

# The new *Canadian Environmental Protection Act*

## The new CEPA and Disposal at Sea

### Further information:

#### Internet:

Additional information on the *Canadian Environmental Protection Act, 1999* is available on Environment Canada's Green Lane on the Internet at: [www.ec.gc.ca/cepa](http://www.ec.gc.ca/cepa)

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### What is disposal at sea?

Each year in Canada, two to three million tonnes of material is disposed of at sea. Most of this is dredged material that must be moved to keep shipping channels and harbours clear for navigation and commerce. Only those substances listed in the *Canadian Environmental Protection Act, 1999* may be considered for disposal at sea (see below). Discharges from land or from normal ship operations (such as bilge water) are not considered disposal at sea, but are subject to other controls.

### How is disposal at sea controlled?

All disposal at sea is controlled federally by a system of permits issued under CEPA 1999. Permits are granted on a case-by-case basis after an application and review process. This system has been in place since 1975 and was

included in CEPA 1988. Administered by Environment Canada's Disposal at Sea Program, the permit system allows Canada to meet international obligations under the *London Convention 1972* and the *1996 Protocol* to the Convention.

Permits typically govern timing, handling, storing, loading, placement at the disposal site, and monitoring requirements. The permit assessment phase involves public notice, an application that provides detailed data, a scientific review and payment of fees.

Each application is evaluated separately. Disposal at sea is permitted only for non-hazardous substances listed under CEPA 1999 (see list below), and where it is the environmentally preferable and practical alternative. Permits are not granted if practical opportunities are available to recycle or reuse the material.

### Under CEPA 1999, disposal at sea may be considered only for the following substances:

1. Dredged material.
2. Fish waste and other organic matter resulting from industrial fish processing operations.
3. Ships, aircraft, platforms or other structures from which all material that can create floating debris or other marine pollution has been removed to the maximum extent possible.
4. Inert, inorganic geological matter.
5. Uncontaminated organic matter of natural origin.
6. Bulky substances that are primarily composed of iron, steel, concrete or other similar matter that does not have a significant adverse effect, other than a physical effect, on the sea or the seabed.

## What is new in CEPA 1999?

CEPA 1999 introduces changes that reflect new international approaches to controlling disposal at sea. Briefly, the Act now includes:

- a minimum waiting period of 30 days from a permit's publication in the *Canada Gazette*, before disposal operations may begin, to allow anyone with a concern to file a notice of objection,
- a set of amendments to existing permits that require the same 30-day period before coming into effect,
- a set of substances (only those listed in Schedule 5 of the Act) that may be considered for disposal at sea,
- a formal assessment framework (Schedule 6) for permit applications based on the precautionary principle,
- a prohibition on exporting any substance for disposal at sea, and
- a legal obligation for Environment Canada to monitor disposal sites.

## What happens after a permit is issued?

Once a permit is issued, Environment Canada conducts periodic inspections during disposal operations to ensure compliance with permit conditions. After disposal operations are completed, monitoring studies are conducted at selected sites to verify that permit conditions are met. This is done under the Disposal at Sea Program. Results of the monitoring studies are considered in future permit assessments.

## How is the public informed?

Public concern and potential conflicts with other legitimate uses of the sea are an important part of any permit review. Applicants seeking a permit for disposal at sea must publish a notice in a local newspaper, and anyone with concerns may contact Environment Canada during the permit application review. As well, under CEPA 1999, anyone may file a notice of objection within 30 days from the publication of a permit in the *Canada Gazette*.

All permit and monitoring activities are part of the public record and are summarized each year in annual reports. Details of individual permits are also available on the Internet through the CEPA Registry at: [www.ec.gc.ca/CEPARRegistry](http://www.ec.gc.ca/CEPARRegistry)

