

TO: UBCM Members

FROM: **ENVIRONMENT COMMITTEE**  
Mayor Herb Pond, Chair  
Councillor Sharon Gaetz, Vice Chair  
Director Rhona Martin  
Councillor Kim Capri  
Councillor Marvin Hunt, VP Liaison

***POLICY PAPER***

***#1***

*2007 CONVENTION*

DATE: September 5, 2007

RE: **2007 ENVIRONMENT ACTION PLAN**

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## **PURPOSE**

The purpose of the Environment 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 as well as an opportunity for the Annual Convention to approve the directions to be pursued in the coming 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; and
- promotes and shares information on solutions to environmental problems that local governments have implemented.

## **REVIEW OF ACTIONS**

Over the past year, the Environment Committee has been actively monitoring and advising on a number of key environmental issues, both on a single issue basis and in an integrated manner. From municipal wastewater to contaminated sites to onsite sewerage systems, the Committee has sought to address those local issues that foster sustainable and healthy communities. Its approach to dealing with the impacts of new legislative and regulatory changes has been informed by the following principles endorsed at the 2003 UBCM Convention:

*Any shared stewardship and partnership responsibilities should:*

- *Be supported by the appropriate legislative, regulatory and policy authorities that clearly defines local government roles and responsibilities;*
- *Provide local government with protection from liability arising from the delivery of provincial standards/guidelines;*
- *Respect local government jurisdiction and recognize its authority;*
- *Be accompanied by the appropriate funding and technical resources.*

During the past year, the Environment Committee has been involved in several regulatory, legislative and policy reviews and implementation processes:

- Environmental Management Act
- Contaminated Sites
- West Nile Virus Control
- Riparian Areas Regulation
- Sewerage System Regulation
- Subdivision Regulation

The Committee has also advised on the review of existing product stewardship programs, the development of a new product stewardship program, and the formation of a Canada-wide municipal wastewater strategy.

The Environment Committee also hosted an environment conference in June 2007 in partnership with Environment Canada, the Georgia Basin Action Plan, the BC Ministry of Environment, the BC Ministry of Health and the BC Ministry of Community Services. The "Local Government and Environment Conference" tackled some of the most pressing environmental issues facing communities across the province including climate change, contaminated sites, sewerage systems, alternative energy and water stewardship. The conference provided regulatory updates, identified existing gaps in the management of environmental issues, and outlined tools that local governments could use in decision-making processes. Over 160 delegates from local government, provincial and federal ministries, and non-governmental organizations attended the conference, with participation from 61 municipalities and regional districts.

## **ENVIRONMENT STATUS AND ACTION PLAN**

The following is a summary of the actions proposed in the Environment Status and Action Report contained in Appendix A. The recommended actions are in response to current provincial and federal policy and regulatory issues, as well as to new directions being proposed by the provincial government.

### **1. CCME Municipal Wastewater Strategy**

Environment Canada is currently developing a national strategy for the management of municipal wastewater effluent under the *Canadian Environmental Protection Act (CEPA)*.

*Action:*

That UBCM request the following in regards to the CCME municipal wastewater strategy:

- that the national treatment standards should be informed by other international jurisdictions;
- that provincial staff assist affected small communities in conducting their environmental risk assessments given the scientific complexity of the strategy;
- that funding options are in place prior to the identification of timelines for the implementation of the strategy; and
- that further consultations take place with local governments prior to finalizing national standards and funding mechanisms.

## **2. Contaminated Sites**

The provincial Ministry of Environment is currently developing a revised contaminated sites profile decision and release process.

*Action:*

That UBCM request that the provincial interim site profile process for contaminated sites:

- extends full indemnification to local governments;
- provides local governments with a reasonable ability to require timely remediation of onsite and off-site contamination; and
- clarifies enforcement provisions to ensure proper and timely remediation of contaminated sites.

That the findings from the site profile process working group and the revised interim site profile process be submitted to local governments for additional consultation.

That UBCM send the revised interim site profile process to the Municipal Insurance Association (MIA) for an assessment of the magnitude of risk and liability exposure for local governments.

## **3. Sewerage System Regulation**

The provincial Sewerage System Regulation that governs onsite sewage disposal systems has caused implementation challenges for local governments.

*Action:*

That UBCM await the recommendations of the UBCM Sewerage System Regulation working group to be presented at the 2007 UBCM Convention.

## **4. Product Stewardship**

The provincial Ministry of Environment is planning to add two new product categories to the Recycling Regulation for the development of product stewardship programs.

*Action:*

That UBCM request that the provincial framework for any new or expanded product stewardship programs contains the following measures:

- is fully funded by the industry, in which the industry is responsible for all costs such as marketing, collection, transportation, and marketing of materials;
- maximizes the recovery rate of products from local landfills, with a recovery rate of 85% or higher;
- ensures the broadest choice of options for consumers, including the use of deposit refund systems and eco fees;
- ensures the operation of a mixed collection system, including return to retailer, curbside and depots; and
- links product stewardship programs to the local solid waste management planning decisions of municipalities and regional districts.

## 5. Climate Change

The provincial government has identified climate change as a priority issue, and has set a goal of reducing greenhouse gas emissions by at least 33% below current levels by 2020.

*Action:*

That UBCM work with the Province on developing a joint local government-provincial government action plan for addressing climate change in British Columbia which includes:

- devising principles of joint collaboration;
- establishing working groups for identifying strategies for reducing greenhouse gases; and
- working with the Province on developing actions and options for local governments to reduce greenhouse gases.

## APPENDIX A

### ENVIRONMENT STATUS AND ACTION REPORT

#### ENVIRONMENT LEGISLATION/REGULATIONS/POLICY

The Environment Committee recommends the following streams to the 2007/08 Action Plan:

##### 1. CCME Municipal Wastewater Strategy

*Issue:*

Environment Canada is currently developing a national strategy for the management of municipal wastewater effluent under the *Canadian Environmental Protection Act (CEPA)*.

The new regulations and planned regulatory strategy has raised local government concerns over:

- the potential costs of implementing pollution prevention plans and upgrading infrastructure;
- the need to link the planning requirements under *CEPA* and the enforcement requirements under the *Fisheries Act*; and
- the absence of harmonized requirements between existing wastewater management plans in BC and the new federal requirements.

*Status:*

In 2003, Environment Canada indicated that it intended to develop a regulatory/planning strategy for municipal wastewater effluents under the *Canadian Environmental Protection Act (CEPA)*. The strategy would be designed to provide clarity and certainty regarding the management of municipal wastewater.

Through correspondence and consultations, UBCM advised the BC provincial government and the federal government of local government concerns regarding the economic implications of the strategy, and the need for a clear delineation of requirements, roles and responsibilities. In particular, amending pollution prevention plans, upgrading treatment facilities, and/or modifying operational practices to meet federal requirements and national standards pose significant cost implications for local governments. UBCM also informed the senior agencies of the need to link the planning requirements under *Canadian Environmental Protection Act* and the enforcement requirements under the *Fisheries Act*, as well identified the absence of harmonized requirements between existing wastewater management plans in BC and the new federal requirements.

In December 2006, the Canadian Council of Ministers of the Environment (CCME) initiated consultation on the draft Canada-wide municipal wastewater strategy, and released *Options for a Canada-wide Strategy for Managing Municipal Wastewater Effluent: Consultation Document*. The Ministry of Environment held a one-day workshop with industry and local government stakeholders on the draft strategy and associated consultation materials in late December.

The draft CCEM Canada-wide municipal wastewater effluent strategy is comprised of the following key principles:

- a national standard based on secondary treatment as the baseline treatment;
- a risk based approach for other substances (e.g. nutrients, chemicals of concerns) based on environmental risk assessments and environmental monitoring;
- a harmonized regulatory framework that provides regulatory clarity and a one-window approach, where those regulated will have a single point of contact for provincial and federal matters; and
- funding options that will ensure successful implementation of the proposed strategy.

The UBCM Executive wrote to the CCME acknowledging its general support the principles and direction of the developing municipal wastewater effluent strategy. The UBCM Executive positively noted the proposed risk management approach for the protection of receiving environments, the regulatory exemptions for smaller communities with marine discharges, and the strategy's recognition that the management of wastewater effluent requires the harmonization of all applicable regulatory requirements. The Executive also called on the CCME to withhold identifying implementation timelines until funding options have been identified, as the CCME estimates that it will cost between \$8 and \$13 billion in order to replace and upgrade wastewater treatment infrastructure across Canada.

A development committee is currently devising funding options for the implementation of the strategy. A final call for comments on the strategy is being planned for Fall 2007, after which, the strategy will be brought forward in 2008 for sign-off by provincial ministers of environment. It is the intention of Environment Canada to have a Canada-wide municipal wastewater strategy in place by the first half of 2008.

*Action:*

That UBCM request the following in regards to the CCME municipal wastewater strategy:

- that the national treatment standards should be informed by other international jurisdictions;
- that provincial staff assist affected small communities in conducting their environmental risk assessments given the scientific complexity of the strategy;
- that funding options are in place prior to the identification of timelines for the implementation of the strategy; and
- that further consultations take place with local governments prior to finalizing national standards and funding mechanisms.

## **2. Contaminated Sites**

*Issue:*

The provincial Ministry of Environment is currently developing a revised contaminated site profile decision and release process.

The proposed interim site profile process has raised local government concerns around:

- lack of definitional clarity around what constitutes a low-risk site;
- absence of indemnification to local government staff that are undertaking technical reviews of release letters;
- liability exposure where local governments lack a reasonable ability to require timely remediation of onsite and offsite contamination;
- absence of enforcement provisions for proponents; and
- added administrative burden for local government staff in managing and communicating the expectations of the new process.

*Status:*

The Ministry of Environment has been revising the contaminated sites profile decision and release process during the last year. In August 2006, the Ministry of Environment introduced a draft interim site profile process to a select group of stakeholders, including UBCM, to obtain feedback on, and test run, the new process. The Ministry planned on fall consultation pending receipt of comments from the stakeholder group.

Under the proposed site profile process, the decision process of determining whether a site investigation is required largely remains the same as the current process. The fundamental change being proposed is the mechanism by which site owners and project proponents may request release of certain local government permits *prior* to receiving a ministry instrument.

The current release process relies on ministry staff to facilitate between the proponent and local government a set of mutually agreeable release provisions, and generally relies on the local government to confirm compliance with these conditions. The proposed process would be less facilitative and would require that the proponent agree to a set of specific conditions in order to secure the ministry's release of local government permits.

In February 2007, the Ministry of Environment held a series of consultation sessions on several new documents pertaining to the site profile process for contaminated sites. Despite some minor language changes, the draft site profile process failed to address the majority of issues raised by local governments and UBCM in the fall of 2006. In response, UBCM drafted a submission to the Ministry of Environment, which reiterated previously articulated concerns, expressed strong reservations over the Ministry's adoption of the process, and called for additional dialogue and consultation amongst all stakeholders.

In April 2007, the UBCM Environment Committee met with the Honourable Barry Penner, Minister of Environment, and discussed the Province's proposed interim site profile process for contaminated sites, and the need to ensure the full indemnification of local governments under the process. The Minister subsequently committed to the establishment of a working group of UBCM representatives and industry to review the site profile process.

The Province struck a stakeholder working group in May 2007 to advise on the site profile processing procedure. The working group is comprised of representatives from the UBCM, the BC Business Council, and the Contaminated Sites Approved Professional Roster Steering Committee. The working group met in June, and the

Province is currently re-working the interim site profile process in advance of another working group meeting in September. The Ministry of Environment intends to engage in broad consultation on the revised interim site profile process in Fall 2007.

*Action:*

That UBCM request that the provincial interim site profile process for contaminated sites:

- extends full indemnification to local governments;
- provides local governments with a reasonable ability to require timely remediation of onsite and off-site contamination; and
- clarifies enforcement provisions to ensure proper and timely remediation of contaminated sites.

That the findings from the site profile process working group and the revised interim site profile process be submitted to local governments for additional consultation.

That UBCM send the revised interim site profile process to the Municipal Insurance Association (MIA) for an assessment of the magnitude of risk and liability exposure for local governments.

### **3. Sewerage System Regulation**

*Issue:*

The provincial Sewerage System Regulation that governs onsite sewage disposal systems has caused implementation challenges for local governments.

Local governments have raised the following issues in regards to the Sewerage System Regulation:

- the Regulation has significantly increased the costs to homeowners, as they are no longer able to conduct their own installation or repairs and costs are now deemed to be excessive;
- there is a lack of flexibility in considering other forms of sewage disposal and alternatives for system installations;
- there is an inadequate number of certified professionals in some areas leading to concerns around "monopolies" and "price gouging;"
- there has been a lack of communication of the Regulation's requirements to practitioners and professionals, homeowners and building inspectors; and
- there are liability concerns surrounding system failures.

*Status:*

The legislation governing the activities surrounding on-site sewage disposal systems in British Columbia changed on May 31, 2005 from the Sewage Disposal Regulation to the Sewerage System Regulation (SSR). Under the new regulation, only "authorized individuals," or certified practitioners and professionals, are able to design, plan, construct and maintain onsite sewage treatment systems with daily flows under 22,700 litres. The change marked the departure from a very prescriptive regulation to an outcomes-based, industry accountable, administrative regulation.



UBCM has been actively working with the Regulation's implementing agencies over the past year and a half to identify and address implementation challenges, and minimize the impact of the SSR. As part of its advocacy efforts, UBCM distributed a survey in February 2007 that was designed to assess local government implementation experiences with the SSR, as well as to identify specific issues and potential solutions for ameliorating the problems caused by the SSR. Overall, the survey results demonstrated that there was a lack of support for the key principles of the SSR, and that the Regulation has caused implementation problems province-wide.

In order to elevate discussions on the SSR, the UBCM Executive also approved the establishment of a working group of regional districts to review the implementation of the Regulation with the Ministry of Health and the Ministry of Community Services. The UBCM Sewerage System Regulation working group was struck in June 2007, with a mandate to review the SSR and address local government onsite septic system issues through the identification of policy changes and/or regulatory amendments where appropriate.

The UBCM Sewerage System Regulation working group has met three times in June and July. The first meeting focused on approval of the scope and mandate of the group via approval of the terms of reference, as well as local government implementation experiences. It also reviewed the UBCM SSR survey results, identified the key issues of local government, and identified potential solutions for addressing local government concerns. The second meeting of the working group focused on reviewing and agreeing on a draft action plan, which outlines a series of deliverables that stakeholders will attempt to secure prior to the September UBCM Convention. The action plan will form the foundation of the working group's discussions and efforts. The third meeting reviewed progress on securing the action plan deliverables. The working group will meet on September 10<sup>th</sup> to review progress on the deliverables and develop materials and recommendations for consideration at Convention.

*Action:*

That UBCM await the recommendations of the UBCM Sewerage System Regulation working group to be presented at the 2007 UBCM Convention.

#### **4. Product Stewardship**

*Issue:*

The provincial Ministry of Environment is planning to add two new product categories to the Recycling Regulation for the development of product stewardship programs.

Local governments are concerned with the development and implementation of product stewardship programs for the following reasons:

- industry should be responsible for fully funding product stewardship programs to prevent the implementation and operation costs from being downloaded onto local governments; and
- product stewardship programs should be effective in collecting and recycling the largest volume of product in order to contribute to a cleaner environment, reduce

local government waste management costs, and extend the life of local government landfills.

*Status:*

In October 2004, the Ministry of Environment introduced the Recycling Regulation, which created a new regulatory framework for the development of future product stewardship programs in the province. Under the Regulation, industries are responsible for generating product stewardship plans, which outline how the producer or agency will meet its obligation under the Regulation in a legally binding document. The plans must also prescribe key elements of a product stewardship program and outline how the industry plans to achieve the performance measures and targets proposed in the Regulation. The Regulation is designed to place the onus for end of life product management on the producer and consumers of a product as opposed to the general taxpayer or local government.

The Recycling Regulation currently includes product categories for electronics, tires, beverages, containers, used oil, paint, pharmaceuticals, and residuals (flammable liquids, solvents, and pesticides). UBCM has been actively involved in the development of the stewardship programs for these products, and throughout the past year, provided input on the development of the newest program for electronic waste. On February 16<sup>th</sup>, 2006, the Recycling Regulation was amended to include the electronic waste schedule, and a province wide program was launched on August 1<sup>st</sup>, 2007. UBCM also worked with the reconvened Local Government Stewardship Council (BC Product Stewardship Council), which acts as a forum for exchanging information on the effectiveness of existing product stewardship programs, and advising on potential future programs.

The Ministry of Environment has a Service Plan commitment to add two new product categories to industry-led stewardship every three years. In June 2007, the Ministry of Environment distributed a list of candidate products that the Province is considering, which includes the following:

New Product Categories:

- Antifreeze and hydraulic fluid
- Batteries (alkaline, lithium, etc)
- Mercury containing products (light bulbs, switches, thermostats, etc)
- Packaging (paper, plastic, metal, glass) – to be phased in
- White goods (fridge, stove, etc)
- Pool and photographic chemicals
- Furniture and textiles
- Construction and demolition waste
- Automobiles

Expand Existing Product Categories:

- Electronics – to be phased in

- Paint
- Pesticides
- Solvents and other flammables
- Pharmaceuticals

The Ministry is intending to select two products from the candidate list and release a policy intentions paper for public consultation on the selected products in Fall of 2007. The Ministry has indicated that it may focus on those product categories linked to toxicity (e.g. mercury containing products) as opposed to ones linked to volume. Following public consultation on potential products, the Ministry plans to propose an amendment to the Recycling Regulation to add products for government consideration in the Spring of 2008.

*Action:*

That UBCM request that the provincial framework for any new or expanded product stewardship programs contain the following measures:

- Is fully funded by the industry, in which the industry is responsible for all costs such as marketing, collection, transportation, and marketing of materials;
- maximizes the recovery rate of products from local landfills, with a recovery rate of 85% or higher;
- ensures the broadest choice of options for consumers, including the use of deposit refund systems and eco fees;
- ensures the operation of a mixed collection system, including return to retailer, curbside and depots; and
- links product stewardship programs to local solid waste management planning decisions of municipalities and regional districts.

## 5. Climate Change

*Issue:*

The provincial government has identified climate change as a priority issue, and has set a goal of reducing greenhouse gas emissions by at least 33% below current levels by 2020.

Local governments are concerned with the impacts of climate change, and the Province's direction on climate change, for the following reasons:

- climate change affects the environmental health and well-being of communities; and
- anticipating and preparing for the impacts of climate change affects the planning and operation of communities.

*Status:*

Through official announcements, policy directives, and provincial plans, the Province has articulated climate change as a priority issue. In the 2007 Speech from the Throne, the Province set a target of reducing greenhouse gas emissions by at least 33% below current levels by 2020. In the new BC Energy Plan, the Province sets out a strategy for reducing greenhouse gas emissions (GHG), identifies goals for conservation, energy efficiency and clean energy, and outlines a commitment to investment in alternative technologies. The Province also recently concluded a BC – California memorandum of

understanding on climate change, which commits the parties to reducing greenhouse gas emissions to 1990 levels by 2020.

In July 2007, Premier Gordon Campbell met with the UBCM Executive to discuss provincial government climate change initiatives, and the involvement and implications for local governments. Premier Campbell acknowledged the Province's commitment to reduce GHG emissions by 33%, and to have the provincial government carbon neutral by 2010. The Premier stressed the need to work in partnership with local governments, and expressed the desire to have local governments set their own GHG targets as well. Premier Campbell also raised a number of climate change initiatives such as the BC Green Building Code, smart planning, a climate change registry, more compact development, reduction of landfill emissions, and the realignment of several provincial grant programs to assist projects that reduce GHGs.

At the meeting with the Premier, the UBCM Executive outlined examples of local government action on climate change including: planning livable, sustainable communities; encouraging green developments and transit oriented developments; and implementing innovative infrastructure technologies including landfill gas recapture and production of clean energy.

Since July, UBCM has been working with the Ministry of Community Services on developing a joint local government – provincial government Charter on Climate Change and supporting work plan. The Charter would be entered into between the Province of BC and UBCM, and would emphasize the common goals of greenhouse gas reduction. The Charter would also be a document that individual local governments could sign on to and identify specific climate change commitments. In addition, a joint Provincial - UBCM Green Communities Committee and Green Communities working groups would be established under the Charter. These bodies would focus on devising a range of actions for collaboratively tackling climate change, as well as building local government capacity to plan and implement climate change initiatives. The UBCM Executive considered a working draft of the Charter at its July meeting, and has subsequently provided input on the direction of the Charter.

*Action:*

That UBCM work with the Province on developing a joint local government-provincial government action plan for addressing climate change in British Columbia which includes:

- devising principles of joint collaboration;
- establishing working groups for identifying strategies for reducing greenhouse gases; and
- working with the Province on developing actions and options for local governments to reduce greenhouse gases.