

APPENDIX B

TO: UBCM MEMBERS
FROM: UBCM Executive
DATE: September 3, 1996
RE: **1996 ENVIRONMENT ACTION PLAN**

<p><i>ITEM # 4(a)</i></p> <p>September 18, 1996</p> <p><i>B.C. COMMUNITIES AGENDA</i></p>

PURPOSE

The purpose of the Environmental Action Plan is to:

- identify the major environmental issues that are under consideration;
- describe the current status of the issue; and,
- establish a plan of action.

The plan provides a vehicle for the Environment Committee to report on the activities it has undertaken in the past year and an opportunity for the Annual Convention to approve the directions to be pursued in the upcoming year.

UBCM ENVIRONMENT COMMITTEE

The Environment Committee performs three basic functions:

- advocates changes in federal and provincial environmental policy to assist local government in solving environmental concerns at the local level.
- represents local government in the development of environmental policy at the federal and provincial level.
- promotes and shares information on solutions to environmental problems which local governments have implemented.

The Committee membership is:

Mayor Joe Judge, Pouce Coupe, Chair
Mayor John Ranta, Cache Creek
Director Jim Abram, Comox-Strathcona R.D.
Director Jim Gurney, Sunshine Coast R.D.
Councillor Lynne Kennedy, Vancouver
Councillor Pat Wallace, Kamloops

REVIEW OF ACTIONS

The Committee was consulted on and reviewed a number of legislative, regulatory and policy actions initiated by the provincial and federal government during 1995, including the following:

Provincial Government

Regulation

- Contaminated Sites
- Solid Waste Management Plans
- Environmental Assessment Regulations
- Paint Stewardship
- Beverage Containers
- Household Hazardous Waste

Consultation

- Airshed Management
- Pesticide Management Policy
- Water Quality report
- Non-point Source Pollution Policy
- Private Sewage Disposal Facilities
- Flood Hazard Management
- Stream Stewardship Program
- Urban Development and environmental policy - greenways program

Federal Government

- Endangered Species Policy

1995 ACTION PLAN

The Environment Committee in 1995/96 identified the following four issues as its top priority:

- Beverage Containers
- Pleasure Craft Pollution Prevention
- Groundwater Management
- Household Hazardous Waste

The Committee has been successful in achieving a number of its objectives. The Ministry of Environment, Lands and Parks has identified a number of lakes and harbours around the province that require protection and will be submitting a list to the federal government to be included under their pleasure craft pollution prevention regulations. A regulation is being prepared and trial program implemented to test the development of a stewardship program for household hazardous waste.

In the case of beverage containers and groundwater management, work is underway but no direct action has been taken to expand the deposit/refund system or to protect groundwater. A report on beverage containers outlining the costs of expanding the deposit/refund system for various beverage types has been prepared for cabinet but no changes to the regulation have been made. A number of studies on groundwater are underway to determine the size of the aquifers and how they operate, but no action has been taken to ensure the protection of groundwater supplies to local communities.

Over the past year the Environment Committee has worked with the Ministry of Environment, Lands and Parks on a number of ongoing issues. Issues such as the development of a salmon habitat program and a policy paper on the establishment of a new flood hazard management program. A number of environmental issues related to urban development have also been addressed, issues such as non-point source pollution, stream stewardship, development of greenways and water quality.

The Committee worked with the Ministry of Environment, Lands and Parks in the development of regulations for contaminated sites which could have a major impact on local government operations. As a result of this work new standards based on health and environmental concerns have been developed, the administration of the regulation has been made more flexible and the ministry has recognized the liability concerns put forward by local government, although the legislative changes have not yet been implemented. The Ministry in 1996 prepared a third Draft #3 of the regulation for comment, established an Expert Review Panel to review the scientific basis for its regulations, undertook a further review of the liability provisions contained in the legislation and regulations based on concerns identified by local government and others. A fourth Draft #4 of the regulation is being prepared, the comments of the Expert Review Panel are to be addressed, and a report on the liability provisions released.

The Committee worked with the Ministry of Environment, Lands and Parks toward implementation of the vision and principles of the Environmental Protocol. The Environmental Protocol Committee met on several occasions to discuss issues of mutual concern. The work of this Committee was instrumental in having the

waste permit fees for landfill sites suspended for those regional districts in the final stages of the approval process for their solid waste management plans.

The Protocol was signed in September 1993 for a three year period. The Environment Committee is proposing that the Protocol be renewed for another three years.

The Environment Committee commented on the new five year strategy and action plan being prepared by the Ministry of Environment, Lands and Parks, suggesting that the new plan focus on the following areas:

The Environment Committee recommends two streams to the 1996/97 Environment Action Plan:

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RECOMMENDATION:

1. That the 1996 Environment Action Plan be endorsed.

PART 1

PART 2

ENVIRONMENT STATUS AND ACTION REPORT

ENVIRONMENT ISSUES

Brief status updates on the following topics are included in the report.

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ENVIRONMENTAL LEGISLATION/REGULATIONS

1. ENVIRONMENTAL ASSESSMENT

ISSUE: The role of local government in the determination of environmental assessments. There are two specific areas of concern:

- the nature and type of local government projects which will come under review;
- the nature of local government involvement in project reviews.

STATUS: The Ministry of Environment, Lands and Parks introduced Bill 32 - Environmental Assessment Act into the provincial legislature in 1993. The provincial government agreed to undertake further consultation on the development of a comprehensive environmental assessment policy in the province and indicated that it intended to put forward new legislation in 1994.

The Environmental Assessment Act (Bill 29) was approved by the Legislature of British Columbia in 1994 and the provincial government indicated at that time that it did not intend to proclaim the legislation until the regulations were completed.

The new Act establishes a process for the identification of any potential impacts of major projects, including the evaluation of economic and social benefits and measures to prevent or mitigate adverse environmental impacts or other impacts. The legislation is intended to provide certainty and balance for environmental interests, business interests, local government and the public. UBCM has been involved in extensive consultations on the Environmental Assessment Act and the regulations.

The thresholds established in the regulations are designed to capture major projects and will only affect local government projects which are very large (e.g. solid waste facilities the size of Cache Creek, new sewage treatment facilities designed for a community with over 10,000 population).

The Environmental Assessment Office commissioned a "Study of Costs of Environmental Assessment Processes". The study found that in general environmental review costs on average represented 1.4% to 1% of the capital costs of a project. The review suggested that the "availability of information and the environmental sensitivity" of the area may have greater significance in explaining the review costs of a project than its location or the size or complexity of the project. The study found that the two largest costs associated with undertaking an environmental assessment were environmental management (biophysical baseline and environmental design) and public consultation.

The work on the development of regulations has been completed and the Environmental Assessment Act and regulations were proclaimed at the end of June 1995. A number of projects are now being reviewed under the new legislation and the UBCM and individual communities are being notified of projects underway.

The province has not yet reached a harmonization agreement with the federal government on how the federal and provincial processes will be linked. There is some concern that the federal government does not have the regional resources in place to meet their obligations under the Canadian environmental assessment legislation and may attempt to oppose their requirements on the provincial process.

A review of the provincial Environmental Assessment Act will be undertaken over the next year to determine the extent to which the legislative, regulatory, policy and procedural framework have met the stated framework of the legislation and the expectations of the various parties who have been involved in project reviews. The review will look at the workability of the threshold levels, scope of the project reviews, timelines, project committees, First Nation involvement, public involvement and other factors in the process.

The province is looking at giving local government the authority in its land use planning process to require an environmental assessment of a development be undertaken where it is felt to be in the local community interest. A number of local governments currently require environmental assessments but it currently has no specific authority to ask for such a review. This change is necessary to ensure that urban developments are not included in the provincial environmental assessment process at some future date.

ACTION: UBCM continue to monitor the implementation of the new environmental assessment legislation and regulations.

2. CONTAMINATED SITES

ISSUE: Local governments role in the identification and approval of development on property identified as having contaminated soil.

STATUS The province in 1993 passed Bill 26 which set the framework for the management of contaminated sites. The legislation set the parameters for determining whether or not a site was contaminated, identified the responsible persons, the remediation standards to be met and how the problem of orphan sites were to be addressed. In order for the legislation to be implemented it required the development of highly complex regulations.

The Ministry of Environment, Lands and Parks released the first of draft of the regulations for comment by stakeholders in three sections between December 1993 and May 1994. A second draft of the regulations was released on August 31, 1994, with the intent that the legislation and regulations would be proclaimed early in 1995.

At the 1994 UBCM Convention local government endorsed a resolution requesting that a more detailed review of the proposed contaminated sites regulation be undertaken. The Ministry of Environment, Lands and Parks, through the Protocol Committee, agreed to a four part program of review:

- standards
- administration
- legal/liability
- training needs

At the 1995 Environment Conference the Ministry of Environment, Lands and Parks proposed a more flexible approach to local government involvement in the administration of site profiles. The ministry in response to local government concerns related to the administration of contaminated sites proposed to give it the option to opt in or opt out of the administration of site profiles. The Ministry outlined the work that it was doing with the Ministry of Health on the development of soil standards that would incorporate both health and environmental concerns and the matrix that was being developed to deal with site and situation specific land uses. Representatives of the Canadian Bar Association outlined the legal and liability concerns identified by local government and proposed various changes to the legislation which could address these problems.

The Ministry in July 1995 outlined the fees that it will charge users for its services: providing information about contamination of a site, reviewing reports and issuing certificates of approval on contaminated sites. The new standards to be used when assessing whether or not a site is contaminated and what type of remediation will be required were also released in July.

A third draft of the regulation was released in December 1995 for review. The new regulation attempted to address local governments' concerns regarding the establishment of standards related to health and the environment. The new regulation will make local governments involvement in the administration of contaminated sites optional. The Ministry has indicated if there is an opportunity to open up the legislation it would consider proposing changes to the Act to address the

administrative liability concerns that have been identified. Any legislative initiatives to limit local government liability as owner of a site are subject to a broad review by government and any changes in this area would require specific Cabinet approval.

An expert panel was created in April 1996 to review the policy assumptions, science and scientific models used by the Ministry of Environment, Lands and Parks to develop its proposed contaminated sites regulation.

The focus of the review by the expert panel was on the “science” used to develop the regulations and whether or not it was correct.

The scientists for the Ministry spent three days outlining, in a frank and open manner, the models it used and the assumptions it made in developing the numbers that will determine whether or not a site is determined to be contaminated in the province. Each stage of the process and each model used was subject to rigorous questioning from the expert panel.

The expert panel at the end of the review suggested the province increase the flexibility in the numerical standards and the models that are used to assess whether or not a site is contaminated and the extent to which it may have to be cleaned up. Approximately 90 recommendations were made by the Expert Review Panel and the ministry will be responding to the issues identified.

An independent review of the remediation liability provisions of the contaminated sites legislation and regulation was undertaken in June of 1996 by Professor Chris Tollefson, Faculty of Law, University of Victoria (joint and several liability, retroactive liability etc.). The major objective of the study was to ensure that these liability provisions are consistent with the overall environmental objectives of the Act and to assess the impact of implementing the legislation on stakeholders. The Ministry will be reviewing the legislation and regulations in light of the recommendations outlined in this report.

A new issue has been identified with the existing process for valuing ‘contaminated’ property for taxation purposes. There is an emerging trend of property assessment appeals by owners who perceive that their land is contaminated and should not be subject to valuation based on the normal principles of market value. The UBCM has taken the position that this issue should be addressed now and through a separate process as it is a financial and not an environmental issue. The UBCM has requested that the provincial government establish a task force to review the valuation of property related to contaminated sites. In response to the UBCM request, the Ministry of Municipal Affairs and Housing has hired a consultant to prepare a background paper on the appraisal of contaminated sites for property tax purposes. The project will include a:

- a) a review of the legal and technical literature in Canada;
- b) a review of the assessment practices and policies in other provinces (e.g. Ontario and Alberta);
- c) an analysis of recent appeal cases in B.C.

The Ministry of Environment, Lands and Parks has also indicated that it intends to develop a Draft #4 of the Contaminated Sites regulation which will take into account suggestions received from stakeholders, the Expert Review Panel and the review on the liability provisions.

ACTION: UBCM review the response to the Expert Review Panel, the report on the liability provisions and Draft #4 of the contaminated sites regulations to ensure that it addresses the needs of local government. And that the UBCM endorse the three principles of the New Westminster proposal:

1. The regulation be prospective not retroactive;
2. The standards must be guidelines;
3. The process must be tailored to the magnitude of the problem.

ENVIRONMENTAL POLICY DEVELOPMENT

3. SOLID WASTE MANAGEMENT PLANNING

ISSUE: The responsibility of local government in the development of solid waste management plans, the operation of landfill sites and the financial costs associated with the collection and disposal of recycled goods.

STATUS: The Waste Management Act requires that all of the regional districts have their solid waste plans completed and approved by the end of 1995. Under the waste permit fee regulation a regional district is exempt from the implementation of tipping fees if it has an approved solid waste plan, however, if it does not have an approved plan in place a 50 cent per ton tipping fee will be charged for all waste disposed of at each of the solid waste facilities in the regional district.

The Ministry, after discussions with the UBCM Environment Committee, reviewed their policy and agreed not to charge a tipping fee to those Regional Districts that submitted their Solid Waste Plan on or before December 31, 1995 for approval. No tipping fee will be charged during the period the Ministry takes to approve the plan. Regional Districts that did not submit a plan for approval by December 31, 1995 have been charged tipping fees on the anniversary date of their landfill permits. A total of 20 regional districts have developed solid waste management plans and the remaining 7 regional districts have requested extensions until later in 1996.

Local government is still concerned about a number of different aspects of the solid waste management planning process.

- **Flexibility**

There is a need for greater flexibility in implementing the process to allow for the development of different operating criteria for rural and urban landfill sites.

- **Financial Costs**

The costs of implementing solid waste management plans is still an issue. For example, the costs of developing the plan as outlined in the guidelines and the costs of implementing the plans are far more expensive than was anticipated.

The costs of solid waste management are falling on the shoulders of local government and the local taxpayers, rather than the manufacturer of the products. The concept of cradle-to-grave responsibility for products and user pay appears to have disappeared in the determination of who pays for the disposal of products in the waste stream.

- **Market Development**

Local government is concerned that it will not be able to effectively undertake recycling programs and meet its solid waste management objectives if it does not have markets for the goods it collects. It is felt that direct provincial assistance is needed to ensure that there will be markets for the goods collected.

The provincial government does not appear to be expanding its requirements for the use of recycled goods (i.e. post-consumer content regulations) or promoting the reuse and recycling of additional products through the expansion of the deposit system. The Ministry of Environment, Lands and Parks has developed two programs in the past few years, the paint stewardship program and more recently the household hazardous waste program, both of these programs are industry operated and funded and provide no new financial resources to the management of solid waste programs.

The Ministry of Environment, Lands and Parks has indicated that it will be reducing funding for local government recycling programs in the next few years. The provincial government is moving toward a reduced role in product stewardship. This will mean reduced funding for both the ministry and for local government recycling programs.

Ministry operations and financial assistance for recycling programs have been funded out the Sustainable Environment Fund in the past. This fund is made up of levies from scrap tires, batteries and diapers. It is not clear what funding, if any, will be available to assist local government in the development of future recycling programs if the levies collected for product stewardship are directed toward industry operated programs.

ACTION: In accordance with existing UBCM policy, local government request greater federal and provincial assistance in the development of markets for recycled goods and the coordination of marketing programs.

UBCM request the introduction of post-consumer content regulations to promote the development of markets for recycled goods.

UBCM request financial assistance to cover the cost of transporting recyclables to markets so as to ensure that the program is province wide.

UBCM request provincial funding for solid waste management be expanded and that no additional fees and charges be imposed on local government for the management of solid wastes (i.e. tipping fees).

UBCM request the province recognize the need for flexibility in solid waste management planning. Provincial government policy needs to recognize the differences between urban and rural areas in the operation of landfill sites - financial constraints, proximity to markets and other factors - in meeting the goals and objectives that are to be achieved.

UBCM request increased penalties and increased enforcement against littering and illegal dumping.

UBCM request that the province maintain a broad based consultative approach regarding the regional-municipal relationship in the implementation of solid waste management plans.

UBCM request that the province continue to provide financial assistance for the implementation of solid waste management programs (i.e. recycling, transportation and education).

4. PRODUCT STEWARDSHIP PROGRAMS

a) Beverage Containers

ISSUE: The impact on local government of an expanded deposit system to promote industry stewardship and reduce local government recycling costs.

STATUS: Local government has requested that the province expand the deposit system to include a wider range of beverage containers (carbonated beverages, mineral water, liquor and wine bottles etc.) on numerous occasions - a total of 15 resolutions since 1990.

The retail and beverage industry to date has strongly opposed any expansion of a deposit/refund system. They have proposed that industry make a financial contribution to a multi-material collection system and that the deposit on beverage containers be removed. Local government's experience with this type of arrangement in other jurisdictions has been that the full costs of disposing of the product is not covered by industry and that local government is forced to pay for disposing of the goods.

The collection and storage of glass represents a significant cost to the operation of the majority of local government recycling initiatives. An expansion of the deposit/refund system has the potential to reduce the cost of local government recycling by as much as 20 to 30 percent, due to the cost of transporting cullet and the limited marketing opportunities for glass. An expansion of the deposit/refund system for beverage containers at the retail level would represent an important diversion program, as it would divert beverage containers away from local recycling programs and require industry to deal with the waste problems generated by their products.

During the past year the province had the consulting firm of Coopers and Lybrand undertake a detailed review of the impact that an expanded deposit system might have on carbonated beverage containers, water, juice, wine and liquor bottles. The study also attempted to compare the financial costs of the various collection systems - expanded status quo, depot system and blue box/curbside collection. The latter part of this study is very speculative, however, as there is very little data available about the costs of collecting different types of containers in the blue box system and

financial information provided by industry could not be verified, as industry would not officially support the review.

The purpose of the study was to provide cabinet with more detailed information on the impact that an expansion of the deposit/refund system would have on each beverage container type. A report on the deposit/refund issue has been prepared by the ministry for cabinet consideration but no action has been taken on the issue.

ACTION: UBCM continue to support the development of an expanded deposit-refund system which will enhance the recovery of recyclable containers, such as the implementation of a deposit on all liquor and wine bottles.

b) Packaging Stewardship

ISSUE: The impact on local government of a proposed industry operated and funded product and packaging stewardship program.

STATUS: Packaging stewardship, as a component of solid waste management, has been an ongoing concern of local government. The solution to the packaging issue from a local government perspective lies with industry undertaking "cradle-to-grave" responsibility for the products it produces.

The implementation of an industry operated and funded packaging stewardship program would substantially reduce local governments solid waste management costs. Alternatively it could provide a potential \$10 to \$25 million dollars in new funding for local government solid waste collection programs.

No provincial action has been taken on a packaging stewardship program, as it was felt that a decision on whether or not to expand the deposit/refund system was required from cabinet before attempting to undertake a new initiative.

ACTION: UBCM request that the Minister of Environment, Lands and Parks require the development of an industry operated and funded packaging stewardship program and that this funding be used for local recycling programs.

Local government request that:

- industry be required to take 'cradle-to-grave' responsibility for their products and packaging to maximize reduction initiatives and minimize costs;
- legislative changes be introduced to assist in the development of markets for recycled goods by requiring new products to contain a certain percentage of recycled material;
- restrictions be placed on the type of packaging that can be used - mandated refuse reduction, such as requiring standardized containers;
- programs and policies be developed that will provide strong incentives to manufacturers to reduce packaging;
- the deposit system be expanded to include a broader range of products.

UBCM request that they, along with other organizations be involved in setting the direction and monitoring the implementation of these programs.

c) Paint Stewardship

ISSUE: The role of local government in an industry operated and funded paint stewardship program.

STATUS: The provincial government on September 1, 1994 passed a Post-Consumer Paint Stewardship Regulation which required that all brand-owners who sell or distribute paint in the province have an approved stewardship program in place by January 1, 1995.

Under the regulation the stewardship program is required to do one of the following:

- provide return-to-retail;
- provide depots to return the paint;

- “contract, with a person who operates a return collection facility, for the use of that facility” to return paint.

Collection facilities are to be located within 4 or 10 kilometres of a seller's premises depending on whether he is located in an urban or a rural area.

The largest paint stewardship program is operated by the Paint Care Association (49 members), which was created by the major brand-owners and retailers of paint in the province to implement an approved stewardship program. The Paint Care Association (PCA) stewardship program is a voluntary program designed to work collectively with local government and to use local facilities in the collection and disposal of post-consumer paint. It represents over 95% of B.C.'s paint industry, encompassing paint manufacturers, distributors, small retailers and large chain stores.

The Paint Care Association has established 83 paint collection depots, mainly in cooperation with the Encorp corporation which collects bottles. The PCA has held approximately 200 one-day events in various communities. The association has diverted over 2.5 millions litres of paint since its creation in 1995 and has recently established a paint exchange program through the Recycling Council of B.C. in which leftover paint will be offered to non-profit groups and the public.

The Paint Care Association has not yet complied with the regulation as it has not established the depots required and has not promoted the stewardship program it has in operation. The Ministry of Environment, Lands and Parks is presently investigating the PCA to determine where the money it has collected is being spent and the extent to which it is in contravention of the regulations.

The Ministry passed a new regulation in 1996 requiring that the paint industry accept all paint cans, advertise the location of their depots on a year round basis in local newspapers and at the retail level, and that they recycle 70% of the paint collected by 1997.

- ACTION: UBCM request that the Ministry of Environment, Lands and Parks require all brand owners in the paint industry to fulfill their stewardship requirements in implementing a paint collection program which is:
- fully funded by the industry;
 - convenient to the consumer.

Local government request that the cost of the development of collection facilities, transportation and the disposal of the paint collected be the responsibility of the paint industry.

d) Household Hazardous Waste Stewardship

ISSUE: The impact on and role of local government in any provincial program developed to collect special wastes at the household level. The financial costs and liability concerns related to the collection, storage and disposal of household hazardous wastes and other special wastes.

STATUS: The Waste Reduction Commissioner released a report in 1994 on the development of a provincial hazardous waste management plan. The report recommended the closure of the eight provincially operated hazardous waste storage facilities by June 1994 and that the role of the provincial government be directed toward the establishment of an industry funded and operated product stewardship programs.

In addition, the paper recommended that local government facilitate the process toward product stewardship by making the necessary changes to zoning and permit requirements to allow the establishment of depots, by banning products from entering landfill sites as stewardship programs are developed and by promoting public awareness programs.

The province announced on April 8, 1994 the closure of the eight provincially operated hazardous waste storage facilities.

The Alberta government has privatized the Swan Hills hazardous waste treatment facility and is now able to take hazardous wastes from the province for treatment and disposal (i.e. PCBs).

Nationally the hazardous waste industry has established a Household Hazardous Waste Task Force. The industry's first goal is to minimize the amount of waste going to disposal through - responsible product formulation, appropriate packaging sizing, consumer education and product recycling and recycled content. The second goal is to ensure that the products going to disposal are handled safely, efficiently and their disposal costs are allocated fairly - accurate tracking of the waste stream, national facility standards and operating policies, build on existing infrastructures, and shared systems to lower cost.

The intent is to create a partnership with government, consumers and industry to share responsibility for the management of household hazardous waste - government regulation be established to make stewardship of household hazardous waste mandatory; government share in the cost of household hazardous waste management programs; stewardship funds for household hazardous waste be managed by industry and the funds collected be dedicated to them.

The Ministry is holding discussions with industry representatives about the development of regulation to govern the collection of household hazardous wastes. A pilot program using depots to collect household hazardous wastes is underway in Abbotsford. If an agreement can be reached on the regulation and the pilot program is successful, a province wide program will be undertaken in the fall of 1996.

ACTION: UBCM request that the province and/or industry operated and funded programs assume the responsibility for the collection, storage and disposal of household hazardous wastes, with all of the costs being paid by the proponent of the program.

UBCM request that the program be convenient to the consumer and incorporate both return-to-retail and a depot system. An incentive be developed to encourage consumers to return their unused product, such as a deposit/refund system or some other mechanism.

UBCM request that the industry agree to be accountable for its program to a public stakeholder committee and the provincial government. A business plan be developed that clearly outlines how the program will be implemented and the goals and objectives that the program is to be assessed by.

UBCM request that it be exempt from liability for household hazardous wastes and other special wastes where it chooses to assist in the administration of these stewardship programs.

5. WATER STEWARDSHIP

ISSUE: The impact on local government of the development of new policies related to water stewardship.

STATUS: The Ministry released a discussion paper entitled the Stewardship of the Water: A Review of British Columbia's Water Management Policy and Legislation in 1993. The paper was intended to provide the framework for the development of new legislation which would cover - groundwater management; water pricing; management of activities in and about streams; water management planning; water allocation; floodplain management; and water quality management.

Water policy is still seen as a key issue in the Ministry but the time frame for implementing policy changes is no longer firmly established. Changes to water policy are being undertaken based on the proposed policy, but they are being implemented on an incremental basis - Water Protection Act, etc.

There are a number of specific watershed management issues related to water stewardship:

a) Groundwater Management

ISSUE: Local governments role in the establishment of standards and the management of groundwater management areas.

STATUS: The ministry in its paper on the "Stewardship of Water Resources" initially proposed to bring in controls over groundwater on an incremental basis by initially designating certain areas as 'Groundwater Management Areas' (i.e. Gulf Islands, Fraser Valley etc.) where problems currently exist and regulating the drilling and management of well sites and by licensing all drillers in the province.

British Columbia is the only province in Canada that does not have some form of legislation to govern the use of groundwater. The province has 150 groundwater observation wells, however, it does not have a detailed understanding of the size of the aquifers in the province their recharge rates and the consumption rates. Groundwater accounts for 9% of total water use in British Columbia and as much as 40% in rural areas. The largest user of groundwater is industry (55%), followed by municipal and rural use (25%) and finally agriculture at (20%).

The Ministry of Environment, Lands and Parks is undertaking a number of pilot projects in groundwater management to determine the extent of the groundwater problems and to assess the best way of dealing with these problems - Fraser Valley, Gulf Islands etc.

ACTION: UBCM request that legislation be enacted to protect groundwater.

UBCM government request that groundwater quality be monitored and that regulations concerning groundwater, be implemented on a selective basis, only where there is an identified water quality related health risk.

b) Community Watersheds

ISSUE: Local governments' role in maintaining quality water in community watersheds where other resource uses are allowed.

STATUS: Community watersheds - identified under the Water Act - are recognized as a 'landscape unit' for planning purposes under the Strategic Planning Regulations developed under the new Forest Practices Code. An area that is given a community watershed designation would be subject to the development of a total resource plan before any resource development was undertaken in it.

The protection and rehabilitation is currently being dealt with under the Forest Practices Code regulations on crown land and funding to restore watersheds is available under the Forest Renewal Program.

ACTION: UBCM request that community watersheds be recognized as a land use under the Forest Act, Water Act and Municipal Act.

c) Sustainable Stewardship

ISSUE: The role of local government in maintaining a sustainable eco-system in the planning and approval of developments.

STATUS: The Ministry of Environment, Lands and Parks, Environment Canada and the Department of Fisheries and Oceans have undertaken a number of programs to assist local government in protecting the eco-system when undertaking development:

- stream stewardship guide - demonstrates how urban development can proceed without destroying or damaging fish habitat, which is essential for their long term survival and proposes that these tools be incorporated into local government planning processes (OCPs etc.);
- land development guidelines - is intended to assist developers and local governments in identifying potential problems prior to land development and what steps might be taken to prevent negative impacts on fish habitat;
- non-point source pollution - studies are underway to determine the extent to which non-point source pollution is responsible for the water quality problems identified today - agriculture, septic tanks and urban development/stormwater sources. It is estimated that in the United States

that non-point source pollution is responsible for water quality problems in a large number of water bodies - 45% estuaries, 76% lakes and 65% rivers.

- water quality - a report has been developed to inform local government about the quality of water in a number of rivers and streams throughout the province. The report rates the water quality for drinking, recreational use and the health of the aquatic eco-system.
- community greenways - a manual is being developed which will provide local government and developers with the tools to create green ecologically significant networks in human settlement areas in their communities. Greenways can help to establish a stable ecological infrastructure within built-up areas, and can provide linkages between these areas and adjacent undeveloped areas.
- urban salmon habitat program - the Urban Salmon Habitat Program, announced at the 1995 UBCM Convention, is underway and a number of local government have received funding under it. The new program has been developed to focus on protecting and restoring salmon habitat in the Georgia Basin area where land has or will be developed, and where planning and development control is primarily a local government responsibility.

ACTION: UBCM request financial and technical assistance to develop and maintain sustainable eco-systems.

6. FLOOD HAZARD MANAGEMENT

ISSUE: Local governments' role in the development of flood hazard management plans.

STATUS: The 1968 Canada-British Columbia Agreement which established the Fraser River Flood Control Program and has provided the major source of funding for dyke construction and maintenance ended on March 31, 1995. There is no agreement concerning flood hazard management on the Fraser River at the present time. Both the federal and provincial government have indicated that they do not intend to renew the agreement. They have proposed instead that a new type of agreement be negotiated that would include the management of both structural and non-structural flood hazard measures and would attempt to coordinate the activities of all the agencies involved in this area.

Recent events in the United States along the Mississippi and in Holland have suggested that the current approach of attempting to control the flow of the river in the event of a flood through dyking may not be effective and that a new system needs to be considered to avoid future problems.

The Ministry of Environment, Lands and Parks currently has no funding for the maintenance of dykes or flood hazard problems. The only financial assistance available is through the emergency funding program. This financial assistance is available only after a major flood has taken place.

An Intergovernmental Task Force on Flood Hazard Management has been established, under the auspices of the Fraser Basin Management Program, and a draft strategy paper outlining the existing problems and possible solutions has been developed.

ACTION: Local government continue to work with the Fraser Basin Management Board and the provincial and federal government in the development of a integrated flood hazard management process that will be acceptable to local government.

7. AIR QUALITY STEWARDSHIP

ISSUE: Local governments' role in the establishment of standards and the management of local airshed emissions, given the growing importance of clean air to the quality of life in local communities.

STATUS: The provincial government has released two discussion papers on airshed management in the province - Ensuring Clean Air: Developing a Clean Air Strategy for B.C. and Smoke Management for the 90's. The Ministry of Environment, Lands and Parks has announced the establishment of a

smoke management policy which will eliminate the operation of beehive burners in the province by 1995/96.

The provincial government has delegated the authority for airshed management in the lower mainland to the GVRD and the Fraser Valley regional districts at their request in an effort to allow them to develop specific programs to address their air pollution problems and will work with other local governments to develop a similar process on an "as needed basis".

A motor vehicle emission inspection program has been established in the lower mainland in order to reduce air pollution. The provincial government has passed new legislation which will allow it to introduce regulations governing the operation of motor vehicles and wood stoves.

The provincial government has introduced a regulation to assist in buying back old vehicles so that they can be scrapped. The purpose of the program is to reduce the amount of air pollution from motor vehicles.

a) Cleaner Vehicles and Fuels

The Minister of Environment, Lands and Parks introduced new auto emission standards and standards for cleaner fuels in 1995, which required that:

1. require emission testing for heavy-duty trucks and buses in the Lower Fraser Valley in 1996;
2. require the availability and use of cleaner new-vehicles - 5% of new vehicle sales by 2001 and 10% by 2003;
3. reduces the amount of harmful pollutants in gasoline - limits the amount of benzene and sulphur;
4. service stations in the Lower Fraser Valley to recover gasoline vapours from storage tanks.

b) Greenhouse Gas Action Plan

The Ministry of Environment, Lands and Parks and the Ministry of Energy, Mines and Petroleum Resources announced a 53 point action plan to stabilize greenhouse gas emissions at their 1990 levels by the year 2000. Under this plan the government will assist communities in becoming more energy efficient, implement a coordinated provincial transportation demand management program, provide funding for infrastructure under the Cycling Network Program, support local actions to develop air quality management plans and assist in the development of regional growth strategies.

ACTION: Local government request that the Ministry undertake more extensive testing of air quality around the province and work with the local community to correct air quality problems that are identified.

Local government request legislative authority to become involved in the development of an airshed management plan where there is an identified health risk.

In accordance with past policy local government request the provincial government take action on the following issues:

- ethanol/methanol as an alternative fuel;
- expansion of mandatory motor vehicle emissions testing;
- establish the demand for and demonstrate the use of factory designed alternate fuel vehicles and that it continue the current road tax exemption for alternative fuels.

8. PESTICIDE MANAGEMENT POLICY

ISSUE: Local governments' role in the establishment of standards and the management of pesticides, given the public concern over the effect of pesticide use on health.

STATUS: Local government currently obtains pesticide use permits in the form of service licences and uses pesticides to control weeds in parks, on playing fields and along roads. A number of regional districts have weed control programs to control plants that are harmful to agriculture.

The Ministry of Environment, Lands and Parks is looking at the development of a new pesticide management policy. This policy will focus on the use of integrated pesticide management programs to reduce the use of pesticides in the long-term.

ACTION: UBCM work with Ministry of Environment, Lands and Parks staff in the development of a pesticide management policy that is workable at the local level and encourages the use of integrated pesticide management plans.

9. PRIVATE SEWAGE DISPOSAL FACILITIES

ISSUE: Local governments' role in the construction, operation and management of private sewage disposal facilities.

STATUS: The Ministry of Environment, Lands and Parks released a discussion paper on Private Sewage Disposal in 1994, that put forward as its major option that all future permits for private sewage facilities be issued to local government solely or as a co-permittee with a private person.

At the present time there are problems related to the ongoing operation and management of some private sewage facilities. There does not exist a process to ensure that private sewage facilities are constructed according to the approved plans, that the facility is operated in accordance with its permit requirements or that the plant is repaired and upgraded when required.

The UBCM responded to the submission on Private Sewage Disposal and indicating that local government would not support a solution which downloaded the financial costs and liability on it and failed to address the existing problems in the regulatory process.

The UBCM has pointed out that there are two issues that must be addressed. The first issue is how to upgrade existing facilities to ensure that they meet existing standards and do not create future problems. The second issue is how to deal with future requests for the development of private sewage disposal facilities.

We suggested that the pollution prevention and polluter pay principles should guide the provincial government in its policy development on this matter. The provincial government needs to develop a new regulatory framework which will ensure that a private sewage disposal facility is constructed properly by the original owner, and that there is a process in place to ensure that the future costs of operating and maintaining the sewage disposal facility is in place, in the same way that a public utility is required to do. This policy would require the private disposal facility to take responsibility for ensuring that it did not pollute the environment and would require the users of the facility to pay for its day to day operation and ongoing maintenance requirements.

The Ministry of Environment, Lands and Parks is looking at the development of a regulation that would require a developer to post a bond for both the capital and maintenance of a private sewage facility associated with a development. It may also provide the option to allow a regional district to take on responsibility for the sewage facility through a local service area bylaw.

ACTION: UBCM work with Ministry of Environment, Lands and Parks in the development of a regulatory framework for private sewage disposal facilities which requires the private sector to take responsibility for the long-term operation and management of these facilities.

UBCM government request clear legislative and regulatory authority to ensure that where it chooses to get involved in the approval of private sewage disposal it does not assume additional financial or liability responsibilities.

10. PLEASURE CRAFT POLLUTION PREVENTION

ISSUE: Local governments role in the designation of lakes and other areas which may require pumping stations for the handling of sewage from pleasure craft. The role of local government in the management and operation of pumping stations.

STATUS: There are currently federal regulations governing the handling of sewage from pleasure craft in designated water bodies. Application of the regulations for any specific water body is controlled by the province in which the water body is located. Okanagan, Mara and Shuswap Lakes have already been designated under this legislation.

The Ministry of Environment, Lands and Parks has undertaken a survey and is developing a process for designating additional fresh and marine water bodies under these regulations. These regulations are necessary in lakes in order to retain high quality water for fishery, recreation and domestic water supply and to prevent sewage pollution in small and poorly flushed anchorages and marine parks in the Gulf Islands and Desolation Sound.

The Ministry of Environment, Lands and Parks has produced a pamphlet on the process for the designation of additional fresh and marine water bodies, but they have not undertaken any action to directly implement the regulations themselves. The ministry is reluctant to take action on this issue as it does not have the resources to implement it on a provincial basis. The ministry is unwilling to implement it on a local basis unless it has the support of the local government in designating the water body and assistance from it in implementing the regulation - i.e. establishment of a pumping stations etc.

The Ministry of Environment, Lands and Parks has identified an additional 55 water bodies in the province that might be designated under the federal regulation.

ACTION: Local government work with the Ministry of Environment, Lands and Parks in developing an implementation process for pleasure craft sewage regulations that would be acceptable to local government.

11. ENVIRONMENTAL PROTECTION ACT

ISSUE: The Ministry of Environment, Lands and Parks is considering legislation which is intended to provide the principles and overall framework for all environmental legislation in the province.

STATUS: The Ministry began consultations with stakeholders in 1993 on the development of the principles and framework for its new environmental policy outlined in the Environmental Protection Act and these consultations continued to mid-1994.

At the 1994 Convention delegates recommended that the legislation be amended to reflect the following:

- better reflect the 'government-to-government' relationship that exists between the provincial government and local government;
- better provide that local government when undertaking environmental initiatives in cooperation with the province is not subject to open-ended liability;
- better explain how the legislation is intended to work and what is expected in the way of environmental protection;
- better outline the parameters as to when and how discretionary authority is to be exercised and who is responsible for the decisions that are made;
- better define what the rules are that are to be followed and how they will work together in protecting the environment;
- better identify what the financial costs of implementing this new legislation may be on local government, how the costs are to be paid for and who will pay these costs.

The Convention authorized the Executive to respond to a final draft of the Environmental Protection Act based on the following principles:

1. Science - Environmental legislation and resulting regulations should be formulated on a well founded, peer reviewed scientific basis.

2. Funding - The impact of environmental mandates on local government must be thoroughly understood prior to formation and passage of legislation and regulations.
3. Risk Assessment - Provide scientifically sound assessments of purported health, safety or environmental risks prior to the imposition of new mandates on local government.
4. Flexibility - Protection of the environment can be achieved through a variety of methods.
5. Partnerships and Coordination - All levels of government must work together to ensure that public health and the natural environment are protected.
6. Prioritization - Address the worst environmental problems first.
7. Technical Assistance/Information - Local government needs technical support and additional information in dealing with these highly complex issues.
8. Public Education/ Communication - The public must understand the financial, environmental and community impacts resulting from the passage of environmental mandates.

The Ministry of Environment, Lands and Parks is proposing that the Environmental Protection Act be included in the provincial government's 1997 legislative agenda.

ACTION: Local government request that there be further consultation on the B.C. Environmental Protection Act prior to it being introduced as legislation and that the legislation reflect the comments and principles outlined by local government.