



PLEASE NOTE

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This document is *not* the official version of these regulations. The regulations and the amendments printed in the [Royal Gazette](#) should be consulted to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the [Table of Regulations](#).

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CHAPTER E-9

ENVIRONMENTAL PROTECTION ACT CONTAMINATED SITES REGISTRY REGULATIONS

Pursuant to section 25 of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, Council made the following regulations:

1. In these regulations
- | | Definitions |
|--|--|
| (a) “Act” means the <i>Environmental Protection Act</i> R.S.P.E.I. 1988, Cap. E-9; | Act |
| (b) “CCME” means the Canadian Council of Ministers of Environment; | CCME |
| (c) “construction and demolition debris” has the same meaning as the term “C & D debris” as defined in the <i>Environmental Protection Act</i> Waste Resource Management Regulations (EC691/00); | construction and demolition debris |
| (d) “construction and demolition debris disposal site” means a site used for the disposal of construction and demolition debris; | construction and demolition debris disposal site |
| (e) “inactive landfill facility” means a landfill facility that was in operation prior to January 1, 2003, and has not been closed in accordance with a Department approved closure plan; | inactive landfill |
| (f) “landfill facility” means a facility for the disposal of waste by placing the waste in or on land; | landfill |
| (g) “lookup tables” means the lookup tables set out in the <i>Environmental Protection Act</i> Petroleum Hydrocarbon Remediation Regulations (EC655/06); | lookup tables |
| (h) “risk assessment” means a scientific examination of the nature and magnitude of the risk presented by contaminants in the environment to estimate the effects of the contaminants on humans or ecological receptors due to an existing or potential exposure to such contaminants; | risk assessment |
| (i) “risk management plan” means actions, including monitoring, designed to prevent or mitigate the level of risk from contaminants in the environment to human health or the environment estimated by a risk assessment. (EC656/06) | risk management plan |
2. The Minister may designate an area of the environment as a contaminated site after giving notice under subsection 21.1(5) of the Act, if
- (a) the area

- (i) has a landfill facility that was closed or decommissioned on or after January 1, 2003,
 - (ii) has an inactive landfill facility, or
 - (iii) is an inactive construction and demolition debris disposal site;
- and

(b) after considering the following standards or criteria, the Minister's opinion is that the area is a contaminated site:

(i) the petroleum hydrocarbon concentrations present on or in the area of the environment are equal to or greater than the maximum allowable contaminant concentration for the applicable environmental media specified in lookup tables 1, 2, 3 and 4 in accordance with the Petroleum Hydrocarbon Remediation Regulations,

(ii) the concentration of any non-petroleum contaminant present at the area are equal to or greater than the applicable generic numerical limits prescribed in CCME 1996b, "A Protocol for the Derivation of Environmental and Human Health Soil Quality Guidelines" as amended,

(iii) a risk assessment report identifies an unacceptable risk with the contaminant concentration present at the area assessed and

(A) there is no provision for a risk management plan, acceptable to the Minister, involving land use restoration to ensure that human health or environmental objectives are achieved, or

(B) the Minister believes that the risk assessment report provides evidence that contamination of the site represents a significant hazard to human health. (EC656/06)

Information in
registry

3. An employee of the department shall, in a timely manner, enter into the contaminated sites registry each site designated by the Minister under section 2 together with the following information:

- (a) the parcel identification number of the site;
- (b) the date of entry of the site into the registry;
- (c) if available, the boundaries of the area of the environment that is contaminated. (EC656/06)