



MEETING REGULATORY REQUIREMENTS

Municipal infrastructure projects must meet a variety of regulatory requirements, depending on their potential impact on the natural and human environment. Both federal and provincial governments have legislation and regulations to reduce project impacts on land, air and water. In some cases, local government bylaws may also apply.

The wide variety of possible resources that can be recovered and reclaimed (water, wastewater, solid waste, waste heat, biomass) and their potential end uses (combustion, discharges to water, applications to land) means that the scope of regulatory measures that may apply to a resource recovery project is broad. Legislation, regulations and policies that may apply to a regenerative infrastructure project are listed and described below.

Remember that laws are dynamic and always evolving and the following is not an exhaustive list. It is the responsibility of municipal governments to fully assess legislative and regulatory requirements and contact relevant Provincial and Federal departments.

Canadian Environmental Assessment Act

A federal environmental assessment is required for projects on federal lands and projects that affect the environment in a significant way. Municipalities can discover which types of projects are designated by consulting [Regulations Designating Physical Activities](#). Projects on the designated project list or projects designated by the Minister because of potential for environmental effects or public concerns will require a federal environmental assessment. Proponents are encouraged to contact relevant federal departments or provincial ministries (e.g., Fisheries & Oceans Canada, Environment Canada - Canadian Wildlife Service or BC Ministry of Environment). A proactive discussion with the appropriate agencies during project planning will identify potential environmental impacts and necessary mitigation measures.

Air Quality Management System

The Canadian Council of Ministers of the Environment (CCME) has implemented a new Air Quality Management System (AQMS) to guide Canadian projects that emit pollutants to the air. AQMS provides a comprehensive approach for improving and publicly reporting on air quality in Canada. CCME announced new Canadian ambient air quality standards (CAAQS) for nitrogen dioxide in 2017 and for sulphur dioxide in 2016. CCME is currently reviewing the CAAQS for ground level ozone.

B.C. Environmental Assessment Act

The Environmental Assessment Act (EAA) establishes a comprehensive process for the identification of potential environmental effects of major projects in British Columbia. Reviewable projects must undergo an environmental assessment and cannot proceed without an environmental assessment certificate. Both the Minister and the Executive Director of the Environmental Assessment Office may exempt a project from the requirement for a certificate, if they consider that an otherwise reviewable project will not have a significant adverse environmental, economic, social, heritage or health effect. Proposed projects or modifications to existing projects are listed in the Environmental Assessment Reviewable Project Regulations by project type, design capacity, and diversion or extraction rate. [Review a copy of the regulations](#) for information on projects that may be subject to the BCEAA.

The B.C. Environmental Assessment (EA) process, as of 2018, is under review to ensure the legal rights of First Nations are respected and the public's expectation of a strong transparent process is met. More information can be found [here](#).

B.C. Environmental Management Act

The Environmental Management Act (EMA) regulates industrial and municipal waste discharge, pollution, hazardous waste and contaminated site remediation. EMA provides the authority for introducing wastes into the environment, while protecting

public health and the environment. Permits, regulations and codes of practice guide discharges to the environment. Enforcement options, such as administrative penalties, orders and fines, encourage compliance.

Waste is broadly defined to include air contaminants, litter, effluent, refuse, biomedical waste, hazardous waste and any other substance designated by the provincial Cabinet, whether or not the waste has any commercial value or is capable of being utilized for a useful purpose. Guidelines and objectives for water quality are also included under the EMA.

- The Waste Discharge Regulation defines what industries, activities and operations require authorizations to discharge or release waste to the air, water, and land. The Waste Discharge Regulation prescribes the activities that may operate under a Code of Practice, as well as those that must have a permit. Over the past few years, the Ministry has developed several Codes of Practice, and a number of others currently under development.
- The Municipal Wastewater Regulation establishes municipal effluent quality requirements and applies to discharges to the ground larger than 22.7 m³/day*, sewer system or combination of sewer systems, and to water and to all uses of reclaimed water. It prohibits the discharge of non-domestic waste to a municipal wastewater facility unless the pre-discharge quality of the waste meets the standard or is within the range specified in the Hazardous Waste Regulation.
 - Facilities discharging less than 22.7 m³/day* are regulated under the Ministry of Health's Sewage System Regulation.

[The Greenhouse Gas Reduction \(Renewable and Low Carbon Fuel Requirements\) Act](#)

This Act allows the government to set standards for the amount of renewable fuel that must be contained in B.C.'s transportation fuel blends, reduce the carbon



intensity of transportation fuels, and meet its commitment to adopt a new low carbon fuel standard.

[The Greenhouse Gas Reduction \(Emissions Standards\) Statutes Amendment Act](#)

This Act requires owners or operators of waste management facilities of certain classes to manage GHGs produced from waste handled in their facilities.

[The Riparian Areas Protection Act](#)

This Act provides authority to the government to establish regulations regarding the protection of riparian areas that may be subject to residential, commercial or industrial development. The Riparian Areas Regulation (RAR) establishes a system of site-specific assessment of the effect of proposed development on fish habitat on prescribed areas of the province.

[Community Forest Agreements \(Forest Act\)](#)

A community forest agreement (CFA) is an area-based forest licence managed by a local government, community group, First Nation, or combination of local governments, First Nations and community groups, for the benefit of the entire community. Communities are directly invited to apply for a community forest agreement without competition. Community forest agreements are for a term of 25-99 years and are replaceable every 10 years. Harvesting operations can support local priorities and community initiatives. Harvest rates and exact locations within the tenure can be set to meet locally determined objectives and interests.

[The Species at Risk Act \(SARA\)](#)

SARA lists wildlife species considered at risk and prohibits a number of specific activities related to listed species, including the destruction of critical habitat. Plans required under the Act include recovery strategies and action plans for endangered or threatened species and management plans for species of concern.

[The Heritage Conservation Act \(HCA\)](#)

The HCA creates a mechanism for the identification and conservation of sites of heritage or archaeological value. Sites included on the Heritage Site Registry established under the HCA are protected from alteration or damage without a permit and the HCA contains specific conditions for the handling of aboriginal artefacts and sites. Under the HCA, the government may issue orders to stop work on any property that has, or may have, heritage value.

[The Water Sustainability Act \(WSA\)](#)

The WSA establishes B.C.'s water licensing scheme and provides for the protection of the province's fresh water bodies, to ensure long-term sustainability of B.C. water resources. The WSA requires any changes to be made in and about a stream to be approved by the Ministry of Forests, Lands and Natural Resource Operations and Rural Development. Applicants are required to submit detailed plans that include measures to mitigate harm to the environment. The WSA is

the principal law for managing the diversion and use of water resources. The following regulations maintain core water management functions:

- [Water Sustainability Regulation](#)
- [Groundwater Protection Regulation](#)
- [Water District Regulation](#)

[Fisheries Act \(Under review in 2018\)](#)

The primary purpose of the Fisheries Act is to protect Canada's fisheries as a natural resource by safeguarding both fish and fish habitat. The Act applies to both coastal and inland waters, and is administered by the Fisheries and Oceans Canada (DFO), although the environmental protection parts of the Act are administered by Environment and Climate Change Canada. It is an offence for anyone to deposit or permit the deposit of any type of deleterious substance in water frequented by fish without a permit or under a regulation. There are a number of regulations under the Act that limit wastewater or effluent discharges from certain industrial facilities including pulp and paper mills, petroleum refineries and meat and poultry processing plants. It is also an offence for anyone to carry on a work, undertaking or activity that results in serious harm to fish that are part of a commercial, recreational or aboriginal fishery, or to fish that support such a fishery.

[The Drinking Water Protection Act \(DWPA\)](#)

The DWPA protects drinking water and public health in British Columbia by regulating water supply systems, establishing mechanisms for source protection and providing for greater public accountability of water suppliers. The DWPA and the Drinking Water Protection Regulation define water suppliers as owners of systems which supply domestic water. Water suppliers must provide potable water, obtain construction and operating permits, meet qualification standards for operators, have emergency response and contingency plans, follow monitoring requirements, and report threats to drinking water. The Regulation provides exemptions to these requirements for small systems. The legislation is outcome based - by recognizing that different water suppliers and drinking water systems have different needs, it allows for some variation in determining what a water supplier needs to do in order to achieve these requirements.

[Utilities Commission Act](#)

The British Columbia Utilities Commission (BCUC) is an independent regulatory agency that operates under, and administers, the Utilities Commission Act. The BCUC's responsibilities include the regulation of British Columbia's natural gas and electricity utilities.

Energy utility services provided by a local government within its own boundaries may be excluded from the definition of public utility, but not necessarily. The only entities that can benefit from the municipal exclusion are municipalities and regional districts as defined under the Interpretation Act. If a municipality enters into an agreement with a developer or service provider to provide energy services, that does not grant the developer or service provider the same legal status as a

municipality. The developer or service provider is a separate corporate entity.

Municipalities should seek advice from the BCUC to ensure they understand their legal obligations prior to developing a district energy system.

[BC Safety Standards Act](#)

One of the most significant regulations with regards to district heating is the requirement for boiler staffing, as laid out in the BC Safety Standards Act. The regulation is fairly complex, with different certification levels based on boiler size and type, as well as a number of exemptions.

[Agricultural Land Commission Act](#)

The Agricultural Land Reserve Use, Subdivision and Procedure Regulation specifies the uses that can occur on land designated as part of the agricultural land reserve (ALR). The various land use policies provide further guidance on specific uses including (but not limited to) utility services within rights-of-ways within the ALR and the production, storage and application of Class A compost.

[Organic Matter Recycling Regulation](#)

The Organic Matter Recycling Regulation of B.C. (OMRR) governs the production, quality and land application of organic matter defined under the regulation. It provides clear guidance for local governments, as well as compost and biosolids producers, on how to use organic material while protecting soil quality and drinking water sources.

[Local Government Bylaws and Regulations](#)

B.C. municipalities may also pass bylaws regulating the environment. The Community Charter provides specific power to local governments to pass bylaws for the protection of human health or the environment and the Local Government Act conveys authority to issues arising from land use, growth, infrastructure and works. Proposed bylaws must be approved by the appropriate provincial ministry. Many local governments have such by-laws and many more are currently in the planning stages. For example, many municipalities have stream protection by-laws. Local government projects should, in good faith, conform with municipal bylaws and regulations.

[Consulting with First Nations](#)

British Columbia has a unique history in that the vast majority of its land base is subject to unresolved land claims by First Nations. As a result, any natural resource development activities in British Columbia will need to consider and address the potential impacts to aboriginal rights, which are constitutionally protected in Canada.

Governments must carry out consultation with First Nations on proposed activities on government land and, where necessary, accommodate the interests of First Nations. The scope and meaning of this will depend on the nature of the potential impact to a First Nation's rights. In addition, establishing a business relationship between First Nations and a business operator or project proponent has become integral to the successful pursuit of such an activity or project in British Columbia.