

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

NOTIFICATION

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

Introduction

This guidance document was prepared to assist the applicant in understanding what actions must be undertaken to meet the requirements of the [Public Notification Regulation](#). It describes the minimum requirements that the applicant must conduct to notify potentially affected parties about their proposal to discharge waste under the [Environmental Management Act](#). The process defined in the Public Notification Regulation provides the opportunity for potentially affected parties to provide their views on the proposed application to the applicant who can then address those views and/or concerns. This process also ensures that the Director has the necessary information to make an informed decision on the application.

It is recommended that the applicant submit their preliminary application prior to engaging in any notification activities. This will ensure the applicant is aware of all notification requirements and that the Ministry of Environment & Climate Change Strategy (ENV) is aware of the proposal should there be public enquiries. ENV will provide specific written guidance to the applicant for notification after the preapplication meeting. Notification allows the public to inform the applicant of potential issues that may need to be addressed during the development of the final application.

The Public Notification Regulation places certain responsibilities on the applicant. The regulation is available for free online at http://www.bclaws.ca/civix/document/id/complete/statreg/202_94.

Notification Activities

The applicant is 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 the Notice in one or more local newspapers, or published electronically, serving the area where the discharge is proposed. This provides the public with a 30-day period in which to provide comments.
- 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;

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, 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

The Notice for a new permit application 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;

The Notice 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 cm in width and at least 100 cm² 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 applicant is responsible for checking the tear sheet from the newspaper or electronic publication 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 an applied scientist or technologist specializing in an applied science or technology applicable to the duty or function, including, if applicable and without limiting this, agrology, biology, chemistry, engineering, geology, or hydrogeology and who:

- a) is registered with the appropriate professional organization, is acting under that organization's code of ethics and is subject to disciplinary action by that organization; and
- b) through suitable education, experience, accreditation and/or knowledge, may be reasonably relied on to provide advice within their area of expertise related to this application.

Often public groups and individuals will want 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 notice 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.

The applicant must retain and submit records of public concerns/questions as well as responses and submit this information with the final application package to ENV.

There is a 30-day minimum period that must be provided to allow concerned persons to identify how they are affected by the application. Therefore, ENV must wait at least 30 days after the final notification has been given before proceeding with a decision. In the event that an applicant makes significant changes to an application the Director may require that a revised notification be provided and may also specify that additional time will be provided for concerned persons to notify the Director about how they are affected. The Director may take into consideration any information received after the minimum 30 day period if a decision has not yet been made.

Referrals

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

- Regional Health Authority
- Ministry of Agriculture and Food
- Ministry of Forests
- Ministry of Water, Land and Natural Resource Stewardship
- Ministry of Energy, Mines and Low Carbon Innovation
- Local government (municipality and/or regional district)
- Neighboring property owners and residents, affected water license holders

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 Referral Letter Template.

Engagement with Indigenous Groups

Notification does not include engagement with Indigenous Groups. While the Province is responsible for ensuring adequate and appropriate consultation and accommodation, this may involve the proponent in the procedural aspects of consultation.

Also, proponents are generally encouraged to engage with Indigenous

Groups as early as possible in the planning stages to build relationships and for information sharing purposes that may support consultation processes.

More information is available in the following guidelines and procedure manuals designed to assist with meeting consultation obligations with Indigenous Groups:

<https://www2.gov.bc.ca/gov/content?id=8CF98F756A984198AFD80AEA0E472F05>

Specific details relating to Indigenous Group engagement will be discussed with the applicant during the Preliminary Application Phase.

Notification and Engagement Report

A Notification and Engagement Report will be required for the application to be accepted by the Director. The report must 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 and the applicant's response must be documented in the notification 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 including the Public Notification Regulation. It does not list all provisions relating to waste discharges. If there are differences or omissions in this document, the Act and regulations apply.

