

## **An Open Letter to MLA Judy Streach**

**March 7, 2007**

**Subject:** False and Misleading Statements about Septic Approval

The Honourable Judy Streach  
MLA Chester-St. Margaret's Bay  
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Black Point, Nova Scotia B0J 1B0

Dear Ms. Streach

Thank you for your letter (received March 5 2007 but dated Feb. 26 2007) following up on the meeting in your office Dec. 18 2006. We would like to correct some factual errors here, and ask for further intervention.

Christine Penney's letter (Jan 17 2007) on behalf of the NS Dept of Environment and Labour (NSDEL) states that "*The on-site sewage system at 50 Indian Point Road has been installed as per the approval*". Ms. Penney and other NSDEL spokespeople have repeatedly made public statements to this effect. For example, in the Masthead News for Dec. 20 2006, Bruce Nunn stated on behalf of NSDEL that "*The system as installed meets the provincial standard*" (p. 2). The same article states that "*Christine Penny of the Nova Scotia Department of Environment and Labour said that the new system was approved and met all the guidelines of the department*".

In fact, these statements are all false and misleading. Tim Veinot, an engineer at Terrain Group, is the Qualified Person responsible for the installation. There is currently a professional misconduct complaint being investigated at the Association of Professional Engineers of Nova Scotia because Mr. Veinot was not present as he is required to be, to inspect the system when it is installed. Also, he did not in fact file the Certificate of Inspection within two weeks of the septic system being covered over, as he was required to do in the official Septic Approval. That final approval document has in fact never been filed.

A further concern surrounding the Certificate of Installation is in regards to s. 25(2) of the On-Site Sewage Disposal Systems Regulations, which states: "No person shall cover a system or cause the same to be done without first having obtained, from the Level 1 or Level 2 qualified person or an inspector who selected or designed the system, a certificate of installation in a form prescribed by the Department which states that the system approved for the lot has been installed in conformance with an approval issued under these regulations." But in this case, as noted in the Schedule provided by Ms. Penney, the system has already been covered (without having first filed the appropriate Certificate of Installation as stipulated by this section of the Regulations).

You can also see in Section 3 of the Septic Approval that Christine Penney forwarded to you that the "Outlet of sand filter is to be a minimum of 1 meter above the ordinary high tide water level". The land itself has been infilled to about this height. With the pipe buried in the land, it defies common sense that the pipe could meet the requirement that it is elevated at least one full meter above high tide. Residents have posted pictures and measurements at [www.FrostFishCove.org](http://www.FrostFishCove.org) showing that the system as installed does not seem like it could possibly meet this requirement. In order to get the drain pipe up high enough, it would need to go upwards from the septic tank above the ground level. Obviously, it would be impossible for a gravity-flow system to run uphill.

This septic system will pollute our cove, and the installation was never inspected or approved as required. Given that the requirements in the Septic Approval and related legislation have not been met, the Concerned Local Residents of Frost Fish Cove have asked Christine Penney several times in writing to cancel or suspend the Septic Approval on this property. As you can see in the Septic Approval documents provided with her letter, if it is determined *“that there has been non-compliance with any or all of the terms and conditions contained in this Approval, the Minister or Administrator may cancel or suspend the Approval pursuant to subsections 58(2)(b) and 58(4) of the Act”* (Section 1[g]i). However, Christine Penny has avoided explaining why she has not simply cancelled or suspended the application, even though the requirements in the legislation and Approval have clearly not been met. Local residents are concerned that a house could be built very quickly on this property, greatly escalating the problems. Yet as District Manager for NSDEL, Christine Penney continues to conduct a secretive investigation, without providing any timeframe or explanation of the issues being investigated.

Given the false information that you received from the NSDEL that this sewage drain "has been installed as per the approval", and that numerous requirements from the legislation and Septic Approval are being ignored, the Concerned Local Residents would appreciate further intervention from your office to correct the facts and ensure that the terms of the Septic Approval and legislation are indeed followed.

Sincerely,

Concerned Local Residents  
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