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VANCOUVER INTERNATIONAL BOAT SHOW – APRIL 7 TO 11, 2010

BACKGROUND INFORMATION – PROVINCIAL GREYWATER REGULATION (SECTION 13, ENVIRONMENTAL MANAGEMENT ACT)

This package for your review includes:

- This presentation with background information;
- examples of the legal precedence which indicate this is the federal government's jurisdiction;
- correspondence from the Ministry of Environment regarding Section 13, clearly showing an intent to restrict greywater from all boats in all waters;
- a sample letter to the Minister;
- contact information for relevant government contacts that would benefit from seeing your letter.

Introduction

British Columbia Marine Trades Association represents almost 300 suppliers to the recreational boating community in BC, including boat dealers and yacht brokers, marina operators, accessory retailers, manufacturers, and distributors. We are the owners of the Vancouver International Boat Show and also provide support for a number of initiatives that promote boating, including Variety Club's Boat for Hope, the BC Family Fishing Weekend, the WaterWise Safe Boating Team and the national Discover Boating Campaign. We also work with all levels of government to ensure regulations do not inhibit or obstruct opportunities to grow the industry or encourage boating activities.

Let me start by providing a brief summary of how this issue came to light. Last year, I received a fax from a boat dealer here in Coal Harbour, Vancouver that advised the boating community (and I quote):

“...the BC Ministry of Environment is implementing a phased-in compliance with the provincial Environmental Management Act which prohibits the discharge of both black and grey water from any vessel into any inland or coastal marine water. The compliance plan will be phased in through to 2010. Full compliance is expected as of spring 2010, allowing the industry and boat owners to make the necessary changes to ensure compliance.”

(Copies of this communication as well as a revised version are available here for you.)

Upon investigation, we learned that the Ministry of Environment was referencing a very obscure section within the Environmental Management Act to address complaints against discharge from houseboats on the Shuswap Lake.

Issue

B.C. Marine Trades Association has a lot of problems with this – first and most notably, communications from the Ministry have been confusing – verbally, we are told that the intent is to only focus on the Shuswap Lake but, as noted above and attached to this package, written correspondence indicates otherwise. We also hate the fact that the provincial government is putting us in a position that contradicts our attitude toward good boating practices and environmentally-friendly initiatives.

Let's look at the actual wording of the Section:

Wording of Section 13, Environmental Management Act (EMA)**Discharge of waste from recreational vehicles**

13 A person must not discharge domestic sewage or waste from a trailer, camper, transportable housing unit, boat or house boat onto land, into any reservoir or into any lake, pond, stream or other natural body of water, except

- (a) in compliance with a permit, an approval, an order, a waste management plan or a regulation, or
- (b) if disposal facilities are provided, in accordance with proper and accepted methods of disposal using those facilities, and in accordance with the *Health Act* and regulations.

Clarification on Wording

- The bolded section head of this section is for editorial purposes only and the section actually applies to all “boats”, including commercial. A “boat”, as defined by the provincial government is:
 - *“Any type of water craft, including those propelled by oars, paddles, sails, engines, or other means, and also those with no means of self-propulsion.”*
(Consumer Taxation Branch definition – the only place we could find the definition of a boat)
- The section applies equally to coastal waters as well as inland waters.
- Section 13 (a) applies only to regulations within the EMA and does not include existing federal regulations governing vessel discharge.
- Section 13 has been in the EMA (and predeceasing Acts) for over 30 years and has never been enforced. Ministry staff has, prior to May, 2007, always referred enquiries of boat waste discharges to Transport Canada – this change in practice and procedure came without consultation, without advice to boaters and without full consideration of the impact this would have on boaters.

I’ll spend the next few minutes going through the reasons why it just doesn’t work...**1. Federal Jurisdiction precedence:**

- There are numerous examples of court decisions which clearly place the governance of vessels within the jurisdiction of the federal government.
- ***Examples of precedence are available here as a handout.***
- Vessel discharge for both commercial and recreational vessels is being addressed by the Department of Transport Canada.
 - Transport Canada intends to apply greywater discharge regulations to vessels over 400 gross tonnes or carrying more than 15 passengers.
 - Through national consultations, Transport Canada determined that it was not practical to regulate greywater from small commercial or recreation vessels.

2. Scientific research:

- BCMTA recognizes the importance of keeping our waters clean and encourages the boating community to be aware of their impact on the environment and to practice environmentally friendly initiatives, including:
 - Education and awareness through Georgia Strait Alliance including Clean Marine BC program for marinas (endorsed and supported by BC Marine Trades Association).
 - National Discover Boating Campaign - Tips for Green Boating
 - Bio-degradable and alternative, natural cleaning products recommended (baking soda, vinegar, cornstarch, lemon juice, club soda and salt).
 - “EcoLogo” and “Green Seal” (US) products encouraged.
 - Environment Canada’s Best Management Practices for Hull Cleaning at Boatyards and Marinas.

- OceanSmart Green Boating Guide – produced by TBuck Suzuki Environmental Foundation.
- In context of the previous statement, the following points are supported by scientific research:
 - Greywater has minimal impact on water quality, especially in waters that have a naturally-occurring refresh.
 - Prohibiting greywater will not result in a detectable improvement to water quality.
 - It is not rational to think that greywater would be a major source of true fecal bacteria – bacterial contamination of lakes is more likely to be found through storm water, treatment plant bypasses and general run-off.
 - Greywater contributes minimal amounts of nutrients, including phosphorus – calculations from studies conducted in Ontario indicate that total input of phosphorus from all of Ontario's pleasure boats into the four big lakes bordering Ontario, would be no more than 0.003% of the total input.
 - It is counter-productive to focus efforts on such a small pollution item. The size of the investment needed to comply with discharge prohibitions far exceeds the return of benefit.
 - *Research background material available upon request*

3. Feasibility:

- Re-fitting small vessels to contain greywater poses a number of feasibility issues, including:
 - Stability of a re-fitted vessel would be affected and there is potential that changes would result in tipping the boat.
 - The size of a holding tank that would be required for greywater would be unrealistic and the cost of refitting a vessel to accommodate greywater retention far exceeds realistic return on investment.
 - There are very few facilities available for pump out of collection.
 - There is confusion and lack of clarity on the policy as it relates to foreign-flagged vessels.

4. 5.6.and 7. Additional Arguments:

- Very few restrictions are in place anywhere in the world dealing with greywater collection from pleasure craft. Indeed, the US just recently passed the Clean Boating Act in September, 2008, which exempts pleasure craft from grey water discharge restrictions.
- Implementation of Section 13 comes at a time when leisure activities are under extreme economic pressure. Rather than spend thousands to re-fit a vessel, boaters will likely chose to travel to Washington State or Alberta where no regulations exist – the resulting loss of revenue to marine industry and tourism-related businesses will be in the millions. The current uncertainty of the economic climate in British Columbia will be exacerbated by lost revenue, lost jobs and lost opportunities for marine tourism.
- Material received through the Freedom of Information Act provides no scientific documentation of a pollution problem directly identifying greywater discharge.
- There are approximately 1.5 million boaters in British Columbia. Enforcement of a regulation that has not been properly vetted through consultation; that contradicts and confuses compliance with federal regulations exempting small vessels; and that creates an economic hardship for those businesses depending on recreational boating will generate a negative political backlash.
- **Recreational Boating in BC – economic impact (2006 study):**
 - Recreational boating in British Columbia is a multi-billion dollar industry that generated a direct and indirect economic impact of \$1.36 billion in 2006 (based

on figures from a national economic impact study for the 2006 boating season). When factoring in induced economic impacts, that figure rose to \$3.3 billion.

Other key economic statistics for British Columbia include:

- An estimated 750,000 pleasure craft and over 1.5 million boaters in BC.
- \$488.7 million in direct labour income (plus an additional \$218.8 million indirect).
- \$240.2 million in direct sales and excise tax (plus an additional \$141.7 million indirect).
- With 40 boat manufacturers and 40 suppliers of complementary products, revenues from the manufacturing sector alone amounts to \$285.3 million.
- Expenditures of \$400 million annually on new boat sales.

- **Impact on Commercial Shipping sector**

- While the catalyst for initiating enforcement of Section 13 is houseboats on the Shuswap Lake, the current wording of the legislation covers both inland and coastal waters as well as the commercial marine sector. The provincial government cannot arbitrarily enforce this legislation upon the recreational sector while ignoring the implications to the commercial sector.
- Very clearly, commercial shipping is in the realm and jurisdiction of the federal government.
- Confusion will arise from conflicting regulations.
- There is confusion related to the treatment of foreign-flagged vessels, including cruise ships.
- The impact on operating costs for the commercial sector have not been calculated but, needless to say, they would astronomical.

We need your help!

At the beginning of February, representatives from BC Marine Trades Association, Council of BC Yacht Clubs, Council of Marine Carriers and Georgia Strait Alliance met with Minister Penner. While we were grateful to have the opportunity to express our concerns directly to the Minister, we still don't think they understand the implications of Section 13. We would like to ask you to contact the Minister to ensure our message has been heard and understood.

The Minister stated that it is the Ministry's intention to focus solely on Shuswap Lake. However, as noted previously, this contradicts correspondence from his staff. As long as Section 13 remains a part of the Environmental Management Act, boaters all across British Columbia will be subject to the whims of the government of the day. By allowing the Ministry to apply the very vaguely worded Section to a small area in BC, we are setting a dangerous precedence which can be built on by successive governments and bureaucrats.

We have suggested the following alternatives to the Minister and have included these in the sample letter attached. These options would address the concerns of the marine industry yet still provide opportunities to educate and advocate for environmentally-sustainable boating practices.

1. Amend Section 13 to exclude the words: "boat or houseboat"; or repeal Section 13 in its entirety.
2. Work with BCMTA, Georgia Strait Alliance and Shuswap Lake houseboat companies and private houseboat owners to develop, promote and encourage best practices for sustainable activity on Shuswap Lake; or failing a successful evaluation of voluntary guidelines, MoE apply for a Vessel Operating Restriction Regulation (VORR) through the Federal Department of Transport Canada.

3. Create a partnership with BC Marine Trades Association and Georgia Strait Alliance to develop projects that pro-actively educate boaters and promote environmentally-friendly boating practices in all areas of the province.

I would like to thank you very much for your time today. I would be pleased to answer any questions you might have. I can be reached at 604-683-5191.



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VANCOUVER INTERNATIONAL BOAT SHOW – FEBRUARY 4 to 8, 2009

Precedence of Federal Jurisdiction Governing Vessels

Federal regulations have legal jurisdiction over the governance of vessel sewage and waste discharge as evidenced by the following:

1. Existing federal legislation

- a. Canada Shipping Act 2001, Regulations for the Prevention of Pollution from Ships and for Dangerous Chemicals:
 - i. Part 1, Division 1, Subdivision 2, Section 3/1/a – confirms that the CSA 2001 applies to “a Canadian ship anywhere;...”
 - ii. Division 4 (Sewage), Subdivision 2, Section 116, subsections 2 and 4 outline compliance requirements – noting that (subsection 2) ships under 400 tons gross tonnage are exempt; subsection 4 instructs compliance “five years after the day on which these Regulations come into force” (i.e., June, 2012).
 - iii. Schedule 4 – Designated Sewage Areas – 17 specific areas in British Columbia are already designated as “no dumping zones”, including Shuswap and Mara Lakes.
- b. Construction Standards for Small Vessels (TP 1332) – confirms that (Section 1.1.2) “The responsibility for the application of this Standard with respect to both pleasure craft and non pleasure craft lies with Transport Canada Marine Safety.”
- c. Constitution Act, 1867 – Part VI, Section 91(10) – gives Parliament exclusive legislative authority with respect to “navigation and shipping”.

2. Legal Precedence / Court Decisions

- a. Supreme Court of Canada – Whitbread v. Whalley – establishes the right of Parliament over issues of navigation and shipping.
- b. Ontario Court (Provincial Division) – Her Majesty the Queen v. Allan Campbell Will. Decision struck down Section 8 of the Ontario Parks Regulations.

June 4th, 1998, Justice of the Peace D.J. Gignac, dismissed a charge against a boater, Mr. A. Will, for contravention of s.8 of the Ontario Provincial Park Act. The province of Ontario chose to appeal this decision, and subsequently the Honourable Judge J.B. Wilson, of the Ontario Provincial Court, upheld the decision of Justice of the Peace Gignac. The Honourable Judge J.B. Wilson ruled that “the learned Justice of the Peace did not err in law when he dismissed the charge against the respondent on the basis that s.8 of Reg 952 was constitutionally inapplicable to him due to the division of powers in the Constitution Act, 1867, which gives Parliament under s. 91(10) exclusive legislative authority with respect to navigation and shipping. Accordingly, the appeal is denied”. The Ontario Ministry of Natural resources did not appeal Judge Wilson’s decision.

- c. British Columbia Court of Appeal – R. v. Kupchenko – noted the doctrine of “interjurisdictional immunity” that made the provincial regulation invalid.

August 20th, 1997, the Province of British Columbia, issued an “Order” pursuant to section 7, subsection 4 of the B.C. Wildlife Act, which stated “no person may enter the Wildlife Management Area with a conveyance of any description which is powered by a motor which exceeds a rating of ten horsepower”. This restriction applied specifically to the Columbia Wetlands Wildlife Management Area. In July of 1998, a Mr Dean Kupchanko was charged with having operated a boat with a motor in excess of ten horsepower on the Columbia River within the Management Area. Mr.

Kupchanko admitted to a breach of the order, but challenged its validity on the basis that it affected “navigation”, which falls exclusively within federal jurisdiction by reason of s. 91(10) of the Constitution Act, 1867. The trial judge dismissed the charge on those grounds. This decision was appealed by the Attorney General of British Columbia and Mr Kupchanko was found guilty. Subsequently, the BC Court of Appeal allowed an appeal, and the Attorney General of Canada sought and was granted intervener status. The appellant, Mr Kupchanko while appearing in person relied on the submissions of the Attorney General of Canada. The Province, while conceding that the federal authorities could, if so minded, validly regulate vessels operating on the Columbia River, nonetheless took the position that the Province could regulate with respect to a specific (provincial) aspect unless and until the Federal Government enacted legislation which conflicted with provincial powers. This argument was based on a principle referred to as “concurrent jurisdiction”. The Attorney General of Canada (and appellant Kupchanko) argued that where provincial law affects a “vital part” of a federal undertaking or federal jurisdiction, the doctrine of “interjurisdictional immunity” applies to make that law invalid. The Court of Appeal for British Columbia, unanimously found for the appellant, Mr Kupchanko, and the Attorney General of Canada, and restored the original verdict of acquittal, citing a number of other court decisions which found in favour of Federal Government paramountcy, and the Constitution Act, 1867. The Court held that the provincial order must be read down to exclude its application to vessels operating on navigable waters. The court also noted that the federal existing regulations under the Canada Shipping Act do provide a mechanism for provincial authorities to request that federal powers be exercised to restrict boating activities (Boating Restriction Regulations).

3. Legal Papers and additional corroborating documentation

- a. Paper – *Orden v. Grail – Ten Years Later* – Andrew Mayer, Bernard & Partners, outlines numerous cases where provincial regulations were struck down as they were found to infringe upon the jurisdiction of the Federal Court of Canada and Canadian maritime law.
- b. January, 2003, the BC Ministry of Water, Land and Air Protection published “Park User Fees for 2003”, which included mooring buoy and dock fee increases together with a fee of \$2.00/metre/night for overnight vessel anchoring in Provincial Marine Parks (BC Reg 180/90) effective May 1st, 2003. At a subsequent meeting attended by representatives from Parks BC, Council of BC Yacht Clubs, and the BC Marine Trades Association, in response to a BC Parks question as to “what overnight anchoring fee would be appropriate”, BC Parks were advised that any fee for anchoring was unacceptable, and would be challenged in court. The BC Parks personnel were advised that the Province did not have jurisdiction given the Constitution Act, 1867, and copies of several court decisions confirming this were presented to BC Parks. Shortly thereafter the Minister of Water, Land and Air Protection, the Honourable Joyce Murray, evidently recognizing the paramountcy of the Constitution Act, 1867, approved an amendment (Order in Council 0542) to B.C. Reg. 180/90 removing the overnight anchoring fee.
- c. In 2001, when the Port of Vancouver divested itself of responsibility for False Creek in August, 2000, thereby transferring responsibility to the City of Vancouver, the City passed a By-Law in May 2001, restricting anchoring in False Creek. The Canadian Coast Guard, who through the Office of Boating Safety, processed regulations related to recreational boating at that time, advised the City of Vancouver that the City did not have the jurisdiction and suggested applying for an amendment to the Boating Restriction Regulations through the Federal authorities. The City agreed, and consultations with stakeholders were undertaken. Subsequently, the Office of Boating Safety was transferred to Transport Canada who then “inherited” the application from the City of Vancouver for an amendment to the Boating Restriction Regulation for False Creek. After further consultation with recreational boating organizations, appropriate Canada Gazette action was undertaken and in 2006 the appropriate Boating Restriction Regulation was published in the Canada Gazette. The amendment to the Boating Restriction Regulations, restricting anchoring took effect August 1st, 2006.

- d. Corroborating documentation from Transport Canada and Province of BC
 - i. Written correspondence from Transport Canada that illustrates their jurisdiction over pleasure craft sewage and grey water discharge: e-mail correspondence from Paul Topping, Manager, Environmental Protection, Transport Canada – notes that “As I had stated at the Recreational Boaters Advisory Council National Meeting in Toronto in the fall, greywater requirements would not be applied to pleasure craft.” (E-mail dated April 4, 2008).
 - ii. Ministry of Environment, Background to Decision Note – February 9, 2007 – “Historically, complaints regarding houseboats in B.C. (designated and non-designated waters) were treated as a Federal responsibility and complaint calls were forwarded to Transport Canada.”

There are numerous other cases where through negotiation or litigation, cities, municipalities, and provinces, were advised that the Constitution Act, 1867, gives Parliament under s. 91(10) exclusive legislative authority with respect to navigation and shipping, and that the existing federal regulations under the Canada Shipping Act do provide a mechanism for authorities to request that federal powers be exercised to restrict boating activities.

Regina v Kupchanko and the A.G. Canada

Court of Appeal for British Columbia

2002 January 30

This decision is an important step forward in clarifying Federal control over Canada's waterways. A previous decision by the same Court in *Windermere Watersports Inc. v Invermere* found that the municipality could impose a restriction on navigation by limiting conditions on a business license. In part, this position was taken as the Attorney General of Canada did not appear to defend the federal powers and the fact that the federal government had not imposed any restriction on the waters in question. *Windermere* has been widely used to support the notion that municipalities may act on their own to impose boating restrictions. Kupchanko overturns this decision.

Dean Kupchanko was originally charged with operating a boat with an engine greater than 10 hp on a 200 kilometre section of the Columbia River where the Province of British Columbia had placed a 10 hp restriction under the guise of protecting the Columbia Wetlands Wildlife Management Area. He successfully challenged this in his initial trial but was subsequently found guilty on appeal. Kupchanko persevered and went to the Court of Appeal at which time the Attorney General for Canada was granted intervener status.

It is important to note that this Court which heard *Windermere* and indeed The Honourable Mr. Justice Esson wrote the decisions in both *Windermere* and *Kupchanko*.

In Kupchanko, the Province relied on a similar argument as used in *Windermere*, namely that the Province could act in the absence of overt federal regulation. In other words a province could act in a federal jurisdiction if the federal government had not specifically acted.

Mr. David Frankel, appearing for the A.G. of Canada made several important points. One was the fact that the Canadian Pacific Railway ran through the Management Area. Esson noted that the Province hadn't acted against the railway, perhaps because the authorities had recognized the obvious constitutional difficulties in attempting to deal with a federally regulated railway.

Frankel also was "pleased" to point that Esson had made several mistakes in terminology in writing *Windermere* but also, and more importantly, had overlooked a Supreme Court ruling (*Bell Canada v. Quebec*) the year prior to *Windermere* which established the supremacy of federal law. According to *Bell*, a province could no longer pass any law which might affect a vital part of a federal power, whether or not the federal government had taken any regulatory action or not. One example given was a province attempting to regulate aircraft noise. The writer commented that the statute would be wholly inoperative because it purported to deal with a matter exclusively within the legislative jurisdiction of

Parliament. Several subsequent Supreme Court of Canada decisions support Bell and speak directly to federal control over navigation.

Justice La Forest made it very clear in *Whitbread v. Whalley* that the “law of navigation in Canada has two fundamental dimensions – the ancient common law public right of navigation and constitutional authority over the subject matter of navigation – both of which are necessarily interrelated by virtue of s. 91(10) of the *Constitution Act, 1867* which assigns exclusive legislative authority over navigation to Parliament.” He went on to note that “the provinces are constitutionally incapable of enacting legislation authorizing an interference with navigation ...”.

Essex concluded his decision by stating that he erred in *Windermere* and found that the appeal would be allowed and Kupchanko was acquitted.

This decision has an impact on both our ongoing discussions with the Province of New Brunswick which is attempting to impose a wide range of restrictions as well as with Senator Spivak’s attempts to delegate the federal control over navigation to “local authorities”.

New Brunswick will likely change their direction as *Windermere* no longer applies.

Senator Spivak will need to be reminded about “the ancient common law public right of navigation” and the risks in allowing someone other than the federal government to control navigation.

Kupchanko continues to fight for free navigation on the Columbia. The Province and the East Kootenay Environmental Society want to impose a Boating Restriction to replace the overturned provincial limitation. Kupchanko believes that this can only be done after a comprehensive environmental review. CCG are now willing to entertain environmental reasons for granting Boating Restrictions making this very much a test case of their new policy. Kupchanko has carried most of the financial costs to date and is looking to the industry for support of a legitimate environmental review. Copies of his proposal have already been circulated.



File:

January 7, 2008

Dear: Member of the Boating Industry

Re: Greywater Discharges from Vessels Banned in BC's Inland Waters

As a valued member of the boating industry the BC Ministry of Environment would like to take this opportunity to inform you of some changes that will soon affect the boating community and its members.

As of May 2007, the BC Ministry of Environment is implementing phased-in compliance with the provincial *Environmental Management Act* which prohibits the discharge of both black and greywater from any vessel into any inland or coastal marine water. The compliance plan will be phased in through to 2010. Full compliance is expected as of spring 2010, allowing the industry and boat owners to make the necessary changes to ensure compliance.

With this letter, please also find several copies of a Fact Sheet that has been composed by Ministry staff in hopes of answering some of the questions associated with this compliance project. We ask that you make it available to your patrons and any other interested parties.

If you have any questions or concerns regarding this issue, or would like to receive more copies of the fact sheet, please contact your local Ministry of Environment office. Contact information can be found on the reverse of the fact sheet.

The Ministry of Environment thanks you for your assistance in communicating these changes to the boating community.

Sincerely,

Kirsten Heslop
Environmental Protection Technician
Thompson Region

Ministry of
Environment

Environmental Protection
Thompson & Cariboo Regions

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<http://www.gov.bc.ca/env>

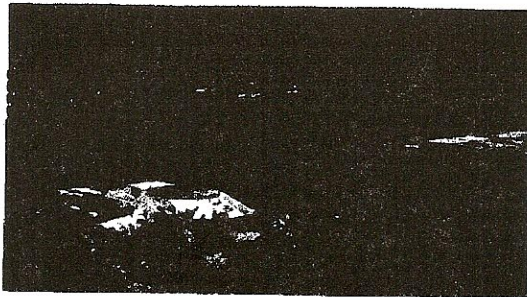
Greywater Discharges Banned from Vessels in BC's Inland Waters

What are Greywater and Blackwater?

Greywater is any waste discharging from showers, kitchen, bathroom and wet bar sinks, dishwashers, washing machines and hot tubs. Blackwater is wastewater from toilets.

Why are greywater discharges a problem?

Studies conducted by the California Department of Health Services show that the concentrations of pollutants in greywater, including disease causing bacteria, are similar to that of domestic sewage. The US Environmental Protection Agency has banned all greywater discharges into US waters. Currently, most vessels with heads and/or galleys are equipped with blackwater holding tanks only, greywater is discharged directly into the water body.



Why hasn't anything been done about greywater discharges before now?

In the past, discharges from vessels were regulated federally by the *Regulation for the Prevention of Pollution from Ships and for Dangerous Chemicals* under the *Canada Shipping Act*. This regulation prohibits the discharge of blackwater into designated waters, however, in non-designated waters blackwater discharges are not prohibited. The regulation makes no prohibition against the discharge of greywater into either designated or non-designated waters. Recent changes to this federal regulation combined with the growing understanding of the risks associated with greywater discharges have prompted the Ministry of Environment to step up enforcement of the relevant provisions of the *Environmental Management Act*.

What action will be taken to prevent greywater discharges from boats now and in the future?

Section 13 of the province's *Environmental Management Act*, prohibits the discharge of both black and greywater from any vessel into any water, unless specifically authorized.

Ministry staff will be working in partnership with regional and municipal governments, industry and local boating associations on this issue. A key component of the strategy involves education of boaters on the requirement that all vessels equipped with heads and/or galleys must have the capacity to capture both black and greywater. It is hoped that through increased awareness and industry cooperation, a high level of voluntary compliance can be achieved.

How will these actions be performed?

The strategy involves phased-in compliance, starting with education and ending with enforcement when necessary. This will provide the time required for the boat industry to adapt and boat owners to retrofit vessels to meet requirements under the prohibition. The phase in will also allow the development of suitable pump-out facilities.

Under the strategy, by 2010 all vessels will be required to capture both black and greywater discharges. Boaters failing to capture discharges may be subject to enforcement.

Who will these actions affect and where and when will they be enforced?

The enforcement of the greywater discharge prohibition will be concentrated in the Thompson, Cariboo, Okanagan and Kootenay regions, and will apply to any boat or houseboat equipped with a head and/or galley.

Who can I contact if I have more questions?

For further information please contact a local Ministry of Environment office.



BRITISH COLUMBIA

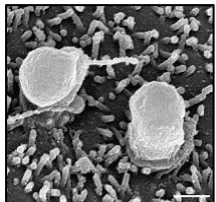
The Best Place on Earth



Greywater Discharges Banned from Vessels in BC's Inland Waters

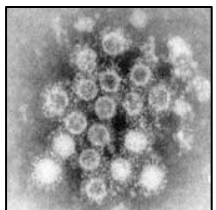
What is GREYWATER?

Waste water that is discharged from showers, tubs and hot tubs, dishwashers, sinks, and washing machines. Greywater can contain nutrients (phosphorus) and a variety of chemicals including endocrine disruptors found in detergents and personal care products. Greywater may also contain bacteria, viruses, and protozoans at levels comparable to that found in waste water from toilets (blackwater).



Cryptosporidium

Causes cryptosporidiosis. Symptoms include diarrhoea, abdominal cramps, nausea, and headaches.



Hepatitis A

An acute infectious disease of the liver which is caused by ingesting contaminated food or water.



Giardia lamblia

Causes gastroenteritis (stomach flu) and giardiasis (beaver fever).

LEGISLATION

Both federal and provincial legislation exist that prohibit discharges of blackwater and greywater into Shuswap Lake. These regulations have been put into place to protect water quality for all users.

COMPLIANCE

Boat owners are encouraged to comply voluntarily by not discharging blackwater or greywater into the lake. Some possible options for owners to comply include:

- where equipped with holding tanks, boat owners should use available pump-out facilities to dispose of waste rather than discharge to the lake
- seal off, remove or otherwise prevent the use of heads, galleys, sinks, showers etc. where holding tanks are not possible or where pump-out facilities are not available
- where possible, boats might be retrofit to include a greywater holding tank or to route greywater into the blackwater holding tank

ENFORCEMENT

The Ministry of Environment has developed a greywater compliance strategy that begins with education and promotion and ends with enforcement where necessary. This approach will allow for better public awareness and give time for boaters to determine a means of compliance. The emphasis in 2008 and 2009 will be on education and promotion of voluntary compliance. Escalated enforcement activities will be implemented in 2010.

POTENTIAL ENVIRONMENTAL IMPACTS OF GREYWATER

Localized pollution and the potential for significant risk to fish and wildlife populations and public health from disease causing organisms, nutrients, endocrine disruptors and other chemical contaminants of concern.

Algal blooms from phosphates and nitrates found in household chemicals, soaps, and detergents.

Significant human health risks from bacteria, protozoans, viruses, and chemical contaminants.

Damage to fish habitat and the aquatic ecosystem by disrupting natural nutrient levels in the lake.

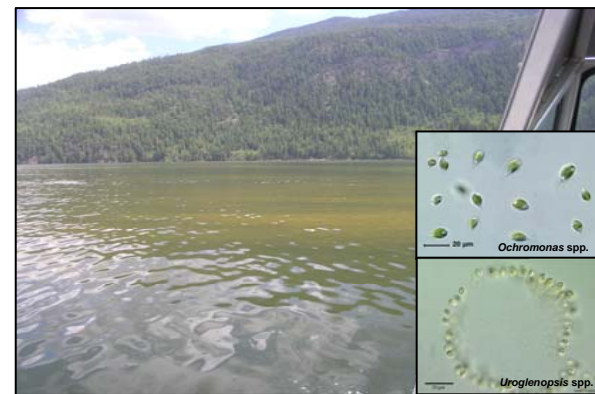










Photo credit: Dennis Einarson

Photo of the recent **Shuswap Lake algae bloom**, taken off Marble Point on June 17, 2008.

Shuswap Lake Pump-out Locations

-  **Anglemont Marina** – Public use
Anglemont
-  **Captain's Village Marina** – Customers only
Scotch Creek
-  **Cinnemousun Narrows Provincial Park** - Public use for blackwater only
No houseboats, limit of 25 litres per pump-out, facility closing in 2010
-  **Little River Boatworld** – Customers only
Sorrento
-  **Three Buoys Marina** – Public use
Sicamous
-  **Twin Anchors** – Public use
Salmon Arm and Sicamous (call ahead)
-  **Waterway Houseboats** – Customers only
Sicamous
-  **Willy's Wharf** – Public use
Canoe

as of July 22, 2008

