

The Effluencer

Amendments to Transitional Authorizations



Summary of Amendments

Environment and Climate Change Canada (ECCC) has amended the [Wastewater Systems Effluent Regulations](#) (the Regulations) to provide greater clarity and resolve implementation issues.

This factsheet outlines the amended requirements for transitional authorizations, including the application process. It also outlines the amended monitoring and reporting requirements that apply to new and existing transitional authorization holders.

Description of Transitional Authorizations

The *Wastewater Systems Effluent Regulations* came into force in 2012. The national effluent quality standards of the Regulations came into effect in 2015. Regulatees that could not meet the effluent quality standards had an opportunity to apply for an extension (transitional authorization) before June 30, 2014. These extensions gave time to upgrade wastewater treatment systems to meet the effluent limits.

The amended Regulations provide a new opportunity for eligible communities to apply for a transitional authorization to upgrade their wastewater treatment facilities or construct new ones. This will provide communities an extension to upgrade their system by the end of:

- ▶ 2030, for a medium risk system; or
- ▶ 2040, for a low-risk system.

Higher risk wastewater systems that would have qualified for a transitional authorization to upgrade by the end of 2020 are no longer eligible for a transitional authorization. Those that already have a transitional authorization are also not eligible.

The level of risk of a wastewater system is determined using the point-based systems in Schedules 2 and 3 of the Regulations. It takes into consideration the:

- ▶ type of receiving environment
- ▶ volume deposited
- ▶ effluent quality

Regulatees that are granted a transitional authorization are not required to meet the effluent quality standards set in subsection 6(1) of the Regulations. Instead, they are required to meet site specific effluent limits and comply with monitoring and reporting requirements.

Where Can I Find Information About Transitional Authorizations?

- ▶ Eligibility criteria to qualify for a transitional authorization (section 24)
- ▶ Application process (section 25)



- ▶ Conditions to issue a transitional authorization and its duration (section 26)
- ▶ Conditions and compliance obligations attached to the authorization (sections 28 and 29)
- ▶ Content of a transitional authorization (section 30)
- ▶ Correction, revocation and expiration of a transitional authorization (sections 31 to 33)

Sections 24 to 28 of the Regulations only apply to transitional authorizations issued after June 5, 2024. Sections 29 to 33 apply to all transitional authorizations.

Who Is Eligible for a Transitional Authorization?

To obtain a transitional authorization, a regulatee has to demonstrate they can meet all of the following eligibility criteria:

1. The wastewater system did not meet one of the following effluent limits in the earliest years of reporting under the Regulations:
 - Carbonaceous biochemical oxygen demand (CBOD)
 - Suspended solids (SS)
2. The wastewater system is still not meeting the CBOD and/or SS effluent limits.
 - Must have failed one or both limits in half or more of the monitoring reports submitted two years prior to the application.*
3. The system is not designed to meet a secondary level of treatment.
4. It was impossible to upgrade the system before applying for a transitional authorization due to financial or technical constraints.

* Regulatees must actively monitor and report to ECCC.

What Information Is Needed in an Application?

The application uses the system of points in Schedule 2 of the Regulations. Applicants are required to provide the following information:

- ▶ The average concentrations of CBOD and SS determined over a 12-month period based on the CBOD and SS concentrations entered in the first two years of monitoring report(s) submitted in the [online reporting system ERRIS](#).
- ▶ The volume of effluent deposited during the same 12-month period (in m³/day).
- ▶ The maximum concentration of un-ionized ammonia* measured during the earliest 12-month period when:
 - for an intermittent system, at least 1 sample per discharging event was collected;
 - for a continuous system, at least 4 samples, taken at least 60 days apart, were collected.
- ▶ If a regulatee uses chlorine, or one of its compounds, in the treatment of wastewater, a confirmation whether the effluent:
 - is dechlorinated;
 - does not exceed the average total residual chlorine concentration of 0.02 mg/L.
- ▶ The type of receiving environment where effluent is deposited.
- ▶ Information demonstrating that the system is eligible to apply for an authorization.
- ▶ A plan for the modifications needed to upgrade the wastewater system. The plan must include a schedule for completing the upgrades.

Regulatees can also submit, as part of their application, information on combined sewer overflows as specified under Schedule 3.

*Historical ammonia data collected for operation purposes or for compliance with provincial Regulations can be used.

How Many Applications Can I Submit?

Regulatees are required to submit one transitional authorization application for each wastewater system that will be upgraded.

An exception applies if a regulatee:

- has 2 or more wastewater systems eligible for a transitional authorization (including sewage outfalls).
- plans to consolidate them into one future treatment system.

Regulatees can merge all these systems under one application. This simplifies the application process and allows regulatees to monitor and report on only the system with the highest risk to the environment, typically the outfall with the biggest volume.

Please see section 4 of the Regulations for more information on consolidated systems.

Is There a Deadline to Apply?

No. There is no longer a deadline to apply. Systems that are currently subject to the Regulations and systems that become subject to the Regulations in the future can apply at any time. Wastewater systems that are not designed to meet effluent standards and fail to apply for a transitional authorization will remain out of compliance with the Regulations and the *Fisheries Act*.

What Are the Conditions for a Transitional Authorization?

Regulatees have to meet specific effluent limits:

- ▶ 1.25x the effluent concentrations for CBOD, SS and un-ionized ammonia used in the transitional authorization application. These concentrations cannot be lower than the national effluent quality standards set out in the Regulations.
- ▶ The effluent limit for total residual chlorine set out in the Regulations if chlorine, or one of its compounds, is used in the treatment of wastewater.

Of note, transitional authorization holders are not required to do acute lethality testing.

What Are the Obligations for a Transitional Authorization?

Amendments to transitional authorization obligations apply to all transitional authorizations (including those issued under the original application process in 2014).

Monitoring

Regulatees issued a transitional authorization are still required to monitor their daily effluent volume and regularly sample their effluent like any other regulatee, as specified in Part 1 of the Regulations. The volume determination and sampling frequency are specified in the Regulations and vary depending on the type and size of the wastewater system.

There is one exception for continuous systems that are discharging less than 2,500 m³/day and are issued a transitional authorization:

- ▶ Their sampling frequency is reduced to quarterly (instead of monthly).
- ▶ They are allowed to use a method of estimation to determine the daily effluent volume, within a margin of error of ±15%. They may also decide to keep using monitoring equipment.

Reporting

Regulatees issued a transitional authorization are also required to complete monitoring reports under the Regulations. They must submit reports on a quarterly or yearly basis depending on the type and size of the treatment system, as specified in Part 1 of the Regulations.

There is one exception for continuous systems that are discharging less than 2,500 m³/day and are issued a transitional authorization:

- ▶ They are required to report on an annual basis (instead of quarterly).

Progress Reports

Regulatees issued a transitional authorization are also required to submit reports that describe the progress made to upgrade the wastewater system and meet the national effluent quality standards of the Regulations.

The progress reports must be completed every 2 years (previously every 5 years). The reports must be submitted no later than July 1 of every even-numbered year.

What Other Amendments Have Been Made to Transitional Authorizations?

ECCC has amended the Regulations to simplify how regulatees can:

- ▶ Update their transitional authorization.
- ▶ Update their plan of modifications and/or schedule.
- ▶ Transfer ownership of their transitional authorization.
- ▶ Terminate their transitional authorization early once upgrades are completed.

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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