

March 3, 2022

Chair Kevin Flynn
Columbia Shuswap Regional District
Box 978
Salmon Arm, BC V1E 4P1

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Dear Chair Flynn:

Re: Provincial Response to 2021 Resolutions

UBCM has received the Province's response to your Board resolution(s) from 2021. Please find the enclosed resolution(s) and their provincial response(s).

All responses from the Province have been posted to the UBCM web site under Convention & Resolutions.

Please feel free to contact Jamee Justason, Resolutions and Policy Analyst, if you have any questions about this process. Tel: 604.270.8226 ext. 100 Email: jjustason@ubcm.ca

Sincerely,



Councillor Laurey-Anne Roodenburg
UBCM President

Enclosure

Whereas the *Environmental Management Act* authorizes a regional district to manage solid waste in accordance with its Solid Waste Management Plan, which is approved by the Ministry of Environment;

And whereas the Authorizations Division of the Ministry of Environment is responsible to review and receive a landfill facility's design and operation plan and issue the operational certificate required for a local government to operate a landfill facility to receive solid waste;

And whereas the Compliance Division of the Ministry of Environment is responsible to inspect a local government operated landfill facility to ensure it is operating in accordance with its issued operational certificate;

And whereas the Authorizations Division of the Ministry of Environment works through a necessary application to update an existing Operational Certificate, the Compliance Division of the Ministry of Environment holds local government owned landfill facilities out of compliance against the existing Operational Certificates and issues landfill non-compliance letters to local governments containing threats of significant monetary penalties and even imprisonment:

Therefore be it resolved that UBCM lobby the provincial government to request that the Ministry of Environment Compliance and the Authorizations Divisions act proactively and reasonably with each other and local government landfill owners to ensure landfill compliance with Operational Certificates without threats of imprisonment or substantial monetary fines.

Convention Decision: Endorsed

Provincial Response

Ministry of Environment and Climate Change Strategy

The Ministry of Environment and Climate Change Strategy (ENV) staff within the Regional Operations Branch strive for continuous improvement in implementing their business model and have taken these comments under advisement.

The Environmental Management Act clearly states that contraventions under the Act can result in fines and/or imprisonment and it is the duty of ENV staff to inform a regulated person or party of these potential consequences. It is common practice in the adjudication of the law to provide this information to a person or party in non-compliance to ensure that they can make fully informed decisions regarding the consequences of their actions.

*To further understand the ENV's approach to compliance and enforcement can be found at:
https://www2.gov.bc.ca/assets/gov/environment/research-monitoring-and-reporting/reporting/reporting-documents/environmental-enforcement-docs/env_ce_policy_and_procedure_2019.pdf.*

This policy applies to all regulated parties under legislation administered by ENV, including the Wildlife Act, Environmental Management Act, Integrated Pest Management Act, and Parks Act. Warnings are intended to warn of the possibility of an escalating response should non-compliance(s) continue, but they can also be de-escalated to an Advisory or Notice of Compliance by the inspecting officer when considering a number of factors including the willingness to comply with the regulatory requirement or addressing the non-compliance(s).

*For further information on how ENV conducts compliance and enforcement activities, this short video provides an overview of that approach: BC Environmental Compliance 101 - YouTube.
<https://www.youtube.com/watch?v=iCFaSipraH8>*