

**IN THE MATTER OF
THE ENVIRONMENTAL ASSESSMENT ACT, S.B.C. 2002, c. 43 (THE ACT)**

AND

**IN THE MATTER OF
AN APPLICATION FOR AN ENVIRONMENTAL ASSESSMENT CERTIFICATE**

BY THE CITY OF CRANBROOK (THE PROPONENT)

FOR THE

**CRANBROOK DEEP WELLS PROJECT
(THE PROJECT)**

ENVIRONMENTAL ASSESSMENT CERTIFICATE W04-05

Whereas,

- A. The Project consists of three groundwater production wells and associated infrastructure all within the City of Cranbrook municipal boundaries, with a combined maximum yield of 11,500 cubic metres of water per day, to provide a reliable source of water to augment the Proponent's surface water supply.
- B. On November 17, 2001, Order in Council 995 was issued allowing the Proponent to proceed with the Project without the completion of an environmental assessment for the period specified in the Order, for reasons related to a health emergency. Under the Order, the Proponent was required to provide a written report to the Executive Director of the Environmental Assessment Office (EAO) by December 14, 2001.
- C. On December 14, 2001, the Proponent submitted formal documentation to meet the requirements of Order in Council 995. The document was entitled "City of Cranbrook Well Development" prepared by Stantec Consulting Ltd.
- D. On February 14, 2002, the Executive Director's delegate advised the Proponent of the deficiencies in their information and required the Proponent to provide additional information to the EAO.
- E. On March 8, 2002, Order in Council 195 was issued making provisions for the Minister of Sustainable Resource Management to issue a project approval certificate provided the Proponent met specific requirements as directed by the Executive Director of the EAO. A project approval certificate is now known as an environmental assessment certificate under the Act.

- F. In September 2002, to address the deficiencies identified in the February 14, 2002 correspondence from the EAO, the Proponent submitted two further documents entitled "City of Cranbrook Well Development Application for a Project Approval Certificate" prepared by Stantec Consulting Ltd., dated August 26, 2002; and "Report of Findings: Corporation of the City of Cranbrook Groundwater Supply Investigation Cranbrook, British Columbia" prepared by Kala Groundwater Consulting Ltd., dated September 9, 2002.
- G. On September 30, 2002, the Executive Director's delegate informed the Proponent in writing that not all the information deficiencies initially identified in correspondence from the EAO of February 14, 2002 had been met by the two documents referenced in recital F, and further information was required to conclude the review.
- H. In December 2002, the Proponent submitted a document entitled "Corporation of the City of Cranbrook PW#5 Yield Test to Observe Drawdown Interference in Local Domestic Water Wells" prepared by Kala Groundwater Consulting Ltd., dated November 28, 2002.
- I. On January 8, 2003, the Executive Director's delegate informed the Proponent in writing that the document referenced in recital H contained some of the information outlined in the EAO correspondence of September 30, 2002; however further information was still outstanding.
- J. On April 23, 2003, an order was made pursuant to section 10(1)(c) of the Act, stating that the Project is subject to an environmental assessment.
- K. On September 24, 2003, the Proponent submitted a document entitled "Report Findings: City of Cranbrook Groundwater Supply Investigation Environmental Assessment" prepared by Kala Groundwater Consulting Ltd.
- L. On September 24, 2003, the Proponent submitted a document entitled "City of Cranbrook Well Development: Public Concerns Report" prepared by Stantec Consulting Ltd. and this report was reviewed by the Executive Director's delegate.
- M. The report referenced in recital K was reviewed by provincial government representatives, by the Canadian Columbia River Inter-Tribal Fisheries Commission (on behalf of the St. Mary's Indian Band), was made available to the public and discussed at a public meeting in Cranbrook on October 23, 2003.
- N. On October 24, 2003, the Proponent committed to further study of the possible impact of the Project on domestic wells and contaminated sites and to complete additional water quality sampling and testing.
- O. On June 29, 2004, the Proponent submitted a document entitled "City of Cranbrook Groundwater Supply Investigation: Report of Findings to Address Remaining Deficiencies in Preparation of an Operational Certificate" prepared by Kala Groundwater Consulting Ltd. The report was then reviewed by provincial government representatives and the Canadian Columbia River Inter-Tribal Fisheries Commission.

- P. Subsequent to letters of clarification from the Proponent on August 9, August 10, and September 8, 2004, the Executive Director's delegate is satisfied that the Proponent has addressed the information deficiencies outlined in the EAO's letter of September 30, 2002 and that the Proponent's reports and correspondence listed in Schedule A constitute the information that the Executive Director requires.
- Q. The Executive Director's delegate is satisfied that the environmental assessment has been conducted in accordance with the order issued for the Project on April 24, 2003 under Section 11 of the Act.
- R. The Executive Director's delegate is satisfied with the measures completed by the Proponent or the EAO to distribute information, notify and consult with the public about the Project.
- S. The Executive Director's delegate reported on the potential effects of the Project in the "City of Cranbrook Deep Wells Project Assessment Report" (the Assessment Report).
- T. The Executive Director has referred the documents in Schedule A of this Certificate, the Assessment Report, and the Recommendations of the Executive Director and Reasons for Recommendations pursuant to s.17 of the Act, to the Minister of Sustainable Resource Management (the Minister), the Minister of Community and Aboriginal and Women's Services (the Responsible Minister), and the Minister of Water, Land and Air Protection (hereafter the Ministers).
- U. The Ministers have considered the documents in Schedule A of this Certificate, the Assessment Report, and the Recommendations of the Executive Director and Reasons for Recommendations.

Now Therefore,

The Ministers, pursuant to s.17(3) of the Act, hereby issue this Certificate to the Proponent subject to the following conditions (the Conditions):

Conditions

1. The Proponent must cause the Project to be operated in accordance with the Conditions of this Certificate and the documents and correspondence listed in Schedule A, and must comply with all of the Conditions of this Certificate to the reasonable satisfaction of the Minister.
2. Where, in the reasonable opinion of the Minister, there is a conflict or inconsistency between any of the documents listed in Schedule A, Condition 1 must be interpreted so that the contents of the later dated document will vary, repeal, rescind or supersede, as the case may be, the contents of earlier dated documents listed in Schedule A.
3. Where, in the reasonable opinion of the Minister, there is a conflict or inconsistency between any of the documents listed in Schedule A and the Conditions which follow, these Conditions must take precedence over and supersede the contents of the documents listed in Schedule A.

4. Despite Condition 1 above, if the Proponent proposes a material change to the Project as described in the documents listed in Schedule A, and the change may in the opinion of the Executive Director have the potential for significant adverse effects, the Proponent must then provide to the Executive Director:
 - a) an application in writing to amend the Certificate pursuant to s.19(1) of the Act; and,
 - b) plans, analysis, records and other information necessary for an effective assessment by the Executive Director of the proposed change.

5. The Proponent must, to the satisfaction of the Executive Director, from the date of the issuance of this Certificate:
 - a) collect data quarterly from the nested monitoring well MW#6&7 (Laurier Street West);
 - b) collect data quarterly from well #41 (601 McBride Street West), subject to permission from the well owner;
 - c) take a minimum of bi-weekly readings of ambient water levels from the existing commercial well located at the Cranbrook Golf and Country Club, subject to permission from the well owner;
 - d) take a minimum of bi-weekly readings of ambient water levels from the test well adjacent to PW#4 in the direction of Elizabeth Lake;
 - e) conduct a semi-annual review and analysis of the data collected as per Conditions 5a), 5b), 5c), and 5d) and the data obtained from Project operation records;
 - f) upon request, provide the data and analysis to the Ministry of Water, Land and Air Protection (hereafter MWLAP) Regional Manager, Environmental Protection, Kootenay Regional Office; and
 - g) review long term pumping rates and aquifer impacts and report the results of this review to the MWLAP Regional Manager, Environmental Protection, Kootenay Regional Office.

6. When PW#5 is operating the Proponent must, from the date of issuance of this Certificate and until relieved of this obligation by the Executive Director:
 - a) take weekly readings from domestic wells #24 (600 McBride Street West), #32 (1516 Cobham Avenue West), #42 (550 McBride Street West) and any other wells identified to the Proponent by the Executive Director, provided that the respective well owner grants access to the Proponent and where readings from the respective wells can be safely taken in accordance with Section 9 of the Occupational Health and Safety Regulation governing confined space entry;
 - b) use this data, together with information collected as per Condition 5, to refine existing estimates of the long term effects of drawdown interference from PW#5;
 - c) report any revisions to these estimates to the Executive Director and to the MWLAP Regional Manager, Environmental Protection, Kootenay Regional Office; and
 - d) mitigate the impact to the satisfaction of the Executive Director, where, in the opinion of a person registered as a member of the Association of Professional Engineers and Geoscientists of British Columbia with competency in the field of hydrogeology, drawdown during the operation of PW#5 interferes with any wells identified as per Condition 6a) to the point that the impacted well owner(s) cannot rely on their well for water.

7. Where a person registered as a member of the Association of Professional Engineers and Geoscientists of British Columbia with competency in the field of hydrogeology determines that drawdown during the operation of the Project interferes with domestic wells other than those referenced in Condition 6, to the point that the impacted well owner(s) cannot rely on their well for water, the Proponent must remediate the impact to the satisfaction of the Executive Director.
8. The Proponent must:
 - a) pull 40 metres of pump column from PW#5 within a timeframe to be determined by the Senior Drinking Water Officer for the East Kootenay of the Interior Health Authority (hereafter IHA);
 - b) verify the physical and chemical characterization of the epoxy pipe coating under saturated conditions;
 - c) undertake a physical and chemical assessment of the coating *in situ* with coating samples forwarded to an accredited laboratory;
 - d) determine through mass balance the volume of groundwater pumping required prior to full ethylbenzene desorbing;
 - e) report the findings to the Senior Drinking Water Officer for the East Kootenay of the IHA and the MWLAP Regional Manager, Environmental Protection, Kootenay Regional Office; and
 - f) comply with any subsequent directives issued by the IHA under the *Drinking Water Protection Act*.
9. The Proponent must test PW#3, PW#4 and PW#5 for volatile organic compounds once every two months or according to a schedule determined by the IHA and report the results to the Senior Drinking Water Officer for the East Kootenay of the IHA and MWLAP Regional Manager, Environmental Protection, Kootenay Regional Office.
10. PW#5 must not exceed 12 hours of pumping per day without the prior written approval of the Executive Director.
11. The Proponent must, within one year of the issuance of this Certificate, complete a Wellhead Protection Plan to the satisfaction of the Senior Drinking Water Officer for the East Kootenay of the IHA and provide a copy of the approved plan to the MWLAP Regional Manager, Environmental Protection, Kootenay Regional Office.
12. The Proponent must, from the date of issuance of this Certificate and until relieved of this obligation by the Executive Director, submit to the satisfaction of the Executive Director, semi-annual reports on the status of compliance with the Conditions of this Certificate.
13. This Certificate is of no force or effect until signed by the Ministers.
14. This Certificate does not constitute a permit, licence, approval or any other authority required under any other enactment.

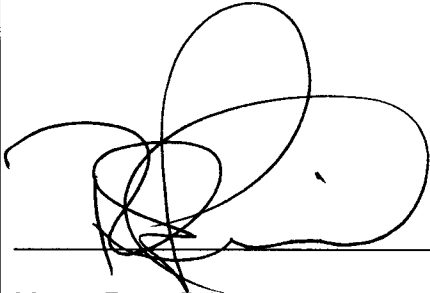
15. The Proponent must obtain the written consent of the Minister, such consent not to be unreasonably withheld, prior to disposing, whether legally, beneficially or otherwise, of:
- a) this Certificate, or any right, title or interest conferred by this Certificate; or,
 - b) the Project.

Suspension, Cancellation and Amendment of Certificate

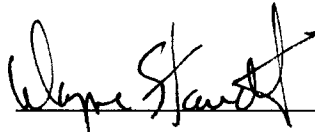
16. This Certificate may be subject to cancellation, suspension in whole or in part, amendments, or the attachment of new Conditions, for any of the following reasons:
- a) the Minister has reasonable and probable grounds to believe that the Proponent is in default of:
 - i. an order of the Courts under section 35(2), 45 or 47 of the Act;
 - ii. an order of the Minister made under section 34 or 36 of the Act; or,
 - iii. one or more requirements or Conditions of this Certificate; or
 - b) The Proponent or its officers or employees when acting on behalf the Proponent, have been convicted of an offence under the Act, with respect to the Project.

The Conditions of this Certificate are agreed to by the Proponent this

16th day of September, 2004



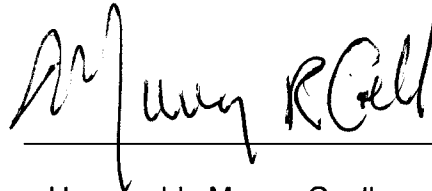
Mayor Ross Priest
City of Cranbrook



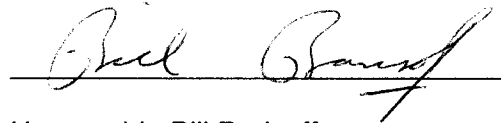
Wayne Staudt, Acting City Administrator
City of Cranbrook



Honourable George Abbott
Minister of Sustainable Resource
Management



Honourable Murray Coell
Minister of Community, Aboriginal
and Women's Services



Honourable Bill Barisoff
Minister of Water, Land and Air Protection

CITY OF CRANBROOK			
APPROVED		DATE	SIG.
Acting Municipal Clerk	Legal & Form		
Department Head	Content	<u>16th Sept 2004</u>	<u>[Signature]</u>
Acting City Administrator	Principle	<u>16/9/04</u>	<u>[Signature]</u>

Issued this 15th day of October, 2004, in Victoria, British Columbia.

SCHEDULE A

DOCUMENTATION AND CORRESPONDENCE SUBMITTED BY THE CITY OF CRANBROOK

December 14, 2001	City of Cranbrook Well Development Report, prepared by Stantec Consulting Ltd.
December 18, 2001	City of Cranbrook – Groundwater Supply Investigation, Confederation Park and Cobham Road Wells, December 18, 2001 Site Activities Update, prepared by Kala Groundwater Consulting Ltd.
August 26, 2002	City of Cranbrook Well Development – Application for a Project Approval Certificate, prepared by Stantec Consulting Ltd.
September 9, 2002	Report of Findings: Corporation of the City of Cranbrook, Groundwater Supply Investigation, Cranbrook, British Columbia, prepared by Kala Groundwater Consulting Ltd.
November 28, 2002	Corporation of the City of Cranbrook, PW#5 Yield Test to Observe Drawdown Interference in Local Domestic Water Wells, prepared by Kala Groundwater Consulting Ltd.
September 18, 2003	Report Findings: City of Cranbrook Groundwater Supply Investigation Environmental Assessment, Cranbrook, British Columbia, prepared by Kala Groundwater Consulting Ltd.
September 19, 2003	City of Cranbrook Well Development – Public Concerns Report, prepared by Stantec Consulting Ltd.
June 15, 2004	City of Cranbrook Groundwater Supply Investigation Report of Findings to Address Remaining Deficiencies in Preparation of an Operational Certificate, prepared by Kala Groundwater Consulting Ltd.
August 9, 2004	Letter of Clarification re: MWLAP's Review of the City of Cranbrook's June 15, 2004 Report of Findings to Address Remaining Deficiencies in the Preparation of an Operation Certificate, prepared by Kala Groundwater Consulting Ltd.
August 10, 2004	MWLAP's Review of the City of Cranbrook's June 15, 2004 Report of Findings to Address Remaining Deficiencies in the Preparation of an Operation Certificate: Letter of Clarification Additional Monitoring Wells, prepared by Kala Groundwater Consulting Ltd.
September 8, 2004	Letter of Clarification from Ty Stokes to Paul Finkel Re: Surface Water Monitoring.
September 9, 2004	Letter from Ty Stokes to Paul Finkel Re: Well Usage