

APPENDIX H: DFO PRESENTATION

Fisheries and Oceans Canada / Pêches et Océans Canada

Fisheries and Oceans Canada

Fish Habitat Management

Nunavut Water Board Workshop
March 9, 2008
Iqaluit, Nunavut

Canada

Fisheries and Oceans Canada / Pêches et Océans Canada

Outline

- Introduction
- Mandate
- Fisheries Act Review process
- Common Project Types
- Information Requirements

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Fish Habitat Management in Nunavut

Offices:

- Iqaluit – Area and Habitat Management
- Rankin Inlet - Conservation & Protection



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Mandate

- To conserve and protect fish and marine mammals and their habitat for all Canadians

Applicable Legislation and Agreements

- *Fisheries Act*
- *Species at Risk Act*
- *Nunavut Land Claims Agreement*
- *Canadian Environmental Assessment Act*


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Fisheries Act

Defines Fish as:

“fish, shellfish, crustaceans, marine animals and any parts of fish, shellfish, crustaceans or marine animals, and the eggs, sperm, spawn, larvae, spat and juvenile stages of fish, shellfish, crustaceans and marine animals”




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Fisheries Act

Defines Fish Habitat as:

“spawning grounds and nursery, rearing, food supply, migration and any other areas on which fish depend directly or indirectly in order to carry out their life processes”



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Fisheries Act

Habitat Protection Provisions

- Section 20 - Safe Fish Passage
- Section 22 - Sufficient Water Flow
- Section 30 - Fish Guards and Screens
- Section 32 - Destruction of Fish
- Section 35 - Destruction of Fish Habitat


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Fisheries Act

Pollution Prevention Provision

- Section 36(3)
 - Prohibits the deposit of a deleterious substance.
 - Deleterious substance includes sediment and chemical pollutants
 - Administered by Environment Canada



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Fisheries Act


Policy for the Management of Fish Habitat (DFO 1986)

Objective:

- to achieve a net gain of productive capacity of fish habitats, for fisheries resources

Achieved through three Goals:

- Conservation
- Restoration
- Development



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Fisheries Act

Section 35(1)

- prohibits the Harmful Alteration, Disruption or Destruction of fish habitat (HADD)

Section 35(2)

- permits the Minister of Fisheries and Oceans Canada to authorize a HADD



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Fisheries Act

Fisheries Act Authorization

- Always attempt to eliminate HADD by relocation, re-design or implementation of mitigation.
- Fisheries Act authorization is issued only if HADD is acceptable
- Authorization contingent upon acceptable no net loss plan to provide fish habitat compensation for HADD

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Fisheries Act


Operational Statements

- Culvert Maintenance
- Bridge Maintenance
- Clear Span Bridges
- Ice Bridges and Snow Fills
- Temporary Stream Crossings
- Moorings
- Routine Maintenance Dredging
- Nunavut Timing Windows

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Common Project Types



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Watercrossings



- **Culverts/Bridges**
 - Installations/Replacements/Extensions
- **Mitigation Measures**
 - Use of clear span bridge will ensure natural channel processes are not disturbed and will allow fish passage.
 - Embed culvert at least 20% of culvert diameter below channel invert

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Watercrossings



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Breakwaters/Marinas/Wharfs/Docks

- Infill of a fish bearing/fish frequented waterbody under the high water level is considered a harmful alteration, disruption, or destruction of fish habitat
- **Mitigation Measures**
 - Sediment and erosion control measures should be implemented prior to, and maintained during the work to prevent sediment entry into the water

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Water Intakes

- Assessed on a project-by-project basis based on substrate that will be covered by material used to secure the pipe in place.
- Freshwater intake end-of-pipe fish screen guidelines used to avoid impingement and /or entrainment of fish.

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What DFO Needs

- **Project description**, rationale, alternative means and methods assessment
- **Name** (where available) and location of the affected waterbodies
- **Photographs** on-site and upstream-downstream or along shore of proposed works

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What DFO Needs

- **Detailed drawings** of proposed works
- List of equipment/materials to be used
- Proposed construction methods and timing
- Description of **aquatic environment**
 - fish use (spawning, feeding, nursery, migration)

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Available Online Information

Policies and Legislation

- Freshwater Intake End-of-Pipe Fish Screen Guideline
- Guideline on the Use of Explosives in or Near Canadian Fisheries Waters

http://www.dfo-mpo.gc.ca/oceans-habitat/habitat/index_e.asp

Operational Statements

http://www.dfo-mpo.gc.ca/regions/central/habitat/os-oe/prov-terr/nu/index_e.htm

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 Fisheries and Oceans Canada / Pêches et Océans Canada

Contact Information

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**APPENDIX I: NPC'S DOCUMENT ENTITLED "HOW APPLICATIONS ARE
PROCESSED"**

How applications are processed

Where a land use authorization is applied for and once the Authorizing Agency is satisfied that the application is complete, they are forwarded to the NPC for review against the terms of the land use plan called Conformity Requirements. The result of that process is called NPC's conformity determination.

The NPC is required under the NLCA to review all Project Proposals for conformity with land use plans under s.11.5.10, and specific terms under s.13.4.2 of the NLCA and s.38 and 39 of the Nunavut Waters act that all water license applications including those located inside Hamlet boundaries be reviewed for conformity.

Non-conforming proposals may not be forwarded to NIRB, and may not receive authorizations, unless either a minor variance is mandated by the plan and approved by the NPC, which both plans currently do not have. Or, the Minister responsible grants an exemption at the applicant's request. Because land use plans take their force from Cabinet/Executive approval, the NPC may not waive or alter Conformity Requirements, except in the limited case of minor variance approvals (which I have stated earlier that both plans do not have provisions for)

The requirement that Project Proposals conform to land use plans makes land use plans, in effect, the 'gate' in the regulatory system... The NPC reports its conformity determination to the Authorizing Agencies and NIRB, and also informs the proponent of the result. At the same time, the NPC may make recommendations to the agencies as a result of issues or concerns that arose during the NPC's conformity review. Once through the planning 'gate,' proposals are subject to the more specific forms of regulation for which the other agencies in the system are responsible.

Where the conformity determination is positive, most Project Proposals go forward for screening, and, potentially, review, by NIRB. (Only certain minor types of Project Proposal are exempt from screening by NIRB, unless the NPC determines that they raise cumulative effects concerns warranting screening. Once again, both plans do not have provisions to assess for cumulative effects, therefore NPC does not assess for cumulative effects).
{for now in the current model – should note this will change as we move forward with the implementation of the Nunavut Land Use Plan}

The NLCA provides that the NPC, NIRB, and the NWB must work in a coordinated and timely fashion in relation to water licence applications, and

the NIRB process is subject to stated time constraints designed to fit with those under which the Authorizing Agencies operate. In relation to land use plans, the NLCA makes it clear that land use plans apply to public and Inuit Owned Lands, and, with respect to Crown and Commissioners lands, that all government departments and agencies must conduct their activities and operations in accordance with the plan.

Enforcement of the conditions to which a project is subject, whether as a result of a land use plan, project certificate, or agency review associated with the issuance of the authorization, remains dependent on the land use authorizations issued. Land use authorizations/permits/licenses and certificates must incorporate the conditions established in Conformity Requirements, put forward by Authorizing Agencies. Persons who use land without required authorizations or in breach of authorizations do so unlawfully and are in most cases subject to prosecution.

As noted above, Project Proposals in regions with approved land use plans must be submitted to the NPC for a conformity determination in order to be processed by other Nunavut regulatory agencies. Conformity determination is the NPC's primary role in the implementation of land use plans.

The NPC considers a range of information when reviewing Project Proposals. Each project proponent is responsible to provide the information which the NPC requires to make its conformity determinations.

There are 21 specific terms or requirements in the KRLUP and 22 in the NBRLUP as well as appendices. Not all terms of a plan are ever found to be relevant to a particular project proposal. Only terms that are relevant must agree to by the proponent, for example, if the proposal is not for a scientific research project where a NRI permit would be required the, four terms related to the research project would not be part of the review.

A questionnaire is generated with respect to only relevant terms of a proposal where the proponent must answer yes or no, sign and returned. Only then can the conformity review process be completed.

The NPC attempts to make its determinations as soon as possible after receiving a completed application. On average, decisions are reached within 2 weeks from the date received by the NPC. More time may be required for more complex proposals.

The NLCA allows the NPC to delegate the task of determining the conformity of Project Proposals to designated staff members reporting to the NPC. The NPC is responsible to decide the manner of delegation and related criteria.

Current practice is to delegate a staff person called a “conformity officer” to perform the initial phase of most reviews. In exceptional cases, the NPC can decide instead to assign a panel of NPC members or the full NPC to a specific review. The decision would be based on such matters as the complexity and size of the proposal, the number of projects in the area, and the degree of anticipated public concern.

Under the current practice, when a conformity officer or panel decides that a Project Proposal does not conform to the land use plan, they must forward the proposal to the NPC, along with their recommendation. Currently, only the NPC as a whole would make a final determination that a Project Proposal does not conform to a plan.

NLCA

11.5.9 Upon approval by Cabinet and the Executive Council, the plan shall be implemented on the basis of jurisdictional responsibility. All federal and territorial government departments and agencies shall conduct their activities and operations in accordance with the plan as approved.

11.5.10 The NPC shall review all applications for project proposals. Upon receipt and review of a project proposal, the NPC or members thereof or officers reporting to the NPC shall:

(a) determine whether the project proposals are in conformity with plans; and

(b) forward the project proposals with its determination and any recommendations to the appropriate federal and territorial agencies.

The land use plan may make provision for the NPC to approve minor variances.

11.5.11 Where the NPC has determined that a project proposal is not in conformity with the plan, the proponent may apply to the appropriate Minister for exemption. The Minister may exempt the project proposal from conformity with the plan and shall, subject to Sections 12.3.2 and 12.3.3, refer it to NIRB for screening. Non-conforming project proposals shall not be sent to NIRB until such exemption is obtained or a variance has been approved.

- 11.5.12 Where the appropriate Minister exempts a project proposal, the Minister shall supply the NPC with written reasons and such reasons shall be made public.
- 11.5.13 Sections 11.5.10 to 11.5.12 shall apply where a land use plan has been approved pursuant to Section 11.5.9.
- 12.3.1 Where the NPC determines, pursuant to Section 11.5.10, that a project proposal is in conformity with the land use plans, or a variance has been approved, the NPC shall, subject to Sections 12.3.2, 12.3.3 and 12.4.3, forward the project proposal with its determination and recommendations to NIRB for screening.
- 12.3.2 Project proposals falling within Schedule 12-1 shall be exempt from the requirement for screening by NIRB. The NPC shall not forward such project proposals to NIRB.
- 12.3.3 Notwithstanding Section 12.3.2, the NPC may refer a project proposal falling within Schedule 12-1 to NIRB for screening, where the NPC has concerns respecting the cumulative impact of that project proposal in relation to other development activities in a planning region.
- 12.3.4 NIRB shall not screen project proposals that are not in conformity with land use plans, unless an exemption has been received under 11.5.11 or a variance has been approved under Section 11.5.10.
- 12.3.5 Sections 12.3.1 to 12.3.4 shall apply where a land use plan has been approved pursuant to Section 11.5.9. In the absence of an approved land use plan, all project proposals other than those that fall within Schedule 12-1 shall be referred directly to NIRB for screening.

PART 7: MONITORING

- 12.7.6 There is a requirement for general monitoring to collect and analyse information on the long term state and health of the ecosystemic and socio-economic environment in the Nunavut Settlement Area. Government, in co-operation with the NPC, shall be responsible for developing a general monitoring plan and for directing and co-ordinating general monitoring and data collection. The NPC shall:

- (a) in accordance with the plan, collate information and data provided by industry, government departments and agencies, amongst others;
- (b) in accordance with the plan, report periodically on the ecosystemic and socio-economic environment of the Nunavut Settlement Area; and
- (c) use the information collected under Sub-sections (a) and (b) to fulfill its existing responsibilities under Article 11.

12.7.7 The NPC may delegate any or all of its functions under this Part to members of the NPC or officers or employees of the NPC.

PART 9: IMPLEMENTATION

12.9.10 NIRB and the NPC shall, unless they specify otherwise, receive copies of all approvals, regulatory or otherwise, for projects for which NIRB has issued a certificate.

PART 10: ENFORCEMENT

Projects Not to Proceed

12.10.1 No licence or approval that would be required in order to allow a proposed project to proceed shall be issued in respect of a project that is to be screened by NIRB until the screening has been completed and, if a review pursuant to Part 5 or 6 is to be conducted, until after that review has been completed and a NIRB project certificate has been issued by NIRB pursuant to these provisions.

Development of Land Use Plans

13.4.1 The NWB shall contribute fully to the development of land use plans as they concern water in the Nunavut Settlement Area by providing its recommendations to the NPC.

Lack of Conformity with Land Use Plans

13.4.2 Where pursuant to Section 11.5.10, the NPC informs the appropriate agencies that a water application does not conform to land use plans or a variance has not been approved, the application shall be

13.4.3 rejected. If, pursuant to Section 11.5.11, the applicant subsequently requests and receives an exemption from planning conformity requirements, the application shall be processed by the NWB or NIRB as required.

Conformity with Land Use Plans

13.4.3 Where the NPC determines, pursuant to Section 11.5.10, that a water application is in conformity with land use plans or a variance has been approved, and where the application falls within Schedule 12-1, the NPC shall forward the application with its determination and recommendations to the NWB for disposition, unless the NPC exercises its authority under Section 13.4.4.

13.4.4 Where the NPC has concerns respecting the cumulative impact of development activities in a planning region, it may refer water applications to NIRB for screening even though the application falls within Schedule 12-1.

13.4.5 Where the NPC determines, pursuant to Section 11.5.10, that a water application is in conformity with the land use plans or when a variance has been approved, and where the application does not fall within Schedule 12-1, the NPC shall forward the application with its determination and recommendations to NIRB for screening.

Absence of Land Use Plans

13.4.6 Sections 13.4.3, 13.4.4 and 13.4.5 shall apply where a land use plan has been approved pursuant to Section 11.5.9. In the absence of a land use plan, water applications requiring screening by NIRB shall be forwarded directly to NIRB.

Nunavut Waters Act

Objects of Board and Its Relationship with Other Bodies

Objects

35. The objects of the Board are to provide for the conservation and utilization of waters in Nunavut, except in a national park, in a manner that will provide the optimum benefit from those waters for the residents of Nunavut in particular and Canadians in general.

Land use plans

36. (1) The Board shall contribute fully to the development of land use plans so far as they concern waters in Nunavut, by providing recommendations to the Nunavut Planning Commission.

Conformity with the plan

(2) In order to avoid unnecessary duplication and to ensure that projects are dealt with in a timely manner, the Board shall cooperate and coordinate its consideration of applications with the Nunavut Planning Commission's review of projects under section 11.5.10 of the Agreement for conformity with any applicable land use plans approved in accordance with Part 5 of Article 11 of the Agreement.

Environmental screening and review of projects

37. (1) In order to avoid unnecessary duplication and to ensure that projects are dealt with in a timely manner, the Board shall cooperate and coordinate its consideration of applications with the Nunavut Impact Review Board or any federal environmental assessment panel referred to in section 12.4.7 of the Agreement in relation to the screening of projects by that Board and the review of projects by that Board or panel.

Joint hearings

(2) The Board may, in lieu of conducting a separate public hearing in respect of a licence in connection with a project for which a public hearing is to be held by the Nunavut Impact Review Board or the panel referred to in subsection (1), as the case may be, conduct, in relation to the project, a joint hearing with that Board or panel or participate in the hearing of that Board or panel.

Restriction on powers: non-conformity with plan

38. (1) The Board may not issue, amend or renew a licence to use waters or deposit waste if there is an applicable land use plan approved in accordance with Part 5 of Article 11 of the Agreement unless the Nunavut Planning Commission, in accordance with section 11.5.10 of the Agreement,

(a) has determined that the use or deposit, or in the case of an amendment any change to the use or deposit, conforms to the land use plan; or

(b) has approved a variance in respect of the use, deposit or change.

Mandatory rejection of application

(2) The Board shall reject an application in relation to a licence where the Nunavut Planning Commission has informed the Board that the use, deposit or change to which the application relates does not conform to the land use plan and that the Commission will not be approving a variance.

Effect of rejection

(3) If the Board rejects an application under subsection (2),

(a) the Board shall not take any further action in respect of that application, including any action referred to in subsection 48(3), section 51 or subsection 52(1) or 55(1); and

(b) the applicant may, within one year after the date of the rejection, request an exemption in accordance with section 11.5.11 of the Agreement.

Reconsideration of application

(4) If an exemption referred to in paragraph (3)(b) is obtained, subsection (1) and paragraph (3)(a) no longer apply and the Board shall resume processing the application.

Date of application

(5) For the purposes of section 47, the date of an application that has been resumed under subsection (4) is the date on which the application was first made.

Restriction on powers: environmental review of projects

39. (1) The Board may not issue, amend or renew a licence to use waters or deposit waste where the use or deposit, or in the case of an amendment any change to the use or deposit, or the appurtenant undertaking requires screening in accordance with Part 4 of Article 12 of the Agreement, until the Nunavut Impact Review Board has completed the screening and, where a review under Part 5 or 6 of that Article is required, issued a project certificate referred to in section 12.5.12 or 12.6.17 of the Agreement.

Exception

(2) Notwithstanding subsection (1), where an appurtenant undertaking is required to be reviewed, the Board may, before the project certificate is issued, issue, amend or renew a licence to use waters or deposit waste in relation to exploration or developmental work related to the appurtenant undertaking, provided that

(a) the use or deposit falls within Schedule 12-1 of the Agreement or can, in the judgment of the Nunavut Impact Review Board, proceed without the review; or

(b) the licence is issued, amended or renewed for an interim, short-term period.

APPENDIX J: NPC/GN-CGS MEMORANDUM OF UNDERSTANDING



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Nunalingni Kavamatkunillu Pivikhaqautikkut
Department of Community and Government Services
Ministère des Services communautaires et gouvernementaux

October 31, 2007

P. O. Box 272
Kugluktuk, NU
X0B 0E0

Nunavut Planning Commission
145 Niven Drive
Yellowknife, NT
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Attention: Mr. Adrian Boyd, Director of Policy

I am pleased that we have come to an understanding that municipalities have separate and distinct jurisdiction over planning within their boundaries in line with Article 11.7 of the Nunavut Land Claim Agreement and that therefore the NPC generally speaking has no interest in reviewing projects within a municipal boundary. However, as we have discussed, the NPC does have concerns respecting development that may affect land outside a municipal boundary because it comes close to or may cross such boundary and respecting development which may together with other development in a planning region create cumulative effects referred to in Article 12.3.3 of the Land Claim.

As my previous letter of June 21 mentioned an action item from the last LWG meeting in Yellowknife asked that we provide INAC with some wording to clarify the handling of development that may have cross-boundary effects. In line with that direction and pursuant to our discussions and correspondence to date I will summarize in the following paragraph the arrangement that I think we envision and that we wish to communicate to the LWG and ask that if it meets with your approval you so acknowledge by signing a copy of this letter where indicated.

As I have previously advised we had an informal arrangement dating from 2001 that provided essentially that we would circulate all municipal plans to the NPC for comment during the adoption process and that we would place a clause in our municipal plans that stated that information on any development occurring close to a municipal boundary or on any development with potential impacts outside the boundary would be forwarded to the NPC. What I wish to confirm here is that we propose to continue to follow this same procedure pursuant to which we would send all municipal plans to the NPC for review and the compiling of data to inform a cumulative effects determination and the NPC would reciprocate by sending to this department its plans

that by virtue of proximity or otherwise have the potential to impact municipal development but on the clear understanding and condition that our participation in this arrangement is absolutely without prejudice to our strict legal position that jurisdiction for municipal planning is solely that of the municipalities and the Government of Nunavut pursuant to territorial legislation and in accordance with what we feel is the intent of Article 11.7.2 of the Land Claim. Community planners will be directed to follow this arrangement until otherwise instructed. We believe that such an arrangement is a clear reflection of the intent of Article 11.7.4 of the Land Claim.

If you feel that the foregoing reflects our agreement in line with previous discussions and correspondence and that it will provide a practical way to manage the interplay between regional and municipal planning and allay the concerns expressed at the last LWG meeting then I would ask that you sign a copy of this letter as indicated and forward that signed copy back to me by facsimile and ordinary mail and then confirm by e-mail.

Thank you for your continued cooperation and I look forward to your reply..
Please feel free to call me to discuss if you wish.

Sincerely



Robert Chapple
Senior Manager of Planning and Lands
Community and Government Services
Government of Nunavut
CGS, Kugluktuk

cc: Darren Flynn, Director of Community Development
cc: Gladys Joudrey, Manager of Land Administration

Read and approved, October ,2007

Adrian Boyd, Nunavut Planning Commission

APPENDIX K: EC PRESENTATION

Environment Canada and Municipal Water & Waste Management North of 60°

Environment Canada
www.ec.gc.ca

Outline

- What we do
- Underlying legislation and relevant instruments:
 - Fisheries Act
 - Canada-wide Strategy for Municipal Wastewater Effluent
 - Canadian Environmental Protection Act
 - Storage Tank Regulations
- Miscellaneous issues:
 - Our challenges
 - Use of standard conditions
 - "Orphan" conditions
 - Linking air and water

Environment Canada
www.ec.gc.ca

Who are we and what do we do?

- EC participates in the review of water licenses and may bring in EC experts on the following:
 - Water quality and receiving environment protection
 - Hazardous materials management
 - Spill contingency planning
 - Air quality (incineration, open burning)
 - Species at Risk and/or migratory bird issues
- EC Inspectors monitor spill reports and may enforce the Fisheries Act or CEPA 1999.

Environment Canada
www.ec.gc.ca

Fisheries Act

- Environment Canada
 - responsible for enforcing the pollution prevention provisions of the Act
 - Section 36(3) and related regulations
 - No person shall deposit or permit the deposit of a deleterious substance of any type:
 - directly in water frequented by fish; or
 - in any place where the deleterious substance may (eventually) enter water frequented by fish.

Environment Canada
www.ec.gc.ca

Fisheries Act - Deleterious Substances

- "Substances that if added to any water, would degrade or alter or form part of a process of degradation or alteration of the quality of the water so that it is rendered or is likely to be rendered deleterious to fish or fish habitat or to the use by man of fish that frequent that water"
- Any substance with a potentially harmful chemical, physical or biological effect on fish or fish habitat may be deleterious.

Environment Canada
www.ec.gc.ca

Pollution Prevention Provisions

- Section 36(3) of the FA allows for regulations
 - Prescribing deleterious substances and allowable concentrations thereof in water
 - Authorizing the deposit of deleterious substances

Environment Canada
www.ec.gc.ca

Canada-wide Strategy for Municipal Wastewater

- EC is in the process of developing regulations under the *Fisheries Act* based on CCME Canada-wide Strategy
- Regulations would be applicable to all land-based wastewater systems that discharge effluent to surface water
- Includes wastewater systems under municipal, provincial or federal government operation and those on federal land or on Aboriginal land

Environment Canada
www.ec.gc.ca

How is wastewater currently managed?

- Wastewater systems are subject to federal legislation as well as applicable provincial, territorial or water board legislation, permits or licenses
- Existing regulatory structures need to be harmonized and in many cases updated
- In the North this would require formal agreements between the regulators for one-window reporting, compliance promotion and enforcement elements, and a co-ordination mechanism for the site-specific effluent discharge requirements.

Environment Canada
www.ec.gc.ca

Elements of the CWS

- Wastewater effluent regulations under the *Fisheries Act* will include deleterious substances and effluent discharge levels
 - Biochemical oxygen demand (CBOD): 25 mg/L
 - Suspended solids (TSS): 25 mg/L
 - Residual chlorine (TRC): 0.02 mg/L
- For Very Large, Large, Medium categories only
 - Acute toxicity testing of effluent
 - Ammonia: specific requirements that consider both acute and chronic toxicity

Environment Canada
www.ec.gc.ca

What will apply to our systems?

Size	Flow (m ³ /day)	Estimated Population
Very Small ²	≤ 500 ¹	≤ 1,000
Small ²	> 500 – 2,500	> 1,000 – 5,000
Medium	> 2,500 – 17,500	> 5,000 – 35,000
Large	> 17,500 – 50,000	> 35,000 – 100,000
Very Large	> 50,000	> 100,000

¹ EC considering a minimum flow of 10 m³ for very small category

² Very Small and Small wastewater systems with "industrial" input would be deemed medium

Environment Canada
www.ec.gc.ca

Elements of the Strategy

- Establish a list of substances of potential concern
 - For small and very small would be: Total Suspended Solids (TSS), Biochemical Oxygen Demand (CBOD₅), Residual Chlorine (TRC), Nitrate, Nitrite, Ammonia, Phosphorus (TP), pH, Temperature and *Escherichia coli* (*E. coli*)
- Prepare and execute an initial effluent characterization program within 2 years
- Frequency of effluent monitoring for initial characterization would be monthly for small and very small systems
- Annual reporting requirement

Environment Canada
www.ec.gc.ca

Effluent Discharge Objectives

- Establish effluent discharge objectives within 5 years
- Specified methods including mixing zone and water quality guideline variables
- Monitor effluent (monthly for small and very small) and submit reports annually
- Requirements for receiving environment monitoring studies in the regulations would be developed based on risk.

Environment Canada
www.ec.gc.ca

Implementation Timelines

- The draft regulations should be going to the Ministers for Agreement in Principle in June 2008
- Regulations may be in force by 2010
- Timelines for system compliance with performance standards will be based on risk
- Low risk systems will likely have to comply by 2040 (30 years)

Environment Canada
www.ec.gc.ca

Consideration for the Arctic...

- Constraints exist due to the extreme climatic conditions and remoteness of Canada's Arctic
- Alternative effluent discharge levels and timelines are being considered and would be proposed by 2013
- Defining the Arctic for this purpose may be along political lines and include Nunavut, the NWT, northern Québec and northern Labrador
- **Monitoring and reporting would be applicable once the regulation is in effect (2010) i.e. no 5 year lag time**

Environment Canada
www.ec.gc.ca

Northern Performance Standards

- EC's Arctic Wastewater Working Group is working with the Northern Research Working Group to identify recommendations on performance standards that are reasonable for the North
- In 2007 the NRWG did a "snapshot" survey of 22 systems (17 in NWT and 5 in NU) and a draft report is available
- Need to do full characterization of several representative systems in 2008/2009
- Interested in looking at a full-scale demonstration project and would like to hear of candidate systems that are to be upgraded or have new installations.

Environment Canada
www.ec.gc.ca

What does this mean for water licences?

- It would be useful to start measuring CBOD along with BOD now
- When planning for infrastructure should target the proposed performance standards of CBOD 25 mg/L and TSS 25 mg/L
- Systems may or may not include a wetlands component; the Strategy definition of final discharge point is broad enough for this
- O&M plans and SNP stations should reflect all treatment components
- **It is critical to start planning for monitoring and reporting requirements ahead!!**

Environment Canada
www.ec.gc.ca



Environment Canada
www.ec.gc.ca

Part 2 CEPA Registry

- Information on the Act, substances lists, current regulations, proposed regulations, orders, notices, guidelines, codes of practice and more
- Provides "One-stop-shop" for all CEPA information
- Includes excellent search engine
 - Search by substance, industry, date
- CEPA Registry web site
 - <http://www.ec.gc.ca/CEPARegistry/>

Environment Canada
www.ec.gc.ca

Storage Tanks Regulations

- The new storage tanks regulations (developed under CEPA 1999) are expected to be promulgated in late April or early May 2008
- The regulations will apply on federal and aboriginal lands, as defined in the Act
- Lands that are covered by land claim agreements where the title of the land no longer rests with the Crown will not be subject to the Regulations. Inuit-owned lands are an example of such lands where the new regulations will not apply

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Proposed Storage Tank Regulations

- Reduce leaks into environment
- Reduce impact of spill events
- Legislate best practices for management of petroleum storage facilities – e.g. technical design, leak detection, spill reporting, emergency response



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Storage Tank Regulations

- The regulations contain technical standards for all phases of the life-cycle of storage tank systems (design, installation, operation and maintenance, withdrawal, removal, spill reporting, emergency planning, etc.) and are based on the 2003 CCME Code of Practice for petroleum products storage tank systems
- The technical standards of the regulations are considered by Environment Canada as the best practices with respect to storage tank systems
- On lands where the regulations do not apply, EC will promote the voluntary adherence to the same standards. Any advice from EC to Water Boards or to other decision-making bodies will likely refer to these regulations

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Licence Review Capacity

- We appreciate the opportunity to be involved in the development and ongoing review of water licences
- Ideally, we are also interested in reviewing SNP results and flagging any areas of concern
- EC is trying to risk-manage our limitations; until 2 NU positions are filled there will be referrals we will have to decline to review.
- We will advise the Board when we can't respond

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Conditions

- Use of standard conditions:
 - Response letters contain routine conditions regarding the FA, effluent discharges, O&M requirements, hazardous waste management, etc.
 - Generally these are routinely covered off in licence conditions now
- **Insufficient information in applications hampers our ability to make useful recommendations on specific issues**


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Conditions

- "Orphan" conditions:
 - Routinely arise from the EA for conditions which are not enforceable in a water licence (e.g. SARA species or migratory birds)
 - These can be identified as such in our submissions
 - EC appreciates the Board including these in their cover letter to the Licensee
- We do feel that burning (incineration or open burning) is also a water quality issue and open burning should not occur
- In April EC will be conducting a lake sediment study for dioxins and furans in the vicinity of an older incinerator to document the link between contaminant source and aquatic fate.

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Enough said?!!



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Questions?



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