

Appendix IX Protocol for the Management of a Conditional Area

1. Further to results of a sanitary assessment, Environment Canada (EC) may recommend that an area be classified as conditionally approved or conditionally restricted based on either the performance of a wastewater treatment or collection system, rainfall and/or seasonal conditions.
2. If the Regional Interdepartmental Shellfish Committee adopts the recommendation that the area be classified as conditionally approved or conditionally restricted, the area will remain in the closed status of its classification until an appropriate Conditional Management Plan (CMP) is developed. The conditional classification designation shall be re-evaluated by the regional interdepartmental shellfish committee if/when a conditional management plan cannot be implemented as described in sections 2.3.3 and 2.3.5 of chapter 2.
3. Fisheries and Oceans Canada (DFO) closes the area under the *Management of Contaminated Fisheries Regulations* and provides copies of the closure notice to EC and the Canadian Food Inspection Agency (CFIA).
4. Where an interest is expressed to operate a conditional area, which is not based on the operation of a wastewater treatment and/or collection system, the following procedures are to be followed:
 - a) A CMP shall be developed which must include:
 - i) a Harvesting Plan agreed to by all affected parties, identifying who will be harvesting and the harvest boundaries (provided by proponent);
 - ii) background information, rationale for classification area description and map (from EC classification report);
 - iii) the methods and procedures to be employed in undertaking a shellstock sampling and testing regime. This section shall also include methods of recording and reporting data, criteria for opening and closing the area, reporting and auditing procedures (developed in consultation with CFIA);
 - iv) the methods and procedures to be employed in undertaking a water quality sampling and testing regime. This section shall also include methods of recording and reporting data, criteria for opening and closing the area reporting and auditing procedures (provided by EC);
 - v) identification of appropriate enforcement, surveillance and control mechanism issues which may arise from the CMP (provided by DFO);

- b) The proposed CMP shall be submitted to the DFO office for evaluation (or other agency by agreement with DFO). DFO shall coordinate the development of an agreement for the CMP and send it to EC, CFIA, (and other agencies) and affected parties for review and signatures. Responsibilities for the evaluation and administration of the CMP are as follows:
 - i) Environment Canada: responsible for approval of the water quality sampling and testing procedures; approval of the water quality criteria upon which opening and closure of the area is based; approval of procedures for communicating requests to DFO for opening; and closure of the area;
 - ii) CFIA: responsible for approval of shellstock sampling and analysis procedures; approval of shellstock criteria upon which opening and closure of the area is based; approval of procedures for communicating requests to DFO for opening; and closure of the area;
 - iii) DFO: responsible for ensuring that the Harvesting Plan is enforceable and that it is consistent with the integrated fisheries management plan for that species or group of species in that area.
- c) A maximum of four weeks is recommended for the return of comments. During this time representatives of CFIA, DFO and EC will work together to evaluate all aspects of the CMP. Following this evaluation, DFO (or other agency by agreement with DFO) will respond to the proponent, to advise that the CMP has been approved by the three agencies, or that the CMP has not been approved. If changes to the CMP are required which will facilitate approval of the CMP the proponent shall be so advised.
- d) Once the CMP has been approved, the CSSP partners will manage the area in accordance with the CMP. In the event of non-compliance with the CMP, the shellfish area may be closed immediately. Where either EC or CFIA identifies water quality and/or shellfish in the area as being contaminated and communicates this concern to DFO, DFO will take the appropriate action as identified in the *Management of Contaminated Fisheries Regulations*.
- e) The Regional Interdepartmental Shellfish Committee shall review at the (regional classification meeting), an annual report on the management of the area provided by DFO (or other agency by agreement with DFO), with input from EC, CFIA and other affected parties. This report shall consist of the following:
 - i) Title Page - states area (provided by DFO);
 - ii) Summary Page - describes general area, includes map, potential open period, number of closures and openings throughout the year; surveillance, enforcement and control activity - number of patrols, number of incidents or violations (provided by DFO);

- iii) Details - description of conditional opening; criteria for opening and closure; copy of agreements for the area; copy of supporting documentation from DFO, CFIA, EC or other agency for each opening and closure.
5. Where the conditionally approved or conditionally restricted area is based on the operation of a wastewater treatment and/or collection system, DFO will lead the development of a CMP with the collaboration and contribution of all parties involved.
- a) The CMP for areas impacted by the operation of wastewater treatment and/ or collection systems will include the requirements from 4 a) ii) to v) above and will further include information as per the template¹ in Annex A to this Appendix.
 - b) Once the CMP has been approved, CSSP partners will manage the area in accordance with the CMP. In the event of non-compliance with the CMP, CSSP partners will determine whether the area classification or status will be changed. Where the wastewater treatment and/or collection system operator notifies² DFO of a release or discharge, or either EC or CFIA identifies water quality and/or shellfish in the area as being contaminated and communicates this concern to DFO, DFO will take the appropriate action as identified in the Management of Contaminated Fisheries Regulations.
 - c) The Regional Interdepartmental Shellfish Committee shall review, at the regional classification meeting, an annual report from each signatory to the CMP; the template for the information required for the Annual report is outlined in Appendix B of the template CMP.

¹ The template is meant to be a guidance document for Conditional Management Plans; final versions may vary due to regional differences.

² Note: a notification under the current CMP does not replace or otherwise affect reporting to be done to a *Fisheries Act* inspector or to any other person or authority as is prescribed by regulations pursuant to subsection 38(4) of the *Fisheries Act* when there occurs a deposit of a deleterious substance out of the normal course of events in water frequented by fish, or a serious and imminent danger thereof.

**Annex A
Conditional Management Plan (CMP)**

Between the:

Canadian Food Inspection Agency CFIA
Department of Fisheries and Oceans (DFO)
Environment Canada (EC)
Insert Provincial department or Municipality/WWTP Operator (if appropriate)

**For the Management of Shellfish Harvesting in Conditionally Classified Shellfish Areas
Adjacent to the Wastewater Treatment Plant Located at:**

Name of Municipality

Introduction

The Canadian Shellfish Sanitation Program (CSSP) is delivered by three federal institutions, Fisheries and Oceans Canada (DFO), Environment Canada (EC) and the Canadian Food Inspection Agency CFIA. The CSSP provides reasonable assurance that molluscan shellfish are safe for consumption, thus supporting the industry and providing confidence for Canadians and export markets. This Conditional Management Plan (CMP) between CSSP federal partner institutions, provinces, municipalities/WWTP operators and First Nations (when applicable) outlines the roles and responsibilities of the signatories' in the event of a WWTP release/discharge incident.

The present CMP does not affect legal requirements existing under Federal or Provincial statutes. For greater certainty, where there occurs a deposit of a deleterious substance out of the normal course of events in water frequented by fish, or a serious and imminent danger thereof, the person that causes or contributes to the deposit (or danger thereof) has a legal obligation to report such occurrences to a *Fisheries Act* inspector or to any other person or authority as is prescribed by regulations under subsection 38(4) of the *Fisheries Act*.

Duration of the Conditional Management Plan

This CMP shall come into effect on (insert date) and expire on (insert date) and is subject to each participant signing this CMP prior to coming into force.

1. Purpose and Scope

Full cooperation is required to achieve timely detection and notification of WWTP release/discharge incidents, along with the necessary response actions to ensure continued food safety of harvested bivalves. This initiative stems from the CSSP and the requirements related to Conditional Area Management (refer to CSSP Manual). Conditional Area

Management will be supplemented by Hazard Analysis Critical Control Points (HACCP) controls implemented by registered fish processing establishments.

This CMP provides enhanced management of the bivalve molluscan shellfish harvest waters adjacent to the WWTP located at (insert name), as described in Section 4.

The area described in Section 4 of this CMP has been classified based upon the area hydrographical data and the performance characteristics of the WWTP. A classification map of the shellfish area is provided in Appendix A.

2. Background

2.1 Conditional Management

The CSSP Manual of Operations outlines the authorities (statutes and regulations), policies, procedures and activities governing the control of shellfish areas, and the harvesting, processing and distribution of shellfish.

Shellfish areas that are subject to intermittent microbiological contamination may be classified as Conditionally Approved or Conditionally Restricted Areas. If the conditions set out in this CMP cannot be met, the CSSP partners will determine whether the area will be reclassified as Prohibited.

2.2 WWTP description

Insert a description of the type of treatment plant and what the limits are for faecal coliform discharge in the provincial permit/licence - to be completed by EC with input from Province & Municipality/WWTP Operator).

2.3 Description of the shellfish Fisheries (including aquaculture)

Insert a brief description of the fisheries in this shellfish area including the harvesting location of all shellfish resources. This may include the resource management approach and its relationship to the implementation of this agreement. **To be completed by DFO and the Province.**

3. Roles and Responsibilities

The roles and responsibilities of each signatory participant are specified in Sections 5 to 8. Additional responsibilities for the CSSP partners can be found in Appendix 5 of the CSSP Manual of Operations. The roles and responsibilities of the (insert name of provincial Department) and the Municipality/WWTP Operator of (insert name) are as follows:

The (insert name of provincial Department) is responsible for the regulation of WWTP. The (insert name of provincial department) will:

- verify through an annual audit that the municipality/WWTP Operator of (insert name) is compliant with the operating permit issued by the department, and is reporting failures as described in section 5.2 of this CMP;
- determine through a review of the annual report submitted by the municipality/WWTP Operator, whether the final effluent quality at the (insert name) WWTP is in compliance with its current operating permit, including final effluent quality;
- provide an annual report of the results of all the activities listed above in relation to this CMP to (insert Department TBD) by April 1st of the following year including recommendations for changes to this CMP if required.

The municipality/WWTP Operator of (insert name) is responsible for the operation of the WWTP located at (insert location). The municipality/WWTP Operator of (insert name) will:

- a) provide to the (insert name of provincial Department) and EC, a written confirmation that the WWTP is functioning properly, prior to the CSSP partners allowing the harvesting of shellfish within the conditionally classified area(s) herein described. This confirmation is required at the start of a harvest season and each time the area is to be re-opened after a closure event;
- b) maintain up-to-date records of the operations and maintenance of the wastewater collection and/or treatment facilities as per the requirements of the Certificate of Approval to operate issued by (insert name of provincial Department);
- c) provide the results of routine final effluent analysis to (insert name of provincial Department) and EC, as described in the operating permit issued by the province;
- d) provide an annual report of the results of activities listed above to the (insert name of provincial Department) and EC. Propose recommendations for changes to this CMP if any are necessary.

4. Description of Conditionally Classified Area(s)

This CMP deals specifically with the harvesting of shellfish in the Conditionally Approved and/or Conditionally Restricted Area(s) described as:

(To be completed by EC)

Provide a written description of each shellfish area classification type, including all boundary coordinates in either latitude-longitude or Universal Transverse Mercator (UTM) zone, easting and northing. In all cases, the North American Datum (NAD) and reference chart or map name must be included.

5. Detection/Notification/Response

An effective regime for the detection, notification and response as defined in the CSSP Manual of Operations to disruptions in the normal operation of a WWTP is a prerequisite to the harvest of shellfish in the conditionally classified areas described in this CMP.

5.1 Detection

The municipality/WWTP Operator must have in place and maintain a detection system by which untreated or un-disinfected sewage discharges (at the WWTP or lift stations) are noticed in a timely manner, therefore allowing corrective actions to be initiated without delay.

The conditional area described in Section 4 of this CMP may be closed to the harvesting of molluscan shellfish in response to any event or disruption that results in untreated sewage or sewage with insufficient or inadequate disinfection being released from the WWTP to, or adjacent to the area. The municipality/WWTP must be able to detect such discharges, which include, but are not limited to, the following, and to make the appropriate notifications:

- sewage that receives insufficient or inadequate treatment;
- sewage that receives insufficient or inadequate disinfection;
- sewage that receives no disinfection;
- sewage that bypasses the WWTP (including planned releases); or
- any disruptions that result in a discharge of sewage that cannot reasonably be expected to meet performance standards or values permitted by provincial regulators.

The municipality/WWTP operator can provide additional definitions of release/discharge incident if it has the capacity to detect and properly measure the nature and extent of the event

threshold which has been pre-determined to impact the shellfish area.

Event or disruption detection systems in place include the following: (Insert information on the WWTP pertaining to the release/discharge incident detection systems in place.) (To be completed by Province and EC.)

5.1.1 The positions responsible for monitoring release/discharge incident detection.

5.1.2 Description of the normal operating conditions (performance standards or values permitted by provincial regulators).

5.1.3 Description of the types of release/discharge incident scenarios that are reasonably likely to occur (lack of disinfection, bypass, power failure, overflow of lift stations that could impact the area, presence of a hazardous substance such as oil or gas, others).

5.1.4 Description of how each of the release/discharge incident types noted above are detected (SCADA, visual, others).

5.1.5 Time lines for detection of each release/discharge incident type, in hours, taking into account best and worst case scenarios (during and after working hours including weekends).

5.2 Notification

Any event or disruption described in 5.1 requires a notification of a Discharge of Wastewater Notice (Appendix C) be created and distributed by the WWTP operator.

Notification of WWTP release/discharge incident is as follows:

1. Immediately notify EC/DFO/CFIA when release/discharge incidents are detected as per Section 5.1

Note: a notification under the current CMP does not replace or otherwise affect reporting to be done to a *Fisheries Act* inspector or to *any other person or authority as is prescribed by regulations pursuant to subsection 38(4) of the Fisheries Act* when there occurs a deposit of a deleterious substance out of the normal course of events in water frequented by fish, or a serious and imminent danger thereof.

2. E-mail and/or fax every representative listed on the Discharge of Wastewater Notice (Appendix C), of any planned or unplanned changes in operations of the municipality/WWTP Operator's WWTP (e.g. untreated sewage discharge, proposed maintenance work, etc) which are likely to alter the normal effluent loading or location of discharge in or in proximity of the conditionally classified area(s) herein described.
3. Advise in writing (by email or fax) each representative of EC, CFIA and DFO listed in the Discharge of Wastewater Notice when the sewage release has been terminated.

(This section will identify how and when the WWTP operator will notify DFO and other parties when monitoring detects a release/discharge incident condition. Insert the following info):

5.2.1 The positions responsible for approving and providing notification.

5.2.2 Description of how notification is provided all CSSP partners and other parties (phone/fax/email).

5.2.3 Description of the timelines for providing notification to CSSP partners in hours, taking into account all reasonable delays (e.g. during and after working hours, including weekends and holidays).

5.2.4 Contact information of the parties to be notified of closures during and after working hours, including weekends, as provided by the province, EC, and the CFIA.

5.3 Response

Upon receiving notification as outlined in Section 5.2, each department/agency will respond as per respective authority.

- The regional office of DFO receiving notification of a discharge incident by the WWTP operator is to treat such a notification in the same manner as a formal recommendation for closure made by EC.
- Upon notification under section 5.2, DFO will set in motion an internal process which may result in the affected area being closed to harvesting. Where the notification provides the DFO Regional Director General with reasons to believe that fish of any species in any area are contaminated, he/she may issue an order prohibiting fishing in that area for that species.
- CFIA will notify CFIA registered shellfish processing establishments in writing (email/fax) that the conditionally classified areas have been closed or are about to be closed to harvesting.

Response procedures are as follows:

Identify how and when measures will be taken to stop harvest, product distribution and to close the area once notification has been received. Insert the following information:

DFO will communicate to the parties herein (including First Nations and general public as appropriate) the issuance of a prohibition order and notice of the order will be published to inform harvesters to cease harvesting immediately in the area subject to the order.

5.3.1 Description of how affected stakeholders and First Nations are notified.

5.3.2 Contact information of the parties to be notified of closures during and after working hours, including weekends, as provided by the province, EC, and CFIA.

6. Re-opening Criteria

The shellfish areas described in this document will remain closed to harvesting until the re-opening criteria are met. After each release/discharge incident event, EC will determine if the size of the closure should be modified and make appropriate recommendations to DFO.

Areas will be returned to their classification status when conditions outlined in Chapter 2 of the CSSP Manual of Operations have been met.

The sampling methodology must comply with the established procedures outlined in Appendix 1 of the CSSP Manual of Operations and the Sampling Policy and Procedures found in the CFIA's Fish Products Standards and Methods Manual. The sample locations are identified on a map in Appendix A.

The samples must be analysed at CSSP - recognized laboratories.

In addition to the conditions above, describe the arrangement reached between the signatories to this CMP as to the process and responsibilities for collecting samples, sample locations, and where they are analyzed.

7. Annual Reporting

All signatories to this plan will provide input into an annual report on the management of the area as outlined in Appendix IX of the CSSP. The report will then be provided to the Regional Interdepartmental Shellfish Committee (RISC) for its review. This report shall include, as a minimum, the information outlined in Appendix B.

Insert the procedures to be followed at the local level in order to fill in report.

8. Amendment and Termination

If at any time any party to the Conditional Management Plan fails to fulfill the requirements as set forth in the Plan, the RISC will determine whether the area classification or status will be changed.

This CMP may be amended at any time subject to the written approval of all the parties.

9. Appendices

The Appendices herein form part of this CMP.

- Appendix A - Classification Map (including verification shellstock and water sampling locations)
- Appendix B - Example of Information for annual report
- Appendix C - Discharge of Wastewater Release/discharge incident Notice
- Appendix D - Example contact list

Approved at (insert city), this (insert date) day of (insert month). 20__.

Regional Director
Fisheries and Aquaculture Management
Department Fisheries and Oceans Canada

Executive Director
Canadian Food Inspection Agency
Operations (Area)

Director
Water Quality Monitoring
Environment Canada

Province (insert title)

Municipality/Waste Water Treatment Plant (insert title)

Appendix A - Insert classification map, to be provided by EC

The response line identified on the classification area map in Appendix A is relevant only for CFIA registered fish processing establishments. Further guidance of how registered fish processing establishments maintain control of shellfish harvested from areas situated between the prohibited area and the response line is contained in the CFIA policy documents found in Bulletin 25 of the CFIA Fish, Seafood and Production Division's Facilities Inspection Manual.

**Appendix B
Sample Annual Report**

**Name of Area
Conditional Shellfish Area Annual Report for (insert year)**

Area

- Description/location with boundaries
- Map (with classification and sampling sites for water quality and shellstock)
Closure criteria
- Potential time period for opening (if applicable)
- Species managed and harvesting restrictions/season (if applicable)

Summary of Activities

- Number of openings/closures during the year
- Prohibition order numbers and dates
- Supporting documentation used to make decision about closing. Notices from WWTP Operator (Event, dates, duration)
- Supporting documentation used to make decision about opening. Water and shellstock microbiological data to re-open the area (dates, results)
- Surveillance, enforcement, control activities: number of patrols, number of incidents, violations

Copy of Management Plan - Attached

Report from province

- Assessment that final effluent quality is in compliance with permit/license

Report from Municipality/WWTP Operator

- Summary report of discharge and notifications

Concerns/Recommendations (all signatories)

Appendix C

From: _____

Discharge of Wastewater Notice

To:	Representatives	E-mail completed notice to	Direct call
Environment Canada			Direct call: 1st alternate: 2nd alternate:
CFIA			Direct call: 1st alternate: 2nd alternate:
DFO			Direct call: 1st alternate: 2nd alternate:
(Provincial Environment)			Direct call: alternate:

NOTE: After office hours Monday to Friday or on weekends report emergency discharge by phone to (Canadian Coast Guard at 1-800-565-1633 and e-mail this completed notice to all persons named above.)

This is to notify your department of the following event:

- planned
- treated wastewater
- in progress
- untreated wastewater
- past event

Sample analysis required for planned discharge

Sample Date	BOD5 (mg/L)	SS (mg/L)	Faecal coliform (MPN/100 mL)

**Canadian Shellfish Sanitation Program
Manual of Operations**

25/02/2013

Name/Owner/Operator: _____

Location: _____ Map attached: _____

Receiving water: _____ Date/Duration of event: _____

Reason for discharge: _____

Period of discharge (hrs): _____ Estimated low rate (units) _____

Estimated BOD - mg/L: _____ Estimated SS - mg/L: _____

Estimated faecal coliform MPN/100mL: _____ Total discharge: _____

*** All measurements are estimates only**

Comments: _____

Send by e-mail - Date: _____ By: _____

Phone: _____ Position: _____

Appendix D

Department/Agency	Name	Position	Address	Telephone/Fax
Department of Fisheries and Oceans				
Canadian Food Inspection Agency				
Environment Canada				
(Provincial Environment)				
(Municipality/WWTP Operator)				

**After Hours, Weekends and Holidays
Canadian Coast Guard - 1-800-565-1633**

