

# THE EFFLUENCER

VOL.10

Wastewater Systems Effluent Regulations



## Procedure for Unauthorized Wastewater Deposits

The *Fisheries Act* contains requirements for preventing pollution in Canadian waters. In the event of an unauthorized deposit there are duties to notify, take corrective measures, and report under the Act. To protect your community and any person that may be impacted by a release of deleterious substances to water, it is critical to follow these procedures.

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 (including treated wastewater effluent) into water frequented by fish, or to any place that may reach such waters, unless authorized by regulations. The [Wastewater Systems Effluent Regulations](#) (the Regulations) authorize the release of effluent containing certain 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 (m<sup>3</sup>) or more of influent during a calendar year; **and**
- it deposits effluent via its final discharge point in water frequented by fish or in any place under any conditions where it may enter any such water.



## Regulated Deposits

The Regulations ([section 5](#)) authorize the deposit of effluent if during the previous calendar year, quarter, or month<sup>1</sup>:

- the effluent was not acutely lethal to rainbow trout;
- the effluent was in compliance with the standards on effluent quality set out in [section 6](#), **and**,
  - a. the other conditions set out in [Part 1](#) of the Regulations were met (such as sampling, monitoring and reporting requirements);**or**
  - b. the deposit was carried out in accordance with an authorization (transitional or temporary) issued under [Part 2](#) of the Regulations.

**Only deposits that occur via the final discharge point can be authorized under the Regulations.**

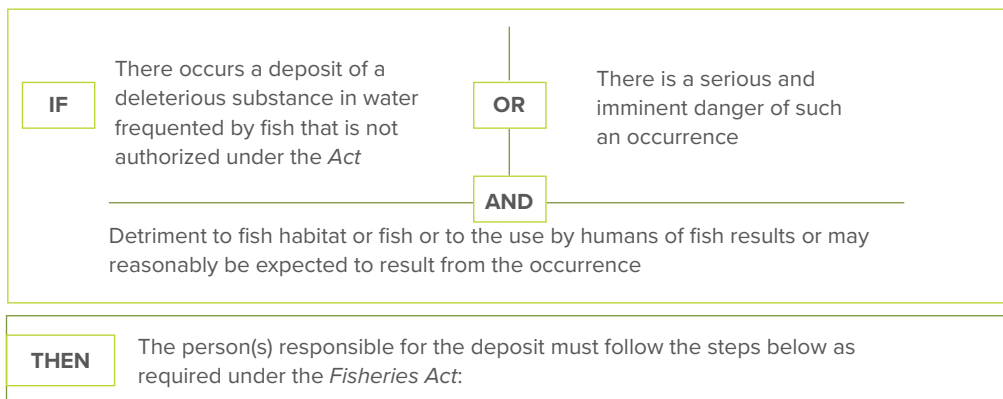
## Unauthorized Deposits

Any release of deleterious substances that may enter water frequented by fish, or any place that 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*. This includes:

- the discharge of effluent that is acutely lethal;
- the discharge of effluent that did not meet the effluent quality standards set out in the Regulations ([section 6](#)); **and**,
- deposits arising from an overflow point, including those resulting from:
  - a construction or a planned maintenance on a wastewater collection system which deposits outside of the final discharge point
  - breaks, faults, spills or other unforeseen circumstances
  - releases from precipitation at combined sewer overflow points
  - overflow over lagoon berms

## Procedures

When a deposit is unauthorized and subject to subsection 36(3), there are specific notification, reporting and mitigation requirements of the *Fisheries Act* ([section 38](#)) under the following conditions, as applicable:



<sup>1</sup> The applicable period for your wastewater system is determined in accordance with [subsection 6\(2\)](#).

1. notify a prescribed authority without delay of an unauthorized deposit [[subsection 38\(5\)](#)];
  - **to report unauthorized deposits without delay**, use the [environmental emergency reporting system](#)<sup>2</sup>, a federal/provincial/territorial hotline operating at all times
2. take all reasonable measures to prevent, counteract, mitigate or remedy any damages that result or that might reasonably be expected to result from such a deposit [[subsection 38\(6\)](#)]; **and**,
3. submit a written report describing the deposit to an inspector or a fishery officer as soon as feasible after the occurrence or after learning of the danger of the occurrence [[subsection 38\(7\)](#)].

**To submit a written report**, you must send the report either directly to an inspector at their direction, or by email to the designated address for your region, as listed below.

**British Columbia:** [FA-LP-pac@ec.gc.ca](mailto:FA-LP-pac@ec.gc.ca)  
**Alberta:** [FA-LP-Ab@ec.gc.ca](mailto:FA-LP-Ab@ec.gc.ca)  
**Saskatchewan:** [FA-LP-Sk@ec.gc.ca](mailto:FA-LP-Sk@ec.gc.ca)  
**Manitoba:** [FA-LP-Mb@ec.gc.ca](mailto:FA-LP-Mb@ec.gc.ca)  
**Ontario:** [FA-LP-On@ec.gc.ca](mailto:FA-LP-On@ec.gc.ca)  
**Quebec:** [LP-FA-Qc@ec.gc.ca](mailto:LP-FA-Qc@ec.gc.ca)  
**New Brunswick:** [FA-LP-Atl@ec.gc.ca](mailto:FA-LP-Atl@ec.gc.ca)  
**Nova Scotia:** [FA-LP-Atl@ec.gc.ca](mailto:FA-LP-Atl@ec.gc.ca)  
**Prince Edward Island:** [FA-LP-Atl@ec.gc.ca](mailto:FA-LP-Atl@ec.gc.ca)  
**Newfoundland and Labrador:** [FA-LP-Atl@ec.gc.ca](mailto:FA-LP-Atl@ec.gc.ca)

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 Protection and Pollution Prevention Provisions of the 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, per 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](https://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](mailto: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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<sup>2</sup> <https://www.canada.ca/en/environment-climate-change/services/environmental-emergencies-program/report-emergency.html>