



**Committee of the Whole Report  
For the Meeting of November 26, 2020**

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**To:** Committee of the Whole **Date:** November 12, 2020  
**From:** Phillip Bellefontaine, Director of Engineering and Public Works  
**Subject:** Modification of Rock Bay Stormwater Outfall License Agreement with Transport Canada

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**RECOMMENDATION**

That Council authorize the Mayor and City Clerk to execute the *Modification of the Rock Bay Stormwater Outfall License Agreement* to update the City's existing Rock Bay License Agreement with Transport Canada to include the newly installed stormwater outfall 626A at the north end of Store Street.

**EXECUTIVE SUMMARY**

The purpose of this report is to seek Council approval to update the existing License Agreement in which Transport Canada grants rights to the City for stormwater discharge into the remediated area of Rock Bay.

Transport Canada owns much of the sea floor in Victoria Harbour and in 2016 completed remediation works in Rock Bay. To protect their investment from potential recontamination, they required the City to enter into a License Agreement for the City to continue discharging stormwater into Rock Bay through two pipes, labelled as outfall 626 and 627. Prior to the remediation, Transport Canada owned land upstream of Rock Bay where the storm water pipes were located. The Agreement ensured statutory right-of-ways would be granted to the City after the remediation works were completed and as part of the divestiture of the Rock Bay properties. The Agreement was approved by Council on July 17, 2014.

The existing License Agreement requires the City to monitor and investigate sources of stormwater pollution for a period of 20 years from outfall 626 and 627. During this time, effort can increase or decrease as pollution levels dictate and both parties will assess whether to renew at the end of the term.

Transport Canada and BC Hydro have divested their lands on the foreshore of Rock Bay, and to enable development of these lands the City installed a new stormwater outfall, labelled as 626A. Because this outfall is adjacent to the license area and has potential to impact it, Transport Canada and the City have agreed that including it in the existing Agreement is appropriate.

Stormwater monitoring and reporting requirements in the Modification Agreement will add about \$2,500 to the current \$20,000 annual budget for the existing License Agreement and requires little additional effort from the City.

## PURPOSE

The purpose of this report is to seek Council approval to update the existing License Agreement in which Transport Canada grants rights to the City for stormwater discharge into the remediated area of Rock Bay.

## BACKGROUND

Transport Canada and BC Hydro have worked to remediate the lands of Rock Bay since the early 2000's. The works were completed in 2016 when Transport Canada, who owns the seabed in much of the Harbour, required the City to enter into a License Agreement (Appendix A) in order for the City to continue discharging stormwater into Rock Bay through two outfalls, labelled as 626 and 627. Prior to the remediation, Transport Canada owned land upstream of Rock Bay where the storm water pipes were located. The Agreement ensured statutory right-of-ways (SRWs) would be granted to the City after the remediation works were completed and as part of the divestiture of the Rock Bay properties. The Agreement was approved by Council on July 17, 2014.

The existing License Agreement requires the City to monitor stormwater at outfall 626 and 627 for pollutants and investigate sources for a period of 20 years from July 30, 2014 to avoid potential recontamination of the remediated sediment in Rock Bay. During this time, monitoring and source tracing effort can increase or decrease as pollution levels dictate. At the end of the 20-year term, both parties will assess whether to renew the Agreement.

The existing License Agreement requires an annual budget of \$20,000, and the City has engaged a consultant to conduct the monitoring and source tracing requirements.

Since completion of the remediation works, both Transport Canada and BC Hydro have divested their lands on the foreshore of Rock Bay. To service future development on these lands, the City installed a new outfall, labelled as 626A, at the north end of Store Street adjacent to the existing license area, and obtained a SRW from the owner of those lands. A map showing the location of the Rock Bay stormwater outfalls and SRWs is included in Appendix B.

## ISSUES & ANALYSIS

Because there is potential for stormwater from 626A to impact the License Area, Transport Canada and the City have determined that it should be included in the existing License Agreement. Discussions between the City, Transport Canada, and the Federal Department of Justice have produced a "*Modification of the Rock Bay Stormwater Outfall License Agreement*" (Appendix D), and all parties have agreed this form of update and its terms are appropriate and acceptable.

Outfall 626A services a relatively small area compared to 626 and 627 as depicted on the map in Appendix C. Additional staff effort and funding from the City will be required to include the new outfall and its monitoring and source control. However, this is anticipated to be minor, about \$2,500 annually or 12% of the original budget, given its comparatively small service area and lower likelihood of pollution from the remediated lands within the catchment area.

Transport Canada and the City have been successful in working together and both parties hope to continue this positive relationship by executing this modification.

## OPTIONS & IMPACTS

### **Option 1 – Authorize the Mayor and City Clerk to execute the “*Modification of the Rock Bay Stormwater Outfall License Agreement*” with Transport Canada (Recommended)**

This option will add \$2,500 to the annual expenditure for this program, which is within the program budget submission for 2021, and supports the intent of the existing License Agreement of protecting harbour sediments.

### **Option 2 – Direct staff to inform Transport Canada that Council declines to execute the updated agreement**

This option would make source tracing more difficult as the new outfall may be a source of pollution and possibly breach terms in the existing License Agreement.

There are no impacts from either Option to the Strategic Plan, Financial Plan, Official Community Plan, or to Accessibility.

## CONCLUSIONS

In 2014 the City entered into a License Agreement with Transport Canada in respect of our stormwater outfalls 626 and 627 at Rock Bay. This was done to protect the remediated sediment in Rock Bay from possible recontamination, and to ensure the City would be granted statutory right-of-ways for stormwater infrastructure from future landowners. This *Modification of the Rock Bay License Agreement* is required to include a newly installed outfall that may impact Rock Bay sediments that are part of the existing License Agreement.

Respectfully submitted,



Jas Paul  
Assistant Director Engineering



Philip Bellefontaine  
Director of Engineering and Public Works

**Report accepted and recommended by the City Manager:**



**Date:** November 18, 2020

### **List of Attachments**

- Appendix A** – License Agreement Relating to Stormwater Outfalls 626 and 627 in the Rock Bay Area of Victoria Harbour Dated as of July 30<sup>th</sup>, 2014
- Appendix B** – Rock Bay Stormwater Outfalls and SRWs
- Appendix C** – Rock Bay Stormwater Outfall Catchments
- Appendix D** – Modification of the Rock Bay Stormwater Outfall License Agreement