



# Environmental Appeal Board

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## APPEAL NO. 96/18 - HEALTH

In the matter of an appeal under section 5 of the *Health Act*, R.S.B.C. 1979, c. 161

**BETWEEN:** Kurt Darmohray, Otto Einfeldt,  
Thomas and Debbie Edwards **APPELLANTS**

**AND:** Environmental Health Officer **RESPONDENT**

**AND:** Cabins and Castles Construction Ltd. **PERMIT HOLDER**

**BEFORE:** A Panel of the Environmental Appeal Board  
Carol Martin, Panel Chair

**DATE OF HEARING:** November 4, 1996

**PLACE OF HEARING:** Salmon Arm, B.C.

**APPEARING:** For the Appellants: Kurt Darmohray  
Otto Einfeldt  
Debbie Edwards

For the Respondent: Norm Clarkson

For the Third Party: Kevin Lee, Counsel

## APPEAL

This was an appeal against the August 9, 1996 decision of the Environmental Health Officer (EHO) to issue a permit for an on-site Sewage Disposal System for Lot 4, Section 30, Township 22, Range 10, Plan KAP 56039, W6M KDYD ("Lot 4"). The appeal was brought by three residents who own lots downhill from Lot 4.

The Environmental Appeal Board has the authority to hear this appeal under section 11 of the *Environment Management Act* and section 5 of the *Health Act*. The Appeal Board, or a Panel of it, may, after hearing all evidence, decide to vary, rescind or uphold a decision of the EHO.

The order sought by the three Appellants, each filing a separate appeal notice, is that the permit issued by the EHO for a sewage disposal system for Lot 4 be revoked because of the possibility of contamination of the large volume of runoff water as it flows across the disposal field, should the field fail or wash out. Mr. Kurt Darmohray requested that a permit not be issued until adequate assurances and safeguards are in place. Another Appellant, Mrs. Debbie Edwards, asked that the permit be rescinded pending a review and upgrading of the proposed system to ensure that the storm water drainage problem is corrected so that there will be no

risk to ground water. They contend that water from the faulty subdivision drainage system has already affected their properties and, if surface water were to become polluted while crossing the disposal field area on Lot 4, it could seriously affect the water table or lake water and thus pose a risk to public health.

## BACKGROUND

McArthur Heights is a new 72 lot subdivision being developed in phases on a hillside high over Shuswap Lake by the McArthur Heights Development Corporation. Lot 4, part of the first phase, is a half acre parcel located above an older subdivision where most lots are inhabited. Lot 4 is situated almost directly above the property of one of the Appellants, Mr. Darmohray.

The new subdivision proposal was reviewed by the Ministry of Health in 1994 for compliance with the Sewage Disposal Regulation, under the *Health Act*, using soil and perc test data provided by R.D. Lewis and Associates Ltd., Professional Engineers. Lot 4 perc tests at that time averaged about 10 minutes per inch.

The development lies in an unorganized area of the Upper Shuswap Regional District and as such is not covered by subdivision or zoning bylaws, nor are building permits required. The only applicable regulations, therefore, are provided by the *Local Services Act* which permits relatively small lots in new subdivisions. Most of the rural lots that are created must be serviced with on-site sewage systems, and in many cases, with wells located on the same lots. Hundreds of other lots have been created over the years in that area along the lake, and while most are on community water systems using water from the lake, all have on-site sewage disposal-to-ground systems.

Because of their increasing concern regarding the high number of septic disposal fields on small lots, the Ministry of Health has repeatedly recommended that local government regulations be enacted by the Regional District to guide future subdivision by establishing larger minimum lot sizes and servicing requirements. Nevertheless, the prospect of the Regional District's enacting bylaws for the area has been continuously fought by the people who live there. The Ministry is consequently conducting a study toward bringing in a liquid waste management plan for the area. The study report is slated for release in 1997.

In August 1996 the developer, Mr. Craig Berke, owner of McArthur Development Corp., employed Mike Ottewell of Cabins and Castles Ltd. (the Permit Holder) to build a house on Lot 4. On August 8, Mr. Ottewell applied for a conventional disposal system for a three bedroom dwelling to be built on Lot 4. In the application Mr. Ottewell stated that both the depth of soil and the distance to the water table are "over 1.2 m (4 ft.)" and that the average perc time was 14 minutes per inch, as measured in August 1996. The applicant noted that there are no wells on the neighbouring properties, the closest being more than 100 feet away. The sketch plan attached to the application shows a natural drainage flow running from the proposed field diagonally downhill (NE), following an existing drainage gully, toward the bottom of Lot 2 which is directly above the existing lots located downhill. None of the other lots in the McArthur Heights subdivision have houses on them.

A site inspection was carried out by the EHO, Mr. Larry D'Andrea, on August 8, 1996. He found "clay saturated soils beyond 38 inches" and "heavy loams and clay mix in the top 30 inches." The water table ranged from 4 to 6 feet below the surface.

On August 9, 1996, the EHO issued a permit to construct the sewage disposal field for Lot 4. The permit contained three conditions: the first requiring 300 feet of drainage pipe in the field; the second requiring that the drainfield be kept shallow; and the third condition requiring that the permit holder "maintain and divert all storm water away from field area."

In late August 1996, the three appellants filed appeals with the Board to have the permit cancelled.

### **RELEVANT LEGISLATION**

Sections 2(2) of the Sewage Disposal Regulation states that it is the duty of the owner or resident of a parcel to ensure that no sewage reaches the surface of the land or discharges into a surface body of fresh water. Section 4(3) states that, unless otherwise stated, it is a condition of an authorization to operate a system that no domestic sewage will reach the surface of land or discharge into a surface body of fresh water.

Section 3.1 of the Ministry of Health Policy for On-Site Sewage Disposal, interprets section 2(2) of the Regulation, and reads as follows:

"To ensure that in the future domestic sewage does not reach the surface of the land or discharge into a body of fresh water, geotechnical reports may be required in unstable areas. Expert reports may be required by the [EHO] in areas where the sewage disposal system may affect the safe use of properties downslope of the proposed site (prevent downslope breakouts)".

Section 3.3 of the Health Ministry's policy regarding the issuance of permits, states that [EHO's] "may consider noting the conditions of the permit on the permit itself and may include such conditions as maintaining fencing around a lagoon, additional set back of field from potential downslope breakout point, installation of barriers to protect the disposal field, etc."

Site requirements for disposal fields have been developed to ensure that no effluent will reach the water table or the surface of the land and must be met before a permit is issued. These requirements are outlined in Schedule 2 of the Regulation.

- section 1: requiring a minimum of 4 feet of percable soil between the surface of the ground and an impervious layer of soil or bedrock or to the ground water table (before excavation, or placement of fill);
- section 16: requiring a percolation rate of less that 30 minutes per inch and a slope of the disposal area of no greater that 30%; and
- section 22: listing requirements for the construction of the absorption field;

- section 26: requiring that "A sewage disposal system be so located, constructed and the ground surface landscaped to **protect the system from storm water.**" [emphasis added]

However, section 7(1)(a) of the Regulation provides relief where an owner of a parcel cannot meet any of the first three requirements above (1, 16, or 22), **"but can comply with all other provisions of the appropriate schedule"** (e.g. requirement 26 above). Section 7 allows the EHO to use his discretionary power to "issue a permit to construct under section 3, **containing conditions that he considers appropriate to meet the omitted standards having regard to safeguarding public health.**" [emphasis added]

Section 4.4 of the Ministry of Health's Policy states that "As a condition of a permit under section 3(5), in order to prevent domestic sewage from reaching the surface of the ground, the setback distance from a sewage disposal system and potential downslope breakout points, such as ...excavation, should generally be not less than...50 feet." The policy goes on to state that factors such as soil depth should be considered "including...**other factor[s] which could impact on sewage reaching the surface.**" [emphasis added]

## ISSUES

The primary issue for consideration in this appeal is whether the proposed sewage disposal system as approved for Lot 4 complies with the *Health Act* and the Sewage Disposal Regulation and will safeguard public health.

The Regulation requires 48 inches of native soil for a conventional sewage disposal system and the EHO found only 38 inches on the proposed field site. This application therefore must necessarily be considered under section 7 of the Sewage Disposal Regulation. Section 7 allows the EHO to use his discretionary authority to approve an alternate method for a site which otherwise could not meet the standards, by including, in the permit, such conditions necessary to address the site's shortcomings in order to safeguard the public health.

It follows, therefore, that in order for an EHO to ensure that there will not be a risk to the public health created by an approved alternate method, he must have all the facts about the site before him at the time of his consideration of the permit, and must particularly know of any and all constraints of the site which could limit the safe and effective treatment of effluent.

## EVIDENCE AND ARGUMENTS

### The Appellants' arguments:

The Appellants argued that the disposal field approved for Lot 4 could cause effluent to wash into the surface and ground water systems, and that the condition included by the EHO in the permit regarding control of storm water is insufficient to ensure that no effluent will flow from the proposed field for Lot 4. They each expressed a concern that, even if the field met the Regulation, the vagueness in the wording of the conditions could not provide sufficient assurance that all storm water will be effectively diverted and prevented from flowing across Lot 4. They suggested that assurance be required, in writing, that the disposal field on Lot 4 will be adequately

protected from water flowing from adjacent higher lots and roads above. They argued that, although the developer's proposed drainage system may control most of the water (when and if completed and maintained as verbally proposed by the developer), the permit conditions were not worded well enough to ensure that the proposed drainage system will actually be installed or that all potential surface water will thus be controlled.

Mr. Kurt Darmohray, the Appellant who lives directly below Lot 4, stated that from what he had seen over the past year, the McArthur Heights subdivision has a faulty drainage system which, to date, includes inadequate safeguards to deal with the seasonal heavy water flow. Mrs. Debbie Edwards, an Appellant living further down the hill, argued that unless and until the developer is made to fix the drainage system, any new septic systems are at risk of washing out. She expressed concern that heavy seasonal runoff, as had occurred in the past winter and spring, could "take the top surface from the new drainfield with it." She then posed the question of responsibility should such an event occur, because a new owner will not likely be willing to take responsibility if the conditions of the permit are not sufficiently explicit to be understood.

Mrs. Edwards suggested that the EHO should have been more specific in the wording of the permit condition requiring all the storm water to be diverted from crossing the field area. She pointed out that all the lots in the area have relatively fast percolation rates, allowing "a lot to go into the ground," and that the tests done for subdivision approval were all done before the land had been cleared and only in August. Mrs. Edwards described seeing water travelling through the field area of Lot 4, crossing Lot 3 and disappearing into a hole in the ditch at the bottom of Lot 2 before heading down toward her house. She noted that although her house is about 1000 feet away, the aquifer in the area is shallow (less than 14 feet), and that only since the subdivision was created has she had "shooting" springs pouring water into her basement. The Edwards have two wells; one is used occasionally for their residence. In addition, they raise crops in a greenhouse which requires "good" water for irrigation.

Mr. Darmohray, the Appellant who resides directly below and adjacent to Lot 4, described seeing large amounts of storm water as recently as September of this year, flowing onto and across his property from Lot 4 above. He maintained that damage from the runoff the previous winter, which followed new road construction and clearing above, had interfered with his and the other Appellants' right to the quiet enjoyment of their property. In his statement of points, Mr. Darmohray cited, as case law, Rylands v. Fletcher (1868) L.R. 3 H.L. 330 in which an owner was held liable for any dangerous substance escaping from his property and damaging the property of his neighbour.

Mr. Darmohray noted that the only tests and site visits were carried out in the driest season, and therefore, the EHO could not have known about the severity of the winter runoff problem. He stated that new curbing which had been recently installed by the developer to redirect water along the paved road high above Lot 4, would only funnel the water more effectively toward his property. In his view nothing had changed or been done to improve the situation since the flooding.

The Appellants presented a series of photographs, as evidence, to emphasize the extent of the drainage problem on and around Lot 4. The photographs, taken in April and September 1996, show a significant volume of surface water flowing:

- down roadside banks carrying mud across the access road to Lot 4 and neighbouring lots,
- through the area of the proposed sewage disposal field on Lot 4,
- from the sewage disposal area through the forest and onto Mr. Darmohray's lot,
- across the lawns, flowerbeds and driveways of the Appellants directly downhill,
- into and filling roadside ditches, depositing silt on roadways and in the ditches, and running into a sinkhole in one of the major ditches (below Lot 3).

In addition, Mrs. Edwards presented photographs showing the unusual amount of groundwater flowing into and flooding the basement of her house nearly 1000 feet below Lot 4, which she attributed directly to the runoff created by the new subdivision, which could, she argued, if left uncontrolled, jeopardize the disposal field on Lot 4, potentially allowing effluent to reach the surface.

The third Appellant, Mr. Einfeldt, described how all the water from the proposed development "funnels through" Lots 2, 3 and 4 and that he too had had water in his basement last winter. He added that he believed that storm water could erode the septic field on Lot 4 and then make its way into the aquifer or lake. He maintained that almost everyone in the area is on the community water system which is lake water. Mr. Einfeldt said that even now the lake water must be treated before it can be used for drinking.

#### The Respondent's argument:

The spokesperson for the Respondent, Mr. Norman Clarkson, in his opening remarks, stated that he believed that surface drainage was not an issue in this case. In addition, he pointed out that because of the lack of zoning regulations in the area no minimum lot size and no drainage plan was required at the time of subdivision. He cited the need for such requirements and expressed his hope that the proposed liquid waste management plan being worked on for the area by his Ministry would go some distance toward correcting the situation.

Mr. Clarkson stated that the EHO, Mr. Larry D'Andrea of the Salmon Arm Office, had examined two soil profile holes on Lot 4 during his site inspection in August 1996. Mr. D'Andrea had requested new perc tests due to the heavy clay loam soils found on the site. As the perc tests averaged 14 minutes per inch and were slower than those done earlier, also in August, by the engineering firm prior to subdivision approval (10 minutes), he used the slower rate when considering the application.

The Respondent noted that the EHO had found the soil to be wet at a depth of 38" but that the water table itself was more than 4 feet below the surface. He stated

that the EHO had compensated for the "tight wet soils" at a depth of 38 inches by requiring a 300 foot shallow drainfield, not to exceed 10 to 12 inches in depth at finished grade. The shallow lines are required to allow for transpiration and evaporation. Mr. Clarkson noted also that the size of the proposed tank exceeded the Regulation and that, although not a condition of the permit, he had asked that a larger amount of drain rock be used in the field.

Mr. D'Andrea, the EHO, noted also that a crowned surface, although he had not included it as a condition, would assist in diverting surface water. He said he had not asked to have an engineer look at the site, but that he will consider that option when he inspects the site after completion, before he authorizes use of the system. He said that, at that time, he would check for satisfactory diversion of water from the field area, but noted that drainage is a consideration only insofar as the permit holder is required to divert the storm water away from the field itself.

Mr. D'Andrea told the Panel at the hearing that he had been new to the area when he reviewed this application and that he had not been aware of the high storm water runoff problem across Lot 4 at the time that he inspected the site and approved the permit. He also stated that, had he known, he could perhaps have worded the conditions regarding storm water more clearly.

The Permit Holder's submission:

Mr. Kevin Lee, legal counsel and spokesperson for the McArthur Heights Development Corporation and for Cabins and Castles Construction, told the Panel that the spring runoff in 1996 had been especially severe, causing widespread drainage problems in the Shuswap region. He noted, in his statement of points, that "the developer has taken steps to address the concerns of those neighbours who were affected negatively by the increased runoff due to the subdivision road building and clearing." Following the Appellants' presentation, Mr. Lee asked Mr. Darmohray, whether a ditch or berm would solve the problem of water running onto his lot. Mr. Darmohray answered affirmatively but added that he wanted an assurance that the other residents below would no longer be affected by potentially harmful storm water.

The Permit Holders' statement of points, notes that "significant steps" have been taken to improve the drainage system for the subdivision. The list of points goes on to state that, as there is no community sewage system in place, all the lots on the hillside are using sewage disposal to ground on site. The Permit Holder added that it is not aware of any sewage-related environmental problems on this hillside.

Mr. Craig Burke, the developer of the McArthur Heights Subdivision, told the Panel that Ministry of Transportation and Highways staff and the Permit Holder are currently finalizing discussions with the developer, following the engineer's review, regarding construction of the storm water drainage control system for the entire subdivision. This will include the creation of new drainage ditches below the lower lots in phase 1 of the new subdivision, including Lot 4. Final approval is pending completion of the works and the registration of easements for the new drainage system in favour of the Ministry of Transportation and Highways. The proposed system is intended to collect water from the hillside above the phase 1 lots and to direct it diagonally via a natural gully (through Lot 4) into a newly created drainage

ditch which runs downhill between two of the older lots (on a parcel purchased for that purpose by the developer) and from there into the road ditch below.

Mr. Burke told the Panel that, in their view, the developers and the Permit Holder had met all of the Ministry of Health's standards, as long as all water is diverted away from the field. He noted that subject to approval from the Ministry of Transportation and Highways for the subdivision drainage plan, the developer will be constructing a "non-breakout" ditch more than 60 feet below the field on Lot 4, to divert the flow away from Mr. Darmohray's property.

The Permit Holder provided newer photographs of the hillside, now planted with grass to control erosion and silting along the roads and on the high banks. Included were photos of new curbing along the main road above (but not along the access road just above the Lot), and of the nearly completed house and the proposed field site on Lot 4. The photos, taken in September of this year, showed no signs of water running across or lying around the site.

### **THE SITE VISIT**

Before the close of the hearing, all parties agreed that a site visit would be helpful. At the site, all of the parties had an opportunity to view together the actual lay of the land, the location of the nearly completed house, the proposed disposal field site and the storm water drainage flow patterns on and around Lot 4. The Permit Holder was able to describe the proposed new drainage system for the subdivision intended to divert much of the flow from the roads, banks, lots and hillside above Lot 4 into drainage gullies and ditches which will become part of the new covenanted drainage system. The Appellants, likewise, were able to point out where they believed significant runoff water could still reach the field from the lots immediately adjacent to and uphill from Lot 4, and from the access road and bank (unditched) directly above the Lot.

### **DISCUSSION AND ANALYSIS**

In the case under appeal, the depth of soil on the proposed site, recorded by the EHO at 38 inches, fails to fulfill the 48 inch requirement (Schedule 2 section 1 of the Sewage Disposal Regulation). As noted earlier, this application, therefore, could be considered only under section 7(1) of the Regulation for an "alternate" method of disposal, rather than a conventional one. In recognition of the shallow soil on the site, the EHO included conditions in the permit, as noted above, requiring the 300 feet of shallow field lines. In addition, because, as he told the Panel, he had noticed signs of storm water movement on the ground, he added the condition requiring that storm water be diverted away from the field area.

Although the issue of the allegedly inadequate storm water system is said by the Respondent to be separate from the issue under appeal, the Panel believes that it is sufficiently related to be relevant to the appeal. The Respondent requested that this appeal be set aside because they believed that the matter did not relate to the *Health Act* and Sewage Disposal Regulation and that the Appeal Board "has no jurisdiction to address the concerns" of the Appellants regarding the "faulty" storm water control system for the new subdivision. The Panel disagrees with this position. The Regulation and Ministry policy direct the EHO to take into consideration, particularly when exercising his discretionary powers under section



7(1), any "other factor which could impact on sewage reaching the surface" (policy: s.4.4) or which may influence the effectiveness of a disposal system to the degree that there could be any risk to public health. In addition, section 7(1) requires that all other provisions of the relevant schedule be met. In this case, section 26 of schedule 2 requires that the system must be protected from storm water.

The Appellants provided no expert evidence that the proposed disposal field for Lot 4 would indeed wash away in a heavy seasonal flow of storm water runoff. They did, however, provide photographs and testimony sufficient to indicate that an excessive volume of water does run down the hillside from time to time, a good quantity of it crossing Lot 4 and passing onto other lots below.

The EHO admitted that he had been unaware of the extreme wet season runoff problem in the area and he had inspected the site only on one day in August, using data generated only on the same day. Had he known of the runoff problem, the EHO may have treated the application differently and, as he told the Panel, would perhaps have addressed the Lot 4 drainage issue more definitively. The Panel, therefore, remains unconvinced that the EHO could have had sufficient information to provide assurance that the section 7(1) permit he issued the next day, cursorily addressing storm water, would safeguard the public health.

The EHO, after learning of the problem through the appeal, still contended that the three conditions in the permit would suffice, as he believed that any contractor would "know" what he meant and what to do when installing a field to divert storm water: e.g. to "landscape" the area by crowning the field and to create new drainage patterns (such as a swale or interceptor ditch) above the field. However, he did state that the developer's newly proposed drainage system for the subdivision would, in his view, address much of the storm water problem on Lot 4.

While that may be true, if Lot 4 is to be fully protected from storm water runoff, then the Panel believes that the EHO, rather than relying on the experience and knowledge of a contractor and assuming the correct things will be done, should himself determine and indicate, as a condition of the permit, whether the field must be protected only by the proposed new drainage system for the subdivision or whether any additional measures, such as a swale, are required to fully protect the field from surface water crossing it.

To deal with the problem of water from the three lots beside and uphill from Lot 4 and water from the access road above (not caught by the major drainage system), the EHO did agree at the hearing that, in conjunction with construction of the proposed major drainage system, an additional ditch or "swale" along the property line between Lots 4 and 5 should resolve any remaining surface water problem. The Appellants argued that the present wording of the storm water condition was too vague to be meaningful and that therefore a condition should be added calling for the creation of such a permanent ditch or swale above the field on the property line.

The Panel concurs that the wording of conditions of a permit should be made as explicit as possible to ensure that the present owner, contractors, and future owners know the requirements for ensuring maximum protection of the disposal field.

The Panel agrees therefore that, as a condition of the permit, a swale should be required, as agreed to by all parties, deep enough to effectively drain all possible storm water entering Lot 4 from Lots 5, 6 and 7 uphill from it, and from the access road above. The swale should continue downwards along the property line to a point below the disposal field before dispersing the water into the proposed new drainage system ditch above Mr. Darmohray's lot.

## DECISION

In making its decision, the Panel of the Environmental Appeal Board has carefully considered all of the relevant documented evidence and all comments made during the hearing, whether or not they have been specifically reiterated here.

After reviewing the material presented to it at the hearing, as well as all relevant legislation, the Panel finds that sufficient information has been presented by the Appellants to show that a possibility exists at this time that storm water could flow across the proposed sewage disposal field on Lot 4. The Panel finds that when granting his approval for the sewage disposal system in this case, the EHO did not have sufficient information to be assured that public health would be safeguarded. The Panel also finds that the permit lacks sufficient explicitly worded conditions directing not only that surface water be diverted away from the field, but how it should be done.

The site is presently deficient in storm water protection. As well, the site has shallow soil and the drain pipes will be shallow. And, as the EHO had not yet seen the proposed drainage system being planned for the subdivision, he could not know for certain whether the construction of the large drainage system ditch crossing Lot 4 below the field will be completed as proposed, whether it will work, or even whether it could create a potential break-out point below the field itself.

The Panel agrees that both the construction of an interceptor ditch or "swale" should be specifically called for in the permit and that the proposed major subdivision drainage system be installed before final approval is given to use the disposal field for Lot 4. This is to ensure that both are constructed before the shallow disposal field is exposed to any storm water flowing from above. The Regulations allow the EHO to add conditions to the Permit to address deficiencies at the site. Section 7 actually requires that he address any deficiencies through the use of conditions, to safeguard public health.

The Panel believes that if the permit is to be the vehicle which assures that public health is not to be jeopardized, both now and in the future, then the wording of that permit must leave no doubt in its interpretation. With regard to the question of whether the permit under appeal should have been approved at all prior to the drainage problems being corrected and without the EHO's having taken a wet season look at the site, the Panel believes that if these are made subject to authorization of the system, public health will be safeguarded.

It is therefore the decision of this Panel of the Environmental Appeal Board that the permit under appeal shall stand, but that it shall be amended by adding the following after the third condition of the permit, which reads "Maintain and divert all storm water away from the field area":

by constructing a sufficiently wide and deep interceptor ditch [swale] along the length of the highest side property boundary of Lot 4 (between Lots 4 and 5) to prevent all storm water from entering the proposed disposal field area, by allowing it to flow into the proposed new drainage system and therefore avoiding any negative impact on the properties below;

by ensuring, before approval to use the system is granted by the EHO, that all storm water originating from the hillside and roadways directly above Lot 4 is diverted from flowing onto the proposed Lot 4 disposal field area by the completed drainage system as proposed by the Permit Holders at the appeal hearing, and that any water flowing from the field area itself is prevented from leaving Lot 4 except via the proposed approved drainage system; and

by crowning the surface of the field to further prevent any surface water from flowing across it.

Finally, the Panel directs that before final approval to use the disposal system is granted, and after the corrective drainage systems are installed, a final review of the field area in the wettest season by the EHO shall be made to ensure that the field area is well protected from any storm water and, in addition, to ensure that that part of the proposed new major drainage system located below the proposed disposal field is greater than 50 feet from the field (to prevent possible break-out points).

"Carol Martin"

Carol Martin, Panel Chair  
Environmental Appeal Board

February 10, 1997

## **RECOMMENDATIONS**

The Panel urges the Upper Shuswap Regional District and the residents along the Shuswap Lake to strongly consider the recommendation of the Chief Environmental Health Officer that the developing areas around the lake be considered for Land Use and Subdivision Regulations and building permits, under the *Municipal Act*, in order to prevent excessive unregulated development and the further creation of small lots which may not be capable of safe on-site disposal of waste, especially on the relatively steep slopes above the lake.