

GUIDANCE ON APPLICATIONS FOR AUTHORIZATIONS UNDER THE *ENVIRONMENTAL MANAGEMENT ACT* – CONSULTATION

Recommended activities for the applicant to take prior to submitting an application for a permit, significant amendment or an approval

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Introduction

This guidance document was prepared to assist the applicant in understanding the consultation process that must be undertaken in order to meet the regulatory requirements which provide opportunity for others to have input to the process and ensure the Director has the necessary information to make a decision on the application.

The applicant undertakes consultation activities during a pre-application stage and before formal submission of the application package to be aware and address the concerns and issues of others in the process of determining the extent of waste treatment and disposal technology needed to protect public health and the environment. These consultation activities include a pre-application meeting with the manager, and consultation with the public, agencies and stakeholders through notices at the site, published in newspapers and hand-delivered or delivered by mail to stakeholders and agencies.

The *Public Notification Regulation* places certain responsibilities on the applicant. The regulation is available on the Internet at http://www.qp.gov.bc.ca/statreg/reg/E/EnvMgmt/202_94.htm

Referrals

Agencies that may have an interest in the application include, although are not limited to:

- Environment Canada
- Regional Health Authority
- Ministry of Agriculture, Food and Fisheries
- Ministry of Water, Land and Air Protection – Environmental Stewardship, Ecosystem Section
- Land and Water BC Inc.
- Local government (municipality and/or regional district)

A list of agencies and addresses is provided for each MWLAP region. For comprehensive regional agency contact lists see: [Regional Agency Contacts and Ministry Regional Offices](#).

During the pre-application meeting, ministry staff will identify the appropriate agencies with which to consult. An example of an agency referral cover letter is at the [Referral Letter Template](#) webpage.

Recognizing government's responsibility to avoid unjustifiable infringements of aboriginal and treaty rights, consultation with First Nations should be conducted in accordance with the [Provincial Policy for Consultation with First Nations](#). Recent court decisions have confirmed that consultation is a shared responsibility of industry and government. Proponents are the experts on their proposals and have the responsibility of informing First Nations of the nature of their operation and its impacts. Ministry staff will ultimately need to ensure that infringement does not occur and judge that the proponent consultation has been adequate. Ministry staff will at times need to interject themselves into the process to assist in resolving contentious situations.

Notification

The applicant is usually required to notify the public about the application by: posting a completed copy of the appropriate Environmental Protection Notice, [Environmental Protection Notice \(new application\)](#) or [Environmental Protection Notice \(amendment\)](#), on-site; and publishing this notice, once, in a local newspaper serving the area where the discharge is proposed. This provides the public with a 30-day period to provide comments. The applicant must also provide the notice to the municipality and/or regional district in which the discharge is proposed, agencies specified by the manager and, where applicable, based on discussion at the pre-application meeting, the property owner, aboriginal bands, and other stakeholders who may have an interest in the application. The application must also be published in the British Columbia Gazette Part I. All costs associated with posting, publishing and delivery of the notices are the responsibility of the applicant.

Required Information for Notices

Application for a new permit:

- (a) the ministry application number;
- (b) the name, address and postal code of the applicant;
- (c) a clear description of the source and location of the waste, including any commonly known name of the facility;
- (d) if applicable, the legal description of the land or the premises where the facility and treatment works are or will be located;
- (e) the legal description of the place where the waste is or will be discharged;
- (f) a description of the waste in general terms based on the origin or nature of the operation that produced it;
- (g) the characteristics of the waste in specific terms including the content of potential pollution-causing substances expressed in metric scientific units;
- (h) the volume of material to be discharged during a specific time period;
- (i) a contact name and address for the applicant or agent.

Application for a significant amendment:

- (a) the name, address and postal code of the applicant;
- (b) identify the permit to be amended by permit number, issue date and, if applicable, the date last amended;
- (c) the name and a clear description of the source of waste;
- (d) a clear description of the changes being requested in the permit;
- (e) a contact name and address for the applicant or agent.

Publishing Specifications

Published information in a local newspaper must be at least 10 centimetres in width and at least 100 square centimetres in area. The advertisement shall bear the heading “**ENVIRONMENTAL PROTECTION NOTICE**” in a minimum type size of 12 points and the text of the notice must be a minimum type size of 8 points.

The notice must be published in Part 1 of the BC Gazette:

British Columbia Gazette
963 Superior Street
PO Box 9452 Stn Prov Govt
Victoria BC V8W 9V7
Website: <http://www.publications.gov.bc.ca/bcgazette.aspx>

For information regarding their fees, publication days, etc. the BC Gazette toll free number is 1-800-663-6105.

The applicant is responsible for checking the tear sheet from the newspaper and the notice in the Gazette to ensure the ad and notice contain the information required by this procedure and the *Public Notification Regulation*. If the ad or notice is deficient, the applicant will be required to re-advertise.

Response to Concerns

The applicant is expected to respond to comments received from anyone who expresses concerns about the application. It may be necessary for the applicant to have a qualified professional respond to technical issues and resolve concerns.

A qualified professional means a person who

- (a) is registered in British Columbia with an appropriate professional association, acts under that professional association’s code of ethics, and is subject to disciplinary action by that professional association, and
- (b) through suitable education, experience, accreditation and knowledge may be reasonably relied on to provide advice within an area of expertise related to this application.

The manager may require the applicant to offer to meet with any person or persons who may be adversely affected by the proposed discharge. Reasonable effort must be made to resolve concerns.

Consultation Report

A consultation report will be required for the application to be accepted by the manager. The report shall include a referral list with contact names, copies of the agency response letters, dates of posting, publishing and distributing notices, plus copies of notices and tear sheets from publications. All comments received must be documented in the consultation report with an explanation of efforts made to resolve the concerns.

Disclaimer

This guidance document does not replace the *Environmental Management Act* or its regulations. It does not list all provisions relating to waste discharges. If there are differences or omissions in this document, the *Act* and regulations apply.