

September 5, 2003

Director General, Dr. Jocelyn Paré
Environmental Technology Advancement Directorate
Environmental Protection Service - Environment Canada
Place Vincent Massey
351 Saint-Joseph Boulevard, 18th Floor
Hull, QC
K1A 0H3

Dear Dr. Paré:

RE: Additional comments from CWWA regarding the Proposed Notice Requiring the Preparation and Implementation of Pollution Prevention Plans for Ammonia Dissolved in Water, Inorganic Chloramines and Chlorinated Wastewater Effluents (Canada Gazette, Part I, Vol. 137, No. 23, June 07, 2003) - (P2MWWE)

Further to the comments already submitted on August 01, 2003 and in accordance with the administrative adjustment granted for the summer recesses of municipal councils in the Minister's letter the Canadian Water and Wastewater Association respectfully submits the following additional comments in respect of the above referenced Proposed Notice.

- The criteria for effluent ammonia imply that when the receiving water pH level is greater than 7.5, diffusers are not applicable. It is important to note that when the receiving water pH level is less than 7.5 and the discharge depth is less than 15 times the diameter of the discharge pipe or the diameter of a diffuser port in the discharge pipe, unrestricted discharge of effluent ammonia is permitted under the proposed criteria as currently written. The foundation of the criteria appears to be arbitrary, and do **not** provide a supportable scientific basis for the protection of aquatic life.
- The Proposed Notice defines "effluent" as "untreated, partially treated or treated wastewater that is released to surface water from a wastewater collection system or wastewater treatment system." The definition of "effluent" should be restated as: "untreated, partially treated or treated wastewater that is released **during non-emergency dry weather conditions** to surface water from a wastewater collection or treatment system."
- The long-term strategy is unclear and vague. Therefore, at this juncture it is **not** possible to fully assess the impact of the long-term strategy in terms of technical and financial burdens on municipalities across Canada.

- The long-term strategy allows open-ended enforcement of substances listed on Schedule 1 of CEPA for an unspecified length of time. It is not clear whether this list could be expanded, or what reduction limits will be imposed for each substance and when.
- The Association and members request that consideration be given to exemptions for facilities that are currently upgrading their systems (e.g. BNR to reduce ammonia) but that would not fall within the time frames outlined within the Notice. Having to complete a P2 plan with all the subsequent notifications is an unnecessary burden when a major investment has already been commenced and will be completed.
- The Proposed Notice fails to address legal certainty between CEPA 1999 and the *Fisheries Act*. Should the Pollution Prevention Planning proceed, this must be fully and properly addressed in the Final Notice. The least that could be included is a statement that owners complying with the P2 Planning notice are held to be in conformity with the *Fisheries Act*.

The Canadian Water and Wastewater Association would like to take this opportunity to thank Environment Canada for the extension of time to provide additional comments and reiterates its offer to meet and work with Environment Canada and the provinces/territories in developing an appropriate, effective method of managing the environmental risks arising from municipal wastewater effluents.

Respectfully submitted,

T. D. Ellison
Executive Director

Distribution:
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