

Guidance on Applications for Authorizations under the *Environmental Management Act* –

CONSULTATION

Recommended activities for the applicant to take prior to submitting an application for a permit, significant permit amendment or an approval

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Introduction

This guidance document was prepared to assist the applicant in understanding the consultation process that must be undertaken in order to meet the regulatory requirements which provide opportunity for others to have input to the process and ensure the director has the necessary information to make a decision on the application.

The applicant undertakes consultation activities during the preparation of the application and before formal submission of the application documents. Consultation allows the applicant to be aware and address the concerns and issues of others as he determines the extent of waste treatment and disposal technology needed to protect the environment and public health. The consultation activities include consultation with the public, federal, provincial and local government agencies, First Nations and other stakeholders through notices posted at the site, published in newspapers and BC Gazette and delivered by hand or mail.

The [Public Notification Regulation](#) places certain responsibilities on the applicant. The regulation is available on the Internet at http://www.bclaws.ca/civix/document/id/complete/statreg/202_94.

Referrals

Agencies that may have an interest in the application include, although are not limited to:

- Environment Canada
- Regional Health Authority
- Ministry of Agriculture
- Ministry of Environment – Environmental Sustainability and Strategic Policy
- Ministry of Environment – Water Stewardship Division
- Ministry of Forests, Lands and Natural Resource Operations
- Local government (municipality and/or regional district)

During the pre-application meeting, ministry staff will identify the appropriate agencies with which to consult. An example of an agency referral cover letter is at the [Referral Letter Template](#).

Recognizing government's responsibility to avoid unjustifiable infringements of aboriginal and treaty rights, consultation with First Nations should be conducted in accordance with provincial policy. Recent court decisions have confirmed that consultation is a responsibility of government, and that procedural aspects can be delegated to industry. As proponents are the experts on their proposals they are required to inform First Nations of the nature of their operation and its impacts.

Ministry staff will ultimately need to ensure that the proponent has provided adequate information to First Nations. Ministry staff will at times need to interject themselves into the process to assist in resolving contentious situations. Please contact the ministry representative for your application to obtain more information regarding First Nations consultation.

Notification

The applicant is usually required to notify the public about the application by:

- i) posting a completed copy of the appropriate Environmental Protection Notice ([New Application](#) or [Significant Amendment](#)), on-site; and
- ii) publishing this notice, once in a local newspaper serving the area where the discharge is proposed and once in the British Columbia Gazette Part I. This provides the public with a 30-day period in which to provide comments.

The applicant must also provide the notice to

- i) the municipality and/or regional district in which the discharge is proposed,
- ii) agencies specified by the director and,
- iii) where applicable, based on discussion at the pre-application meeting, the property owner, First Nations, and other stakeholders who may have an interest in the application.

All costs associated with posting, publishing and delivery of the notices are the responsibility of the applicant.

Required Information for Notices

An application for a new permit must include:

- (a) the ministry file number;
- (b) the name, address and postal code of the applicant;
- (c) a clear description of the source and location of the waste, including any commonly known name of the facility;
- (d) if applicable, the legal description of the land or the premises where the facility and treatment works are or will be located;
- (e) the legal description of the place where the waste is or will be discharged;
- (f) a description of the waste in general terms based on the origin or nature of the operation that produced it;
- (g) the characteristics of the waste in specific terms including the content of potential pollution-causing substances expressed in metric scientific units;
- (h) the volume of material to be discharged during a specific time period;
- (i) a contact name and address for the applicant or agent.

An application for a significant amendment must include:

- (a) the name, address and postal code of the applicant;
- (b) identify the permit to be amended by permit number, issue date and, if applicable, the date last amended;
- (c) the name and a clear description of the source of waste;
- (d) a clear description of the changes being requested in the permit;
- (e) a contact name and address for the applicant or agent.

Publishing Specifications

Published information in a local newspaper must be at least 10 centimetres in width and at least 100 square centimetres in area. The advertisement shall bear the heading “**ENVIRONMENTAL PROTECTION NOTICE**” in a minimum type size of 12 points and the text of the notice must be a minimum type size of 8 points.

The notice must be published in Part 1 of the BC Gazette:

British Columbia Gazette
963 Superior Street
PO Box 9452 Stn Prov Govt
Victoria BC V8W 9V7
Website: <https://www.crownpub.bc.ca/Home/Gazette>

For information regarding their fees, publication days, etc. the BC Gazette toll free number is 1-800-663-6105.

The applicant is responsible for checking the tear sheet from the newspaper and the notice in the Gazette to ensure the notice contains the information required by this procedure and the [Public Notification Regulation](#). If the notice is deficient, the applicant will be required to re-publish.

Response to Concerns

The applicant is expected to respond to comments received from anyone who expresses concerns about the application. It may be necessary for the applicant to have a qualified professional respond to technical issues and resolve concerns.

A qualified professional means a person who

- (a) is registered in British Columbia with an appropriate professional association, acts under that professional association’s code of ethics, and is subject to disciplinary action by that professional association, and
- (b) through suitable education, experience, accreditation and knowledge may be reasonably relied on to provide advice within an area of expertise related to this application.

Often public groups and individuals will desire more information than is available in the published Environmental Protection Notice. Therefore, it is desirable to have the technical assessment (if

required) completed prior to publishing and posting the so it is available to these persons upon request.

The director may require the applicant to offer to meet with any person(s) who may be adversely affected by the proposed discharge. Reasonable effort must be made to resolve concerns.

Consultation Report

A consultation report will be required for the application to be accepted by the director. The report shall include a referral list with contact names, copies of the agency response letters, dates of posting, publishing and distributing notices, names and addresses of concerned persons, plus copies of notices and tear sheets from publications. All comments received must be documented in the consultation report with an explanation of efforts made to resolve the concerns.

Disclaimer

This guidance document does not replace the *Environmental Management Act* or its regulations. It does not list all provisions relating to waste discharges. If there are differences or omissions in this document, the *Act* and regulations apply.