

## APPENDIX H

TO: UBCM Members  
FROM: UBCM Executive  
DATE: September 8, 1995  
RE: 1995 UBCM ENVIRONMENTAL ACTION PLAN

**ITEM #5(a)**

October 4, 1995

*B.C. COMMUNITIES AGENDA*

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### PURPOSE

The purpose of the Environmental Action Plan is to:

- identify the major environmental issues that are under consideration;
- describe the current status of the issue; and,
- establish a plan of action.

The plan provides a vehicle for the Environment Committee to report on the activities it has undertaken in the past year and an opportunity for the Annual Convention to approve the directions to be pursued in the upcoming year.

### UBCM ENVIRONMENT COMMITTEE

The Environment Committee performs three basic functions:

- advocates changes in federal and provincial environmental policy to assist local government in solving environmental concerns at the local level.
- represents local government in the development of environmental policy at the federal and provincial level.
- promotes and shares information on solutions to environmental problems which local governments have implemented.

The Committee membership is:

Mayor John Ranta, Cache Creek, Chair  
Director Jim Abram, Comox-Strathcona R.D.  
Mayor Joe Judge, Pouce Coupe

### REVIEW OF ACTIONS

Over the past year the Committee co-sponsored an Environmental Conference in April of 1995 to discuss environmental initiatives proposed by the province.

The Committee was consulted on and reviewed a number of legislative, regulatory and policy actions initiated by the provincial and federal government during 1995, including the following:

#### **Provincial Government**

##### **Legislation**

- Water Protection Act

##### **Regulation**

- Contaminated Sites
- Solid Waste Management Planning
- Environmental Assessment Regulations

- Stream Management - Changes In and About a Stream
- Liquid Waste Permit Fees
- Paint Stewardship
- Septic Tanks
- Beverage Containers

#### **Consultation**

- Environmental Protection Act
- Household Hazardous Wastes
- Airshed Management
- Pesticide Management Policy
- Water Quality - groundwater
- Non-point Source Pollution Policy
- Private Sewage Disposal Facilities
- Flood Hazard Management
- Urban Development and environmental policy - greenways program; stream stewardship

#### **Federal Government**

- Biodiversity Policy
- Endangered Species Policy

The Annual Report contains further details on the Committee's activities.

#### **1994 ACTION PLAN**

A number of environmental issues were resolved in 1994/95. The Environmental Assessment Act and regulations were finally proclaimed in June and the legislation is now operational. The regulation relating to Section 7 of the Water Act was approved and should streamline the approval process for local government when undertaking any work in and about a stream. The provincial government passed legislation (Water Protection Act) to prohibit the export of bulk water from the province, which had been a long standing local government issue.

In response to concerns expressed by local government the provincial government decided to withdraw a proposed Environmental Bill of Rights from the Environmental Protection Act and not to proceed with the legislation in 1995.

Over the past year the Environment Committee has worked with the Ministry of Environment, Lands and Parks on a number of ongoing issues. Issues related to product stewardship, such as the development of a paint stewardship program and a review of its beverage container policy. A number of environmental issues related to urban development have also been addressed, issues such as non-point source pollution, stream stewardship, development of greenways and water quality.

The Committee worked with the Ministry of Environment, Lands and Parks in the development of regulations for contaminated sites which could have a major impact on local government operations. The Ministry undertook a further review of the regulations based on the concerns identified by local government at the 1994 Convention - standards, administration, liability and training. As a result of this review new standards based on health and environmental concerns have been developed, the administration of the regulation has been made more flexible and the ministry has recognized the liability concerns put forward by local government, although legislative changes have not yet been implemented.

The Committee worked with the Ministry of Environment, Lands and Parks toward implementation of the vision and principles of the Environmental Protocol. The Environmental Protocol Committee was established to provide a framework for the province and local government to move towards sustainability in a spirit of cooperation and mutual respect.

The Environment Committee recommends two streams to the 1995 Environmental Action Plan:

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**PART 1 - ENVIRONMENTAL ACTION PLAN**  
**ENVIRONMENTAL STATUS AND ACTION REPORT**

**ENVIRONMENT ISSUES**

Brief status updates on the following topics are included below:

Environmental Legislation

1. Environmental Assessment

Environmental Regulation

2. Liquid Waste Permit Fees
3. Changes In and About A Stream
4. Contaminated Sites

Environmental Policy Development

5. Solid Waste Management
6. Product Stewardship
7. Water Stewardship
8. Flood Hazard Management
9. Airshed Quality Stewardship
10. Pesticide Management Policy
11. Biomedical Waste
12. Private Sewage Disposal Facilities
13. Pleasure Craft Pollution Prevention
14. Environmental Protection Act

**ENVIRONMENTAL LEGISLATION**

**1. ENVIRONMENTAL ASSESSMENT ACT/REGULATIONS**

**ISSUE:** The role of local government in the determination of environmental assessments. There are two specific areas of concern:

- the nature and type of local government projects which will come under review;
- the nature of local government involvement in project reviews.

**STATUS:** The Ministry of Environment, Lands and Parks introduced Bill 32 - Environmental Assessment Act into the provincial legislature in 1993. The provincial government agreed to undertake further consultation on the development of a comprehensive environmental assessment policy in the province and indicated that it intended to put forward new legislation in 1994.

The Environmental Assessment Act (Bill 29) was approved by the Legislature of British Columbia in 1994 and the provincial government indicated at that time that it did not intend to proclaim the legislation until the regulations were completed.

The new Act establishes a process for the identification of any potential impacts of major projects, including the evaluation of economic and social benefits and measures to prevent or mitigate adverse environmental impacts or other impacts. The legislation is intended to provide certainty and balance for environmental interests, business interests, local government and the public. UBCM has been involved in extensive consultations on the Environmental Assessment Act and the regulations.

The thresholds established in the regulations are designed to capture major projects and will only affect local government projects which are very large (e.g. solid waste facilities the size of Cache Creek, new sewage treatment facilities designed for a community with over 10,000 population).

The Environmental Assessment Office commissioned a "Study of Costs of Environmental Assessment Processes". The study found that in general environmental review costs on average represented 1.4% to 1% of the capital costs of a project. The review suggested that the "availability of information and the environmental sensitivity" of the area may have greater significance in explaining the review costs of a project than its location or the size or complexity of the project. The study found that the two largest costs associated with undertaking an environmental assessment were environmental management (biophysical baseline and environmental design) and public consultation.

The work on the development of regulations has been completed and the Environmental Assessment Act and regulations were proclaimed at the end of June.

**ACTION:** Local government continue to work with the Environmental Assessment Office on the implementation of the new environmental assessment legislation and regulations.

## **ENVIRONMENTAL REGULATIONS**

### **2. LIQUID WASTE PERMIT FEES**

**ISSUE:** The fees imposed by the province on local government should reflect the nature of the treatment and the volume of waste being disposed.

**STATUS:** The provincial government undertook a review of waste permit fees and released a discussion paper "Revising British Columbia's Waste Discharge Permit Fee System." The province indicated that it would be introducing new liquid waste permit fees based on the volume and toxicity of the discharge, which when first implemented appeared to substantially reduce the charges paid by the majority of local governments. The new rates were introduced in 1992 and under this regulation local government liquid waste permit fees were limited to the concentration of BOD and total suspended solids (TSS).

At the request of industry the Ministry in 1992/93 undertook a review of its permit fee policy and the scientific basis on which future permit fees would be determined. The Ministry during this review looked at a number of different models on which to base a new fee structure and future permit fees for liquid, solid and air wastes. At the end of the review the Ministry of Environment, Lands and Parks determined that it would revise the regulations for liquid waste permit fees and a new updated regulation was released on April 6, 1994. The impact of the new proposed regulation on local government would be to:

- remove the limitation of local government liquid permit fees to the concentration of BOD and TSS and require that the fee be based on all contaminants listed in the permit;
- allow regional offices to establish core discharge factors for municipal liquid waste and amend existing permits to reflect actual discharges and core discharge factors;
- reduce the fee-per-tonne for BOD and TSS by approximately 50%;
- the overall permit fees for local government was estimated to drop by approximately 51% in the short run.

The overall impact of the new regulation in the short term would appear to lower the permit fees paid by local government. However, in the long term it would allow a Regional Manager from the Ministry of Environment, Lands and Parks to amend local government permits and to add any contaminants which may appear in its test samples, which could dramatically increase the fee that a local government would be charged.

The provincial government did not change the waste permit fees as originally proposed in 1994 and has indicated that a further review of the fees is underway.

**ACTION:** Local government work with the Ministry of Environment, Lands and Parks in the development of a liquid waste permit fee regulation that is fair and equitable.

### **3. CHANGES IN AND ABOUT A STREAM**

**ISSUE:** Local governments role in the approval of development activities in and about a stream.

**STATUS:** The provincial government amended Section 7 of the Water Act in 1992 changing the definition of what was meant by changes in and about a stream and what type of approvals were required. In 1993/94 the Ministry of Environment, Lands and Parks developed the regulations and undertook province wide consultations on what should be contained in them. The regulation for changes in and about a stream was approved in June 1995.

The regulation provides a set of standards under which an applicant may undertake certain types of changes in and about a stream, without having to obtain a permit. The standards are designed to protect water quality and quantity.

Changes in and about a stream refer to such activities as culverts, dyke repair, storm water outfalls, drain tile outlets and public utility works maintenance etc.

In undertaking changes in a stream the applicant must own the land or have the approval of the landowner, must protect the quality of the water, must ensure the protection of the fish habitat, must ensure the protection of other water users and the overall safety of the public in the design and construction of the works.

**ACTION:** Local government work with the Ministry of Environment, Lands and Parks in implementing the new regulations concerning Section 7 of the Water Act.

### **4. CONTAMINATED SITES**

**ISSUE:** Local governments role in the identification and approval of development on property identified as having contaminated soil.

**STATUS:** The province in 1993 passed Bill 26 which set the framework for the management of contaminated sites. The legislation set the parameters for determining whether or not a site was contaminated, identified the responsible persons, the remediation standards to be met and how the problem of orphan sites were to be addressed. In order for the legislation to be implemented it required the development of highly complex regulations.

The Ministry of Environment, Lands and Parks released the first of draft of the regulations for comment by stakeholders in three sections between December 1993 and May 1994. A second draft of the regulations was released on August 31, 1994, with the intent that the legislation and regulations would be proclaimed early in 1995.

At the 1994 UBCM Convention local government endorsed a resolution requesting that a more detailed review of the proposed contaminated sites regulation be undertaken. The Ministry of Environment, Lands and Parks, through the Protocol Committee, agreed to a four part program of review:

- standards
- administration
- legal/liability
- training needs

At the 1995 Environment Conference the Ministry of Environment, Lands and Parks proposed a more flexible approach to local government involvement in the administration of site profiles. The ministry in response to local government concerns related to the administration of contaminated sites proposed to give it the option to opt in or opt out of the administration of site profiles. The Ministry outlined the work that it was doing with the Ministry of Health on the development of soil standards that would incorporate both health and environmental concerns and the matrix that was being developed to deal with site and situation specific land uses. Representatives of the Canadian Bar Association outlined the legal and liability concerns identified by local government and proposed various changes to the legislation which could address these problems.

The Ministry in July outlined the fees that it will charge users for its services: providing information about contamination of a site, reviewing reports and issuing certificates of approval on contaminated sites. The new standards to be used when assessing whether or not a site is contaminated and what type of remediation will be required were also released in July.

A third draft of the regulation is expected to be released in the fall. The new regulation is expected to address local governments' main concerns regarding the establishment of standards related to health and the environment, and will make its involvement in the administration of contaminated sites optional. The Ministry has indicated if there is an opportunity to open up the legislation it would consider proposing changes to the Act to address the liability concerns that have been identified. Any legislative initiatives to limit local government liability are subject to a broad review by government and any changes in this area would require specific Cabinet approval.

**ACTION:** Local government review Draft 3 of the contaminated sites regulations to ensure it meets the consensus expressed at the 1994 Convention and advise the members of the results of this analysis.

## **ENVIRONMENTAL POLICY DEVELOPMENT**

### **5. SOLID WASTE MANAGEMENT PLANNING**

**ISSUE:** The responsibility of local government in the development of solid waste management plans, the operation of landfill sites and the financial costs associated with the collection and disposal of recycled goods.

**STATUS:** The Waste Management Act requires that all of the regional districts have their solid waste plans completed and approved by the end of 1995. Under the waste permit fee regulation a regional district is exempt from the implementation of tipping fees if it has an approved solid waste plan, however, if it does not have an approved plan in place a 50 cent per ton tipping fee will be charged for all waste disposed of at each of the solid waste facilities in the regional district.

Local government is still very concerned about a number of different aspects of the solid waste management planning process.

- **Flexibility**

There is a need for greater flexibility in the planning process to allow for the development of different plans for rural and urban areas. Plans which recognize the need for rural landfill sites, rather than transfer stations and the potential need for different operating criteria for rural and urban landfill sites.

- **Financial Costs**

The cost of developing solid waste management plans and the costs of implementing these plans is still an issue. For example, the costs of developing the plan as outlined in the guidelines and the costs of implementing the plans are far more expensive than was anticipated.

The costs of solid waste management are falling on the shoulders of local government and the local taxpayers, rather than the manufacturer of the products. The concept of cradle-to-grave responsibility for products and user pay appears to have disappeared in the determination of who pays for the disposal of products in the waste stream.

- **Market Development**

Local government is concerned that it will not be able to effectively undertake recycling programs and meet its solid waste management objectives if it does not have markets for the goods it collects. It is felt that direct provincial assistance is needed to ensure that there will be markets for the goods collected.

The provincial government does not appear to be expanding its requirements for the use of recycled goods (i.e. post-consumer content regulations) or promoting the reuse and recycling of additional products through the expansion of the deposit system.

The Ministry of Environment, Lands and Parks has indicated that it will be reducing funding for local government recycling programs in the next few years. The ministry staff have suggested that they see industry operated and funded stewardship programs as the way of funding recycling programs in the future. If provincial assistance for recycling programs is removed and the proposed industry stewardship programs are not in place local government will be forced to pay the additional costs of operating local recycling programs.

The reduction of provincial funding for product stewardship programs and the indication that this funding will be reduced further in upcoming years does not suggest a provincial commitment to meeting future solid waste management goals.

**ACTION:** In accordance with existing UBCM policy, local government request greater federal and provincial assistance in the development of markets for recycled goods and the coordination of marketing programs.

Local government request the introduction of post-consumer content regulations to promote the development of markets for recycled goods.

Local government request financial assistance to cover the cost of transporting recyclables to markets so as to ensure that the program is province wide.

Local government request provincial funding for solid waste management be expanded and that no additional fees and charges be imposed on local government for the management of solid wastes (i.e. tipping fees).

Local government request the province recognize the need for flexibility in solid waste management planning. The planning process needs to clearly identify the differences between urban and rural areas in the development of solid waste management plans - financial constraints, proximity to markets and other factors - in setting the goals and objectives that are to be achieved.

Local government request increased penalties and increased enforcement against littering and illegal dumping.

Local government request that the province maintain a broad based consultative approach regarding the regional-municipal relationship in the development of solid waste management plans and in the overall management of solid wastes.

## 6. PRODUCT STEWARDSHIP PROGRAMS

### a) Beverage Containers

ISSUE: The impact on local government of an expanded deposit system to promote industry stewardship and reduce local government recycling costs.

STATUS: Local government has requested that the province expand the deposit system to include a wider range of beverage containers (carbonated beverages, mineral water, liquor and wine bottles etc.) on numerous occasions - a total of 13 resolutions since 1990.

The retail and beverage industry to date has strongly opposed any expansion of a deposit/refund system. They have proposed that industry make a financial contribution to a multi-material collection system and that the deposit on beverage containers be removed. Local government's experience with this type of arrangement in other jurisdictions has been that the full costs of disposing of the product is not covered by industry and that local government is forced to pay for disposing of the goods.

The collection and storage of glass represents a significant cost to the operation of the majority of local government recycling initiatives. An expansion of the deposit/refund system has the potential to reduce the cost of local government recycling by as much as 20 to 30 percent, due to the fact that the cost of transporting cullet is expensive and there are limited marketing opportunities for glass. An expansion of the deposit/refund system for beverage containers at the retail level would represent an important diversion program, as it would divert beverage containers away from local recycling programs and require industry to deal with the waste problems generated by their products.

The provincial government, in response local government requests to expand the deposit system and industry requests to remove the deposit system, is undertaking a further study of the options - carbonated beverage containers, water, wine and liquor bottles, juice and milk containers. It is expected that a report on the various options will be complete by the end of October.

ACTION: Local government continue to support the development of an expanded deposit-refund system which will enhance the recovery of recyclable containers, such as the implementation of a deposit on all liquor and wine bottles.

### b) Packaging Stewardship

ISSUE: The impact on local government of a proposed industry operated and funded product and packaging stewardship program.

STATUS: Packaging stewardship, as a component of solid waste management, has been an ongoing concern of local government. The solution to the packaging issue from a local government perspective lies with industry undertaking "cradle-to-grave" responsibility for the products it produces.

The implementation of an industry operated and funded packaging stewardship program would substantially reduce local governments solid waste management costs. Alternatively it could provide a potential \$10 to \$25 million dollars in new funding for local government solid waste collection programs.

ACTION: Local government request that the Minister of Environment, Lands and Parks require the development of an industry operated and funded packaging stewardship program and that this funding be used for local recycling programs.

Local government request that:

- industry be required to take 'cradle-to-grave' responsibility for their products and packaging to maximize reduction initiatives and minimize costs;
- legislative changes be introduced to assist in the development of markets for recycled goods by requiring new products to contain a certain percentage of recycled material;
- restrictions be placed on the type of packaging that can be used - mandated refuse reduction, such as requiring standardized containers;
- programs and policies be developed that will provide strong incentives to manufacturers to reduce packaging;
- the deposit system be expanded to include a broader range of products.

Local governments request that they, along with other organizations be involved in setting the direction and monitoring the implementation of these programs.

**c) Paint Stewardship**

**ISSUE:** The role of local government in an industry operated and funded paint stewardship program.

**STATUS:** The provincial government on September 1, 1994 passed a Post-Consumer Paint Stewardship Regulation which required that all brand-owners who sell or distribute paint in the province have an approved stewardship program in place by January 1, 1995.

Under the regulation the stewardship program is required to do one of the following:

- provide return-to-retail;
- provide depots to return the paint;
- "contract, with a person who operates a return collection facility, for the use of that facility" to return paint.

Collection facilities are to be located within 4 or 10 kilometres of a seller's premises depending on whether he is located in an urban or a rural area. The provincial government indicated that as an interim measure brand-owners would be required to undertake the following - GVRD 10 collection facilities; CRD 5 collection facilities; 1 return facility in each of the remaining regional districts.

The provincial government has approved three paint stewardship programs in the province. Two of the programs are return-to-retail and are operated by: Home Hardware Limited (105 stores located across the province); Sherwin-Williams (3 stores in Langley and Delta).

The third program is operated by the Paint Care Association (47 members), which was created by the major brand-owners and retailers of paint in the province to implement an approved stewardship program. The Paint Care Association (PCA) stewardship program is a voluntary program designed to work collectively with local government and to use local facilities in the collection and disposal of post-consumer paint. In the event that a local government chooses not to participate in the PCA program, the paint industry must establish its own stewardship program in the community.

The Paint Care Association is currently in violation of the regulation as it has not established the depots required. The Ministry of Environment, Lands and Parks is presently investigating the PCA to determine where the money it has collected is being spent and the extent to which it is in contravention of the regulations.

The majority of paint is currently being collected by the return-to-retail outlets. The Paint Care Association is attempting to establish a depot system in the lower mainland by contracting with Encorp corporation, which normally collects bottles and is operating a number of paint collection days and mobile paint collection systems in other areas of the province.

**ACTION:** Local government request that the Ministry of Environment, Lands and Parks require all brand owners in the paint industry to fulfill their stewardship requirements in implementing a paint collection program which is:

- fully funded by the industry;
- convenient to the consumer.

Local government request that the cost of the development of collection facilities, transportation and the disposal of the paint collected be the responsibility of the paint industry.

**d) Household Hazardous Waste Stewardship**

**ISSUE:** The impact on and role of local government in any provincial program developed to collect special wastes at the household level. The financial costs and liability concerns related to the collection, storage and disposal of household hazardous wastes and other special wastes.

**STATUS:** The Waste Reduction Commissioner released a report in 1994 on the development of a provincial hazardous waste management plan. The report recommended the closure of the eight provincially operated hazardous waste storage facilities by June 1994 and that the role of the provincial government be directed toward the establishment of an industry funded and operated product stewardship programs.

In addition, the paper recommended that local government facilitate the process toward product stewardship by making the necessary changes to zoning and permit requirements to allow the establishment of depots, by banning products from entering landfill sites as stewardship programs are developed and by promoting public awareness programs.

The province announced on April 8, 1994 the closure of the eight provincially operated hazardous waste storage facilities.

The Alberta government has privatized the Swan Hills hazardous waste treatment facility and is now able to take hazardous wastes from the province for treatment and disposal (i.e. PCBs).

Nationally the hazardous waste industry nationally has established a Household Hazardous Waste Task Force. The industry's first goal is to minimize the amount of waste going to disposal through - responsible product formulation, appropriate packaging sizing, consumer education and product recycling and recycled content. The second goal is to ensure that the products going to disposal are handled safely, efficiently and their disposal costs are allocated fairly - accurate tracking of the waste stream, national facility standards and operating policies, build on existing infrastructures, and shared systems to lower cost.

The intent is to create a partnership with government, consumers and industry to share responsibility for the management of household hazardous waste - government legislation be established to make stewardship of household hazardous waste mandatory; government share in the cost of household hazardous waste management programs; stewardship funds for household hazardous waste be managed by industry and the funds collected be dedicated to them.

**ACTION:** Local government request that the province and/or industry operated and funded programs assume the responsibility for the collection, storage and disposal of household hazardous wastes, with all of the costs being paid by the proponent of the program.

Local government request that the province retain responsibility for funds collected under a hazardous waste program in the province.

Local government request that it be exempt from liability for household hazardous wastes and other special wastes where it chooses to assist in the administration of these wastes.

## 7. WATER STEWARDSHIP

ISSUE: The impact on local government of the development of new policies related to water stewardship.

STATUS: The Ministry released a discussion paper entitled the Stewardship of the Water: A Review of British Columbia's Water Management Policy and Legislation in 1993. The paper was intended to provide the framework for the development of new legislation which would cover - groundwater management; water pricing; management of activities in and about streams; water management planning; water allocation; floodplain management; and water quality management.

Water policy is still seen as a key issue in the Ministry but the time frame for implementing policy changes is no longer firmly established. Changes to water policy are being undertaken based on the proposed policy, but they are being implemented on an incremental basis - Water Protection Act, etc.

There are a number of specific watershed management issues related to water stewardship:

### a) Groundwater Management

ISSUE: Local governments role in the establishment of standards and the management of groundwater management areas.

STATUS: The ministry in its paper on the "Stewardship of Water Resources" initially proposed to bring in controls over groundwater on an incremental basis by initially designating certain areas as 'Groundwater Management Areas' (i.e. Gulf Islands, Fraser Valley etc.) where problems currently exist and regulating the drilling and management of well sites and by licensing all drillers in the province.

British Columbia is the only province in Canada that does not have some form of legislation to govern the use of groundwater. The province has 150 groundwater observation wells, however, it does not have a detailed understanding of the size of the aquifers in the province their recharge rates and the consumption rates. Groundwater accounts for 9% of total water use in British Columbia and as much as 40% in rural areas. The largest user of groundwater is industry (55%), followed by municipal and rural use (25%) and finally agriculture at (20%).

The Ministry of Environment, Lands and Parks is undertaking a number of pilot projects in groundwater management to determine the extent of the groundwater problems and to assess the best way of dealing with these problems - Fraser Valley, Gulf Islands etc.

ACTION: Local government request that legislation be enacted to protect groundwater.

Local government request that groundwater quality be monitored and that regulations concerning groundwater, be implemented on a selective basis, only where there is an identified water quality related health risk.

### b) Community Watersheds

ISSUE: Local governments' role in maintaining quality water in community watersheds where other resource uses are allowed.

STATUS: Community watersheds - identified under the Water Act - are recognized as a 'landscape unit' for planning purposes under the Strategic Planning Regulations developed under

the new Forest Practices Code. An area that is given a community watershed designation would be subject to the development of a total resource plan before any resource development was undertaken in it.

**ACTION:** Local government request that community watersheds be recognized as a land use under the Forest Act, Water Act and Municipal Act.

**c) Sustainable Stewardship**

**ISSUE:** The role of local government in maintaining a sustainable eco-system in the planning and approval of developments.

**STATUS:** The Ministry of Environment, Lands and Parks, Environment Canada and the Department of Fisheries and Oceans have undertaken a number of programs to assist local government in protecting the eco-system when undertaking development:

- stream stewardship guide - demonstrates how urban development can proceed without destroying or damaging fish habitat, which is essential for their long term survival and proposes that these tools be incorporated into local government planning processes (OCPs etc.);
- land development guidelines - is intended to assist developers and local governments in identifying potential problems prior to land development and what steps might be taken to prevent negative impacts on fish habitat;
- non-point source pollution - studies are underway to determine the extent to which non-point source pollution is responsible for the water quality problems identified today - agriculture, septic tanks and urban development/stormwater sources. It is estimated that in the United States that non-point source pollution is responsible for water quality problems in a large number of water bodies - 45% estuaries, 76% lakes and 65% rivers.
- water quality - a report is being developed to inform local government about the quality of water in a number of rivers and streams throughout the province. The report will focus on information pertaining to drinking water, recreational use and the health of the aquatic eco-system. It will attempt to rate in a scientific way the general state of the water quality and what the potential source of contaminants are.
- community greenways - a manual is being developed which will provide local government and developers with the tools to create green ecologically significant networks in human settlement areas in their communities. Greenways can help to establish a stable ecological infrastructure within built-up areas, and can provide linkages between these areas and adjacent undeveloped areas.

Other projects are being developed to assist local government in mapping and identifying ecologically sensitive areas. New programs are being considered to address the current deteriorating urban aquatic habitat situation.

**ACTION:** Local government request financial and technical assistance to develop and maintain sustainable eco-systems.

**8. FLOOD HAZARD MANAGEMENT**

**ISSUE:** Local governments' role in the development of flood hazard management plans.

**STATUS:** The 1968 Canada-British Columbia Agreement which established the Fraser River Flood Control Program and has provided the major source of funding for dyke construction and maintenance ended on March 31, 1995. There is no agreement concerning flood hazard management on the Fraser River at the present time. Both the federal and provincial government have indicated that they do not intend to renew the agreement. They have proposed instead that a new type of agreement be negotiated that would include the management of both structural and non-structural flood hazard measures and would attempt to coordinate the activities of all the agencies involved in this area.

Recent events in the United States along the Mississippi and in Holland have suggested that the current approach of attempting to control the flow of the river in the event of a flood through dyking may not be effective and that a new system needs to be considered to avoid future problems.

The Ministry of Environment, Lands and Parks currently has no funding for the maintenance of dykes or flood hazard problems. The only financial assistance available is through the emergency funding program. This financial assistance is available only after a major flood has taken place.

An Intergovernmental Task Force on Flood Hazard Management has been established, under the auspices of the Fraser Basin Management Program, to develop a cooperative management agreement that will clarify the roles and responsibilities of the various levels of government involved.

**ACTION:** Local government continue to work with the Fraser Basin Management Board and the provincial and federal government in the development of a integrated flood hazard management that will be acceptable to local government.

## **9. AIR QUALITY STEWARDSHIP**

**ISSUE:** Local governments' role in the establishment of standards and the management of local airshed emissions, given the growing importance of clean air to the quality of life in local communities.

**STATUS:** The provincial government has released two discussion papers on airshed management in the province - Ensuring Clean Air: Developing a Clean Air Strategy for B.C. and Smoke Management for the 90's. The Ministry of Environment, Lands and Parks has announced the establishment of a smoke management policy which will eliminate the operation of beehive burners in the province by 1995/96.

The provincial government has delegated the authority for airshed management in the lower mainland to the GVRD and the Fraser Valley regional districts at their request in an effort to allow them to develop specific programs to address their air pollution problems and will work with other local governments to develop a similar process on an "as needed basis".

A motor vehicle emission inspection program has been established in the lower mainland in order to reduce air pollution. The provincial government has passed new legislation which will allow it to introduce regulations governing the operation of motor vehicles and wood stoves.

The Ministry of Environment, Lands and Parks released a policy paper entitled "Clean Vehicles and Fuels" in 1995 in which it identified a number of new policies related to improving air quality. The Ministry proposed to take action in the following areas:

1. Reducing emissions from existing vehicles;
2. Encouraging the availability and use of cleaner new-vehicles;
3. Reducing emissions from existing fuels;
4. Encouraging the availability and use of cleaner alternative fuels;
5. Improving gasoline distribution and refueling systems.

The report indicated that motor vehicles emit 75 percent of the air pollutants in the lower mainland. Studies have suggested that the province by taking action now to improve air quality in the Greater Vancouver Regional District could save 2,800 lives, prevent \$74 million in crop damage and provide a \$1.6 billion dollar benefit to the provincial economy over a twenty-five year period.

The Ministry has drafted a model bylaw concerning backyard burning and developed a brochure explaining the health problems that can be aggravated due to backyard burning and what alternatives might be available. The bylaw proposes two approaches:

1. that local government ban backyard burning totally; or,
2. that local government require citizens to obtain a permit and to limit backyard burning to certain times of the year or to certain times of the week.

**ACTION:** Local government work with Ministry of Environment, Lands and Parks in the development of a 'sample' backyard burning bylaw which provides a range of options appropriate to British Columbia's diverse local governments.

Local government request that the Ministry undertake more extensive testing of air quality around the province and work with the local community to correct air quality problems that are identified.

Local government request legislative authority to become involved in the development of an airshed management plan where there is an identified health risk.

In accordance with past policy local government request the provincial government take action on the following issues:

- ethanol/methanol as an alternative fuel;
- expansion of mandatory motor vehicle emissions testing;
- establish the demand for and demonstrate the use of factory designed alternate fuel vehicles and that it continue the current road tax exemption for alternative fuels.

## **10. PESTICIDE MANAGEMENT POLICY**

**ISSUE:** Local governments' role in the establishment of standards and the management of pesticides, given the public concern over the effect of pesticide use on health.

**STATUS:** Local government currently obtains pesticide use permits in the form of service licences and uses pesticides to control weeds in parks, on playing fields and along roads. A number of regional districts have weed control programs to control plants that are harmful to agriculture.

The Ministry of Environment, Lands and Parks, as part of the development of the B.C. Environmental Protection Act, intends to include a new pesticide management policy. This policy will focus on the use of integrated pesticide management programs to reduce the use of pesticides in the long-term.

**ACTION:** Local government work with Ministry of Environment, Lands and Parks staff in the development of a pesticide management policy that is workable at the local level and encourages the use of integrated pesticide management plans.

## **11. BIOMEDICAL WASTE**

**ISSUE:** Local government involvement in the collection and disposal of biomedical wastes.

**STATUS:** The Waste Reduction Commissioner released her recommendations on biomedical waste in early May 1994. The report recommended that:

- reducing waste generation at source by adopting a comprehensive, yet practical definition of biomedical waste;
- initiating aggressive waste identification, segregation and handling programs;
- establishing a training program that will assist health care workers in proper handling procedures;
- producing waste minimization plans, including routine waste audits to identify and reduce wastes; and
- treating biomedical waste locally.

The report stated that all hospitals should perform waste audits and develop waste minimization plans and that funding for capital equipment to address the handling of biomedical waste should be provided by the Ministry of Health on a one-time-only basis after the plans have been submitted and approved.

The biomedical waste action plan recommended(#13) that "autoclaved biomedical waste be disposed of as a municipal solid non-hazardous waste". The report stated that local governments had "a moral obligation to accept treated biomedical waste" as "community health facilities serve a vital function within communities" and "unreasonable costs or restrictions place community health care at risk" and "create prohibitive cost impacts for the provincial health care system."

The provincial government announced in November 1995 that it was undertaking a new biomedical waste strategy which over the next two to three years would change the technology for treating biomedical wastes and would change the regulatory process for managing these types of wastes.

The province indicated that it intended to eliminate the use of hospital incinerators and to move toward the use of steam autoclaves for the treatment of non-anatomical wastes. Anatomical wastes and other contaminated wastes would continue to be sent off for incineration, though it did not indicate where.

Under its new policy the province indicated that hospitals would be required to undertake detailed waste audits and waste management plans and that new regulations would be developed for biomedical wastes. The issue of capital funding and equipment purchases to implement this new policy would be addressed in the Ministry of Health's global budget.

**ACTION:** Local government request that the province assume responsibility for the collection, storage and disposal of biomedical wastes.

## **12. PRIVATE SEWAGE DISPOSAL FACILITIES**

**ISSUE:** Local governments' role in the construction, operation and management of private sewage disposal facilities.

**STATUS:** The Ministry of Environment, Lands and Parks released a discussion paper on Private Sewage Disposal in 1994, that put forward as its major option that all future permits for private sewage facilities be issued to local government solely or as a co-permittee with a private person.

At the present time there are problems related to the ongoing operation and management of private sewage facilities. There does not exist a process to ensure that private sewage facilities are constructed according to the approved plans, that the facility is operated in accordance with its permit requirements or that the plant is repaired and upgraded when required.

The UBCM has responded to the submission on Private Sewage Disposal and indicated that local government would not support a solution which downloaded the financial costs and liability on it and failed to address the existing problems in the regulatory process.

The UBCM has pointed out that there are two issues that must be addressed. The first issue is how to upgrade existing facilities to ensure that they meet existing standards and do not create future problems. The second issue is how to deal with future requests for the development of private sewage disposal facilities. If it is the intent of the provincial

government not to approve any future private sewage disposal facilities then it should outline this policy clearly and put it forward for discussion.

We suggested that the pollution prevention and polluter pay principles should guide the provincial government in its policy development on this matter. The provincial government needs to develop a new regulatory framework which will ensure that a private sewage disposal facility is constructed properly by the original owner, and that there is a process in place to ensure that the future costs of operating and maintaining the sewage disposal facility is in place, in the same way that a public utility is required to do. This policy would require the private disposal facility to take responsibility for ensuring that it did not pollute the environment and would require the users of the facility to pay for its day to day operation and ongoing maintenance requirements.

**ACTION:** Local government work with Ministry of Environment, Lands and Parks in the development of a regulatory framework for private sewage disposal facilities which requires the private sector to take responsibility for the long-term operation and management of these facilities.

Local government request clear legislative and regulatory authority to ensure that where it chooses to get involved in the approval of private sewage disposal it does not assume additional financial or liability responsibilities.

### **13. PLEASURE CRAFT POLLUTION PREVENTION**

**ISSUE:** Local governments role in the designation of lakes and other areas which may require pumping stations for the handling of sewage from pleasure craft. The role of local government in the management and operation of pumping stations established.

**STATUS:** There are currently federal regulations governing the handling of sewage from pleasure craft in designated water bodies. Application of the regulations for any specific water body is controlled by the province in which the water body is located. Okanagan, Mara and Shuswap Lakes have already been designated under this legislation.

The Ministry of Environment, Lands and Parks has undertaken a survey and is developing a process for designating additional fresh and marine water bodies under these regulations. These regulations are necessary in lakes in order to retain high quality water for fishery, recreation and domestic water supply and to prevent sewage pollution in small and poorly flushed anchorages and marine parks in the Gulf Islands and Desolation Sound.

The Ministry of Environment, Lands and Parks has produced a pamphlet on the process for the designation of additional fresh and marine water bodies, but they have not undertaken any action to directly implement the regulations themselves. The ministry is reluctant to take action on this issue as it does not have the resources to implement it on a provincial basis. The ministry is unwilling to implement it on a local basis unless it has the support of the local government in designating the water body and assistance from it in implementing the regulation - i.e. establishment of a pumping stations etc. There is no clear cut policy at this time for assessing who can request that a water body be designated.

**ACTION:** Local government work with the Ministry of Environment, Lands and Parks in developing an implementation process for pleasure craft sewage regulations that would be acceptable to local government.

### **14. ENVIRONMENTAL PROTECTION ACT**

ISSUE: The Ministry of Environment, Lands and Parks has developed draft legislation which is intended to provide the principles and overall framework for all environmental legislation in the province.

STATUS: The Ministry began consultations with stakeholders in 1993 on the development of the principles and framework for its new environmental policy outlined in the Environmental Protection Act and these consultations continued to mid-1994.

At the 1994 Convention delegates recommended that the legislation be amended to reflect the following:

- better reflect the 'government-to-government' relationship that exists between the provincial government and local government;
- better provide that local government when undertaking environmental initiatives in cooperation with the province is not subject to open-ended liability;
- better explain how the legislation is intended to work and what is expected in the way of environmental protection;
- better outline the parameters as to when and how discretionary authority is to be exercised and who is responsible for the decisions that are made;
- better define what the rules are that are to be followed and how they will work together in protecting the environment;
- better identify what the financial costs of implementing this new legislation may be on local government, how the costs are to be paid for and who will pay these costs.

The Convention authorized the Executive to respond to a final draft of the Environmental Protection Act based on the following principles:

1. Science - Environmental legislation and resulting regulations should be formulated on a well founded, peer reviewed scientific basis.
2. Funding - The impact of environmental mandates on local government must be thoroughly understood prior to formation and passage of legislation and regulations.
3. Risk Assessment - Provide scientifically sound assessments of purported health, safety or environmental risks prior to the imposition of new mandates on local government.
4. Flexibility - Protection of the environment can be achieved through a variety of methods.
5. Partnerships and Coordination - All levels of government must work together to ensure that public health and the natural environment are protected.
6. Prioritization - Address the worst environmental problems first.
7. Technical Assistance/Information - Local government needs technical support and additional information in dealing with these highly complex issues.
8. Public Education/ Communication - The public must understand the financial, environmental and community impacts resulting from the passage of environmental mandates.

The Ministry of Environment, Lands and Parks is requesting that Cabinet introduce the Environmental Protection Act in the 1996 legislative session.

ACTION: Local government request that there be further consultation on the B.C. Environmental Protection Act prior to it being introduced as legislation and that the legislation reflect the comments and principles outlined by local government.

## PART 2 - ENVIRONMENTAL ACTION PLAN

### PROTOCOL STEERING COMMITTEE

The purpose of the Protocol Steering Committee is to achieve effective communication, and to demonstrate commitment by the parties in accordance with the spirit and intent of the Environment Protocol Agreement signed by the Ministry of Environment, Lands and Parks, the Ministry of Municipal Affairs and the UBCM in 1993.

The Protocol Committee provides an opportunity for free and open discussion of environmental issues from a local government and from a provincial government perspective; an opportunity to share information; and a process to ensure that there are 'no surprises'. The overall intent of the Committee process is to build a better understanding and working relationship between the two levels of government.

The membership of the Protocol Committee in 1994/95 was the following:

Mayor John Ranta, UBCM Environment Committee, Chair  
Mayor Joe Judge, UBCM Environment Committee  
Director Jim Abram, UBCM Environment Committee  
Richard Taylor, Executive Director, UBCM

Toby Vigod, ADM, Policy, Planning and Legislation, MELP  
Dr. Jon O'Riordan, ADM, Environment, Regional Operations, MELP  
Don Fast, Executive Director, Environmental Protection Department, MELP

Ken MacLeod, ADM, Local Government, MMA

The Committee over the past year met twice and reviewed a number of projects identified by the Ministry of Environment, Lands and Parks, Ministry of Municipal Affairs and the UBCM which might be considered in testing the workability of the Protocol Agreement.

The Protocol Committee examined all of the proposals that were put forward for consideration as a review project. The Committee agreed to review the following initiatives as ways to profile the Environmental Protocol Agreement:

- Contaminated Sites Consultation Process - agreed to monitor as model consultation process.
- Hazelton Wastewater Treatment Plant - Municipal Affairs agreed to profile this agreement and outline how other local governments might use it.
- Comox-Strathocona MOU- encourage the development of a tri-lateral agreement between the regional district, the province and the federal government. Use this agreement as a way of assessing the type of formal relationship that might be developed with the Department of Fisheries and Oceans.
- Cowichan River Agreement - Ministry of Municipal Affairs agreed to profile agreement.
- Fraser-Cheam - Cheam lake wetlands: Ministry of Environment, Lands and Parks agreed to examine whether this project might be used to profile the type of cooperation proposed under the Environmental Protocol Agreement.

The Committee agreed to monitor the implementation of the Solid Waste Management Planning process, as local governments are expected to have a plan approved by the end of 1995.

The Steering Committee agreed to undertake overall coordination of the review process for the contaminated sites regulations and to be responsible for reporting to the Ministry and UBCM membership on the outcome of the reviews.