

DEPARTMENT OF ENVIRONMENT & CONSERVATION

POLICY DIRECTIVE PD:PP2013-01

DIVISION: Pollution Prevention Division

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Short Title

This policy may be cited as the *Effluent Discharge Schedule Determination Policy for Industries*.

Subject

The *Environmental Control Water and Sewage Regulations, 2003* NLR 65/03 (ECWSR) provide industry specific schedules for persons primarily in the Metal Mining Industry, the Pulp and Paper Industry and the Petroleum Refining Industry. All other industrial effluent discharges are subject to Schedule A or Schedule B of the ECWSR.

Objective

To clearly determine which of Schedule A through E is applicable for industrial effluent discharge under the ECWSR.

Background

Discharges of industrial effluent are regulated in Newfoundland and Labrador under the ECWSR. The ECWSR were developed initially in the 1970's and there have been several amendments since that time. The most substantive amendment occurred in April 2009 when three additional schedules were added to the ECWSR to harmonize discharge limits with federal discharge criteria for the metal mining, the pulp and paper and the petroleum refining industries. This policy document has been prepared to provide clarity and consistency in determining the appropriate schedule for application to industrial effluent discharges.

Legislative Authority

This policy has been developed to support the ECWSR under the *Water Resources Act*, SNL 2002, c.W-4.01 specifically sections 5, 6 and 10.1 of the ECWSR which state:

Specified discharge prohibition

5. A person shall not discharge into a public sewer or sewer leading to a public sewer, sewage or effluent
- (a) containing a constituent specified in Column 1 of Schedule B having a content in milligrams per litre, parts per million, in excess of the maximum specified in Column 2 of that Schedule;
 - (b) having a temperature in excess of 65° Celsius; or
 - (c) having a pH value less than 5.5 or greater than 9.0.

Specified discharge prohibition

6. A person shall not discharge into a body of water sewage or effluent
- (a) containing a constituent specified in Column 1 of Schedule A having a content in milligrams per litre in excess of the maximum specified in Column 2 of that Schedule;
 - (b) having a temperature in excess of 32° Celsius;
 - (c) having a pH value less than 5.5 or greater than 9.0; or
 - (d) a radio-active substance having a gross beta activity before discharge of more than 37 Bq per litre with the exception of
 - (i) radium 226 which shall not exceed 0.37 Bq per litre, and
 - (ii) strontium 90 which shall not exceed 0.37 Bq per litre.

Discharge standard varied by industry

10.1 (1) Notwithstanding paragraphs 5(a) and 6(a),

(a) a person primarily in the Metal Mining Industry shall not discharge sewage or effluent which does not comply with standards prescribed in Schedule C;

(b) a person primarily in the Pulp and Paper Industry shall not discharge sewage or effluent which does not comply with standards prescribed in Schedule D; and

(c) a person primarily in the Petroleum Refining Industry shall not discharge sewage or effluent which does not comply with standards prescribed in Schedule E.

(2) For the purpose of subsection (1), whether a person falls primarily within a particular industry shall be determined by the minister.

Policy

1. For the purposes of determining whether a person falls primarily within the Metal Mining Industry and subject to Schedule C of the ECWSR:
 - a. A person primarily in the Metal Mining Industry is a mine, a mine under development, a new mine or a reopened mine. A mine means hydrometallurgical, milling or mining facilities that are designed or used to produce a metal, a metal concentrate or an ore from which a metal or metal concentrate may be produced or any facilities, including smelters, pelletizing plants, sintering plants, refineries and acid plants, where any effluent from the facility is combined with the effluent from hydrometallurgy, milling or mining. A mine under development means a mine where the construction of an open pit or underground mine has started. A new mine means a mine that begins commercial operation on or after June 6, 2002. A reopened mine means a mine that resumes commercial operation after June 6, 2002.¹
 - b. A person is not primarily in the Metal Mining Industry when it is a recognized closed mine or it is a mine that ceased commercial operation before June 6, 2002. A recognized closed mine means a mine that is referred to in Section 32 of the *Metal Mining Effluent Regulations* for which the owner has satisfied the requirements of subsection 32(1).¹
2. For the purposes of determining whether a person falls primarily in the Pulp and Paper Industry and subject to Schedule D of the ECWSR:
 - a. A person primarily in the Pulp and Paper Industry is a mill. A mill means:
 - i. a factory that is designed or used to produce pulp or paper products, or
 - ii. if a complex consists of factories that are owned by different owners and that are designed or used to produce pulp or paper products, all of those factories that discharge some or all of their effluent into a common treatment facility that is owned by one of those owners and includes any facility that is owned or operated by the owner of any factories referred to in paragraph (i) or (ii) and treats effluent.²
 - b. A person is not primarily in the Pulp and Paper Industry when the facility is no longer considered a mill and the *Pulp and Paper Effluent Regulations* no longer applies to the facility.²
3. For the purposes of determining whether a person falls primarily in the Petroleum Refining Industry and subject to schedule E or the ECWSR:
 - a. A person primarily in the Petroleum Refining Industry is a refinery that commenced processing of crude oil after November 1, 1973. A refinery means facilities intended primarily for the separation and conversion of crude oil into products, including liquefied petroleum gas, gasolines, naphthas, heating oils, fuel oils, asphalts, lubricating oils and greases, benzene, toluene, xylene, hydrogen, sulfur and coke, and includes blending, shipping and packaging facilities located on the refinery property and all properties developed for the operation of those facilities, but does not include facilities associated with the processing of natural gas or the production of synthetic petroleum originating from coal or bituminous sands.³
 - b. A person is not primarily in the Petroleum Refining Industry when the facility is no longer considered a refinery and the *Petroleum Refinery Liquid Effluent Regulations* no longer applies to the facility.³
4. Persons discharging industrial effluent that are not primarily in the Metal Mining Industry, the Pulp and Paper Industry and the Petroleum Refining Industry are required to meet Schedule A or Schedule B of the ECWSR. Schedule A is applied when the discharge will not undergo additional treatment prior to its release. Schedule B is applied when the discharge is to a public sewer system, including a sewer leading to a public sewer system and will undergo additional treatment prior to its release.

5. This policy will take effect as soon as it is signed by the Minister and shall remain in effect until it is altered or canceled by the Minister.

References

1. Government of Canada, Metal Mining Effluent Regulations SOR/2002-222
2. Government of Canada, Pulp and Paper Effluent Regulations SOR/92-269
3. Government of Canada, Petroleum Refinery Liquid Effluent Regulations CRC-c.828