

UBCM MEMBER NOTICE

**TO: Mayor and Council
Chair and Regional District Board
Administrator
Director of Engineering**

**FROM: Ken Vance, Senior Policy Analyst
Jared Wright, Policy Analyst**

DATE: January 26, 2005

**RE: CANADIAN ENVIRONMENTAL PROTECTION ACT: WASTEWATER
MANAGEMENT**

1. POLICY UPDATE

The Canadian Council of Ministers of the Environment (CCME) agreed in November 2003 to develop a Canada-wide strategy for the management of municipal wastewater effluents, which will address specific parameters and governance. The strategy is to be based on the following three cornerstones:

- a) Harmonization of the regulatory framework;
- b) Coordinated science and research; and an
- c) Environmental risk management model.

The strategy is expected to be completed by December 2006, after which it will be implemented by each jurisdiction. Environment Canada intends to use a regulation under the Fisheries Act as its principal implementation tool to achieve effluent standards for wastewater treatment systems equivalent in performance to conventional secondary treatment, with additional treatment where required. The regulations will also address wastewater systems on federal and aboriginal lands.

Environment Canada on December 4, 2004 published in the Canada Gazette, Part 1, two instruments related to the municipal wastewater effluent strategy: a Notice Requiring the preparation and Implementation of Pollution Prevention Plans for Inorganic Chloramines and Chlorinated Wastewater Effluents (chlorine), and a Guideline for the Release of Ammonia Dissolved in Water Found in Wastewater Effluents (ammonia) under the *Canadian Environmental Protection Act 1999* (CEPA 1999).

The instruments for chlorine and ammonia have been established by Environment Canada to help protect Canadian waters and aquatic life from municipal wastewater treatment plant effluents.

The intent of these new regulations is to require local governments to develop a pollution prevention plan, to deal with the substances identified, where the volume of effluent discharges is equal to or exceeds 5,000 m³/day (10,000 population or over). The plan must be developed by June 15, 2007 and be implemented by June 15, 2010.

The pollution prevention requirements will be established under the Canadian Environmental Protection Act (CEPA), while the enforcement requirements for the new standards will be established under the Federal Fisheries Act. The strategy for these new regulatory requirements will not be completed until 2006.

2. LOCAL GOVERNMENT ISSUES

The federal government has not attempted to harmonize the requirements of the existing wastewater management plans in BC with their new requirements. Environment Canada has indicated that local government can use existing planning processes as long as at the end of the day they meet the standard that the federal government has established.

The costs to local governments in British Columbia of developing and implementing the new requirements under the Canadian Environmental Protection are not known. In one case it may mean amending existing pollution prevention plans to take into account the new federal standards. In other cases it may mean upgrading existing treatment facilities (i.e. from primary to secondary treatment) or making significant changes in the operation of the existing sewage treatment plants to address the new requirements, such as de-chlorination or processes to monitor/control ammonia discharges from the plant.

The general effect of the regulation may be that all local governments with a population of 10,000 or more will have to have a minimum of secondary wastewater treatment, with additional treatment where the receiving waters may require it.

The time frame to plan and implement the new requirement (2-5 years) may not be sufficient, particularly if major capital expenditures are needed to meet the new standards.

In addition, there is currently no link between the planning requirements under CEPA and the enforcement requirements under the Fisheries Act. There is the potential for different regulatory requirements to be established under the different legislative frameworks, as the federal document points out “preparing and implementing a pollution prevention plan under CEPA 1999 does not ensure compliance with the Fisheries Act.” Local government requires some certainty as to what the requirements are it must implement if it is to operate its sewage treatment facilities to meet federal regulatory requirements.

3. LOCAL GOVERNMENT INVOLVEMENT

The first notice on this issue was sent out to local government by UBCM on May 17, 2004. The first meeting between Environment Canada and local government representatives in Western Canada to discuss the role of local government in the process was held in Edmonton on June 10, 2004.

The UBCM has requested that Fred Nenninger, Program Manager, Regional Utility Planning, GVRD act as the UBCM representative in this process. The UBCM has assisted Mr. Nenninger in setting up a small working group of staff representatives from a number of local governments interested in following this issue. The following local government representatives are involved in the working group: Fred Nenninger, GVRD (UBCM); Jerry Cheshuk, Whistler; David Blaine, Chilliwack; Laura Blaine, Capital RD; Dennis Trudeau, Nanaimo RD.

To find out more, or to register your municipality's interest, please contact:
Mr. Fred Nenninger, P.Eng., Program Manager, Regional Utility Planning
Greater Vancouver Regional District, 4330 Kingsway, Burnaby, B.C., V5H 4G8
Phone: 604-432-6478
Fax: 604-436-6970
Email: fred.nenninger@gvrd.bc.ca

4. UBCM ACTION

The UBCM has written to the federal Minister of Environment outlining local government concerns regarding the lack of harmonization by the federal with the province of British Columbia on wastewater management plans, the potential costs of implementing the new requirements, the time frame that has been established, and the need to link the planning and enforcement requirements.

UBCM has written the Minister of Water, Land, and Air Protection requesting provincial assistance in harmonizing the CEPA requirements in order to establish certainty and consistency in implementing the federal regulatory requirements.