

Appendix B

Regulatory Environment

Legislation/Guidance Document	Responsible Authority or Department	Description or Potential Trigger/Authorization
FEDERAL LEGISLATION, GUIDELINES AND PERMITS		
<i>Fisheries Act - Wastewater Systems Effluent Regulations (Canada Gazette, July 18, 2012</i>	Fisheries and Oceans Canada (DFO)	<p>The Regulations have been developed under the Fisheries Act and fulfill a commitment under the CCME Strategy for the establishment of national effluent quality standards. To meet these standards, wastewater systems need to have at least a secondary level of wastewater treatment or equivalent. The objective of the Regulations is to reduce the threats to fish, fish habitat and human health from fish consumption by decreasing the level of harmful substances deposited to Canadian surface water from wastewater effluent.</p> <p>In addition to the national effluent quality standards, the Regulations also specify the conditions to be met in order to deposit effluent containing deleterious substances, such as requirements concerning toxicity, effluent monitoring, record-keeping and reporting. The deleterious substances specified under the Regulations include carbonaceous biochemical oxygen demanding matter (CBOD matter), suspended solids, total residual chlorine and un-ionized ammonia.</p> <p>According to the Canada-wide Strategy, effluent for all facilities must meet the National Performance Standards (NPSs) and site-specific Effluent Discharge Objectives (EDOs). The National Performance Standards are minimum performance requirements for effluent quality from wastewater facilities that discharge to surface water. The NPSs under the Canada-wide Strategy include the following guidelines:</p> <ul style="list-style-type: none"> • Five day carbonaceous biochemical oxygen demand (CBOD5) < 25 mg/L; • Total suspended solids (TSS) < 25 mg/L; • Total residual chlorine (TRC) < 0.02 mg/L; and • Unionized Ammonia < 1.25 mg/L; nontoxic effluent
<i>Fisheries Act</i>	Fisheries and Oceans Canada (DFO)	<p>Aims to provide for the sustainability and ongoing productivity of commercial, recreational and Aboriginal fisheries. The four factors to be taken into account by the Minister in decision-making (e.g. issuing authorizations) or making regulations are:</p> <ul style="list-style-type: none"> • The contribution of the relevant fish to the on-going productivity of commercial, recreational or Aboriginal fisheries; • Fisheries management objectives; • Whether there are measures and standards to avoid, mitigate or offset serious harm to fish that are part of a commercial, recreational or Aboriginal fishery; and, • The public interest. <p>Taken together, these provide a framework and direction to the Minister and Fisheries and Oceans Canada staff for decision-making, developing regulations and implementing the regulatory regime and program.</p>
<i>Guidelines for Effluent Quality and Wastewater Treatment at Federal Establishments (April 1976)</i>	Environment Canada	The 1976 Guidelines, apply to all effluents discharged from land based establishments under the direct authority of the Federal Government. The 1976 Guidelines give specific limits for concentrations of several water quality parameters including biochemical oxygen demand (BOD), suspended solids, fecal coliforms, chlorine residual, pH, phenols, oils and greases, phosphorus and temperature.
<i>Atlantic Canada Wastewater Guidelines Manual for Collection, Treatment, and Disposal 2006</i>	Environment Canada	Guideline for the design of infrastructure for the collection, treatment, and disposal of sanitary sewage in the Atlantic Provinces.
<i>Migratory Birds Convention Acts (MBCA) and Regulations</i>	Environment Canada	Effects on migratory birds or their habitat
<i>Canadian Environmental Protection Act</i>	Environment Canada/Health Canada	Accidents or spills leading to potential pollution or impacts to the environment and human health
<i>Canadian Environmental Protection Act Environmental Emergency Regulations</i>	Environment Canada/Health Canada	Aims at enhancing the protection of the environment and human health in environmental emergency situations by promoting prevention and ensuring preparedness, response and recovery. They will mandate persons who own or manage specified toxic and hazardous substances at or above the specified thresholds to provide required information on the substance(s), their quantities and to prepare and implement environmental emergency plans
<i>Canada Labour Code</i>	Human Resources and Skills Development Canada	Provides direction on safety issues to ensure that all projects must be conducted in a safe manner and ensure that no environmental aspects infringe on the safety of a federal site, workers or occupants
<i>Transportation of Dangerous Goods Act</i>	Transport Canada	The Act applies to all shipping and handling dangerous goods, offering for transport and transporting of dangerous goods by any means of transport whether or not the goods originate from or are destined for any place or places in Canada.
<i>Canadian Electrical Code</i>	Canadian Standards Association	Electrical fixtures and controls in screening areas where hazardous gases may accumulate shall comply
<i>The Federal Policy on Wetland Conservation</i>	Environment Canada	No net loss of wetland function on federal lands
PROVINCIAL (New Brunswick) LEGISLATION, GUIDELINES AND PERMITS		
<i>Clean Environment Act</i>	New Brunswick Department of Environment and Local Government (DELG)	Undertaking on Schedule A of the EIA Regulation.
<i>Clean Environment Act – Certificate of Approval to Construct and Operate</i>	DELG	<p>Both the 5CDSB Gagetown WWTP and the 5CDSB Gagetown Collection System must comply with provincial approvals to operate (S-C19-P1-05 and S1215, respectively, NBENV). Within the WWTP Approval to Operate are effluent standards for the effluent from the wastewater treatment facility for:</p> <ul style="list-style-type: none"> • BOD5 (20 mg/L); • Suspended solids (20 mg/L); and, • Total residual chlorine in the final discharge (0 mg/L). <p>These standards apply to daily averages from May to October, inclusive, with winter operation based on good and efficient operation</p>
<i>Clean Environment Act - Water Quality Regulation</i>	DELG	The Water Quality Regulation (82-126) - Clean Environment Act requires owners or operators of a source of water contaminants to obtain an approval for the construction, operation, or modification of the source. This applies to anyone constructing, operating, and/or modifying a facility that is considered by the department to be a source of contaminant. This applies to most existing or new industrial and some commercial or institutional facilities in New Brunswick.

Legislation/Guidance Document	Responsible Authority or Department	Description or Potential Trigger/Authorization
<i>Clean Air Act - Air Quality Regulation</i>	DELG	Every source of emissions in the province, whether it's an individual or company, must obtain an Air Quality Approval and specifies operating conditions and emission limits. Approvals are classified according to the volume of emissions released -- the lower the volume of emissions, the lower the class designation. Class 1 sources release the most emissions in the province. Other resources are designated as Class 2, 3 or 4 facilities, depending on the level of their emissions. Only Class 1 sources have a formal, public participation component in their approval process.
<i>Clean Water Act</i>	DELG	Wetland and Watercourse Alteration Regulation for working within 30 m of a wetland/watercourse.
<i>Petroleum Product Storage and Handling Regulation</i>	DELG	Authorization to store and handle petroleum products above and below ground.
<i>New Brunswick Species at Risk Act</i>	New Brunswick Department of Natural Resources	To prevent wildlife species from being extirpated from the Province, to provide for the recovery of wildlife species that are extirpated, endangered or threatened as a result of human activity and to conserve species of special concern to prevent them from becoming endangered or threatened.
<i>New Brunswick Heritage Protection Act</i>	Tourism, Heritage and Culture	The Act explicitly confirms the Province's ownership of all archaeological, palaeontological and burial site heritage objects in New Brunswick. Any such objects determined to be of aboriginal origin are specifically 'held in trust' on behalf of First Nations people and their communities. The legislation requires mandatory reporting of all potential heritage object discoveries to provincial authorities, introduces regulations for heritage impact assessment, and prohibits the alteration of any heritage place in the Province without specific government approval.
Duty to Consult Policy	Aboriginal Affairs New Brunswick	Government of New Brunswick will consult with First Nations before an action or decision is taken that may adversely impact Aboriginal and treaty rights.
<i>MUNICIPAL (Town of Oromocto) LEGISLATION, GUIDELINES AND PERMITS</i>		
By-Law 410	Town of Oromocto	By-law Relating to the Municipal Plan for the Town of Oromocto.