

Proposed Municipal Wastewater Systems Effluent Regulations Canadian Federal Government Opens Public Consultations

On February 9, the Federal Environment Minister, Jim Prentice, announced the future enactment of municipal wastewater system effluent regulations. This proposed regulation, now available for public consultations, was published on March 20, 2010 in Part I, Canada Gazette for stakeholder's comments and observations. Implementing new national standards on wastewater effluent, this proposed regulation will have an impact on some municipal practices. This text summarizes the regulation's origin, its contents and planned implementation measures.

This regulation, authorized by the *Fisheries Act*, follows from the *Canada-wide Strategy for the Management of Municipal Wastewater Effluent* approved in February 2009 by the Canadian Council of Ministers of the Environment (CCME). The harmonization of governance practices proposed by this *Strategy* clarifies managerial and regulatory wastewater treatment rules (*Strategy*, p. 6).

This *Strategy* is also oriented to improve human health and environmental protection by minimizing or preventing water contamination risks. These two goals will be fulfilled under a harmonized framework requiring the achievement of minimum national standards, outlining risk management activities, as in the case of combined sewers overflows, and requiring regular monitoring of facilities and reports of the discharged effluents (*Strategy*, p. 2-5).

The proposed regulation offers national standards for effluent quality, complementing provisions on fish habitat protection and pollution prevention of the *Fisheries Act*. Its main goal is to reduce the deposit (discharge) of four pollutants (deleterious substances) in any waters containing fish or in other places where these substances may flow into such waters.

The draft wastewater system regulation consists of three major requirements:

- The wastewater system must not discharge more than a specific amount of four key pollutants (biochemical oxygen demanding matter, suspended solids, total residual chlorine and un-ionized ammonia) into the receiving water. Monitoring and record keeping is also required.
- If the wastewater system discharges more than the specified amount of the four pollutants, the municipality may apply for a transitional authorization. The municipality will have until between 2020 and 2040 to modernize its wastewater system and to reduce the discharge of pollutants to specified levels, depending of the risk of pollution.
- A response plan to prevent discharges out of the normal course of events must be prepared and available for inspection. If any discharge out of the normal course of events occurs, notification and reporting to the designated authority is required.

If a municipality does not modernize its wastewater system conformingly to this proposed regulation, it will be subject to pecuniary penalties.

The implementation of the *Canada-wide Strategy* and of the new proposed regulation, will take at least 30 years. The regulation should in principle enter into force when it is registered, which means at least 30 days after its publication in the Canada Gazette, Part I. However, some sections will not be applicable until 24 months after its registration or at the latest on January 1st, 2014.

The estimated cost associated with nation-wide compliance with this regulation is between \$10 and \$13 billion. A press release from the Environment Ministry maintains that wastewater infrastructure is a priority. The federal government has supported these projects under the Green Infrastructure Fund and the Building Canada Fund.

These new minimum standards are expected to have the greatest impact on those wastewater facilities with primary treatment only. It is now possible to make representations with respect to the Regulation. Public consultation will end on May 20th, 2010.

Representations must cite the Canada Gazette, Part I. You may find the notice at page 480 of the Gazette. Any comments or observations must be sent to:

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