

Federal, Provincial and Territorial Framework for the Management of Contaminated Sites in Canada



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LJM Environmental Consulting**

Federal, Provincial and Territorial Framework for the Management of Contaminated Sites in Canada

Disclaimer

Every attempt has been made to ensure that the information in this Guide is accurate. However, the legal information contained in this document is intended for general information purposes only. The document is not legal advice and is not intended to replace official government publications. The federal Department of Environment and LJM Environmental Consulting assume no responsibility for the accuracy or reliability of this product. For official legislative provisions consult the relevant federal, provincial and territorial statutes and regulations.

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Table A

Part I Contaminated Sites Legal Framework

The information contained in the following tables is based on the items covered in Part I of the Report. The tables provide a comparison among the provinces and territories of the key legislative elements in contaminated sites management legislation. The table does not include any reference to federal legislation because the federal statutes do not lend themselves to the legal framework necessary to manage contaminated sites.

Statutes and regulations are in regular typeface. Guidelines and policies are identified with *italic* typeface.

1.0 Western Region

	Alberta	British Columbia	Manitoba	Saskatchewan
Statute/Regulations	Environmental Protection and Enhancement Act ¹	Waste Management Act (WMA) Contaminated Sites Regulation ² Spill Reporting Regulation (SRR)	Environment Act (EA) Dangerous Goods Handling and Transportation Act (DGA) Contaminated Sites Remediation Act (CSRA) ³ Contaminated Sites Remediation Regulations (CSRR)	Environmental Management and Protection Act ⁴ The Environmental Spill Control Regulations (ESR) The Hazardous Substances and Waste Dangerous Goods Regulations (HSR)
Relevant definitions (contaminant, substance, etc.)	1(b) - "adverse effect" means impairment of or damage to the environment, human health or safety or property. 1(kkk) "substance" any matter that is capable of becoming dispersed in the environment, or is capable of becoming transformed in the environment into matter referred to above; and any sound, vibration, heat, radiation or other form of energy, and any combination.	12(1) WMA - "polluting substance" means any substance, whether gaseous, liquid or solid, that could, in the opinion of the minister, substantially impair the usefulness of land, water or air if it were to escape into the air, or were spilled on or were to escape onto any land or into any body of water. 26(1) WMA - "contamination" means the presence, in soil, sediment or groundwater, of special waste or another substance in quantities or concentrations exceeding prescribed criteria, standards or conditions.	2 CSRA - "contaminant" in relation to a site, means any product, substance or organism that is foreign to or in excess of the natural constituents of the environment at the site and that (a) has affected, is affecting or may affect the natural, physical, chemical or biological quality of the environment, or (b) is, or is likely to be, injurious or damaging to the health or safety of a person. 1 DGA "contaminant"- means any solid, liquid, gas, waste, radiation or any combination thereof that is foreign to or in excess of the natural constituents of the environment and (a) that affects the natural, physical, chemical or biological quality of the	2(b) - "contaminant" a substance capable of changing the quality of water or of causing water pollution. 2(u) - "pollutant" a substance that causes or may cause pollution of the environment.

¹ Specifically addresses contaminated sites.

² Specifically addresses contaminated sites.

³ Specifically addresses contaminated sites.

⁴ Does not specifically address contaminated sites.

	Alberta	British Columbia	Manitoba	Saskatchewan
			environment, or (b) that is or is likely to be injurious or damaging to the health or safety of a person.	
Define contaminated site	Not defined	<p>26(1) WMA - "contaminated site" means an area of land in which the soil or any groundwater lying beneath it, or the water or the underlying sediment, contains (a) a special waste, or (b) another prescribed substance in quantities or concentrations exceeding prescribed criteria, standards or conditions;⁵</p> <p>11 CSR - A significantly more detailed definition of contaminated site is provided in this section. This definition is based on actual land use and thresholds of specific substances.</p>	2 CSRA - Site is designated pursuant to the Act.	
Spill and other related reporting requirements	99 - Any person who releases a substance into the environment that has, is, or may cause an adverse effect must report it, as soon as that person knows or ought to have known about it. The report must be made to the Director, owner of the substance, employer, person having control of the substance, and any other person who may be directly affected.	<p>12(5) WMA - Any person who had possession, charge or control of the substance or waste immediately before a spill must report immediately after the spill is discovered.</p> <p>2 (1) SRR - A person who had possession, charge or control of a substance immediately before its spill shall immediately report the spill to PEP by telephoning 1-800-663-3456 or 387-5956 as provided in section 12 (5) of the Act or, where it is not practical to report to PEP within a reasonable time, to the local police or nearest detachment of the Royal Canadian Mounted Police.</p> <p>The Spill Reporting Regulation has a</p>	<p>28 DGA – All environmental accidents must be immediately reported to an environmental officer by the person responsible for the contaminant and the person having the custody and control of the contaminant.</p> <p>1 DGA - An environmental accident is an unauthorized release, leak or spill of a contaminant into the environment that creates a hazard to human life, health, other living organisms, or the environment.</p>	<p>9 - The owner of a pollutant, the person having control of the pollutant, any person upon whose property a pollutant is located, or any person who has relevant knowledge must report a discharge. The information must be reported when the Minister, an environment officer or other designated person requests it.</p> <p>4 ESR – A spill must be reported as soon as possible by the person having control of a pollutant that is spilled is responsible to report. The spill must be reported to the department, each owner of a property on which the pollutant is spilled, and the owner of the pollutant.</p>

⁵ A "special waste" is defined in the Special Waste Regulations.

	Alberta	British Columbia	Manitoba	Saskatchewan
		<p>table of limits for reporting spills</p> <p>28(2) Any person undertaking independent remediation at a contaminated site must</p> <p>(a) notify a manager in writing promptly on initiating remediation, and</p> <p>(b) notify a manager in writing within 90 days of completing remediation.</p> <p>26.1 WMA – Site profiles are required to be provided to a manager in a variety of circumstances.</p>		
Requirement for site investigation	<p>102/104 - An environmental protection or an emergency environmental protection order can be issued to compel a site investigation.</p>	<p>26.2 WMA - A manager can order an owner or operator to undertake a site investigation if the manager reasonably suspects on the basis of a site profile, or any other information, that the site (a) may be a contaminated site, or (b) contains substances that may cause or threaten to cause adverse effects on human health or the environment.</p> <p>28(3) A manager may at any time during independent remediation by any person</p> <p>(a) inspect and monitor any aspect of the remediation to determine compliance with the regulations.</p>	<p>16 DGA - If an environmental accident occurs the director may issue a remedial order requiring an investigation, tests, monitoring, etc.</p> <p>4 CSRA - Director may order an investigation if he believes the site is contaminated.</p>	<p>3 - The Minister may require an investigation where there is a discharge of any pollutant.</p>
Remediation requirements	<p>101 - all reasonable measures to repair, remedy and confine the effects of the substance, and remove or otherwise dispose of the substance in such a manner as to effect maximum protection to human life, health and the</p>	<p>27.1 WMA - A manager can issue a remediation order to any responsible person.</p> <p>28.2 WMA - Provides criteria for remediation plans.</p>	<p>15 CSRA - A potentially responsible person may be ordered to prepare a remediation plan.</p> <p>17 CSRA - A director can issue a remediation order.</p>	<p>4 - Where there is a potentially harmful pollutant in the environment, the Minister can order restoration.</p> <p>17 HSR - A remediation plan is required for the decommissioning of a storage facility used for the storing and handling</p>

	Alberta	British Columbia	Manitoba	Saskatchewan
	<p>environment, and restore the environment to a condition satisfactory to the Director.</p> <p>114 - Where a site has been designated, the Director may issue an environmental protection order to remediate the site.</p>	<p>17 CSR - Contaminated site may be satisfactorily remediated if contaminants are below levels specified by numerical standards found in Schedules to the CSR.</p> <p>There are numerous other requirements and provisions for remediation – see for example divisions 3 and 4 of the Waste Management Act and corresponding sections of the Contaminated Sites Regulation.</p>		<p>of hazardous substances or waste dangerous goods.⁶</p>
Use of remediation professionals	<p>Review and approval of remediation plans is done in house. The Department does not use site professionals.</p>	<p>9(3) CSR - Upon request an expert consultant will be provided to review (site reports) and make a recommendation to a manager on the acceptability of the activity or action.</p> <p>63 CSR - A manager has no duty to consider an application for</p> <ul style="list-style-type: none"> (a) an approval in principle, (b) a certificate of compliance, (c) a conditional certificate of compliance, or (d) an approval of a preliminary or detailed site investigation <p>until the applicant or the applicant's agent provides a written signed statement that</p> <ul style="list-style-type: none"> (f) certifies that the person signing the statement has demonstrable experience 	<p>Professionals are not used to review or approve site investigations or remediation plans.</p>	<p>17(7) HSR – Qualified professionals must be used during decommissioning.</p>

⁶ The Mineral Industry Environmental Protection Regulations, s.12 and The Municipal Refuse Management Regulations, s.13 include remediation requirements.

	Alberta	British Columbia	Manitoba	Saskatchewan
		in remediation of the type of contamination at the site for which the statement applies and is familiar with the remediation carried out on the site.		
Orphan sites	109 - The Minister can establish programs to restore sites where a responsible person cannot be identified. A program funded by industry and administered by the Energy and Utilities Board to restore sites has been established.	28.4 WMA - A manager may determine if a site is an orphan site. 61 CSR - Provides the criteria to determine if a site is an orphan site and if it is high risk. 28.4(3) WMA - The Minister can authorize cleanup of the site.	17(5) CSRA - The director can carry out remediation where prompt attention is required.	Orphan sites are not addressed in the legislation. See management framework.

2.0 Central and Northern Regions

	Ontario	Quebec	Northwest Territories/Nunavut	Yukon Territories
Statutes and Regulations	Environmental Protection Act ⁷ <i>Guideline for Use at Contaminated Sites in Ontario</i>	Environmental Quality Act ⁸	Environmental Protection Act ⁹ Spill Contingency Planning and Reporting Regulations (SR) Environmental Rights Act (ERA) <i>Guidelines for Contaminated Site Remediation</i>	Environment Act ¹⁰ Contaminated Sites Regulations ¹¹
Relevant definitions (contaminant, substance, etc.)	1 - “contaminant” solid, liquid, gas, odour, heat, sound, vibration, radiation or combination resulting from human activities that may cause an adverse effect. 91(1) - "pollutant" a contaminant other than heat, sound, vibration or radiation. (the definition of pollutant applies to spills only)	1(5) - “contaminant” a solid, liquid or gaseous matter, a microorganism, a sound, a vibration, rays, heat, an odour, a radiation or a combination of any of them likely to alter the quality of the environment in any way. 1(6) - “pollutant” a contaminant or a mixture of several contaminants present in the environment in a concentration or quantity greater than the permissible level determined by regulation of the Government, or whose presence in the environment is prohibited by regulation of the Government.	1 - “contaminant” any noise, heat, vibration or substance and includes such other substance as the Minister may prescribe that, where discharged into the environment, (a) endangers the health, safety or welfare of persons, (b) interferes or is likely to interfere with normal enjoyment of life or property, (c) endangers the health of animal life, or causes or is likely to cause damage to plant life or to property.	2 EA - "contaminant" means a solid, liquid, gas, smoke, odor, heat, sound, vibration, pathogen or radiation or any combination that is foreign to the normal constituents of the natural environment, or that exceeds normal quantities or concentrations in the environment, and that results directly or indirectly from human activity that may cause or contribute to causing adverse effect
Define contaminated site	Not defined. No provision to designate. 197 - The Minister or director, after issuing an order, may require that a certificate of prohibition setting out the order be registered in the land registry	Not defined. No provision to designate.	Not defined. No provision to designate.	111 EA - "contaminated site" means an area of land in which the soil, including any groundwater lying beneath it, or the water including the sediment and bed below it, contains a contaminant which is

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¹⁰ Sections 133-139 of the Environment Act refer to spills only and may not apply to historical contamination.

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	Ontario	Quebec	Northwest Territories/Nunavut	Yukon Territories
	office on the title of the real property to which the prohibition relates. Registration is only required for stratified cleanups and risk management measures.			in an amount, concentration or level in excess of that prescribed by regulation or allowed under a permit. 114 EA - The Minister can designate a site as contaminated.
Spill reporting requirements	<p>13 (1) Every person,</p> <p>(a) who discharges into the natural environment; or</p> <p>(b) who is the person responsible for a source of contaminant that discharges into the natural environment, any contaminant in an amount, concentration or level in excess of that prescribed by the regulations shall forthwith notify the Ministry of the discharge. (Exception animal wastes disposed of in accordance with normal farming practices).</p> <p>15 (1) Every person who discharges a contaminant or causes or permits the discharge of a contaminant into the natural environment out of the normal course of events that causes or is likely to cause an adverse effect shall forthwith notify the Ministry. (Exception animal wastes disposed of in accordance with normal farming practices).</p> <p>92(1) Every person having control of a pollutant that is spilled and every person who spills or causes or permits a spill of a pollutant that causes or is likely to cause an adverse effect shall forthwith notify the following persons of the spill,...</p> <p>(a) the Ministry;</p>	<p>20 and 21 - The person responsible for the accidental presence in the environment of a contaminant in a greater quantity or concentration than that provided for by regulation of the Government or any contaminant likely to affect the life, health, safety, welfare or comfort of human beings, or to cause damage to or otherwise impair the quality of the soil, vegetation, wildlife or property must immediately notify the Minister.</p>	<p>5.1 - Where a discharge of a contaminant into the environment in contravention of the Act or the regulations or the provisions of a permit or license issued under the Act or the regulations occurs or a reasonable likelihood of such a discharge exist, every person causing or contributing to the discharge or increasing the likelihood of such a discharge, or the owner or the person in charge, management or control of the contaminant before its discharge or likely discharge must report the discharge to the person or office designated by the regulations (see below) and every member of the public who may be adversely affected by the discharge.</p> <p>Exceptions to the reporting requirements are set out in 5(3) of the Act.</p> <p>10 SR - The spill must be reported to the 24 Hour Spill Report Line - (867) 920-8130.</p> <p>9 SR - Any spill of a contaminant in an amount equal to or greater than the amount set out in Schedule B to the regulations must be immediately reported by the owner or person in charge, management or control of the contaminant.</p>	<p>113 EA - Every person who releases a contaminant in an amount, concentration or level in excess of that prescribed by regulation or allowed under a permit, must report the release to an environmental protection officer or to a person designated by regulation as soon as possible.</p> <p>133 EA - Any contaminant in an amount, concentration or level in excess of that prescribed by regulation or allowed under a permit that is spilled must be reported by the person in control of a substance at the time of a spill or who causes a spill, to an environmental protection officer and reasonable efforts made to notify the owner or person in charge of the spilled substance and any members of the public who may be adversely affected by the spill.</p>

	Ontario	Quebec	Northwest Territories/Nunavut	Yukon Territories
	(b) the municipality...; (c) ...the owner of the pollutant; and (d)...the person having control of the pollutant.			
Requirement for site investigation			4(3) ERA – Ministers must undertake an investigation where 2 or more people over the age of 19 make a request.	16 EA - The Minister must consider an investigation where 2 or more people make a reasonable request. 115 EA - The Minister can order a responsible party to conduct a site investigation of a contaminated site.
Remediation requirements	17 - The director can order remediation where a contaminant has been released causing injury to humans or the environment. 18 - The director can issue a preventive order to any one who owns property where a contaminant may be discharged. <i>(Also see 8.5 of guideline)</i> 93(1) - The person responsible for a spill must do everything practicable to prevent, eliminate and ameliorate the adverse effect and to restore the natural environment.	31.42 and 31.43 - The Minister can order restoration work to be completed where a contaminant is present in the environment. 114.1 - Where the Minister considers that there is urgency, he may order any person or municipality being the owner of certain contaminants or having had the custody or control thereof , to collect or to remove any contaminant dumped, emitted, issued or discharged into the water or onto the soil, accidentally or contrary to the provisions of this act	5.1 - Any person responsible for the discharge of a contaminant, must clean it up. 7.1 – An Inspector may order a person who discharges or permits the discharge of a contaminant to repair or remedy any damage to the environment.	115 EA – Minister can issue a cleanup order of a designated contaminated site. 135 EA – Where a spill occurs, the person who owns or has possession, charge or control of the spilled substance at the time of the spill shall, when he or she has knowledge of the spill, remove the substance and restore the environment. 136 EA – The Minister or an environmental protection officer can issue an environmental protection order to the person who owns or who had possession, charge, or control of the spilled substance at the time it was spilled requiring a number of actions to be taken including cleanup. 137 EA – The Minister can carry out the work where the person responsible fails to.

	Ontario	Quebec	Northwest Territories/Nunavut	Yukon Territories
Use of remediation professionals		<i>11.2 - The MEF will begin to develop the expert list in 2001. The MEF hopes to develop this list in co-operation with stakeholders. The implementation of the list requires amendments to the Environment Quality Act (expected in fall 2001).</i>	<i>Guideline specifies the use of a "qualified contractor".</i>	
Orphan sites				

3.0 Eastern Region

	New Brunswick	Newfoundland and Labrador	Nova Scotia	Prince Edward Island
Statutes and Regulations	Clean Environment Act ¹² Petroleum Product Storage and Handling Regulations (PPSH) <i>Guidelines for the management of Contaminated Sites</i>	Environment Act ¹³ Storage and Handling of Gasoline and Associated Products Regulations (SHGA) <i>Contaminated Sites Cleanup Criteria</i>	Environment Act ¹⁴ <i>Guidelines for Management of Contaminated Sites in Nova Scotia</i> <i>Guidelines for the Designation of Contaminated Sites</i>	Environmental Protection Act ¹⁵ <i>Petroleum Contaminated Site Remediation Guidelines</i>
Relevant definitions (contaminant, substance, etc.)	1 - "contaminant" any solid, liquid, gas, micro-organism, odour, heat, sound, vibration, radiation or combination of any of them, present in the environment, (a) that is foreign to or in excess of the natural constituents of the environment, (b) that affects the natural, physical, chemical or biological quality or constitution of the environment, (c) that endangers the health, safety or comfort of a person or the health of animal life, that causes damage to property or to plant life or that interferes with visibility, the normal conduct of transport or business or the normal enjoyment of life or use or enjoyment of property, or (d) that is prescribed by regulation to be a contaminant.	2(h) - "pollution" an alteration of the physical, chemical, biological or aesthetic properties of air, soil or waters of the province, including a change of temperature, taste or odour, or the addition of a liquid, solid, radio-active, gaseous or other substance to the air, soil or waters, or the removal of those substances from the air, soil or waters, which will render or is likely to render the air, soil or waters of the province harmful to the public health, safety or welfare, or harmful or less useful for domestic, agricultural, industrial, power, municipal, navigational, recreational or other lawful uses, or for animals, birds, or aquatic life. Air contaminant is defined in the Air Pollution Control Regulations.	3(k) - "contaminant" a substance that causes or may cause an adverse effect. 3(c) - "adverse effect" means an effect that impairs or damages the environment, including an adverse effect respecting the health of humans or the reasonable enjoyment of life or property.	1(b) - "contaminant" includes any solid, liquid, gas, waste, odour, vibration, radiation, sound, or a combination of them (i) which is foreign to or in excess of the natural constituents of the environment into which it is being introduced, (ii) which will or may adversely affect, either directly or indirectly, the natural, physical, chemical, or biological quality of the environment, (iii) which is or may be injurious to the health or safety of a person or be damaging to property or to plant or animal life, (iv) which interferes with or is likely to interfere with the comfort, well-being, livelihood, or enjoyment of life of a person, or (v) which is declared by regulation to be a contaminant.
Define contaminated site	Not defined. No provision to designate contaminated sites.	Not defined. No provision to designate contaminated sites.	3(l) - "contaminated site" means a site designated as a contaminated site by the Minister pursuant to this Act.	Not defined. No provision to designate contaminated sites.

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¹⁵ Does not specifically address contaminated sites.

	New Brunswick	Newfoundland and Labrador	Nova Scotia	Prince Edward Island
Spill reporting requirements	43 PPSH - All petroleum product leaks from a storage tank system must be reported by the owner of a storage tank system or any person having the charge, management or control of the system to the Department of the Environment and Local Government.	22 SHGA – A spill or leak of gasoline and associated products into the environment must be reported immediately to the Department of Environment and Labour by the operator of the vehicle, pipeline or storage tank where the leak occurred.	69 - Where a substance that may cause an adverse effect is released into the environment, the release must be reported by the person responsible for the substance as soon as the person knows or ought to have known. The report must be made to Department of Environment and Labour at their emergency number, and anyone else affected.	21(1) - The discharge of any contaminant without permission (permission may be granted via the Pesticides Control Act R.S.P.E.I. 1988, P-4, the regulations or with the written permission of the Minister) must be reported by every person who discharges, or causes or permits the discharge of the contaminant and the person who owns or has control of a contaminant must report. The report must be made to the Department Fisheries, Aquaculture and Environment.
Remediation requirements	5(1)(g) - the Minister can order any person named in the order to carry out clean-up, site rehabilitation or other remedial action. <i>3.0 (step 3 - 5) - Preparation and implementation of a remedial action plan are part of the required management process.</i>	There are no legislative remediation requirements. <i>Provisions address the approach to remediation, not requirements for remediation.</i>	71 - Any person responsible for the release of a substance must take all reasonable measures to remediate. 89 - Any person responsible for a contaminated site can prepare a remedial action plan. 125 – The Minister has broad powers to issue an order if he or she has reasonable and probable grounds to believe that a person has contravened or will contravene the Act.	21(1) - Every person who discharges, or causes or permits the discharge of the contaminant and the person who owns or has control of a contaminant must repair, restore and remedy the environment or to confine or contain the effects of the contaminant, if directed by the Minister. 7 - Ministerial order power.
Requirement for site investigation	Site investigations are not required by legislation. <i>3.0 (step 2) - Once a site has been identified as potentially contaminated, a site evaluation must be completed.</i>	Site investigations are not required by legislation. <i>Site investigations are not required by policy.</i>	<i>If the owner of a site is aware that the site may be contaminated, they must evaluate the site.</i>	21(1) - Every person who discharges, or causes or permits the discharge of the contaminant and the person who owns or has control of a contaminant must investigate and define the extent, nature and impact of the contaminant, if directed by the Minister. 7 - Ministerial order power.

	New Brunswick	Newfoundland and Labrador	Nova Scotia	Prince Edward Island
Use of remediation professionals	<i>4.0 - Site professionals work with the responsible party(s) throughout the process and ultimately sign the closure report and record of site condition.</i>	<i>p.6 - Environmental professionals are responsible for management of the remediation project and ultimately sign the certificate of compliance.</i>	<i>Site professionals sign the Certificate of Compliance. Qualifications of site professionals are determined by the DOEL.</i>	
Orphan sites			86 - The Minister can enter into agreements and establish programs to pay for remediation where a person responsible cannot be identified or is unable to pay.	

Table B

Part II Liability Provisions

The information contained in the following tables is based on the items covered in Part II of the Report. The following tables provide an analysis of the provincial and territorial legislative provisions and guidelines as compared to the 1993 Canadian Council of Ministers of the Environment, *Contaminated Sites Liability Report: Recommended Principles for a Consistent Approach Across Canada*. The 13 CCME recommended principles have been summarized in the first column (with divisions for principles 6 and 9). For more detailed information on the CCME principles see Appendix A. The table does not include any reference to federal legislation because the federal statutes do not lend themselves to the legal framework necessary to manage contaminated sites.

Statutes and regulations are in regular typeface. Guidelines and policies are identified with *italic* typeface.

1.0 Western Region

CCME Principles	Alberta	British Columbia	Manitoba	Saskatchewan
Contaminated Site Liability Report (1993)	Environmental Protection and Enhancement Act ¹⁶ <i>Guidelines for the Designation of Contaminated Sites Under the Environmental Protection and Enhancement Act</i>	Waste Management Act Contaminated Sites Regulation ¹⁷	Environment Act Contaminated Sites Remediation Act ¹⁸ Contaminated Sites Remediation Regulations <i>Guideline for the Designation of Contaminated Sites in Manitoba</i>	Environmental Management and Protection Act ¹⁹ <i>Environmental Liability and Contaminated Site Management - A Strategic Approach</i>
1 Polluter pays	2(i) - polluter pay principle is mentioned in the purpose section. 1 (ss) – “person responsible” includes the owner or previous owner of a substance or thing, every person who has or has had charge, management, or control of the substance or thing, .any successor, assignee, executor, administrator, receiver, receiver-manager or trustee; and a person who acts as the principal or agent. A person responsible does not include municipalities or a person who investigates or samples land for the purpose of determining its environmental condition.	Not mentioned in the relevant legislation, but the concept is embedded in the BC regime. See the following fact sheet for an explanation http://www.elp.gov.bc.ca/epd/epdpa/contaminated_sites/fact_sheets/16.html	1 - Purpose section.	1.2 - <i>The Policy is based on the principles of polluter pays, fairness and risk based management.</i>
2 Fairness	114 - Before issuing an environmental protection order to require a site cleanup, the Director is guided by a number of fairness considerations. <i>5.1.1 - Fairness considerations are included in the allocation factors considered by the Director before</i>	27.1(4) WMA - Before issuing a remediation order, the manger is guided by certain fairness considerations. 27.3 WMA - Special provision for “minor contributors”. 27.4 WMA – Voluntary remediation agreements can be used to cap a responsible person’s liability for	1 - Purpose section. 21 - A number of factors must be considered prior to the apportionment of cleanup costs.	1.2 - <i>The Policy is based on the principles of polluter pays, fairness and risk based management.</i> 2.2 (Step 3) - <i>the Minister must consider A number of factors prior to the apportionment of cleanup costs.</i>

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CCME Principles	Alberta	British Columbia	Manitoba	Saskatchewan
	<i>issuing an order.</i>	remediation.		
3 Public participation	<p>99 - The person responsible must notify any affected person if there is movement off the site.</p> <p>111 - The Director must notify affected persons before designating a contaminated site.</p> <p><i>4.2 - Details on the required notification are provided.</i></p> <p>112 - Any person affected by the designation of a contaminated site may submit a statement of concern.</p> <p><i>6.1.2 - Environmental protection orders will include directions on keeping the public informed of remediation progress.</i></p>	<p>26.3 WMA - The Minister must establish a site registry and must provide reasonable access to the public.</p> <p>8 CSR - Lists the information to be contained in the site registry.</p> <p>26.4 WMA - When a site is determined to be contaminated the manager must notify a number of affected people and allow them an opportunity to comment (also 15 CSR).</p> <p>27.5 WMA - A person responsible may be required to engage in public consultation.</p> <p>55 CSR - Public consultation procedures.</p>	<p>10 - Persons designated responsible must be notified.</p> <p>16(1) - The Clean Environment Commission may recommend public hearings on a remediation plan.</p> <p>55 - A site registry must be established by the Director for access by the public.</p> <p>2-7 CSRR - Lists documents and information that must be filed in the site registry.</p>	<p>2.1(e) - The Minister has a duty to provide the public with information on the quality, quantity and use of the environment.</p> <p>16(a) - The Minister is required to make information on the quality of water in Saskatchewan available to the public.</p> <p><i>2.2 (Step 3) - SERM commits to openness, accessibility and participation for involved parties when determining apportionment.</i></p>
4 Beneficiary pays	114 - The fairness considerations in this section take a beneficiary pay approach.	26.5 WMA - The process to determine responsible persons, takes a beneficiary pay approach.	21 - Factors considered to determine apportionment are based on the "beneficiary pays" concept.	
5 Sustainable development	2(c) - purpose section.	Not specifically mentioned in the WMA, but implicit in the approach.	1 - Purpose section.	
6a Broad net	<p>1(ss) - Definition of "person responsible for substance" very broad net includes current and previous owners, manufacturer, etc of substance, agents, executors, etc</p> <p>96(1)(c) - Definition of "person responsible for the contaminated site" very broad net includes owner, previous owner, successors, etc., or any person the Director designates as responsible.</p>	26.5 WMA - Persons responsible for the remediation of a contaminated site are set out and include (1) current and previous owner/operator, (2) a producer or transporter of a substance which caused the contamination, (3) secured creditors and others who "caused the site to become contaminated."	<p>2 - "Potentially responsible person" is defined.</p> <p>9(1) - Very broad net of "persons potentially responsible" includes current and previous owners, owner of substance, trustee, receiver, principal.</p> <p>10 - The Director has the power, by written order, to officially designate potentially responsible persons.</p>	<p>13(3) - the owner of the pollutant and the person having control of the pollutant.</p> <p>2(r) - "owner of pollutant" includes the owner immediately before the first discharge, including successor, assignee, executor or administrator.</p> <p>4 - A clean-up order may include past and present owners of the property; either as the owner of the pollutant, the person having control of the pollutant, or the person responsible for the</p>

CCME Principles	Alberta	British Columbia	Manitoba	Saskatchewan
	<p>2.0 - Provides details on the criteria to determine who is “potentially responsible persons”.</p>			<p>presence of the pollutant, as determined by the Minister.</p> <p>2.2 (Step 2) - Any party who owned, controlled or directly managed the substances of day to day activities which gave rise to the contamination. Any party, who caused, directed, authorized, assented or acquiesced to acts that gave rise to the contamination. Minister decides.</p>
<p>6b Conditional exemptions</p>	<p>1(ss) - clear exemptions for municipalities and site investigators.</p> <p>226(3) - Liability for receivers’ etc is limited to the value of the assets being administered unless there is gross negligence.</p> <p>3.1 - Provides details on situations where the liability of a potentially responsible person will be limited.</p>	<p>26.6 WMA - A person is not responsible for a site that becomes contaminated by (1) act of God or war, (2) act of a third party, (3) migration from another person’s site, (4) natural occurrences.</p> <p>Other exemptions are included in the Act.</p> <p>19-33 CSR - Detailed provisions to identify “persons not responsible.”</p>	<p>9(2) - Specific exemptions identified.</p> <p>9(3) - Special exemption for a minor contributor.</p> <p>28 - Limits of liability.</p>	<p>13(4) - No specific exemptions, however, allows for due diligence and other defences.</p> <p>2.2 (Step 2) - Innocent purchasers and municipalities. Manufacturers, suppliers, transporters. Victims of contamination. Shareholders. Lessors.</p>
<p>7 Recovery of public funds</p>	<p>204/231(2) - Where the Director cleans up a site under order, the costs of that cleanup can be recovered.</p>	<p>28.5 WMA - A manager may take steps, including enter agreements, to recover funds used for remediation from a responsible person.</p>	<p>33 - Any costs associated with actions required by the government for failure by a person to comply with an order is a debt to the government.</p>	<p>7(1) - The Minister can recover costs incurred to carry out an order where there was a failure to comply.</p> <p>8(2) - The Minister can recover costs incurred where immediate action is required in the public interest.</p>
<p>8 Efficient cleanup</p>	<p>200(1)(d) – The Director can issue an enforcement order to require site cleanup.</p> <p>204 – The Director can take whatever action is necessary where there is non-compliance with an enforcement order.</p>	<p>27.1 WMA - A manager may issue a remediation order to any responsible person.</p> <p>28.4 WMA - The Minister may take steps to clean up a site where the responsible person fails to or cannot be found.</p>	<p>17 - The Director may issue a remediation order to ensure cleanup.</p> <p>17(5) - The Director can carry out emergency remediation before issuing an order, if necessary.</p> <p>32 - Where a person fails to comply with an order the Director may have someone else carry it out.</p>	<p>4 - Where a pollutant is present in the environment, the Minister may issue an order to require the owner or person having control of a pollutant to take steps to protect or restore the environment.</p> <p>7(1) - Where the person fails to comply with an order the Minister can carry out</p>

CCME Principles	Alberta	British Columbia	Manitoba	Saskatchewan
	<p>231 – The Director can take whatever action is necessary where an environmental protection order is not complied. .</p>	<p>31 WMA - A manager may issue a pollution abatement order to require remediation.</p> <p>33 WMA - If a manager is satisfied on reasonable grounds that an activity or operation has been or is being performed by a person in a manner that is likely to release a substance that will cause pollution of the environment, the manager may issue a pollution prevention order. This could be used in a case where contaminants are spreading or threaten to migrate.</p>	<p>Emergency measures are also authorized under the Environment Act.</p>	<p>the order.</p> <p>8(1) - The Minister has power to take immediate action without issuing an order where it is in the public interest.</p>
<p>9a Liability allocation process</p>	<p>113 - A person responsible may enter into an agreement with the Director and/or other persons responsible regarding remediation, including apportionment of costs. The Director will not issue an order where an approved agreement is in place.</p> <p>114(4) - If an environmental protection order is issued, the Director may order allocation of costs.</p> <p><i>6.0 - Outlines environmental protection order.</i></p> <p><i>3.0 - If potentially responsible persons agree to remediate the site it may not be designated as contaminated.</i></p> <p><i>5.2 - Responsible persons have 3 months to try and reach a voluntary agreement.</i></p> <p><i>5.4 - Joint and several liability will be used only in specific circumstances.</i></p>	<p>27.3 WMA - A responsible person may apply to manager for status as a minor contributor and have liability capped.</p> <p>27.4 WMA - Manager may enter a voluntary remediation agreement with any responsible person, but must notify all other potentially responsible persons.</p> <p>39 CSR - Information required to enter a voluntary remediation agreement. May also enable liability to be capped.</p> <p>27.1 WMA - Manager may issue a remediation order. Costs may be apportioned in a remediation order. Minister must consider any private agreements among responsible persons.</p> <p>28 WMA - A responsible person may independently carry out remediation, even where the site has not been designated as a contaminated site under WMA 26.4.</p>	<p>21 - Factors to be considered during apportioning costs.</p> <p>22 - Director may approve voluntary apportionment agreement.</p> <p>23 - If a voluntary agreement is not approved a potentially responsible person may request that is go to the Clean Environment Commission (CEC is established by the LGIC under s. 6 EA).</p>	<p>7 - Ministerial order may be issued including an apportionment of liability.</p> <p><i>2.2 (Step 3) - Potentially responsible parties will be invited to voluntarily propose a plan for remediation and a cost agreement.</i></p> <p><i>2.2 (Step 3) - Where voluntary agreement and mediation are not successful a ministerial order (s.7) will be issued.</i></p>

CCME Principles	Alberta	British Columbia	Manitoba	Saskatchewan
9b Joint and several liability	205/226(1) - Liability for an enforcement order and environmental protection order is joint and several.	27(1) WMA - Liability is absolute, retroactive, joint and several.	30(1) Joint and several liability for any amount in default under an investigation or remediation order.	Not specified.
10 ADR	5.2 - <i>Responsible parties may use mediation to try and reach a voluntary agreement, but they are responsible for the cost.</i> 5.3.2 - <i>Director may refer unresolved allocation to an expert panel.</i>	27.2 WMA – A manager may, at the request by any person, appoint an allocation panel to give an opinion, which will be considered by the Minister. 54 CSR - Allocation panel procedures.	3(3) EA - The Minister may appoint an environmental mediator to deal with environmental issues, where the parties concur. 22 - If asked by all potentially responsible persons, the Director may appoint a mediator.	2.2 (Step 3) - <i>If a voluntary agreement is not met, SERM will help design a mediated process to resolve allocation and apportionment of costs.</i>
11 Site designation	110 - Sites are designated as contaminated by a Director. 1.0 - <i>A number of criteria must be met before a site is eligible for designation. A proponent may request that a site be designated.</i> 4.1 - <i>The Director will issue a designation document.</i>	26.4 WMA - A manager may determine if a site is a contaminated site, following specified criteria. 11 CSR - Defines “contaminated site”. 14 WMA - Allows a manager to designate a “wide area site.” 15 WMA - Procedure for determining a contaminated site.	7 - Site is designated as contaminated by the Director if the site is contaminated to a level where it may pose a threat to human health, safety or to the environment.	2.2 (Step 1) - <i>Sites are identified following contaminating events, sales, etc. Sites are designated based on assessment.</i>
12 Certificate of compliance	105.1(1) - The Director may issue a remediation certificate where certain requirements are met. <i>(also see 8.4).</i> However, currently no regulations exist for issuing remediation certificates. 8.2 - <i>Where remediation is satisfactorily completed the Department may issue a letter of compliance. However, this is not a warranty of site condition.</i>	27.6(2) WMA - Certificate of compliance and conditional certificate of compliance may be issued by a manger. 49 CSR - Information required for a certificate of compliance.	19 - Director may issue, on request, a certificate of compliance with the remediation order.	2.2 (Step 5) - <i>There is no formal sign-off under the EMPA. SERM may provide an informal comment to responsible parties.</i>
13 Benchmarks	105.4 - The LGIC can make regulations to set criteria for the remediation of contaminated sites.	16-18 CSR - Numerical and risk-based standards for site remediation are provided. A site is considered to be remediated when these standards are met..	57 - The Director may establish guidelines with site designation and remediation criteria. <i>Guidelines provide details on the criteria used to designate a site as contaminated</i>	2.2 (Step 1) - <i>SERM does not generally employ “assessment criteria”. SERM uses the “Tier 1” future use based criteria.</i>

2.0 Central and Northern Regions

CCME Principles	Ontario	Quebec	Northwest Territories/Nunavut	Yukon Territories
Contaminated Site Liability Report (1993)	Environmental Protection Act ²⁰ <i>Guideline for Use at Contaminated Sites in Ontario</i>	Environmental Quality Act ²¹ <i>Soil Protection and Contaminated Sites Rehabilitation Policy</i>	Environmental Protection Act ²² <i>Guidelines for Contaminated Site Remediation.</i>	Environment Act Contaminated Sites Regulations ²³ <i>No guidelines.</i>
1 Polluter pays		<i>3.0 - Described as a principle of the Policy.</i>		EA - Preamble is based on the pollution prevention principle.
2 Fairness		<i>3.0 - Described as a principle of the Policy.</i>		12 CSR - Fairness considerations are taken into account in determining who is a responsible party.
3 Public participation/notification	<i>2.0 - Principle of the guideline is public notification of site restoration process.</i> <i>3.0 - Provides an outline of public communication methods.</i> <i>7.2 - A community based public communication program is required for SSRA (site specific risk assessment) approach.</i>	31.45 - Notice of an order must be given to the public. 118.5 - The Minister must keep a public register <i>6.2.2.4 - When risk management is selected the public must be informed via a Contaminated Site Redevelopment Notice in a local or regional newspaper.</i>	3 Access to Information and Protection of Privacy Act - Any member of the public has the right to access government information on contamination. 5.1 - Any person responsible for the discharge of a contaminant must make reasonable efforts to notify members of the public who may be adversely affected.	Preamble - describes fair and open decision -making. 5(1) - An objective of the Act is to facilitate effective participation. 114 - Minister must establish a public registry on designated contaminated sites. 4 CSR - Prior to designating a site as contaminated, the Minister must make a preliminary determination and put it out to the public for comment. 15 CSR - Outlines information to be contained in public registry.

²⁰ Does not specifically address contaminated sites.

²¹ Does not specifically address contaminated sites.

²² Does not specifically address contaminated sites.

²³ Specifically addresses contaminated sites.

CCME Principles	Ontario	Quebec	Northwest Territories/Nunavut	Yukon Territories
4 Beneficiary pays				<p>Preamble - is based on the beneficiary pays concept.</p> <p>5(2)(e) - All persons are responsible for the consequences of their actions.</p>
5 Sustainable development		<p>3.0 - <i>The Policy is an instrument designed to contribute to the sustainable development of Québec society.</i></p>	<p><i>The Northwest Territories has a Sustainable Development Policy, which defines "sustainable development" as a way of managing natural resources and the environment so that economic, social and cultural needs are met while maintaining ecological processes and natural diversity.</i></p>	<p>2 - "sustainable development" means development that meets present needs without compromising the ability to meet the needs of future generations;</p> <p>5(1) - One of the objectives of the Act is to promote sustainable development in the Yukon.</p>
6a Broad net	<p>1 - Net limited to owner, occupier or person having control of the contaminant.</p> <p>Various provisions of the EPA which provide order powers to the Minister include application of those orders to an owner or previous owner of the source of contaminant; a person who is or was in occupation of the source of contaminant; or a person who has or had the charge, management or control of the source of contaminant</p> <p><i>"person responsible" the owner or person in occupation or having the charge, management or control of a source of contaminant.</i></p>	<p>31.42 - The person responsible for the contamination and named in the order.</p>	<p>5.1 - Any person causing or contributing to the discharge, owner or person in control of the contaminant.</p> <p>7 - Any person who discharges or permits the discharge of a contaminant.</p> <p><i>5.0 - Any person who, using the guideline, identifies that they have a contaminated site, is responsible for that site.</i></p>	<p>111 - "responsible party" means the person who had possession, charge or control of the contaminant at the time of its release into the natural environment..</p>
6b Conditional exemptions				
7 Recovery of public funds	<p>99 - The crown has a right to compensation for any damage caused by spill of a pollutant, that causes or is likely to cause an adverse effect, including reasonable costs to carry out an order.</p>	<p>115.1 - Any measures taken by the Minister are a debt owed by the person having custody or control over the contaminants or responsible for the deposit.</p>	<p>16 - The government of the NWT is entitled to recover any reasonable costs for actions taken under the Act.</p>	

CCME Principles	Ontario	Quebec	Northwest Territories/Nunavut	Yukon Territories
8 Efficient cleanup (powers to enable emergency cleanup)	<p>7 – The Director can issue a control order for the discharge of a contaminant.</p> <p>17 – The Director can issue an order to any person who causes or permits the discharge of a contaminant to repair any injury or damage caused.</p> <p>97 - The Minister can issue an order to require the cleanup of a spill.</p>	<p>114.1 - The Minister has emergency powers to order a cleanup.</p> <p>115.1 -The Minister can take steps to collect and contain contaminants to diminish risk to humans or the environment.</p>	<p>7(1) - An inspector can issue an order to require cleanup of any environmental damage when a spill occurs.</p> <p>7(2) - Where cleanup does not occur, the Chief Environmental Officer can initiate cleanup.</p>	<p>115 - The Minister can order a responsible party to do a number of things including restore or rehabilitate a contaminated site.</p>
9a Liability allocation process	Does not use apportionment approach.		11.1 - Following discovery of contaminated a person can enter a voluntary agreement with the Chief Environmental Officer to cleanup the site.	
9b Joint and several liability	99(8) – In the case of a spill of a pollutant liability for compensation to the crown in civil action is joint and several.			
10 ADR				13 CSR - The Minister may appoint a mediator to determine liability, prior to issuing an order, where there are two or more responsible parties.
11 Site designation	No formal power to designate in legislation.		<i>1.1 - Sites are not officially designated, but a contaminated site is defined as areas of land, water, groundwater or sediments that have levels of contaminants exceeding the remediation criteria.</i>	114(2) EA - The Minister designates a site as contaminated.
12 Certificate of compliance	<i>8.4 - A Record of Site Condition may be submitted to the Ministry. The Ministry will acknowledge receipt of the Record of Site Condition but will not issue an approval or any other indicator of compliance.</i>	<i>11.9 - Following a successful remediation the Policy authorizes the Ministry of Environment to issue a certificate of compatibility to demonstrate that the site is safe for its intended use.</i>	<i>By practice the Ministry issues a letter to demonstrate that the site meets the remediation criteria for its intended use.</i>	<p>116 EA - The Minister must issue a certificate of compliance where a site has been restored in accordance with the Act.</p> <p>15(2) CSR - When the Minister reasonably believe that a site is no longer contaminated he may file a notice in the public registry.</p>

CCME Principles	Ontario	Quebec	Northwest Territories/Nunavut	Yukon Territories
13 Benchmarks	<i>The Guideline provides criteria for a generic cleanup and a site specific risk assessment process.</i>	31.52 - The government can make regulations to set criteria for contamination and decontamination.	<i>3.1 - Remediation is based on CCME guidelines.</i>	6 CSR - Remediation benchmarks 14 CSR - The Minister can adopt protocol for site specific standards.

3.0 Eastern Region

CCME Principles	New Brunswick	Newfoundland and Labrador	Nova Scotia	Prince Edward Island
Contaminated Site Liability Report (1993)	Clean Environment Act ²⁴ <i>Guidelines for the Management of Contaminated Sites</i>	Environment Act ²⁵ <i>Contaminated Sites Cleanup Criteria</i>	Environment Act ²⁶ <i>Guidelines for Management of Contaminated Sites in Nova Scotia</i>	Environmental Protection Act ²⁷ <i>Petroleum Contaminated Site Remediation Guidelines</i>
1 Polluter pays			2(c) - Purpose section	
2 Fairness			2(i) - Purpose section; Section 129 - before issuing an order to clean up the Minister is guided by specific fairness considerations.	
3 Public participation	13 - The Minister must maintain a public register.		2(h) - Purpose section; Section 88 - the Minister must consult before designating a contaminated site; 10 - Minister must establish an environmental registry with public access.	
4. Beneficiary pays			129 - Fairness considerations point toward beneficiary pay.	
5 Sustainable development			2(b) - Purpose section	
6a Broad net	5(8) - A Ministerial Order is binding upon the heirs, successors, executors, administrators and assigns of the person to whom it is directed. 5.0 - <i>“responsible party” the person whose conduct or failure has caused the contamination and is responsible for the remediation.</i>	There are no provisions in place to identify responsible parties and no order powers that clearly identify responsible parties.	3(al) - Definition of “person responsible for a contaminated site” is very broad including current and previous owners, receivers, agents, executors, etc.;	7 - The Minister order may be issued (i) the owner or previous owner of the contaminant or the source of the contaminant, (ii) the person who is or was in occupation of the contaminant or the source of the contaminant; (iii) the person who has, or had, the charge, management, or control of the contaminant or the source of the contaminant; (iv) the person whose act or omission may contravene the EPA or the regulations or otherwise be a threat to the environment or environmental health; or (v) one or more of the above

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²⁷ Does not specifically address contaminated sites.

CCME Principles	New Brunswick	Newfoundland and Labrador	Nova Scotia	Prince Edward Island
				persons <i>APP A - “responsible party” the person whose conduct or failure has caused the contamination and is responsible for the remediation.</i>
6b Conditional exemptions	<i>2.0 - The Minister ultimately determines whom the responsible party will be, unless stated in legislation.</i>	None mentioned.	90(e) - The Minister may compile a list of persons who are not responsible. 134(3) - Executors, administrators, receivers, receiver managers and trustees have liability limited to the value of the assets being administered. 165(3) - Special provisions for secured creditors. <i>Guideline – Municipalities exempt when they acquire property through tax sale.</i>	<i>The Minister ultimately determines whom the responsible party will be, unless stated in legislation.</i>
7 Recovery of public funds	5.2 - Any reasonable costs incurred when the Minister carries out an order, are the responsibility of the person named in the order.	21 - Where the Minister takes action to clean up pollution, all reasonable costs may be recovered from the person responsible.	86 - Minister can enter agreements to pay of site restoration where a person responsible cannot be identified; 132(3) - Where the Minister cleans up a site all reasonable costs can be recovered from the person ordered.	33 - Where the Minister acts under a court order, costs can be recovered. 35 - Costs may be recovered where the Minister is required to take immediate action.
8 Efficient cleanup	5 - The Minister may order any person who releases a contaminant to cleanup the contaminant. 5.01 and 5.1 - Where the Minister believes that action will not be taken, he may enter and take steps necessary to cleanup the contamination.	14(1)(k) - The LGIC can make regulations to require a person responsible for contaminated to disinfect or purify land or water. 21 - Where pollution occurs and the person responsible does not act to clean it up, the Minister may take action	89 - A person responsible for a contaminated site can prepare a remedial action plan for the Minister approval. 125(1)(h) - Minister can order a clean up or site rehabilitation; 132 - Minister can take whatever action is necessary where an order is not complied with;	7 - The Minister may issue an order. 21 - Where a person responsible fails to take action, the Minister may apply for an injunction. 33 - The Minister may take remedial action, but must have a court order. 35 - The Minister has the power to take immediate action if necessary.
9a Liability allocation process	<i>2.0 - “The Minister cannot determine or apportion liability.” In NB this is left to civil proceedings among the parties.</i>		89- Any persons responsible for a contaminated site can enter into agreements to take remedial action; Minister can refer unresolved matters to ADR; 129(2)(b) - Where ADR is not	<i>- “The Minister cannot determine or apportion liability.” In PEI this is left to civil proceedings among the parties.</i>

CCME Principles	New Brunswick	Newfoundland and Labrador	Nova Scotia	Prince Edward Island
			successful the Minister can order remediation.	
9b Joint and several liability	5.2(2) - Liability for failure to comply with a ministerial order is joint and several.	Not mentioned.	134(1) - Liability for failure to comply with an order is joint and several.	Not mentioned.
10 ADR	Not addressed.	Not addressed.	89(3) - Minister can refer to liability allocation to ADR; 14(5)(c) - ADR may be used for any dispute over contaminated site responsibility or rehabilitation. 4.0 - Outlines ADR process for disputes over remediation.	Not addressed.
11 Site designation	3.0 - Sites are not officially designated but may be identified as a result of spills or accidents or following investigations for land transfer.	Sites are not designated.	87(1) - Minister may designate a site as contaminated where he believes that a substance that may cause an adverse effect is present. Guidelines provide conditions that must be in place before a site can be designated.	Sites are not officially designated but the Department defines a contaminated site, as any property where chemicals exceed levels considered acceptable.
12 Certificate of compliance	3.0 - The Minister will sign the Acknowledgement of Receipt (of closure report and record of site condition). 5.0 - The record of site condition confirms that the remedial objectives have been met.	The environmental professional responsible for the management of the remediation process completes a certificate of compliance. The certificate is given to the Department of Environment and Labour.	Guidelines provide for a site professional to issue a certificate of compliance that is received by the DOEL. The format for certificate of compliance is also provided in the Guidelines.	The Responsible Party issues a closure report to the Department and the Department issues a letter advising that no further remedial action is required.
13 Benchmarks	32(r) - The LGIC can make regulations providing methods to determine the level of contaminants in the environment. 3.0 - Internal NBDOE protocols are used by an inspector to assess the significance of contamination.	14(1)(a) - The LGIC can make regulations regarding the testing of air, soil and water. Recommended guidelines are attached to the Cleanup Criteria.	90(a) - Power to Minister to determine criteria for designation and classification of contaminated site. 91(1)(a) - Regulation making authority to set criteria for the designation and cleanup of contaminated sites.	Guidelines follow Atlantic RBCA process.

Table C

Part IV Management Framework

The information contained in the following tables is based on the items covered in Part IV of the Report. The tables provide a summary of the federal, provincial and territorial management activities underway to address contaminated sites. The management activities fall into three categories: (1) Risk-based management of contaminated sites; (2) Public consultation process to address contaminated sites; (3) Initiatives to facilitate the redevelopment of contaminated sites; (4) Funding and other resources dedicated to address contaminated sites.

1.0 Federal

Management Activity	
Risk-based management of contaminated sites	<p>CCME series of guidelines</p> <p>The Contaminated Sites Management Working Group (CSMWG): an interdepartmental committee established to develop a common federal approach to, and exchange information on, the management of contaminated sites under federal custody.</p>
Public consultation process to address contaminated sites	<p>CEPA Environmental Registry</p> <p>Toxic Substances Management Policy: Report on Public Consultations</p> <p>Canada Wide Standards (CCME): Public input process</p>
Initiatives to facilitate the redevelopment of contaminated sites	
Funding and other resources dedicated to address contaminated sites	No specific funding programs for contaminated site management.

2.0 Western Region

Management Activity	Alberta	British Columbia	Manitoba	Saskatchewan
Risk-based management of contaminated sites	Risk Approach: Alberta Environment subscribes to a two-tier approach to setting acceptable concentrations of contaminants in soil.	Risk Approach: Several Protocols implemented by the province follow risk-based guidance. The approach is also explicitly incorporated into the Waste Management Act and Contaminated Sites Regulation. The Contaminated Sites Soil Task Group (CSST) (1994): members represent health and environment experts providing assistance to the BC Ministry of Water, Land and Air Protection in the derivation of appropriate soil quality standards for use in the Contaminated Sites Regulation.	Risk Approach: The Designation and Evaluation Process include a three tier evaluation to provide for the application of site specific risk assessment.	Risk Approach: site classification criteria are in place to separate sites based on risk.
Public consultation process to address contaminated sites		Site registry: allows the public to access information on contaminated sites and cleanup and also an e-link service. Contaminated Sites Implementation Committee (CSIC): stakeholder based committee established in 1997 to advise on the implementation of the Contaminated Sites Regulation, and assist in improving implementation efficiencies.		Ministerial Contaminated Site Liability Advisory Group: The Group was appointed in early 1996 consisting of members from government, non-government organizations, Saskatchewan Association of Rural Municipalities, Saskatchewan Urban Municipalities Association, industry, the Canadian Bar Association, Canadian Federation of Independent Business and the financial sector. A report was completed in 1997.

Management Activity	Alberta	British Columbia	Manitoba	Saskatchewan
Initiatives to facilitate the redevelopment of contaminated sites		The Contaminated Sites Implementation Committee has a Brownfields Subcommittee which works on this.		The SERM works with municipalities through partnership agreements. The City of Moose Jaw Contaminated Site Recovery Project involves cooperation between three levels of government to remediate a number of sites in Moose Jaw.
Funding and other resources dedicated to address contaminated sites	Funded programs: Environmental Protection and Enhancement Fund.	The consolidated revenue fund of the provincial government is sometimes used to pay for orphan site cleanups, with cost recovery of provincial expenditures following.		The 4-year Centenary Funding program provides funds for the cleanup of orphaned contaminated sites.

3.0 Central and Northern Regions

Management Activity	Ontario	Quebec	Northwest Territories/Nunavut	Yukon
Risk-based management of contaminated sites		<p>Quebec Soil Protection and Contaminated Land rehabilitation Policy subscribes to a two-tier approach to setting acceptable concentrations of contaminants in soil (except for petroleum hydrocarbons for which only tier one may be used).</p> <p>Risk assessment must include a toxicological and ecotoxicological assessment, done following the Health Ministry (toxicological) and Environment Ministry (ecotoxicological) guidelines.</p> <p>Any risk assessment study must be reviewed and get the Groupe technique d'évaluationx approbation, a group composed of ministries of Health and Environment experts.</p>	<p>The Northwest Territories is currently revising its management system to incorporate the CCME hydrocarbon-in-soil risk based Canada Wide Standard.</p>	<p>The CSR is being amended and risk assessment will be allowed as an option in addition to generic standards and site specific standards. Risk based site specific standards for remediation not for determination of contamination</p>
Public consultation process to address contaminated sites	<p>Bill 56 provides for the creation of a site registry.</p>	<p>Contaminated Sites Management System: used to monitor and inventory contaminated sites.</p>		<p>Public information documents: regarding the Contaminated Sites Regulations</p> <p>Public registry: has been established to provide information on Contaminated sites</p>

Management Activity	Ontario	Quebec	Northwest Territories/Nunavut	Yukon
Initiatives to facilitate the redevelopment of contaminated sites	<p>Brownfield Redevelopment: A provincial advisory panel undertook a brownfields policy review, reporting in November 2000. The report addressed the key challenges to brownfield cleanup and redevelopment: environmental liability, planning processes and financing.</p> <p>May 17, 2001 the <i>Brownfields Statute Law Amendment</i> (Bill 56) was introduced and is in the legislative approval process.</p>	<p>Soil Protection and Contaminated Sites Rehabilitation Policy</p> <p>Urban Contaminated Sites Rehabilitation Program: spur the revitalization of municipalities through the rehabilitation of contaminated sites with strong potential for economic development.</p>	<p>North American Air Defence Modernization project: 21 intermediate DEW Line stations are being phased out and cleaned up.</p>	<p>A Guide for revegetating disturbed sites in the Yukon.</p>
Funding and other resources dedicated to address contaminated sites	<p>Municipal community improvement policies: Bill 56 proposes amendments to the <i>Municipal Act</i> that would allow bylaws to be passed that would cancel all or a percentage of taxes levied on eligible property during rehabilitation. Bill 56 proposes amendments to the <i>Planning Act</i> to enable municipalities to make grants or loans for the purpose of community development.</p>	<p>Urban Contaminated Sites Rehabilitation Program: The program provides for total financial assistance of \$90million to be granted between 1998 and 2005 for the revitalization of urban contaminated sites.</p>	<p>Contaminated Sites Program – Indian and Northern Affairs Canada – Arctic Marine Oil Spill Program (AMOP)</p>	<p>The Yukon Territory does not provide any funding for contaminated sites, however there are federal funding programs in place, given that the federal government owns 80% of the land in the Yukon.</p>

4.0 Eastern Region

Management Activity	New Brunswick	Newfoundland and Labrador	Nova Scotia	Prince Edward Island
Risk-based management of contaminated sites	<p>Contaminated Site Remediation Program: (1) overall contaminated site project management, (2) development and implementation of a risk based management process, (3) management of the "Orphan Site Program."²⁸</p> <p>Guideline for the Management of Contaminated Sites: utilizes concepts and principles of risk based corrective action in determining clean up criteria for impacted properties.</p> <p>Atlantic Risk Based Corrective Action program</p>	Atlantic Risk Based Corrective Action program.	<p>Atlantic Risk Based Corrective Action program.</p> <p>Guidelines for the Management of Contaminated Sites: Provides a process to manage land that has potential for unacceptable impacts or risks associated with presence of contaminants. Includes minimum guidelines for a Tier II approach.</p>	<p>Atlantic Risk Based Corrective program.</p> <p>Petroleum Contaminated Sites: Remediation Guide: encourage risk based contaminated site management process</p>
Public consultation process to address contaminated sites	<p>Environmental Quality Branch: general departmental consultations, not specific to contaminated sites.</p> <p>Regional Services Section: provides information to the public regarding the environmental condition of properties.</p>			
Initiatives to facilitate the redevelopment of contaminated sites				
Funding and other resources dedicated to address contaminated sites	Environmental Trust Fund: provides assistance for projects aimed at protecting, preserving and enhancing the natural environment. Is not designated specifically for contaminated sites.	1999-2000 provincial budget: \$820,000 for the evaluation and clean up of six contaminated sites. Four are former military sites, two in Labrador at North West Point and Hopedale, and two on		DOTe Responsibilities: site inspections, site professionals, a monitoring programs, etc are part of DOTe responsibilities and programs, but funding is not designated specifically for

²⁸ The purpose of the Orphan Sites Program is to manage sensitive contaminated sites in the province where a party responsible for causing the contamination cannot be identified or is financially unable to manage the site. Each site selected under the program is prioritized according to the potential risk to human health and the environment. Funds are allocated accordingly to manage each site.

Management Activity	New Brunswick	Newfoundland and Labrador	Nova Scotia	Prince Edward Island
		the Port au Port Peninsula at Jerry's Nose and West Bay. 2000-2001 provincial budget: \$800,000 for continued environmental remediation work at various sites in the province.		contaminated site remediation or redevelopment.