



HOW IS COMPLIANCE ASSESSED

BC Ministry of Environment and Climate Change Strategy (ENV) inspectors verify compliance with the *Environmental Management Act* (EMA) (including associated permits, regulations and codes of practice) by conducting inspections. This is to ensure regulated parties are following the requirements designed to protect the environment and human health and to provide them the opportunity to improve their environmental business practices. Inspections can be carried out on-site or as an office assessment of information received.

WHY AM I BEING INSPECTED?

ENV inspectors are committed to ensuring authorization holders stay in compliance with regulatory requirements. When determining where to inspect, ENV staff may look at potential risk, geographic location, or length of time since the last inspection. Inspections are also done as part of industry-wide audits to determine compliance with specific requirements. The inspection may also be related to a complaint or may be in response to an incident.

WHEN WILL I BE INSPECTED?

Inspectors may inform you of the inspection, or may come unannounced. Inspections are typically during regular business hours, but may be after hours in the event of a spill or other emergency. Office assessments can be done at any point in time with or without notice.

WHO WILL BE ATTENDING AN ON-SITE INSPECTION?

An Environmental Protection Officer (EPO), designated as an inspector under EMA Section 1 (1) will attend and lead the inspection. The inspector may be accompanied by additional ENV staff, Conservation Officers and/or any other party deemed necessary to complete the inspection.

WHAT DO I NEED TO SHOW THE EPO? WHAT WILL THEY BE LOOKING AT?

On-site inspections may focus on the entire facility or just one or two specific areas. In an on-site inspection EPOs will observe the facility and site operations, examine containers, labels, spills, discharges, waste generation and emissions control equipment. The EPO may ask questions, take notes and photographs, collect samples, review monitoring data, waste handling and disposal information, contingency plans, or other records and reports as per the permit or authorization requirements.

HOW LONG WILL THE INSPECTION TAKE?

The length of the inspection will vary. Site inspections of very large facilities may take a day or two, other facilities,



a few hours. Inspection records will be provided to you at a later date and may be published on the ministry website. Administrative Responses administered by Environmental Protection Officers:

Advisory: written record advising of current occurrences of non-compliance found at a specific date and time.

Warning: in addition to advising of current occurrences of non-compliance this written record also warns of possible escalating enforcement action if non-compliance continues.

Order: creates new requirements to prevent or remedy pollution.

Administrative Monetary Penalties: financial penalties up to \$75,000.

Administrative Sanctions: suspension or cancellation of a permit or approval.

PROSECUTORIAL RESPONSES ADMINISTERED BY THE BC CONSERVATION OFFICER SERVICE:

Violation Ticket: small monetary penalty up to a maximum of \$575 per day, per violation.

Formal Charges: large monetary penalty up to \$1,000,000 or imprisonment of 6 months, or both upon conviction.

Restorative Justice: repair of damages through negotiations between offenders, victims and the Crown.

WHAT SHOULD YOU DO?

As an authorized discharger, it is important that every effort is made to bring your facility into full compliance with all permit or regulatory requirements. The extent and promptness with which occurrences of non-compliance are addressed helps to form part of your compliance history. Should future occurrences of non-compliance occur, this shows your willingness to comply as measured on the matrix assessment referred to in the 'How is Compliance Assessed' information sheet.

The Ministry of Environment Compliance and Enforcement Policy and Procedure Manual can be found here: https://www2.gov.bc.ca/assets/gov/environment/research-monitoring-and-reporting/reporting/reporting-documents/environmental-enforcement-docs/ce_policy_and_procedure_2018.pdf

Environmental Compliance Inspections Reporting can be found here: https://www2.gov.bc.ca/assets/gov/environment/research-monitoring-and-reporting/reporting/reporting-documents/environmental-enforcement-docs/ce_policy_and_procedure_2018.pdf

Environmental Protection Division

COMPLIANCE



OUR VISION

- ✓ COMPLIANCE WITH ALL REGULATORY REQUIREMENTS ESTABLISHED TO PROTECT THE ENVIRONMENT, HUMAN HEALTH AND SAFETY.

OUR GOALS

- ✓ REGULAR ROUTINE INSPECTIONS OF AUTHORIZED DISCHARGES
- ✓ VARIOUS SECTOR-WIDE AUDITS EACH YEAR
- ✓ EFFICIENT RESPONSE TO INCIDENTS OF NON-COMPLIANCE AND ENVIRONMENTAL COMPLAINTS
- ✓ IMPROVE VOLUNTARY COMPLIANCE WITH REGULATORY REQUIREMENTS
- ✓ TRANSPARENT PUBLIC REPORTING OF COMPLIANCE RESULTS



Ministry of Environment and Climate Change Strategy

HOW TO STAY IN COMPLIANCE

As a discharge authorization holder, you are responsible for adhering to the terms and conditions of your authorization. The following tips will help you remain in compliance. *Be aware: Even if you hold an authorization, you still “must not introduce waste into the environment in such a manner or quantity as to cause pollution” as per the Environmental Management Act 6(4).*

BE SURE YOU ARE AUTHORIZED CORRECTLY

Be sure all waste discharges from prescribed industries, trade, businesses, operations or activities are authorized by the Ministry of Environment and Climate Change Strategy, as your current authorization may not cover all of your waste discharges (see Schedules 1 and 2 of the Waste Discharge Regulation for full listing).

HIRE THE RIGHT QUALIFIED PROFESSIONAL:

If you are required to have a qualified professional carry out work for you, ensure they have expertise and experience in the field you require. Their experience should be specific to the waste and environment for your particular industry and site (for example if a groundwater study is required, then a hydrogeologist should be retained that has experience with your industry type).

UNDERSTAND YOUR AUTHORIZATION

Each authorization, whether a site specific permit or a registration under a Regulation or Code of Practice, has specific requirements that must be adhered to. Guidance documents can be found here: <https://www2.gov.bc.ca/gov/content/environment/waste-management/waste-discharge-authorization>.

ASK YOURSELF THE FOLLOWING QUESTIONS:

- Are all required works in place prior to any waste discharge?
- What are your discharge limits?
- What monitoring and analysis are you required to do?
- What is the frequency of the monitoring and analysis?
- What are your reporting requirements?
 - Do you have to submit any routine information to the Ministry?
 - Routine report submissions and Annual Status Forms should be sent to envauthorizationsreporting@gov.bc.ca
 - Are you required to upload analytical results to the Environmental Monitoring System (EMS)? Be sure your lab will do this for you.
 - Are you required to send reports of non-compliance to the Ministry?
 - These reports should be sent to the Non-Compliance mailbox at EnvironmentalCompliance@gov.bc.ca
 - Be sure all spills are reported to the Provincial Emergency Program at 1-800-663-3456, in accordance with the Spill Reporting Regulation.

Guidance on proper formatting and procedures for submission of Routine Reports, Annual Status Forms, Non-Compliance Reports and Environmental Monitoring System Data (EMS data) can be found here: <http://www2.gov.bc.ca/gov/content/environment/waste-management/waste-discharge-authorization/data-and-report-submissions>

TIPS TO BE PREPARED FOR AN INSPECTION:

- Be aware of your Permit or Authorization requirements.
- If you have questions during or after an inspection – ask.
- Designate a contact person at your facility for ENV Staff inquiries.
- Be honest and transparent to show your willingness to comply.
- Be aware of areas at the facility where waste accumulates and is stored.
- A site plan of the facility can be useful.
- Organize records and have them easily accessible.
- Consider developing a self-assessment program at your facility to ensure that you are complying with environmental requirements.
- Remember: an inspector’s goal is to keep your facility in compliance with the BC Environmental Management Act.

HOW IS COMPLIANCE MEASURED?

Compliance is measured against the requirements set out in your authorization or the regulation you are operating under. The facility/operation is assessed as either in or out of compliance with each individual requirement.

HOW WILL I RECEIVE INSPECTION RESULTS?

Soon after the inspection, the inspector will either email or hardcopy mail an inspection record outlining the inspection results.

		LEVEL OF ENVIRONMENTAL OR HUMAN IMPACT				
		LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5
LIKELIHOOD OF COMPLIANCE	CATEGORY A	ADVISORY	ADVISORY WARNING	WARNING ADMIN PENALTY	ADMIN PENALTY	I N V E S T I G A T I O N
	CATEGORY B	ADVISORY WARNING	WARNING ADMIN PENALTY			
	CATEGORY C	WARNING ADMIN PENALTY	WARNING ADMIN PENALTY ADMIN SANCTION	ADMIN PENALTY ADMIN SANCTION INVESTIGATION		
	CATEGORY D	WARNING ADMIN PENALTY ADMIN SANCTION	ADMIN PENALTY ADMIN SANCTION INVESTIGATION	ADMIN SANCTION INVESTIGATION		
	CATEGORY E	ADMIN PENALTY ADMIN SANCTION INVESTIGATION	I N V E S T I G A T I O N			

IF NON-COMPLIANCE IS DISCOVERED: THIS MATRIX IS USED TO ASSESS AND DETERMINE THE MOST APPROPRIATE TOOL TO ACHIEVE COMPLIANCE.

LEVELS OF ESCALATING ENVIRONMENTAL, HUMAN HEALTH OR SAFETY (ACTUAL OR POTENTIAL)

- LEVEL 1:** Does not or is not likely to result in impact, minor administrative.
- LEVEL 2:** Minor temporary impact, significant administrative.
- LEVEL 3:** Moderate temporary impact.
- LEVEL 4:** Significant temporary or permanent impact.
- LEVEL 5:** Severe known, or likely human health impact.

CATEGORIES OF LIKELIHOOD OF COMPLIANCE (COMPLIANCE HISTORY/ WILLINGNESS TO COMPLY)

- CATEGORY A:** Indications of future and ongoing compliance are very high.
- CATEGORY B:** Indications of future and ongoing compliance are uncertain.
- CATEGORY C:** Indications of future and ongoing compliance are unlikely.
- CATEGORY D:** No Indication of future and ongoing compliance.
- CATEGORY E:** Indications of deliberate obstruction and non-compliance.

ASSESSMENT OF COMPLIANCE: An on-site inspection and/or an evaluation of submitted reports is conducted by a qualified environmental protection officer. These inspections can be planned or in response to a complaint. Verification activities determine whether an individual, business or sector is in compliance with the requirements that apply to that activity.