

The Effluencer

VOL.10

Reporting of Unauthorized Wastewater Deposits



The [Fisheries Act](#) contains requirements for preventing pollution in Canadian waters. In the event of an unauthorized deposit there are requirements to notify, take corrective measures, and report under the Act. It is critical to follow these procedures to protect your community and any person that may be impacted by a release of deleterious substances to water. If communities nearby use the water for fishing, shellfish harvesting, recreation, or other purposes, releases of undertreated wastewater may put people and the environment at risk. Following the process in this guide ensures that, in addition to your own legal obligations, appropriate authorities have the right information to determine what actions may need to be taken, such as public notifications or closing shellfish harvesting in the area.

Environment and Climate Change Canada (ECCC) is the lead for the administration and enforcement of the pollution prevention provisions of the federal *Fisheries Act*. These provisions are one of the key pieces of legislation that ECCC uses to reduce or eliminate releases of pollution that can be harmful to fish and fisheries.

[Subsection 36\(3\)](#) of the *Fisheries Act* prohibits the deposit of deleterious substances into water frequented by fish, or to any place, under any conditions where it may reach such waters, unless authorized by regulations. The [Wastewater Systems Effluent Regulations](#) (the Regulations) authorize the release of effluent containing specific harmful substances from a wastewater system, if certain conditions are met.

Application of the Regulations

The Regulations apply to your wastewater system if:

- ▶ it collects an average daily volume of 100 cubic meters (m³) or more of influent during a calendar year; and
- ▶ it deposits effluent via its final discharge point(s) in water frequented by fish or in any place under any conditions where it may enter any such water.

Authorized Deposits

The Regulations (section 6) authorize the deposit of effluent from the final discharge point(s) if:

- ▶ the effluent is not acutely lethal to rainbow trout;
- ▶ the effluent does not exceed the un-ionized ammonia limit; and
- ▶ during the previous calendar year, quarter, or month¹, the effluent was in compliance with the effluent limits set out in subsection 6(1).

The authorization to deposit is conditional on other conditions set out in Part 1 of the Regulations being met (such as sampling, monitoring and reporting).

¹ The applicable period for your wastewater system is determined in accordance with subsection 6(2).



The Regulations allow for the deposit of effluent that does not meet the effluent quality standards if the deposit is carried out in accordance with an authorization (transitional or temporary) issued under Part 2 of the Regulations.

Unauthorized Deposits

Any release of deleterious substances that may enter water frequented by fish, or any place, under any conditions where it may reach water frequented by fish, and that is not authorized by the Regulations, is considered an unauthorized deposit and subject to [subsection 36\(3\)](#) of the *Fisheries Act*.

For further clarity, Section 19.1 of the Regulations specifies unauthorized deposits for which notification is required under the *Fisheries Act*:

- ▶ effluent is acutely lethal to rainbow trout*;
- ▶ effluent exceeds the un-ionized ammonia limit of 1.25 mg/L, expressed as nitrogen (N), at 15°C ± 1°C.; and
- ▶ effluent exceeds 0.10 mg/L of total residual chlorine in a grab sample, as set out in paragraph 6(7)(h).

Additional examples of unauthorized deposits include, but are not limited to:

- ▶ deposits of effluent that exceed effluent limits set out in the Regulations (subsection 6(1));
- ▶ accidental spills of deleterious substances such as oil, gasoline, etc.; and
- ▶ deposits at overflow point(s) that are not authorized by a temporary bypass authorization², including those resulting from:
 - breaks, faults or other unforeseen circumstances;
 - heavy precipitation or melted snow from combined sewer overflows; and
 - emergency overflow from lagoon berms.

To learn more about common terms under the *Fisheries Act* such as “deposit”, “deleterious substances” and “water frequented by fish”, visit the [Frequently Asked Questions webpage on the Fisheries Act Registry](#).

Note on acute lethality: If a sample is determined to be acutely lethal, in addition to your obligation to notify under section 19.1, you must collect a new sample of effluent and do an acute lethality test without delay. You must continue to sample every two weeks to determine if the effluent remains acutely lethal. Further information is available in the acute lethality factsheet.

Reporting of Unauthorized Deposits

What to do if an unauthorized deposit occurs under the Regulations or under the *Fisheries Act*?

In case of an unauthorized deposit which is likely to be detrimental to fish or fish habitat or of an imminent danger of such an occurrence, the person responsible for the deposit must:

- ▶ immediately notify an inspector, a fishery officer, or an authority prescribed by a regulation:
 - ECCC’s environmental notification system uses a [federal-provincial/territorial 24-hour call line](#)³ as the first point of contact. In the event of an environmental emergency or deposit, the person responsible and/or anyone discovering the emergency is to call the 24-hour telephone number for the region in which the event occurred.

² Temporary bypass authorizations authorize the deposit of partially or untreated effluent from the final discharge point(s) or overflow point(s) for the purposes of maintenance or construction work, or in response to an anticipated event that is beyond the control of the owner or operator, in accordance with Section 43 of the Regulations.

³ www.canada.ca/en/environment-climate-change/services/environmental-emergencies-program/report-emergency.html.

- ▶ take all reasonable measures to mitigate impacts and prevent further damage;
- ▶ submit a written report as soon as possible after the occurrence or learning of the danger of an occurrence to an inspector, fishery officer, or an authority identified in a regulation.
 - To submit a written report, you must send the report either directly to an inspector, fishery officer, or an authority identified in a regulation at their direction, or by email to the designated address for your region, as listed below.

British Columbia:
FA-LP-pac@ec.gc.ca

Manitoba:
FA-LP-Mb@ec.gc.ca

New Brunswick:
FA-LP-Atl@ec.gc.ca

Newfoundland and Labrador:
FA-LP-Atl@ec.gc.ca

Alberta:
FA-LP-Ab@ec.gc.ca

Ontario:
FA-LP-On@ec.gc.ca

Nova Scotia:
FA-LP-Atl@ec.gc.ca

Saskatchewan:
FA-LP-Sk@ec.gc.ca

Quebec:
LP-FA-Qc@ec.gc.ca

Prince Edward Island:
FA-LP-Atl@ec.gc.ca

If the person responsible for the deposit is unsure of the detrimental effect their release may have on the receiving environment, ECCC encourages them to notify and report on a precautionary basis.

Enforcement

ECCC Enforcement officers are responsible for the enforcement of the *Fisheries Act* and the *Wastewater Systems Effluent Regulations*.

The [Compliance and enforcement policy for the habitat and pollution provisions of *Fisheries Act*](#) lays out the principles for application of the pollution prevention provisions of the Act. Enforcement officers enforce ECCC legislation in a manner that is fair, predictable, and consistent with the policy. They verify compliance through inspections, gather evidence of alleged violations through investigations, and take appropriate action, in accordance with the policy, if there is sufficient evidence of a violation.

For Additional Information

Visit the Wastewater website at Canada.ca/wastewater

If the information you need is unavailable on our website, please contact Environment and Climate Change Canada at eu-ww@ec.gc.ca.

Disclaimer

This information does not in any way supersede or modify the *Wastewater Systems Effluent Regulations* or the *Fisheries Act*, or offer any legal interpretation of those Regulations or Act. Where there are any inconsistencies between this information and the Regulations or Act, the Regulations or Act take precedence, respectively. A copy of the Regulations is available at the following website: <https://laws-lois.justice.gc.ca/eng/Regulations/SOR-2012-139/FullText.html>

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