

Update: Environmental Law



OASIS

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Overview

- What's new? PROPOSALS POSTED ON ENV REGISTRY - COMMENT PERIOD - IMP TO EXAMINE
 - Regulatory framework for Non Agricultural Source Materials
 - Phase-in dates for generators/receivers under NMA
 - Septage proposals: guides
 - Other laws of interest
- CofA's: Challenges
- Protect yourself!
- Cases - shows...OFFENCES THAT ATTRACT PENALTIES



3 proposals

UNDER ENV BILL OF RTS THE ENV REGISTRY GIVES PUBLIC NOTICE...COMMENTS...DEADLINE...MOE CONSIDERS

OPPORTUNITY TO EDUCATE - PROPOSED CHANGE MAY BE TOO STRICT OR IMPLEMENTN TIME TOO SHORT... BE AWARE - MONITOR - PIPELINE...ENV REGISTRY IS TOOL TO HELP YOU UNDERSTAND WHAT IS COMING.

- **Improved regulatory framework**
 - **SEPT 07- GOVT STILL REVIEWING**
- **Extend phase-in dates for some generators/receivers UNDER NMA**
- **Septage Treatment Guidelines (3)**



Revisit MOE Proposal: Improved Regulatory Framework

- **MOE/OMAFRA proposal of Sept 07**

ONLY RE APPLICN OF NON-AGRIC SOURCE MATERIALS TO AGRIC LANDS - DOES NOT INCLUDE UNTREATED SEPTAGE..

- Goal: to get rid of overlapping approval requirements under *Nutrient Management Act, 2002* and *EPA*
- Currently transport & land application to agricultural lands require certificates & licences under both Acts
 - IN SOME CASES EG WHERE NASM IS A “WASTE” UNDER EPA
- Considers vulnerab of ground/surface water to contam & risk of NASM applicn- CLN WATER ACT,2006 - SOURCE PROTECT STUDIES
- **6 categories of NASM - LOWER RISK (VEG PEELS) TO HIGHER (ODOROUS SEWAGE BIOSOLIDS)...SUBCATGS BASED ON METAL PATHOGEN CONTENT, ODOUR POTENTIAL...DETERMINES LEVEL OF APPROVAL REQD FOR NASM & STDS FOR LAND APPLICN & STORAGE REQMENTS**



MOE Proposal: Extend phase-in dates

- Nutrient Management Regulation
 - Extend phase-in date by 1 year to December 31 2009 for some generators of non-agricultural source material
 - Would give more time to develop nutrient management strategies



Proposal - Septage Treatment Guidelines

- Intended to provide guidance to haulers
- Will be used by MOE and OMAFRA when reviewing CofAs

I.E., NOT LAWS BUT REFLECTED IN CoFA



What do the guides say?

The 3 draft guides address

- Standards & approval requirements for land application of treated domestic septage (TDS) on agricultural land
- Process design & operation for screening & alkaline treatment of domestic septage
- Disposal of septage in dewatering trenches



(1) Land application of TDS

- Standards & approval requirements for land application of TDS on agricultural land - SUPPLEMENTS 1996 GUIDELINES - NOT REPLACE
 - Domestic *not* commercial/industrial septage - e.g.,
 - Domestic septage from commercial/industrial facilities *as long as it only contains “domestic” waste - i.e., from sinks and toilets*
 - Not grease from grease traps in commercial kitchens
 - NOT WASTEWATER FROM MFG PROCESSES
 - Be sure what’s in the septage! Get confirmation from clients (Guide recommends *in writing*)
- !!BECOMES A STD OF PRACTICE



“Treated domestic septage”

- TDS = domestic septage treated to meet standards, is a “processed organic waste”, & can be land applied at approved site
- Must meet certain standards for:
 - *E. coli* concentration
 - Concentration of listed metals
 - Passed through screen
 - If from portable toilet: max % plastic / non-biodegradables
- **IF DOES NOT MEET STDS, SHOULD NOT BE LAND APPLIED**
- 3 options for determining maximum application rates

BE SURE YOU KNOW IF YOUR MAX APPLICATION RATES CHANGE AS GUIDELINES CHANGE



(2) Alkaline Stabilization of Domestic Septage (ASDS)

- Standards for ASDS
- CofA requirements linked to steps in septage transport
- Design & operation for screening & ASDS:
 - Performance standards
 - Monitoring & recordkeeping requirements
 - Technical information, including:
 - Types of alkalis that can be used & dose
 - Effectiveness in reducing pathogens & control odour
 - Design & operation of treatment system (stationary, in-truck)



(3) Disposal of septage in dewatering trenches (DT)

- Technical & regulatory guidance
- Tightening of current standards
- MOE/OMAFRA will use in review process for CofA
- Key statutes:
 - DT regulated under *EPA* or *OWRA*
 - *Clean Water Act, 2006* considered



Disposal of septage in DT

- CofA application requires:
 - Operational plan (may include Water Monitoring Program)
 - Hydrogeological assessment (may be req'd)
 - Closure plan
 - Contingency plan
- Sets out detailed operational & construction standards



Other laws of interest (proposed!)

- Reg 153/04 changes (Contaminated sites)
 - Proposed changes - complex
 - Will “clean” sites still be clean?
 - More stringent soil & groundwater standards
- Deadstock
 - New framework
 - Amendments: to Reg 347 (*EPA*) & new reg to *Nutrient Management Act, 2002*



CofA Applications / Renewals

Challenges

- More complex
- Cost - FOR APPLICATION, STUDIES, CALCULATIONS, APPEALS
- Public: Posted on Environmental Registry - PART OF ENV BILL OF RTS - PEOPLE HAVE RIGHT TO COMMENT ON PROPOSALS FOR PERMITS
- May be contested by neighbours/others
 - PR CAMPAIGN/HAPPY NEIGHBOURS - LTRS
 - INPUT FROM MUNICIPALITY
 - Other permits required? IN CONJUNCTION W COFA FOR WASTE MGT SYSTEM- EG NIAGARA ESCARPMENT DEVELOPT PERMIT - eg land use policies in NEC plan



Protect yourself!

- Avoid prosecution/orders
 - Convictions = penalties, publicity
 - Who's at risk?
- Use due diligence
 - The opposite of negligence
 - Need to know the laws that affect you
 - Comply with CofA's
 - EVEN IF QCH HAPPENS - HOW YOU RESPOND - EG REPORT A SPILL IMMED, CLEAN UP, GOOD CITIZEN - GOES TO PENALTY

Cases

- Case 1 (2002) - submitting false/misleading info -
2/7 PAGES OF SOIL TEST REPORT
 - Not guilty; MOE guidelines not clear - IE # SOIL SAMPLE RESULTS NEEDED TO BE SUBMITTED
- Case 2 (2006) Co. pleaded guilty to causing odours from biosolids stored & applied on fields
 - Complaints by neighbours- incl nausea, loss of enjoyment of property. Fine \$10,000 + VFS -- ODOURS CONTINUED FOR MONTHS
- Case 3 (2003) Sludge caused odours, BOTHERED NEIGHBOURS - CO CEASED IMMED & PLOUGHED UNDER
 - Pled guilty to discharging contaminant.
Fine: \$12,000 + VFS



Cases

- CofA breaches - guilty pleas (all fines + VFS)
 - Case 4 (2003) Sludge applied to edge of field in wet conditions: runoff. Fine: \$5,000
 - Case 5 (2005) Applied sewage biosolids at a rate slightly above approved rate. Fine: \$6,000
 - Case 6 (2005) Failed to mark truck w approval #, did not keep copy of approval in truck. Fine: \$1,000 x 2
 - Case 7 (2007) Surface spreading biosolids on land -- CofA required sub-surface injection. Fine: \$10,000



Last words

- Why are people concerned? WALKERTON - LINKED SEPTAGE SPREADING WITH SOURCE PROTECTION PLAN - COMPATIB
- Live issue
 - Environmental Commissioner 07/08 Report - UPDATES MOE 2007 COMMITMENT TO BAN LAND APPLICN OF UNTREATED SEPTAGE -- IN PROPOSAL STAGE SINCE 02...MOE WORKING W MUNIS, UGUELPH, HAULERS' ASSOC TO DEVELOP COST EFFEC ALTERN
- Be advocates/ambassadors
 - Educate - GOOD GUYS IN COMMUNITY
 - OASIS - GET YOUR MESSAGE ACROSS - WATCH OUT FOR NEW REGS, PROPOSALS

Questions? Comments?

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