

Guidance Documents

De-permitting Municipal Sewage Discharges Policy and Procedure

Effective date: March 2, 2000

Staff affected:

Water, Land and Air Protection Headquarters Division

Water, Land and Air Protection Regions Division

Authority: *Waste Management Act*

Relationship to previous policy or procedure:

This policy and procedure is new. Cross-reference the Guidelines and Standards Policy and Procedure.

Issued by: Director, Pollution Prevention and Remediation Branch

Deputy Minister	Original Signed by	Date:
Approval:	Don A. Fast, A/Deputy Minister	March 20, 2000 (policy)
		March 17, 2009 (procedure)

Policy

Policy Statement:

The goal of this policy is to ensure that ultimately all municipal sewage discharges under the jurisdiction of the ministry are authorized by the Municipal Sewage Regulation or an approved liquid waste management plan.

This policy will guide the de-permitting of municipal sewage discharges, including the transition to the authorization of municipal sewage discharges by the Municipal Sewage Regulation or an approved liquid waste management plan. It combines the principles and values espoused by the ministry to provide a consistent approach to de-permitting, which balances environmental, economic, health and social considerations. By applying this approach, the ministry will be able to ensure such fundamental concepts as polluter pay and pollution prevention are addressed in a reasonable timeframe, particularly with respect to de-permitting existing municipal sewage discharges.

A. Definitions:

de-permitting means authorizing existing permitted discharges by either a regulation or an approved waste management plan.

B. Purpose:

The purpose of this policy is to establish a framework for de-permitting municipal sewage discharges consistent with the Guidelines and Standards Policy.

C. Principles:

De-permitting of municipal sewage discharges will be undertaken in a manner consistent with the principles of the Guidelines and Standards Policy.

Procedure

Purpose of procedure:

This procedure outlines steps for de-permitting municipal sewage discharges. It provides for negotiation with dischargers to establish a framework for complying with the Municipal Sewage Regulation or an approved liquid waste management plan. This procedure is to be applied in a manner consistent with the ministry's Guidelines and Standards Policy and Procedure.

1.0 Definitions:

authorization means a regulation, a permit, approval, license, pollution prevention plan, air or water area management plan, operational certificate, pest management plan, certificate of compliance, conditional certificate of compliance, approval in principle, or other legal instrument pursuant to the Waste Management Act.

Ministry means the British Columbia Ministry of Water, Land and Air Protection (formerly, Ministry of Environment, Lands and Parks).

regional manager means a manager as defined in the Waste Management Act.

regulation means the Municipal Sewage Regulation.

2.0 Purpose:

This procedure outlines steps for de-permitting municipal sewage discharges in a manner designed to protect the environment and promote sustainability by integrating environmental, economic, health and social considerations.

3.0 Procedure:

Consistent with the Guidelines and Standards Policy and Procedure, the Ministry of Environment (the ministry) uses this procedure to de-permit municipal sewage discharges.

The ministry's goal is to ensure that ultimately all municipal sewage discharges are authorized by the Municipal Sewage Regulation or an approved liquid waste management plan. This goal will be pursued through a controlled transition within a reasonable timeframe.

To the greatest extent possible, dischargers with existing permits will be encouraged to obtain an approved liquid waste management plan (available to local governments) or to register under the regulation. The regional manager will provide direction to individual dischargers regarding their options.

3.1 Liquid Waste Management Plans

Approved liquid waste management plans and associated operational certificates are exempt from the regulation.

3.2 Existing Permits

Permits first issued prior to the effective date of the Municipal Sewage Regulation are exempt from the regulation, unless:

- a. The permit is cancelled in accordance with section 36 of the act, or
- b. The manager or minister is satisfied, as specified by the act, that an activity or operation is causing, or is likely to cause, pollution. In this case, the manager or minister, as applicable, has the power to issue a pollution abatement or pollution prevention order pursuant to the act to require the discharger to ensure that the discharge conforms with the regulation by a date specified in the order.

3.3 Existing Applications for New Permit

Applications for new permits received by the ministry prior to the effective date of the Municipal Sewage Regulation should be reviewed for conformance with the regulation and, if possible, registered under the regulation.

If a discharger insists on being issued a new permit, the application may be processed in the usual manner. The terms and conditions of the permit must be equivalent to or more stringent than each provision contained within Parts 4 to 8 of the regulation.

3.4 Existing Applications for Amendments

Applications for amendments received by the ministry prior to the effective date of the Municipal Sewage Regulation should be reviewed for conformance with the regulation and, if possible, registered under the regulation.

If a discharger insists on being issued an amended permit, the application may be processed in the usual manner. The manager must consider the regulation when adjudicating the application and without limiting, in any way, the manager's powers under the act, the manager should ensure that the terms and conditions of the permit are equivalent to or more stringent than each provision contained within Parts 4 to 8 and schedule 1 of the regulation, unless commitments were made by the regional manager prior to the effective date of the regulation.

3.5 New Applications for First Issuance of Permits

Applications for new permits received after the effective date of the regulation should be discouraged.

3.6 New Applications for Permit Amendments

Applications for amendments received by the ministry should be reviewed for conformance with the regulation and, if possible, the discharge should be registered under the regulation. One exception is an amendment which only deals with administrative matters, such as a "name change", provided that there is no increase to the quantity or decrease in the quality of the discharge. The regional manager must ensure that the applicant is made aware of the requirements of the regulation or, if applicable, the liquid waste management plan option.

While amendments should be discouraged, if a discharger insists on proceeding with the application for amendment, the application may be processed in the usual manner. The manager must consider the regulation when adjudicating the application and without limiting, in any way, the manager's powers under the act, the manager should ensure that the terms and conditions of the amended permit are equivalent to or more stringent than each provision contained within Parts 4 to 8 and schedule 1 of the regulation.

3.7 Fees Based on Original Anniversary Date

Discharge fees for existing permitted discharges will be assessed based on the effective date of registration under the regulation. In order to avoid pro-rated charges or credits, the manager should ensure that the effective date of registration coincides with the original anniversary date of the permit.

Disclaimer

This guidance document does not replace the Environmental Management Act or its regulations. It does not list all provisions relating to municipal sewage discharges. If there are differences or omissions in this document, the act and regulations apply. For more information, contact the Environmental Management Branch.