



Changes to Provincial Municipal Wastewater Discharge Authorizations

Who does this information apply to? This information applies to provincially authorized municipal wastewater discharges¹ that meet the application threshold of Environment Canada’s *Wastewater Systems Effluent Regulations* (WSER)² – enacted in 2012.

What is the purpose of this update? To provide notification of anticipated changes to municipal wastewater discharge authorizations in BC.

Why are these changes being made? To facilitate a federal/provincial agreement enabling dischargers to meet provincial requirements only, and having WSER stand down in BC; thus avoiding regulatory duplication. See Appendix 2: *Collaboration Agreement* for further details.

What is an Equivalency Agreement? An equivalency agreement recognizes the laws of a province or territory as “equivalent-in-effect” to a regulation made under the *Fisheries Act*. An agreement would result in the federal WSER standing down in BC in favor of a “harmonized”

provincial framework³ under BC’s *Environmental Management Act* (EMA).

Will these changes result in new obligations for dischargers? No incremental regulatory impact is expected, over and above existing provincial and federal obligations currently in effect.

When is an agreement expected? Environment Canada could propose draft equivalency agreement text as early as summer 2015. The province would then implement the agreed upon regulatory changes to harmonize the Municipal Wastewater Regulation (MWR) and other provincial authorizations. Once changes to the MWR are made, the federal government would need to finalize the agreement.

What will the “harmonized” provincial framework look like? In order to be deemed “equivalent-in-effect” to the WSER, the province must incorporate key aspects of the federal regulation into its regulatory framework⁴, including the MWR. The anticipated changes to operational certificates and permits are summarized below in general terms:

- **Operational Certificate (OC):** In order to achieve equivalency in a manner recognized by the federal *Fisheries Act*, all existing Operational Certificates would need to

¹ A provincial authorization includes (1) a registration under the Municipal Wastewater Regulation (MWR), (2) an Operational Certificate (OC) under a Liquid Waste Management Plan (LWMP) or (3) a permit.

² The application threshold of WSER is generally considered to be a facility which collects an average daily volume of 100 m³ or more. See Section 4 WSER for details.

^{3,4} BC’s framework under the *Environmental Management Act* includes: the Municipal Wastewater Regulation, Operational Certificates under Liquid Waste Management Plans, and permits.

transition to the harmonized MWR; otherwise these discharges will remain subject to overlapping regulations. The transition process for OCs would be similar to the process outlined below for permits (i.e., based on facility status).

- **Permits:** There are roughly 100 permits captured by the WSER⁵. Consistent with the *Environmental Management Act*, these permits will need to be transitioned to the harmonized MWR.

The ministry will work with operational certificate and permit holders to ensure a smooth transition to the regulation.

How will existing provincial authorizations be harmonized? The anticipated process to harmonize each authorization type is explained below. For a visual summary of the changes, please see Appendix 1. In all cases, discharge fees will remain unchanged.

- **Municipal Wastewater Regulation (MWR):** Existing registrations will be deemed registered under the harmonized MWR. Dischargers will be expected to continue to meet the MWR, including new “harmonized” sections of the regulation which are designed to reflect specific aspects of the WSER. This includes: WSER’s effluent limits for CBOD and TSS (i.e., averages), monitoring and reporting requirements, and upgrade timelines. Upgrade timelines will match the federal timelines (i.e., 2020, 2030, or 2040), apply to the same discharges, and will be determined using the same methodology.

⁵ The application threshold of WSER is generally considered to be a facility which collects an average daily volume of 100 m³ or more. See Section 4 WSER for details.

- **Permits (similar for Operational Certificates):** the transition process to the MWR depends on the status of the facility:

- **Facilities capable of providing secondary or better treatment⁶.** As of a specified date (possibly as early as January, 2016) the authorization would be cancelled and discharge would be deemed registered under the harmonized MWR. Dischargers would be expected to meet all applicable requirements in the harmonized MWR going forward. To help ease this transition, exemptions may be provided from select provisions of the regulation, including the registration process (including document submission), and any physical setbacks or distance offsets that would be impossible to meet due to land constraints or the location of existing physical infrastructure.
- **Facilities not capable of providing secondary treatment⁷.** As of a specified date (possibly as early as January 2016), these discharges would be deemed *Transitionally Registered* under the harmonized MWR. While transitionally registered, the discharger would continue to meet requirements in their former permit (or OC) until the facility is upgraded, or the federal timeline is reached (2020, 2030 or 2040), whichever comes first. In other words, no other sections of the MWR would apply while the discharge is Transitionally Registered. Once the upgrade deadline expires, the

⁶ Refers to a facility that is capable of meeting discharge standards prescribed in MWR and WSER based on its design.

⁷ Refers to a facility that qualifies for a “Transitional Authorization” under the WSER due to its design. See WSER Part 2, Sections 23-33 for details.

discharge would be deemed registered under the harmonized MWR.

How will day to day administration and reporting change? Under an equivalency agreement, dischargers will report solely to the province, however, data and information reporting frequency will change to harmonize with federal requirements. The province is also exploring opportunities to use the federal Effluent Regulatory Reporting Information System (ERRIS) database. If ERRIS becomes available in the future, dischargers may be required to submit all provincial and federal reporting information electronically to the database. Until a partnership on ERRIS is announced, reporting procedures will remain unchanged.

How will an equivalency agreement apply to provincial authorizations issued to First Nations? In select cases, BC MoE issued authorizations under EMA for discharges from First Nations. In an effort to promote jurisdictional clarity and prevent unnecessary regulatory overlap, the province is proposing to transfer oversight of these discharges to Environment Canada⁸. In this scenario, WSER will continue to apply and Environment Canada would be the sole authorizing and reporting agency. A letter confirming this proposed direction will be mailed out to impacted dischargers.

⁸ Does not apply where a treaty states otherwise.

Can I comment on the proposed changes? Yes. Comments on the proposed changes and harmonization process are welcome. Please keep in mind that while there is flexibility on implementation, the Ministry of Environment is not able to vary requirements that are necessary to reach an equivalency agreement with Environment Canada (e.g., discharge standards, upgrade timelines).

Please email comments or suggestions **within 30 days** of the posting of this update to: Justin.Sabourin@gov.bc.ca.

Comments directed at Environment Canada on the equivalency agreement may be submitted during the [Canada Gazette](#) comment period.

Revisions. This document may be revised from time to time to reflect the most up to date information. Please refer to MoE's website for the most recent version.

Contact Information. If you have any questions about the information presented in this update, or the equivalency process, please contact:

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For questions pertaining to the WSER please contact Environment Canada (see Web Link below for contact information).

Abbreviations and commonly used terms

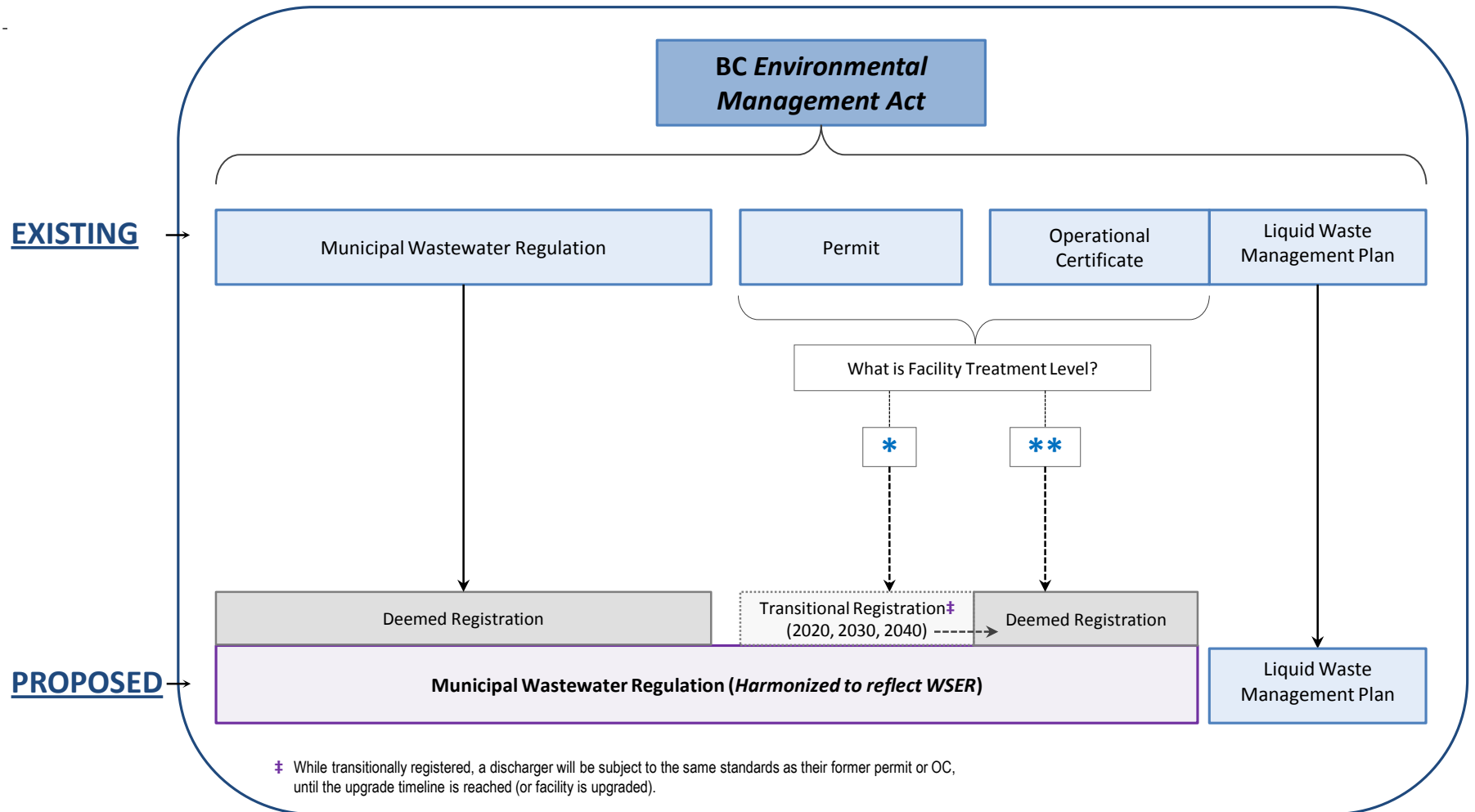
CBOD	Carbonaceous Biochemical Oxygen Demand
EC	Environment Canada
EMA	BC <i>Environmental Management Act</i>
LWMP	Liquid Waste Management Plan
MoE	BC Ministry of Environment
MWR	Municipal Wastewater Regulation
OC	Operational Certificate under a LWMP
TA	Transitional Authorization under WSER
TR	Transitional Registration under MWR
TSS	Total Suspended Solids
WSER	Wastewater Systems Effluent Regulations

Web Links

- [Municipal Wastewater Regulation](#)
(BC Ministry of Environment)
- [Wastewater Systems Effluent Regulation](#)
(Environment Canada)

EQUIVALENCY AGREEMENT

Summary of Changes to Provincial Authorizations



Facility Treatment Level:

- * A facility that qualifies for a "Transitional Authorization" under the WSER due to its design (typically \leq primary treatment).
- ** A facility capable of meeting discharge standards prescribed in MWR and WSER based on its design (typically \geq secondary treatment).

Canada/ British Columbia Collaboration on Wastewater Management

The Governments of Canada and British Columbia believe in the importance of strong and consistent action to manage wastewater effluent.

On July 18, 2012, the Government of Canada has published the *Wastewater Systems Effluent Regulations*.

Furthermore, the Government of Canada has recently announced amendments to the *Fisheries Act* which allows the development of equivalency agreements.

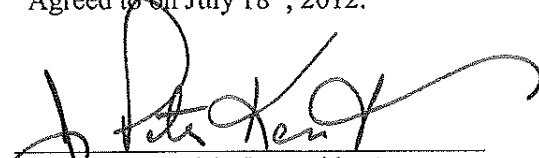
The Government of British-Columbia regulates the treatment and discharge of wastewater effluent through its new *Municipal Wastewater Regulation*, and through Liquid Waste Management Plans and authorizations under its *Environmental Management Act*.

Canada and British Columbia recognize that a cooperative approach to wastewater management would reduce regulatory duplication and administrative burden. To that end, both governments are working towards the development of an equivalency agreement on wastewater effluent regulations. An equivalency agreement would see the federal regulations stand down in favour of a provincial regulatory system, as long as the provincial system is deemed to be equivalent in its effect.

Additionally, both Canada and British Columbia have begun discussions on interim arrangements for the harmonized implementation of the Federal and Provincial regulations, beginning with harmonized data reporting requirements.

These efforts are in line with the Canadian Council of Ministers of the Environment (CCME) *Canada-wide Strategy for the Management of Municipal Wastewater Effluent (2009)*, to improve wastewater management and provide regulatory clarity to owners/operators of wastewater systems. Both the Governments of Canada and British Columbia have endorsed this strategy.

Agreed to on July 18th, 2012.


The Honourable Peter Kent
Minister of Environment
Government of Canada


The Honourable Terry Lake
Minister of Environment
Government of British Columbia

