

CWWA Letter to the Provincial and Territorial Ministers of the Environment

May 27, 2003

CWWA is the national Association representing the interests of municipal water and wastewater services in respect to federal policies, legislation and programs. Normally, CWWA limits its communications to a Federal Minister or to federal officials. CWWA's members are committed to protecting the environment and to promoting public health. The services provided by the members are essential public services performed on a not-for-profit basis. The Association is concerned about duplicating and overlapping regulations and wishes to draw to your **personal** attention and that of your provincial and territorial colleagues, an initiative by Environment Canada that will:

- erode provincial and territorial controls and jurisdiction over municipal water and wastewater services, and
- establish duplicate requirements in several areas that are already within the competence and application of existing provincial and territorial regulatory frameworks.

This is the initiative expected to be published for comment in the Canada Gazette Part 1, in June, under CEPA, 1999, will require municipal wastewater services to prepare and report Prevention of Pollution Plans to Environment Canada for the management and reduction of wastewater discharges containing ammonia, inorganic chloramines, and chlorinated effluents. Our concern is not with the objective of protecting fish, but with the fact that this expose the sector to duplication of regulation.

While some discussions have taken place within federal/provincial/territorial consultation mechanisms at the officials' level, CWWA views this initiative as a significant and serious policy issue that requires Ministerial attention. There is no indication available to CWWA and the municipal sector that this has reached the level of Ministers.

The attached document outlines CWWA's involvement in this process over the last several years and reiterates the Association's concerns. It is brought to you on behalf of municipalities across Canada as well as those within your jurisdiction.

CWWA believes that there are mechanisms besides the P3 requirements that would satisfactorily address the environmental concerns and legislative needs of Environment Canada that would respect provincial and territorial jurisdiction and provide a continuing single regulatory control point for municipalities.

CWWA asks that you assert a unanimous provincial and territorial policy position that alternatives to the P3 requirements applicable to municipal services be found that would respect current provincial and territorial jurisdiction and control programs.

Yours Sincerely,

T. D. Ellison

Executive Director

Pollution Prevention Planning and Municipal Wastewater Services

Environment Canada is about to publish proposed requirements in the Canada Gazette Part I, applicable to many municipal wastewater services to develop and report to Environment Canada pollution prevention plans to reduce or manage the discharge of ammonia, inorganic chloramines and chlorinated municipal effluents. Under CEPA 1999, the Minister has two years (ending in June 2003) to develop and propose a control instrument, and a further 18 months to implement it.

Stakeholder consultations were commenced in Ottawa, in January of 2001. At that first meeting, representatives from 24 municipalities from across the country and traveling at their own expense made three very clear points:

- The need to manage the discharge of the substances was understood and the Association and the sector would work with Environment Canada to find a suitable solution,
- That whatever was done had to take into account site specific situations due to widely varying discharge levels and qualities and receiving water characteristics, and
- Environment Canada should work with and through the Provinces and Territories since the discharges were already within the competence of the current provincial and territorial regulatory and enforcement frameworks applicable to municipalities.

In respect to the third point, CWWA and its members repeatedly pointed out that duplicate requirements even if largely compatible with provincial or territorial ones would double work loads, responsibilities and liabilities, and potentially would lead to errors and infractions.

In subsequent stakeholder meetings, both in Ottawa in 2002 and across the country, Environment Canada proposed the imposition of Pollution Prevention Plans (P3s) on municipalities for these THREE substances only, as the control instrument of choice. Again, CWWA and the attending municipalities reiterated the three points and others, and specifically suggested that:

- Environment Canada could request of the Provinces and Territories to develop a Pollution Prevention Plan that would take into account watershed priorities, scarcity in infrastructure funding, and ensure coordination between upstream and downstream municipalities that would be implemented through their existing control instruments, and in the alternative, that
- an Ammonia Management Code of Practice (and a parallel Chlorine Management Code of Practice) could be developed, similar to that being developed for Road Salts, which although non-binding would give direction to the Provinces and Territories and to all municipalities to assessing environmental impacts, take into account other environmental priorities, and would clearly fit within the existing framework.

While some of these inputs and suggested approaches are apparently reflected in the anticipated requirements, others (the alternative approaches) were rejected on grounds that they could not be implemented under CEPA or within the current time frames.

This does not address the issue of duplication of existing provincial and territorial regulatory requirements, the core concern of the Association.