what VVD did **after** the contravention to restore compliance or reverse or mitigate the impacts. If I am persuaded that VVD did take actions after the contravention to restore compliance or reverse or mitigate the impacts, this factor could decrease the penalty.

80. The PAF shared at Notice proposed no adjustment for this factor.

81. This factor was not disputed in the OTBH Submissions.

82. After considering the relevant information above, I confirm no adjustment for this factor.

Factor i): Efforts to prevent reoccurrence of the contravention or failure

83. I am guided by the AMP Handbook for this factor, to consider whether VVD has taken any action to avoid the contravention happening again in the future. If I am persuaded that VVD

has taken any action to avoid the contravention happening again in the future, this factor could decrease the penalty.

84. The PAF shared at Notice proposed no adjustment for this factor.

85. In the May OTBH Submission, VVD submitted a purchase agreement for the transfer of the wastewater treatment system to the RDOS. In the May OTBH Submission, VVD stated that the objective of this transfer is, in part, to access grants for capital improvements, a professional workforce, and 24/7/365 coverage.

86. After considering the relevant information above, I apply a reduction of twenty percent of the base penalty (- $2,000) for this factor.

Factor j): Other

87. The PAF shared at Notice proposed no adjustment for this factor.

88. The Ministry is not aware of any additional factors.

89. After considering the relevant information above, I confirm no adjustment for this factor.

Total Penalty after base penalty determination and Factors c) to j) considered:

90. After determining a base penalty of $10,000 for this contravention and applying the mitigating and aggravating factors (+ $12,000) discussed above, the penalty is established at $22,000.

91. The final penalty calculations are summarized in the table below:

Factors to be considered in penalty calculation	Notice	Final Determination
a) Nature of contravention or failure	moderate	moderate
b) Actual or potential adverse effect	medium	medium
Base Penalty:	$10,000	$10,000
c) Previous contraventions or failures, penalties imposed, or orders issued	+ $4,000	+ $4,000
d) Whether contravention or failure was repeated or continuous	+ $5,000	+ $5,000
e) Whether contravention or failure was deliberate	+ $5,000	+ $5,000
f) Economic benefit derived by the party from the contravention or failure	+ $0	+ $0
g) Exercise of due diligence to prevent the contravention or failure	- $0	- $0

h) Efforts to correct the contravention or failure	- $0	- $0
i) Efforts to prevent reoccurrence of the contravention or failure	- $0	- $2,000
j) Additional relevant factors	$0	$0
(add factors (c) to (j) Total Penalty Adjustments:	+ $14,000	+ $12,000
Penalty after considering all factors: *(base penalty plus penalty adjustments)*	$24,000	**$22,000**
Application of multiplier: No	N/A	NA
Final Penalty:	$24,000	**$22,000**

PENALTY CALCULATION FILE: 2024-35b

MWR Section 53(b) – Receiving Environment Monitoring
MWR Section 85(1) – Monitoring Wells

The Contravention or Failure:

92. Under MWR Section 53(b), as a discharger, VVD is required to monitor the receiving environment when it discharges effluent.

93. Based on the 2009 Registration and the 2021 Pollution Abatement Order Final Report, VVD is required to sample 11 wells quarterly for total phosphorus, ortho phosphorus, total dissolved phosphorus, total nitrogen, nitrate nitrogen, ammonia nitrogen, pH, conductivity, sodium chloride, and total and fecal coliform.

94. On the following dates, VVD failed to carry out quarterly receiving environment monitoring a required by Section 53(b):

- July 1, 2022 (Q2 2022)
- October 1, 2022 (Q3 2022)
- January 1, 2023 (Q4 2022)
- April 1, 2023 (Q1 2023)
- July 1, 2023 (Q2 2023)
- October 1, 2023 (Q3 2023)
- January 1, 2024 (Q4 2023)
- April 1, 2024 (Q1 2024)

95. Under MWR Section 85(1), VVD is required to install monitoring wells in sufficient number and orientation, as determined by a QP, to measure background and receiving environment water quality.

96. From May 7, 2022 to May 31, 2024, VVD continuously failed to install monitoring wells in sufficient number and orientation, as determined by a QP, to measure background and receiving environment water quality as required by MWR Section 85(1). The existing wells were either dry or were unable to be located.

97. My reasons for decision will address each factor individually. My considerations under Section 7(1) of the APR are as follows:

Factor a): Nature of Contravention or Failure

98. The PAF shared at Notice proposed that the contraventions were moderate**.** In the AMP Handbook, a "moderate" contravention or failure refers to "*a failure to comply with operational requirements that at a minimum create a risk of harm to the environment or human health and safety. It includes failure to perform required tasks or actions...*" Included in the AMP Handbook description of a moderate nature of contravention is "*failure to undertake required monitoring*".

99. VVD contravened Section 53(b) of the MWR when it failed to monitor the receiving environment as it discharged effluent to the ground. Monitoring of the receiving environment is necessary to ensure the efficacy of the treatment and dispersal of the effluent. Additionally, without monitoring wells and the associated monitoring data, the Ministry is unable to assess the extent and severity of impacts from the on-going effluent quality exceedances. Failing to undertake required monitoring undermines the Ministry's ability to protect human health and the environment and creates a risk of harm to the environment and human health and safety.

100. This factor was not disputed in the OTBH Submissions.

101. After considering the relevant information above, I confirm the contravention is moderate.

Factor b): Actual or Potential Adverse Effects

102. Section 7(1)(b) of the APR requires that I must consider the real **or potential** adverse effect of the contraventions. A finding of potential adverse effect of the contraventions is enough to apply this factor.

103. The PAF shared at Notice proposed that the contraventions were medium. Medium actual or potential adverse effects are described in the AMP Handbook. Included in the AMP Handbook's description of "medium" is "*contravention interferes with the Ministry's capacity to protect the environment or human health, or has the potential to do so, but does not result in a significant adverse effect or the potential to do so is moderate. Any effect is localized, short-term and can be mitigated or damage repaired within a reasonable timeframe*".

104. The absence of receiving environment monitoring at minimum poses a risk of harm to human health. Effluent has previously surfaced from the disposal field and overland flow of the effluent was observed. The disposal field is located beneath an active vineyard. In addition, there are nine groundwater supply wells located within 500 m of the disposal field, including one within approximately 100 m. These groundwater wells are designated as "Water Supply" and are all downslope from the disposal field. The proximity of these groundwater wells to the disposal field poses a risk of contamination of drinking water by effluent impacted groundwater. Failure to monitor receiving environment has the potential to allow adverse impacts to drinking water, groundwater, or environmental receptors to persist, as VVD and the Ministry will be unaware of any need for protective measures or to inform potentially affected parties. In conjunction with the exceedances of effluent quality requirements, the failure to monitor the receiving environment poses a medium potential for adverse effects.

105. This factor was not disputed in the OTBH Submissions.

106. After considering the relevant information above, I confirm that the contravention is medium.

107. The base penalty is therefore confirmed at $10,000 as proposed at Notice.

108. I will now address the application of the penalty adjustment factors that reflect the unique circumstances of this file, including what happened before, during, and after the contravention, and the OTBH Submission from VVD.

Factor c): Previous contraventions or failures, penalties imposed, or orders issued:

109. I am guided by the AMP Handbook for this factor, to consider VVD's compliance history. This factor could increase or decrease the penalty.

110. The PAF shared at Notice proposed an increase of forty percent of the base penalty (+ $4,000) for the previous contraventions.

111. VVD has previously been issued the following penalties and orders:

- May 30, 2019: Pollution Abatement Order (PAO) 109945
- October 23, 2019: PAO 110100 (superseded PAO 109945)
- November 15, 2019: PAO 110145 (cancelled)
- August 12, 2021: Pollution Prevention Order (PPO) 110871
- April 20, 2022: AMP 2019-20 for $19,300
- September 22, 2022: PPO 11349 (cancelled)
- June 7, 2023: AMP 2022-31 for $197,500

112. This factor was not disputed in the OTBH Submissions.

113. After considering the relevant information above, I confirm an increase of forty percent of the base penalty (+ $4,000) for this factor.

Factor d): Whether contravention or failure was repeated or continuous

114. I am guided by the AMP Handbook for this factor, to consider whether there is any evidence indicating that the repeated or continuing nature of the contraventions should have alerted VVD to the contraventions and the need to take action. If I am persuaded that VVD failed to take action, this factor could increase the penalty.

115. The PAF shared at Notice proposed an increase of thirty percent of the base penalty (+ $3,000) for the repeated or continuous nature of the contraventions.

116. The contravention of MWR Section 53(b) was repeated eight times. The contravention of MWR Section 85(1) was continuous from May 7, 2022 to May 31, 2024 (755 days).

117. This factor was not disputed in the OTBH Submissions.

118. After considering the relevant information above, I confirm an increase of thirty percent of the base penalty (+ $3,000) for this factor.

Factor e): Whether contravention or failure was deliberate

119. I am guided by the AMP Handbook for this factor, to consider whether there is any evidence indicating that VVD deliberately failed to install monitoring wells and monitor the receiving environment. If I am persuaded that VVD deliberately failed to install monitoring wells and monitor the receiving environment, this factor could increase the penalty.

120. The PAF shared at Notice proposed an increase if fifty percent of the base penalty (+ $5,000) for the deliberate nature of the contraventions.

121. In 2019, 2020, and 2022, VVD was previously found out of compliance with MWR Sections 53(b) and 85(1). In 2020 and 2022, VVD was reminded of the requirements of MWR Section 53(b) to conduct receiving environment monitoring and of MWR Section 85(1) to install monitoring wells in sufficient number and orientation, as determined by a QP, to measure background and receiving environment water quality. In a PAO issued to VVD in 2019, they were required to prepare and implement ground water monitoring plans. In 2023, VVD was issued an AMP which included a $40,000 Penalty for failing to comply with MWR Section 53(b).

122. I find that after the numerous attempts made by the Ministry to get VVD into compliance with the Regulation, VVD has continued to contravene MWR Sections 53(b) and 85(1).

123. This factor was not disputed in the OTBH Submissions.

124. After considering the relevant information above, I confirm an increase of fifty percent of the base penalty (+ $5,000) for this factor.

Factor f): Economic benefit derived by the party from the contravention or failure

125. I am guided by the AMP Handbook for this factor, to consider whether is any evidence indicating that VVD obtained an economic benefit from the contraventions. If I am persuaded that VVD obtained an economic benefit from the contraventions, this could increase the penalty.

126. The PAF shared at Notice proposed an increase of $9,800 to account for the economic benefit from avoided and delayed costs.

127. VVD derived an economic benefit by delaying the installation of functional groundwater monitoring wells for receiving environment monitoring and by avoiding sampling and analysis cost associated with receiving environment monitoring.

128. This factor was not disputed in the OTBH Submissions.

129. After considering the relevant information above, the Ministry estimates that VVD has avoided and delayed costs of not less than $9,802. Therefore, $9,800 is added to this penalty calculation to account for the economic benefit of the avoided and delayed costs.

Factor g): Exercise of due diligence to prevent the contravention or failure

130. I am guided by the AMP Handbook for this factor, to consider whether there is any evidence that VVD took **all** reasonable measures to prevent the contraventions. If I am persuaded that VVD took all reasonable measures to prevent the contraventions, this factor could decrease the penalty.

131. The PAF shared at Notice proposed no adjustment for this factor.

132. This factor was not disputed in the OTBH Submissions.

133. After considering the relevant information above, I confirm no adjustment for this factor.

Factor h): Efforts to correct the contravention or failure

134. I am guided by the AMP Handbook for this factor, to consider what VVD did **after** the contraventions to restore compliance or reverse or mitigate the impacts. If I am persuaded that VVD did take actions after the contraventions to restore compliance or reverse or mitigate the impacts, this factor could decrease the penalty.

135. The PAF shared at Notice proposed no adjustment for this factor.

136. This factor was not disputed in the OTBH Submissions.

137. After considering the relevant information above, I confirm no adjustment for this factor.

Factor i): Efforts to prevent reoccurrence of the contravention or failure

138. I am guided by the AMP Handbook for this factor, to consider whether VVD has taken any action to avoid the contraventions happening again in the future. If I am persuaded that VVD has taken any action to avoid the contraventions happening again in the future, this factor could decrease the penalty.

139. The PAF shared at Notice proposed no adjustment for this factor.

140. In the May OTBH Submission, VVD submitted a purchase agreement for the transfer of the wastewater treatment system to the RDOS. In the May OTBH Submission, VVD stated that the objective of this transfer is, in part, to access grants for capital improvements, a professional workforce, and 24/7/365 coverage.

141. After considering the relevant information above, I apply a reduction of twenty percent of the base penalty (- $2,000) for this factor.

Factor j): Other

142. The PAF shared at Notice proposed no adjustment for this factor.

143. This factor was not disputed in the OTBH Submissions.

144. After considering the relevant information above, I confirm no adjustment for this factor.

Total Penalty after base penalty determination and Factors c) to j) considered:

145. After determining a base penalty of $10,000 for this contravention and applying the mitigating and aggravating factors (+ $19,800) discussed above, the penalty is established at $29,800.

146. The final penalty calculations are summarized in the table below:

Factors to be considered in penalty calculation	Notice	Final Determination
a) Nature of contravention or failure	moderate	moderate
b) Actual or potential adverse effect	medium	medium
Base Penalty:	$10,000	$10,000
c) Previous contraventions or failures, penalties imposed, or orders issued	+ $4,000	+ $4,000
d) Whether contravention or failure was repeated or continuous	+ $3,000	+ $3,000
e) Whether contravention or failure was deliberate	+ $5,000	+ $5,000
f) Economic benefit derived by the party from the contravention or failure	+ $9,800	+ $9,800
g) Exercise of due diligence to prevent the contravention or failure	- $0	- $0
h) Efforts to correct the contravention or failure	- $0	- $0
i) Efforts to prevent reoccurrence of the contravention or failure	- $0	- $2,000
j) Additional relevant factors	$0	$0
(add factors (c) to (j) Total Penalty Adjustments:	+ $21,800	+ $19,800
Penalty after considering all factors: *(base penalty plus penalty adjustments)*	$31,800	**$29,800**
Application of multiplier: No	N/A	NA
Final Penalty:	$31,800	**$29,800**

PENALTY CALCULATION FILE: 2024-35c

MWR Section 75(1) – Municipal Effluent Quality

The Contravention or Failure:

147. VVD is authorized under the Registration to discharge Class B municipal wastewater effluent to ground.

148. Under MWR Section 75(1) any discharger of Class B municipal effluent is required to meet effluent quality as set out in Table 3 of the MWR. This table includes a TSS limit of 10 mg/L, a BOD_5 limit 10 mg/L, and a fecal coliform limit of 400 MPN/100mL.

149. On the following dates, VVD failed to meet the municipal effluent quality requirement set out in MWR Section 75(1) and listed in MWR Table 3:

- May 21, 2022 (2)
- June 10, 2022
- June 24, 2022
- July 8, 2022 (2)
- July 29, 2022 (3)
- August 3, 2022
- August 18, 2022
- September 2, 2022
- September 21, 2022
- September 30, 2022
- October 14, 2022
- November 4, 2022
- December 29, 2022 (3)
- January 30, 2023
- February 28, 2022
- March 30, 2023 (2)
- April 26, 2023
- April 30, 2023
- May 23, 2023
- May 31, 2023
- June 30, 2023
- July 31, 2023
- October 16, 2023
- November 30, 2023 (2)
- January 26, 2024 (2)
- February 1, 2024
- February 8, 2024
- February 14, 2024
- February 29, 2024 (2)
- March 19, 2024
- April 2, 2024
- April 9, 2024
- April 16, 2024
- April 29, 2024

(#) indicates number of contraventions that date

These dates represent 43 exceedances of MWR effluent quality requirements.

150. My reasons for decision will address each factor individually. My considerations under Section 7(1) of the APR are as follows:

Factor a): Nature of Contravention or Failure

151. The PAF shared at Notice proposed that the contraventions were major. In the AMP Handbook, a "major" contravention includes "*the most serious compliance issues that by their nature can result in an actual significant impact or very serious threat to the environment or to human health or where non-compliance undermines the basic integrity of the overarching regulatory regime and significantly interferes with the Ministry's capacity to regulate*." Included in the AMP Handbook description of a major nature of contravention is "*exceeding a discharge limit by a significant magnitude (50-100%+)*".

152. The fecal coliform exceedances ranged from 3% to 60,400% over allowable limits. The BOD_5 effluent exceedances ranged from 10% to 1,600% over allowable limits. The TSS effluent exceedances ranged from 10% to 20% over allowable limits. Of the 112 sample results during the period of May 7, 2022 to May 31, 2024, 43 samples exceeded effluent quality requirements, 33 of which were exceedances of the fecal coliform limit. The magnitude of the fecal coliform exceedances indicate that the Facility has failed to disinfect the effluent in any measurable way. In conjunction with the previous failure of the disposal field and proximity to water supply wells, the discharge of effluent of this quality into the environment poses a "*very serious threat to human health*" and "*undermines the basic integrity of the overarching regulatory regime*".

153. This factor was not disputed in the OTBH Submissions.

154. After considering the relevant information above, I confirm the contravention is major.

Factor b): Actual or Potential Adverse Effects

155. Section 7(1)(b) of the APR requires that I must consider the real **or potential** adverse effect of the contraventions. A finding of potential adverse effect of the contraventions is enough to apply this factor.

156. The PAF shared at Notice proposed that the contraventions were high. High actual or potential adverse effects are described in the AMP Handbook. Included in the AMP Handbook's description of "high" is "*contravention causes an adverse effect that is, or has the potential to be, widespread, persistent, threatening to property or plant or animal health and cannot be restored easily or within a reasonable time.*"

157. The discharge of effluent with the parameter concentrations comparable to that of influent poses a risk of adverse effect to human health. The BC Ministry of Health states, *"Because of the large number of diseases and parasites which are spread in animal and human feces, no amount of fecal bacteria are acceptable."* Canada's Chief Public Health Officer states, *"Fecal contamination of water used for drinking, recreation and food production can have significant impacts on human health and local economies through disease outbreaks, beach and shellfish closures, and boil water advisories.".* There are nine wells down-gradient within 500 meters of the disposal field that are designated as "Water Supply". The proximity of these groundwater wells to the disposal field poses a risk of contamination of drinking water by effluent impacted groundwater. In 2019, VVS disposal field failed causing effluent surface and run overland. The contravention of MWR Section 75(1) at the magnitude observed in VVD's effluent results poses a sustained threat to human health and best meet the AMP handbook definition of high.

158. This factor was not disputed in the OTBH Submissions.

159. After considering the relevant information above, I confirm that the contravention is high.

160. The base penalty is therefore confirmed at $30,000 as proposed at Notice.

161. I will now address the application of the penalty adjustment factors that reflect the unique circumstances of this file, including what happened before, during, and after the contravention, and the OTBH Submission from VVD.

Factor c): Previous contraventions or failures, penalties imposed, or orders issued:

162. I am guided by the AMP Handbook for this factor, to consider VVD's compliance history. This factor could increase or decrease the penalty.

163. The PAF shared at Notice proposed an increase of forty percent of the base penalty (+ $12,000) for the previous contraventions.

164. VVD has previously been issued the following penalties and orders:

- May 30, 2019: Pollution Abatement Order (PAO) 109945
- October 23, 2019: PAO 110100 (superseded PAO 109945)
- November 15, 2019: PAO 110145 (cancelled)

- August 12, 2021: Pollution Prevention Order (PPO) 110871
- April 20, 2022: AMP 2019-20 for $19,300
- September 22, 2022: PPO 11349 (cancelled)
- June 7, 2023: AMP 2022-31 for $197,500

165. This factor was not disputed in the OTBH Submissions.

166. After considering the relevant information above, an increase of forty percent of the base penalty (+ 12,000) for this factor.

Factor d): Whether contravention or failure was repeated or continuous

167. I am guided by the AMP Handbook for this factor, to consider whether there is any evidence indicating that the repeated or continuing nature of the contraventions should have alerted VVD to the contraventions and the need to take action. If I am persuaded that VVD failed to take action, this factor could increase the penalty.

168. The PAF shared at Notice proposed no adjustment for this factor and instead applied a daily multiplier.

169. This factor was not disputed in the OTBH Submissions.

170. After considering the relevant information above, I confirm no adjustment for this factor.

Factor e): Whether contravention or failure was deliberate

171. I am guided by the AMP Handbook for this factor, to consider whether there is any evidence indicating that VVD deliberately failed to meet the municipal effluent quality requirements. If I am persuaded that VVD deliberately failed to meet the municipal effluent quality requirements, this factor could increase the penalty.

172. The PAF shared at Notice proposed an increase of fifty percent of the base penalty (+ $15,000) for the deliberate nature of the contraventions.

173. In 2019, 2020, and 2022, VVD was previously found out of compliance with MWR Section 75(1). In 2020 and 2022, VVD was reminded of the requirements MWR Section 75(1) to meet effluent quality requirements set out in Table 3.

174. After the numerous attempts made by the Ministry to get VVD into compliance with the Regulation, VVD has continued to contravene MWR Section 75(1).

175. This factor was not disputed in the OTBH Submissions.

176. After considering the relevant information above, I confirm an increase of fifty percent of the base penalty (+ $15,000) for this factor.

Factor f): Economic benefit derived by the party from the contravention or failure

177. I am guided by the AMP Handbook for this factor, to consider whether is any evidence indicating that VVD obtained an economic benefit from the contraventions. If I am persuaded that VVD obtained an economic benefit from the contraventions, this could increase the penalty.

178. The PAF shared at Notice proposed an increase of $15,470 to account for the economic benefit of the delayed costs.

179. In a report submitted to the RDOS by Ecora Consulting in February 2024, it was estimated that it would cost $4,968,160 to upgrade the VVD wastewater treatment plant.

180. This factor was not disputed in the OTBH Submissions.

181. After considering the relevant information above, the Ministry estimates that VVD has delayed costs of not less than $15,470. Therefore, $15,470 is added to this penalty calculation to account for the economic benefit of the delayed costs.

Factor g): Exercise of due diligence to prevent the contravention or failure

182. I am guided by the AMP Handbook for this factor, to consider whether there is any evidence that VVD took **all** reasonable measures to prevent the contraventions. If I am persuaded that VVD took all reasonable measures to prevent the contraventions, this factor could decrease the penalty.

183. The PAF shared at Notice proposed no adjustment for this factor.

184. This factor was not disputed in the OTBH Submissions.

185. After considering the relevant information above, I confirm no adjustment for this factor.

Factor h): Efforts to correct the contravention or failure

186. I am guided by the AMP Handbook for this factor, to consider what VVD did **after** the contraventions to restore compliance or reverse or mitigate the impacts. If I am persuaded that VVD did take actions after the contraventions to restore compliance or reverse or mitigate the impacts, this factor could decrease the penalty.

187. The PAF shared at Notice proposed no adjustment for this factor.

188. This factor was not disputed in the OTBH Submissions.

189. After considering the relevant information above, I confirm no adjustment for this factor.

Factor i): Efforts to prevent reoccurrence of the contravention or failure

190. I am guided by the AMP Handbook for this factor, to consider whether VVD has taken any action to avoid the contraventions happening again in the future. If I am persuaded that

VVD has taken any action to avoid the contraventions happening again in the future, this factor could decrease the penalty.

191. The PAF shared at Notice proposed no adjustment for this factor.

192. In the May OTBH Submission, VVD submitted a purchase agreement for the transfer of the wastewater treatment system to the RDOS. In the May OTBH Submission, VVD stated that the objective of this transfer is, in part, to access grants for capital improvements, a professional workforce, and 24/7/365 coverage.

193. After considering the relevant information above, I apply a reduction of twenty percent of the base penalty (- $6,000) for this factor.

Factor j): Other

194. The PAF shared at Notice proposed no adjustment for this factor.

195. This factor was not disputed in the OTBH Submissions.

196. After considering the relevant information above, I confirm no adjustment for this factor.

Total Penalty after base penalty determination and Factors c) to j) considered:

197. After determining a base penalty of $30,000 for this contravention and applying the mitigating and aggravating factors (+ $36,470) discussed above, the penalty is established at $66,470, prior to determining the application of the daily multiplier.

Multiplier Application:

198. Rather than apply an increase for the repeated nature of the contravention, which occurred on 34 dates and represented 43 exceedances, the PAF shared at Notice proposed the application of the multiplier for two (2) days. These two days reflect the two dates where the limits for all three parameters of BOD, TSS, and fecal coliforms were exceeded.

199. The use of a multiplier was not disputed in the OTBH Submissions.

200. After considering the relevant information above, I confirm the application of the multiplier for two (2) days.

201. The final penalty calculations are summarized in the table below:

Factors to be considered in penalty calculation	Notice	Final Determination
a) Nature of contravention or failure	major	major
b) Actual or potential adverse effect	high	high
Base Penalty:	$30,000	$30,000

c) Previous contraventions or failures, penalties imposed, or orders issued	+ $12,000	+ $12,000
d) Whether contravention or failure was repeated or continuous	+ $0	+ $0
e) Whether contravention or failure was deliberate	+ $15,000	+ $15,000
f) Economic benefit derived by the party from the contravention or failure	+ $15,470	+ $15,470
g) Exercise of due diligence to prevent the contravention or failure	- $0	- $0
h) Efforts to correct the contravention or failure	- $0	- $0
i) Efforts to prevent reoccurrence of the contravention or failure	- $0	- $6,000
j) Additional relevant factors	$0	$0
(add factors (c) to (j) Total Penalty Adjustments:	+ $42,470	+ $36,470
Penalty after considering all factors: *(base penalty plus penalty adjustments)*	$72,470 *The APR prescribes $40,000 as the maximum daily penalty for this contravention or failure. Accordingly, the calculated penalty has been adjusted from $72,470 to $40,000.*	**$66,470** *The APR prescribes $40,000 as the maximum daily penalty for this contravention or failure. Accordingly, the calculated penalty has been adjusted from **$66,470** to $40,000.*
Application of multiplier: Yes	$40,000 x 2 days	$40,000 x 2 days
Final Penalty:	$80,000	$80,000

PENALTY CALCULATION FILE: 2024-35d

MWR Section 86 – Monitoring Requirements

The Contravention or Failure:

202. VVD is authorized under the Registration to discharge a maximum daily flow of 65 m^3/day of Class B municipal wastewater effluent to ground.

203. The maximum daily flow authorized by the Registration requires VVD to follow the sampling frequency prescribed by MWR Table 7.

204. Under MWR Table 7, VVD is required to monitor flow frequency twice per week, BOD_5 and TSS twice per month, and fecal coliforms once per week.

205. Failure to monitor any one of these parameters at the required frequency is a contravention of MWR Section 86.

206. On the following dates, VVD contravened MWR Section 86 when it failed to monitor its effluent for BOD_5 and TSS at the frequency required by MWR Table 7:

- September 1, 2022 (August 2022)
- December 1, 2022 (November 2022)
- February 1, 2023 (January 2022)
- March 1, 2023 (February 2022)
- April 1, 2023 (March 2022)
- May 1, 2023 (April 2022)
- July 1, 2023 (June 2022)
- September 1, 2023 (August 2023)
- October 1, 2023 (September 2023)
- December 1, 2023 (November 2023)
- January 1, 2024 (December 2023)
- February 1, 2024 (January 2024)
- April 1, 2024 (March 2024)

(#) indicates number of contraventions that date

207. On the following dates, VVD contravened MWR Section 86 when it failed to monitor flow twice per week as required by MWR Table 7:

- May 8, 2022
- May 15, 2022
- May 22, 2022
- May 29, 2022
- June 5, 2022
- June 12, 2022
- June 19, 2022
- June 26, 2022
- July 3, 2022
- July 10, 2022
- July 17, 2022
- July 24, 2022
- July 31, 2022
- August 7, 2022
- August 14, 2022
- August 21, 2022
- August 28, 2022
- September 4, 2022
- September 11, 2022
- September 18, 2022
- September 25, 2022
- October 2, 2022
- October 9, 2022
- October 16, 2022
- October 23, 2022
- October 30, 2022
- November 6, 2022
- November 13, 2022
- November 20, 2022
- November 27, 2022
- December 4, 2022
- December 11, 2022
- December 18, 2022
- December 25, 2022
- January 1, 2023
- January 8, 2023
- January 15, 2023
- January 22, 2023
- January 29, 2023
- February 5, 2023
- February 12, 2023
- February 19, 2023
- February 26, 2023
- March 5, 2023
- March 12, 2023
- March 19, 2023
- March 26, 2023
- April 2, 2023
- April 9, 2023
- April 16, 2023
- April 23, 2023
- April 30, 2023
- May 7, 2023
- May 14, 2023
- May 21, 2023
- May 28, 2023
- June 4, 2023
- June 11, 2023
- June 18, 2023
- June 25, 2023
- July 9, 2023
- July 16, 2023
- July 23, 2023
- July 30, 2023
- August 6, 2023
- August 13, 2023
- August 20, 2023
- August 27, 2023
- September 3, 2023
- September 10, 2023
- September 17, 2023
- September 24, 2023
- October 1, 2023
- October 8, 2023
- October 15, 2023
- October 22, 2023
- October 29, 2023
- November 5, 2023
- November 12, 2023
- November 19, 2023
- November 26, 2023
- December 3, 2023
- December 10, 2023
- December 17, 2023
- December 24, 2023
- December 31, 2023
- January 7, 2024
- January 14, 2024
- January 21, 2024
- January 28, 2024
- February 4, 2024
- February 11, 2024
- February 18, 2024
- February 25, 2024
- March 3, 2024
- March 10, 2024
- March 17, 2024
- March 24, 2024
- March 31, 2024
- April 7, 2024
- April 14, 2024
- April 21, 2024
- April 28, 2024

208. On the following dates, VVD contravened MWR Section 86 when it failed to monitor its effluent for fecal coliforms once per week as required by MWR Table 7:

- May 8, 2022
- May 22, 2022
- May 29, 2022
- June 12, 2022
- June 26, 2022
- July 10, 2022
- July 17, 2022
- August 7, 2022
- August 21, 2022
- September 4, 2022
- September 11, 2022
- October 2, 2022
- October 16, 2022
- November 6, 2022
- November 13, 2022
- November 20, 2022
- November 27, 2022
- December 4, 2022
- December 11, 2022
- January 1, 2023
- January 8, 2023
- January 15, 2023
- January 22, 2023
- February 5, 2023
- February 12, 2023
- February 19, 2023
- March 5, 2023
- March 12, 2023
- March 19, 2023
- April 2, 2023
- April 9, 2023
- April 16, 2023
- April 30, 2023
- May 7, 2023
- May 14, 2023
- June 4, 2023
- June 11, 2023
- July 16, 2023
- July 23, 2023
- August 6, 2023
- August 13, 2023
- August 20, 2023
- August 27, 2023
- September 3, 2023
- September 17, 2023
- September 24, 2023
- October 8, 2023
- October 22, 2023
- October 29, 2023
- November 5, 2023
- November 12, 2023
- November 19, 2023
- December 10, 2023
- December 17, 2023
- December 24, 2023
- December 31, 2023
- January 7, 2024
- January 14, 2024
- February 11, 2024
- February 18, 2024

209. My reasons for decision will address each factor individually. My considerations under Section 7(1) of the APR are as follows:

Factor a): Nature of Contravention or Failure

210. The PAF shared at Notice proposed that the contraventions were moderate. In the AMP Handbook, a "moderate" contravention or failure includes "*failure to undertake required monitoring*".

211. Failure to monitor BOD_5, TSS, and fecal coliforms impedes the Ministry's ability to regulate by depriving them of data needed to determine the effectiveness of the treatment works, and data regarding the effluent discharge and any potential effects to the environment. Flow records determine if the Facility is approaching design capacity and relate to the magnitude of potential impact on the receiving environment.

212. This factor was not disputed in the OTBH Submissions.

213. After considering the relevant information above, I confirm the contravention is moderate.

Factor b): Actual or Potential Adverse Effects

214. Section 7(1)(b) of the APR requires that I must consider the real **or potential** adverse effect of the contraventions. A finding of potential adverse effect of the contraventions is enough to apply this factor.

215. The PAF shared at Notice proposed that the contraventions were medium. Medium actual or potential adverse effects are described in the AMP Handbook. Included in the AMP Handbook's description of "medium" is "th*e contravention interferes with the Ministry's capacity to protect the environment or human health, or has the potential to do so, but does not result in a significant adverse effect or the potential to do so is moderate*".

216. There are nine wells within 500 meters of the disposal field that are designated as "Water Supply". The proximity of these groundwater wells to the disposal field poses a risk of contamination of drinking water by effluent impacted groundwater. Failure to carry out the required monitoring poses a medium potential for adverse effects as without monitoring data the Ministry is unable to implement measures to protect as necessary.

217. This factor was not disputed in the OTBH Submissions.

218. After considering the relevant information above, I confirm that the contravention is medium.

219. The base penalty is therefore confirmed at $10,000 as proposed at Notice.

220. I will now address the application of the penalty adjustment factors that reflect the unique circumstances of this file, including what happened before, during, and after the contravention, and the OTBH Submission from VVD.

Factor c): Previous contraventions or failures, penalties imposed, or orders issued:

221. I am guided by the AMP Handbook for this factor, to consider VVD's compliance history. This factor could increase or decrease the penalty.

222. The PAF shared at Notice proposed an increase of forty percent of the base penalty (+ $4,000) for the previous contraventions.

223. VVD has previously been issued the following penalties and orders:

- May 30, 2019: Pollution Abatement Order (PAO) 109945
- October 23, 2019: PAO 110100 (superseded PAO 109945)
- November 15, 2019: PAO 110145 (cancelled)
- August 12, 2021: Pollution Prevention Order (PPO) 110871
- April 20, 2022: AMP 2019-20 for $19,300
- September 22, 2022: PPO 11349 (cancelled)
- June 7, 2023: AMP 2022-31 for $197,500

224. This factor was not disputed in the OTBH Submission.

225. After considering the relevant information above, I confirm the increase of forty percent of the base penalty (+ 4,000) for this factor.

Factor d): Whether contravention or failure was repeated or continuous

226. I am guided by the AMP Handbook for this factor, to consider whether there is any evidence indicating that the repeated or continuing nature of the contraventions should have alerted VVD to the contraventions and the need to take action. If I am persuaded that VVD failed to take action, this factor could increase the penalty.

227. The PAF shared at Notice proposed an increase of fifty percent of the base penalty (+ $5,000) for the repeated nature of the contraventions.

228. This contravention was repeated on:

- 103 weeks (flow monitoring)
- 60 weeks (fecal coliforms)
- 13 months (BOD5 and TSS)

229. This factor was not disputed in the OTBH Submissions.

230. After considering the relevant information above, I confirm the increase of fifty percent of the base penalty (+ $5,000) for this factor.

Factor e): Whether contravention or failure was deliberate

231. I am guided by the AMP Handbook for this factor, to consider whether there is any evidence indicating that VVD deliberately failed to carry out effluent monitoring. If I am persuaded

that VVD deliberately failed to carry out effluent monitoring., this factor could increase the penalty.

232. The PAF shared at Notice proposed an increase of fifty percent of the base penalty (+ $5,000) for the deliberate nature of the contraventions.

233. In 2019, 2020, and 2022, VVD was previously found out of compliance with Section 86. In 2020 and 2022, VVD was reminded of the requirements of MWR Section 86 to meet effluent quality requirements set out in MWR Table 3.

234. After the numerous attempts made by the Ministry to get VVD into compliance with the Regulation, VVD has continued to contravene MWR Section 86.

235. This factor was not disputed in the OTBH Submissions.

236. After considering the relevant information above, an increase of fifty percent of the base penalty (+ $5,000) for this factor.

Factor f): Economic benefit derived by the party from the contravention or failure

237. I am guided by the AMP Handbook for this factor, to consider whether is any evidence indicating that VVD obtained an economic benefit from the contraventions. If I am persuaded that VVD obtained an economic benefit from the contraventions, this could increase the penalty.

238. The PAF shared at Notice proposed an increase of $4,680 to account for the economic benefit of the avoided costs.

239. VVD avoided sampling and analysis costs when it failed to carry out municipal effluent monitoring as required by MWR Table 7.

240. This factor was not disputed in the OTBH Submissions.

241. After considering the relevant information above, the Ministry estimates that VVD has avoided costs of not less than $4,682. Therefore, $4,680 is added to this penalty calculation to account for the economic benefit of the avoided costs.

Factor g): Exercise of due diligence to prevent the contravention or failure

242. I am guided by the AMP Handbook for this factor, to consider whether there is any evidence that VVD took **all** reasonable measures to prevent the contraventions. If I am persuaded that VVD took all reasonable measures to prevent the contraventions, this factor could decrease the penalty.

243. The PAF shared at Notice proposed no adjustment for this factor.

244. This factor was not disputed in the OTBH Submissions.

245. After considering the relevant information above, I confirm no adjustment for this factor.

Factor h): Efforts to correct the contravention or failure

246. I am guided by the AMP Handbook for this factor, to consider what VVD did **after** the contraventions to restore compliance or reverse or mitigate the impacts. If I am persuaded that VVD did take actions after the contraventions to restore compliance or reverse or mitigate the impacts, this factor could decrease the penalty.

247. The PAF shared at Notice proposed no adjustment for this factor.

248. This factor was not disputed in the OTBH Submissions.

249. After considering the relevant information above, I confirm no adjustment for this factor.

Factor i): Efforts to prevent reoccurrence of the contravention or failure

250. I am guided by the AMP Handbook for this factor, to consider whether VVD has taken any action to avoid the contraventions happening again in the future. If I am persuaded that VVD has taken any action to avoid the contraventions happening again in the future, this factor could decrease the penalty.

251. The PAF shared at Notice proposed no adjustment for this factor.

252. This factor was not disputed in the OTBH Submissions.

253. In the May OTBH Submission, VVD submitted a purchase agreement for the transfer of the wastewater treatment system to the RDOS. In the May OTBH Submission, VVD stated that the objective of this transfer is, in part, to access grants for capital improvements, a professional workforce, and 24/7/365 coverage.

254. After considering the relevant information above, I apply a reduction of twenty percent of the base penalty (- $2,000) for this factor.

Factor j): Other

255. The PAF shared at Notice proposed no adjustment for this factor.

256. This factor was not disputed in the OTBH Submissions.

257. After considering the relevant information above, I confirm no adjustment for this factor.

Total Penalty after base penalty determination and Factors c) to j) considered:

258. After determining a base penalty of $10,000 for this contravention and applying the mitigating and aggravating factors ($16,680) discussed above, the penalty is established at $26,680.

259. The final penalty calculations are summarized in the table below:

Factors to be considered in penalty calculation	Notice	Final Determination
a) Nature of contravention or failure	moderate	moderate
b) Actual or potential adverse effect	medium	medium
Base Penalty:	$10,000	$10,000
c) Previous contraventions or failures, penalties imposed, or orders issued	+ $4,000	+ $4,000
d) Whether contravention or failure was repeated or continuous	+ $5,000	+ $5,000
e) Whether contravention or failure was deliberate	+ $5,000	+ $5,000
f) Economic benefit derived by the party from the contravention or failure	+ $4,680	+ $4,680
g) Exercise of due diligence to prevent the contravention or failure	- $0	- $0
h) Efforts to correct the contravention or failure	- $0	- $0
i) Efforts to prevent reoccurrence of the contravention or failure	- $0	- $2,000
j) Additional relevant factors	$0	$0
(add factors (c) to (j) Total Penalty Adjustments:	+ $18,680	+ $16,680
Penalty after considering all factors: *(base penalty plus penalty adjustments)*	$28,680	$26,680
Application of multiplier: No	N/A	NA
Final Penalty:	$28,680	$26,680

DUE DATE AND PAYMENT

Payment of this administrative penalty is due within thirty (30) calendar days after the date of service of this Determination of Administrative Penalty (Determination). You will be sent an invoice, to be paid via cheque or money order made **payable to the Minister of Finance.** Payment can be mailed to Business Services at:

Financial Services Branch
Corporate Services for the Natural Resource Ministries
Ministry of Water, Land and Resource Stewardship
PO Box 9356 Stn Prov Govt
Victoria, BC V8W 9M2

Please do not mail cash. A $30 service fee will be charged for dishonoured payments.

If payment has not been received in the thirty (30) calendar day period, interest will be charged on overdue payments at a rate of 3% + the prime lending rate of the principal banker to the

Province per month and the amount payable is recoverable as a debt due to the government. In the event of non-payment you will be ineligible for a permit or approval, or to amend a permit or approval, until the penalty is paid in full. Further, I am authorized by Section 18 of EMA to cancel or suspend your current authorization in the event of non-payment and if I decide to do so, you will be notified accordingly.

RIGHT TO APPEAL

If you disagree with this Determination, Division 2 of Part 8 of EMA provides information for how to appeal my decision to the Environmental Appeal Board (EAB). In accordance with EMA and with the EAB Procedures Regulation, the EAB must receive Notice of the Appeal no later than 30 calendar days after the date you receive this Determination of Administrative Penalty. The notice must include:

a. Your name and address and the name of the person, if any, making the request on your behalf;
b. The address for serving a document to you or the person acting on your behalf;
c. The grounds for appeal;
d. A statement of the nature of the order requested; and
e. The notice of appeal shall be signed by you, or your counsel or agent if any, and be accompanied by a fee of $25, payable to the Minister for Finance by cheque, money order or bank draft.

The Notice of Appeal form is available online at https://www.bceab.ca/resources/forms-and-templates. It should be completed and filed by registered mail or by leaving a copy at the EAB office during normal business hours. The street address is 4th Floor, 747 Fort Street, Victoria, BC, and the office is open from 8:30 am – 4:30 pm Monday through Friday, excluding public holidays.

Notice may also be sent by email or fax, provided the original Notice of Appeal and the appeal fee follows by mail. The mailing address of the EAB is:

Environmental Appeal Board
PO Box 9425 Stn Prov Govt
Victoria, BC V8W 9M6

For further information, please consult the EAB website at https://www.bceab.ca. If the administrative penalty is appealed to the EAB and the penalty is upheld, payment is due within 30 calendar days after receiving a copy of the order or decision of the appeal board, or, if the EAB has sent the matter back to the decision maker, within 30 calendar days after a new Determination of Administrative Penalty is served.

PUBLICATION

Seven days after the date of service, this Determination will be published on the Natural Resource Compliance and Enforcement Database (NRCED) Website: https://nrced.gov.bc.ca/

Dated this 13th day of May, 2025.